

LEICESTERSHIRE COUNTY COUNCIL

STATEMENT

SECTION 53 – WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE

**ADDITION OF FOOTPATHS W133 AND W133A FROM WATERGATE LANE TO
JOIN PUBLIC FOOTPATH W9 AND BRIDLEWAY W5, BRAUNSTONE TOWN
DEFINITIVE MAP MODIFICATION ORDER 2018**

**SECTION 119 – HIGHWAYS ACT 1980
PUBLIC FOOTPATH W133 (PART)
WATERGATE LANE, BRAUNSTONE TOWN
PUBLIC PATH DIVERSION ORDER 2018**

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on Definitive Maps and Statements. These Maps and Statements provide conclusive evidence of the existence of public rights. The Leicestershire County Council (hereinafter referred to as "the Council") is responsible for the Definitive Map and Statement and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of Modification Orders made under Section 53 of the Wildlife and Countryside Act 1981. These Orders do not come into effect until confirmed: if there are any objections the Council must refer the Order and objections to The Secretary of State for the Environment, Food and Rural Affairs, who will decide whether or not to confirm the Order.

The Council has made a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 for the addition of Footpaths W133 and W133A to the Definitive Map. This Order simply recognises the public rights that the authority believes exist already: the Order neither creates nor extinguishes any public rights. This statement has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The Council has made the Order after taking into account all the historical and user evidence available. Twenty eight user evidence forms from local residents were submitted with the application.

The evidence on which the Council has decided to make the Order can be inspected by appointment and free of charge at Room 200, County Hall, Glenfield quoting reference PP/HTWMT/3764 during normal office opening hours. To be relevant, objections or representations should relate to the question of the existence or status of the right of way; other objections or representations may be held to be irrelevant.

The Council has also made an Order under Section 119 of the Highways Act 1980 to run concurrently with the Modification Order to divert part of the route of Footpath W133 to avoid an area affected by the Lubbethorpe Brook flood relief scheme.

Any objections or representations relating to the Orders must be made in writing by 1st June 2018 and addressed to the County Solicitor, Leicestershire County Council, County Hall, Glenfield, Leicester LE3 8RA. Please quote the above reference on any correspondence.

The Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Orders. Please contact Ellen Senior on Leicester (0116) 3057085 or Pauline Pritchett on Leicester (0116) 3056019.

The right of objection to an Order is a statutory right, but 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 there are no objections to the Orders, or if any so made are withdrawn, the Council may confirm the Orders, and the Definitive Map and Statement will then be modified. If there are objections to the Orders which are not withdrawn, the Council must refer the Orders and objections to The Secretary of State for the Environment, Food and Rural Affairs. The Secretary of State will appoint an independent Inspector to consider the Orders and hear the objections, normally by holding a Public Inquiry. The Inspector may confirm the Orders, with or without modifications, or may decide that the Orders should not be confirmed.