

LEICESTERSHIRE COUNTY COUNCIL

STATEMENT

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH B66 (PART), STOCKERSTON ROAD, GREAT EASTON

WITHIN THE PARISH OF GREAT EASTON

AND THE DISTRICT OF HARBOROUGH

PUBLIC PATH DIVERSION ORDER 2020

Under the Highways Act 1980, County and District Councils have the power to make Orders to create, extinguish (close) or divert public rights of way. A notice that such an Order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The Leicestershire County Council (hereinafter referred to as "the Council") has made an Order to divert part of the public right of way known as Public Footpath B66 at Stockerston Road, Great Easton. This statement has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The application has been made in the interests of the landowner and is seeking the diversion for the following reasons:-

- To improve the security of the landowner's property which extends on either side of the existing footpath.
- The existing footpath runs through the middle of the owner's land holding thus splitting the garden area in two. If the path is diverted the area on the far side of the path from the house can be more easily managed and security of the whole curtilage improved.
- The alternative route for the footpath is as convenient as the existing route. The proposed change is minor, the path will exit onto Stockerston Road approximately 45 metres further north, it will be easy to find and follow, there is no significant difference in overall distance and there are no additional barriers. A safe road crossing point is to be provided.

- The diversion will not diminish the public's enjoyment of the path as a whole. The proposed diversion seeks to move the definitive route of the footpath just a small distance affording equivalent conditions underfoot and opening the aspect out as the new path will be wider than the existing route.

The Council is satisfied that the Order complies with the following legal grounds and tests laid down in the Highways Act namely that the alternative route is not substantially less convenient to the public as the existing route.

The Order will come into effect only after it has been confirmed; making and advertising the Order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the Order must be made in writing by 5th March 2020 and addressed to the Director of Law & Governance, Leicestershire County Council, County Hall, Glenfield, Leicestershire, LE3 8RA. Please quote reference RJ/HTWMT/4428 on all correspondence.

The Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Please contact Ellen Senior on Leicester (0116) 3057085 or Rina Jethwa on Leicester (0116) 3057982.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the Council will have to refer the Order and objections to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a Public Inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received to the Order, the Council will be able to confirm the Order itself as an unopposed Order but it does not have the power to modify Orders.

Where a new path is being created (by a creation or diversion Order) the change will come into effect only after the specified period from the date of confirmation to allow time for any necessary works to be undertaken.