

Mr D Tilley
Braunstone Civic Centre
Kingsway
Braunstone Town
Leicester
LE3 2PP

10 AUG 2018

Date: 9th August 2018
My ref: WTJ/HTWMT/3764
Your ref: William Jackson
Contact: 0116 3055782
Phone: william.jackson@leics.gov.uk
Email:

Dear Mr Tilley

**SECTION 53 – WILDLIFE AND COUNTRISIDE ACT 1981
ADDITION OF PUBLIC FOOTPATHS W133 AND W133A
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**

I refer to previous correspondence regarding the above-mentioned matters.

No formal objections were received to the making of the Orders and the Orders were confirmed on 7th August 2018 as unopposed Orders.

In connection with this matter I am now enclosing for your Council's use a copy of the Notice of Confirmation and a copy of the Orders as confirmed. I would be grateful if you could acknowledge receipt thereof and in the meantime display a copy of the Notice on your notice board from 16th August 2018.

Yours faithfully



William Jackson
Legal Assistant (Order Making)

Chief Executive's Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA
Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MA, Dipl. PA, Chief Executive
Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

www.leicestershire.gov.uk

LEICESTERSHIRE COUNTY COUNCIL

SECTION 53 - WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE

ADDITION OF PUBLIC FOOTPATHS W133 AND W133A

BRAUNSTONE TOWN

DEFINITIVE MAP MODIFICATION ORDER 2018

LEICESTERSHIRE COUNTY COUNCIL

SECTION 53 - WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE

ADDITION OF PUBLIC FOOTPATHS W133 AND W133A

BRAUNSTONE TOWN

DEFINITIVE MAP MODIFICATION ORDER 2018

This Order is made by Leicestershire County Council (hereinafter called "the authority") under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (hereinafter called "the Act"), because it appears to the Leicestershire County Council (hereinafter called "the surveying authority") that the Definitive Map and Statement for the County of Leicestershire require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) namely the discovery by the surveying authority of evidence which (when considered with all relevant evidence available to the surveying authority) shows that rights of way which are not shown in the map and statement subsists or are reasonably alleged to subsist over land in the area to which the map relates being rights of ways such that the land over which the rights subsists are public footpaths within the Parish of Braunstone and the District of Blaby as shown by broken black lines with short intervals on Plan No.M1010 annexed hereto and described in the Schedules hereto.

The authority has consulted with every local authority whose area includes the land to which the Order relates. The Authority hereby order that:-

1. For the purpose of this Order the relevant date is 7th February 2018.
2. The Definitive Map and Statement for the County of Leicestershire shall be modified as described in Part I and Part II of the Schedules and shown on the map attached to the Order.

3. This Order shall take effect on the date it is confirmed and may be cited as the "Leicestershire County Council (Addition of Public Footpaths W133 & W133a, Braunstone Town) Definitive Map Modification Order 2018."

SCHEDULE 1

PART 1

MODIFICATION OF DEFINITIVE MAP

Description of Public Footpath W133 to be added

A Footpath to be known as W133 in the Parish of Braunstone and the District of Blaby shown by a broken black line with short intervals on Plan No.M1010 which extends from point "A" on the Plan situated at a junction with Watergate Lane at Grid Reference 45521 30127 in a generally north-north-west then north-north-easterly direction for a total distance of approximately 265 metres to point "B" on the Plan situated at a junction with Public Footpath W133a (also added by this order) and at Grid Reference 45517 30152 and then continues in a generally east-north-easterly direction for a further distance of approximately 70 metres to point "C" on the Plan situated at the Lubbesthorpe Brook and a junction with Public Footpath W9 at Grid Reference 45523 30155.

The footpath has a width of 1.8 metres.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

The entry for W133 to be added to read:

<u>Reference No.</u>	<u>O.S. Maps</u>	<u>Status</u>	<u>Location</u>
W133	SK50SE	Footpath	From Watergate Lane to Footpath W9 at the Lubbesthorpe Brook, Braunstone Town

Parish: Braunstone

<u>Width</u>	<u>Limitations and Conditions</u>	<u>Relevant Date</u>
1.8 m	None	7 th February 2018

SCHEDULE 2

PART 1

MODIFICATION OF DEFINITIVE MAP

Description of Public Footpath W133a to be added

A Footpath to be known as W133a in the Parish of Braunstone and the District of Blaby shown by a broken black line with short intervals on Plan No.M1010 which extends from point "B" on the Plan situated at a junction with Footpath W133 (also added by this Order) at Grid Reference 45517 30152 in a generally north then west-north-westerly direction following the perimeter of a flood basin for a distance of approximately 260 metres to point "D" on the Plan situated at a footbridge adjacent to Lubbesthorpe Way and at Grid Reference 45499 30168 and then continues in a generally northerly direction parallel to the road for a further distance of approximately 60 metres to point "E" on the Plan situated at a junction with Public Bridleway W5 and at Grid Reference 45499 30174.

The footpath has a width of 1.8 metres.

PART II

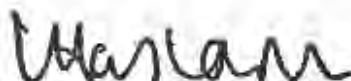
MODIFICATION OF DEFINITIVE STATEMENT

The entry for W133a to be added to read:

<u>Reference No.</u>	<u>O.S. Maps</u>	<u>Status</u>	<u>Location</u>
W133	SK50SW and SK50SE	Footpath	From Footpath W133 to Bridleway W5 on the eastern side of Lubbesthorpe Way, Braunstone Town Parish: Braunstone
<u>Width</u>	<u>Limitations and Conditions</u>		<u>Relevant Date</u>
1.8 m	None		7 th February 2018

THE COMMON SEAL of THE LEICESTERSHIRE
COUNTY COUNCIL was hereunto affixed
this 9th day of April 2018 in the presence of:-

Authorised Officer



Confirmed by the Leicestershire County Council
as an unopposed Order on the 7th August 2018

Authorised Officer



Leicestershire County Council (Addition of Public Footpaths W133 & W133a, Braunstone Town) Definitive Map Modification Order 2018




Confirmed by the Leicestershire County Council
as an unopposed Order on the 7th August 2018

Authorised Officer *W. Marlan*

Location Plan



Key

-  Public Footpaths to be added
A-B-C (W133)
B-D-E (W133a)
-  Existing Footpaths
-  Existing Bridleways



THE COMMON SEAL of THE LEICESTERSHIRE
COUNTY COUNCIL was hereunto affixed this
9th day of April 2018 in the presence of :-

Authorised Officer *ATC*

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8R,
email footpaths@leics.gov.uk,
Director Ann Carruthers



Plan No. M1010
Scale 1:2500

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LEICESTERSHIRE COUNTY COUNCIL

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH W133 (PART)

WATERGATE LANE, BRAUNSTONE TOWN

PUBLIC PATH DIVERSION ORDER 2018

LEICESTERSHIRE COUNTY COUNCIL

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH W133 (PART)

WATERGATE LANE, BRAUNSTONE TOWN

PUBLIC PATH DIVERSION ORDER 2018

This Order is made by Leicestershire County Council ("the authority") under Section 119 of the Highways Act 1980 (hereinafter called "the 1980 Act") because it appears to the authority that in the interests of the public and the owner of the land crossed by the footpath and described in paragraph 1 of this Order it is expedient that the line of the footpath should be diverted.

Blaby District Council has been consulted and has consented to the making of the Order as required by Section 120(2) of the 1980 Act.

BY THIS ORDER

1. The public right of way over the land situated at Watergate Lane, Braunstone Town and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 30 days from the date of confirmation of this Order.
2. Notwithstanding anything contained in paragraph 1 where immediately before the date on which the public right of way referred to therein is diverted in pursuance of this Order, there is apparatus on, under or over the right of way belonging to statutory undertakers, for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

3. There shall at the end of 30 days from the date of confirmation of this Order be a public footpath over the land at Watergate Lane, Braunstone Town described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order.
4. Notwithstanding the provisions of Article 1 these provisions for the extinguishment of the public right of way shall not come into force until the Leicestershire County Council acting by its proper officer shall have certified that any agreed works have been carried out to its satisfaction in accordance with Section 119(3) of the 1980 Act.
5. This Order may be cited as the "Leicestershire County Council (Public Footpath W133 (Part), Watergate Lane, Braunstone Town) Public Path Diversion Order 2018."

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH W133 TO BE DIVERTED

That part of Public Footpath W133 in the Parish of Braunstone and the District of Blaby shown as a bold continuous line on Plan No.2480 which extends from point "A" on the plan situated at a junction with Watergate Lane at Grid Reference 45521 30127 in a generally north-north-westerly direction for a distance of approximately 135 metres to point "F" on the plan situated at Grid Reference 45516 30140 (A-F on the plan).

The route has a width of 1.8 metres.

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE FOOTPATH W133

A Public Footpath in the Parish of Braunstone and the District of Blaby shown as a bold broken line on Plan No. 2480 will extend from point "G" on the plan situated at a junction with Watergate Lane at Grid Reference 45518 30128 in a generally north then north westerly direction for a distance of approximately 120 metres to rejoin the original line of the footpath at point "F" on the plan previously described (G-F on the plan).

Width of the alternative footpath to be 1.8 metres.

PART 3

LIMITATIONS AND CONDITIONS

Handgate at Watergate Lane in compliance with Leicestershire County Council's
HTD/SD/11 design specification

THE COMMON SEAL of THE LEICESTERSHIRE
COUNTY COUNCIL was hereunto affixed
this 9th day of April 2018 in the presence of:

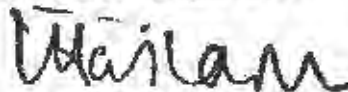
Authorised Officer



34524
(D)

Confirmed by the Leicestershire County Council
as an unopposed Order on the 7th August 2018

Authorised Officer



Leicestershire County Council (Public Footpath W133 (Part), Braunstone Town) Public Path Diversion Order 2018

THE COMMON SEAL of THE LEICESTERSHIRE COUNTY COUNCIL was hereunto affixed this 9th day of April 2018 in the presence of :-

Authorised Officer *AYL*

Confirmed by the Leicestershire County Council as an unopposed Order on the 7th August 2018

Authorised Officer *Marlan*

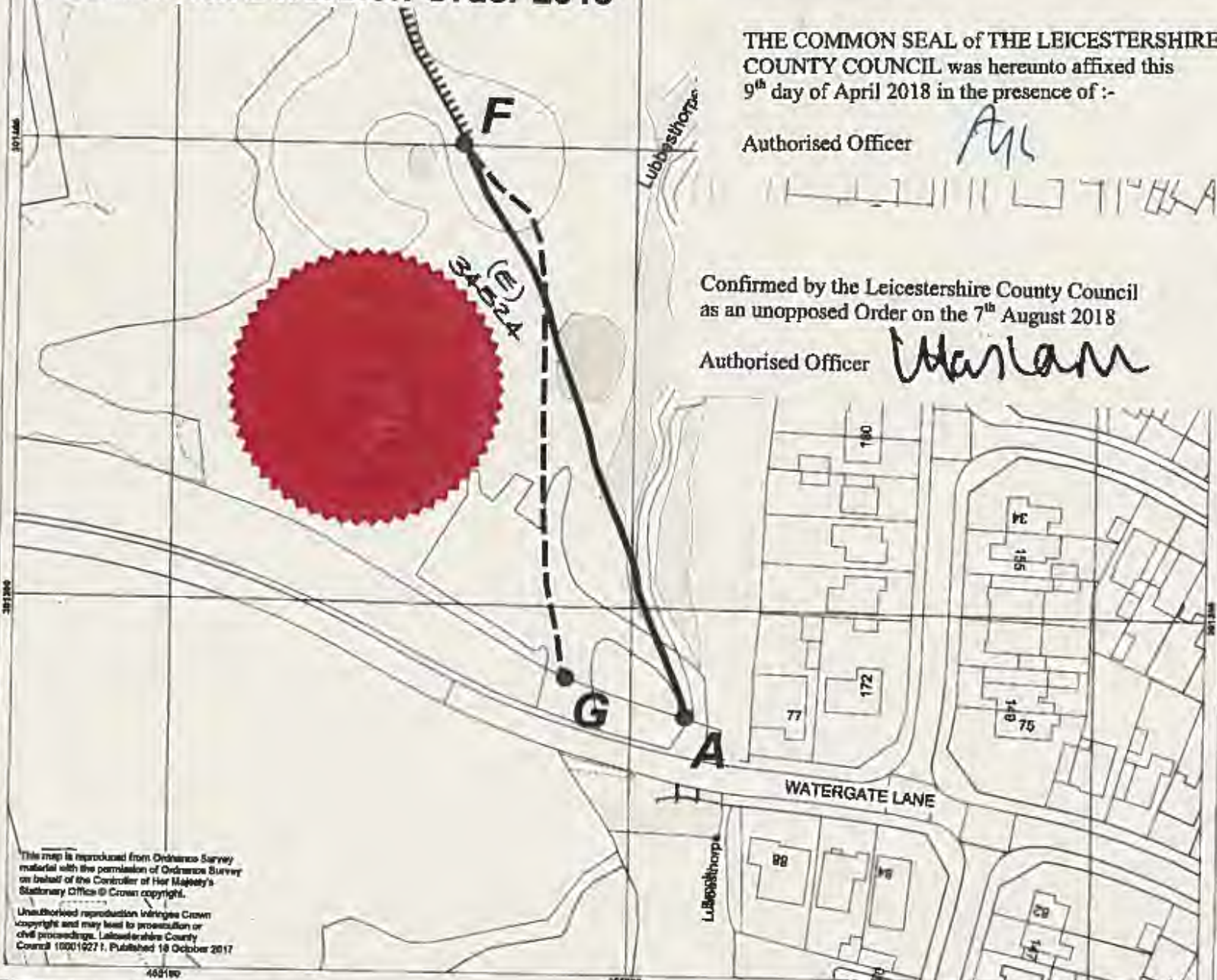


- ### Key
- Footpath to be Diverted A - F
 - Alternative Footpath G - F
 - Footpaths unaffected

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



Plan No.2480
Scale 1:1250



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LEICESTERSHIRE COUNTY COUNCIL

NOTICE OF CONFIRMATION OF MODIFICATION ORDER AND DIVERSION ORDER

SECTION 53 - WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE
ADDITION OF PUBLIC FOOTPATHS W133 AND W133A
BRAUNSTONE TOWN
DEFINITIVE MAP MODIFICATION ORDER 2018

On 7th August 2018 Leicestershire County Council confirmed the above Order made under Section 53 of the Wildlife and Countryside Act 1981.

The effect of the Order as confirmed is to modify the Definitive Map and Statement for the area by adding Footpath W133 which extends from a junction with Watergate Lane at Grid Reference 45521 30127 in a generally north-north-west then north-north-easterly direction for 265 metres to a junction with Public Footpath W133a at Grid Reference 45517 30152 then in a generally east-north-easterly direction for 70 metres to a point situated at the Lubbesthorpe Brook and a junction with Public Footpath W9 at Grid Reference 45523 30155.

Also to add footpath W133A situated at a junction with Footpath W133 at Grid Reference 45517 30152 in a generally north then west-north-westerly direction following the perimeter of a flood basin for 260 metres to a point situated at a footbridge adjacent to Lubbesthorpe Way at Grid Reference 45499 30168 and then continues in a generally northerly direction parallel to the road for 60 metres to a point situated at a junction with Bridleway W5 at Grid Reference 45499 30174 as shown on the Order Plan.

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

Also on 7th August 2018 Leicestershire County Council confirmed the above Order made under Section 119 of the Highways Act 1980.

The Council made the Order to run concurrently with the above Modification Order to divert part of footpath W133 to avoid an area affected by Lubbesthorpe Brook flood relief scheme.

This would divert the part of Footpath W133 which extends from a point situated at a junction with Watergate Lane at Grid Reference 45521 30127 in a generally north-north-westerly direction for 135 metres to Grid Reference 45516 30140.

The alternative route would extend from a point situated at a junction with Watergate Lane at Grid Reference 45518 30128 in a generally north then north westerly direction for 120 metres to rejoin the original line of the footpath at Grid Reference 45516 30140 as shown on the Order Plan.

A copy of the Orders as confirmed and the Order maps have been placed and may be seen free of charge at Room 200, County Hall, Glenfield and the offices of Blaby District Council, Council Offices, Desford Road, Narborough LE19 2EP during normal office opening hours. Copies have also been forwarded to the Clerk to Braunstone Town Council. Copies of the Orders and maps may be purchased at a cost of £15.

The Orders come into force on 7th August 2018 in respect of the Wildlife and Country Act 1981 and on 5th September 2018 in respect of the Highways Act 1980 but if a person aggrieved by the Order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the Order, he or she may, under Paragraph 2 of Schedule 2 to the Act as applied by Paragraph 5 of Schedule 6 to the Act, within six weeks from the date of this Notice, make an application to the High Court.

Dated 16th August 2018

Lauren Haslam
Director of Law & Governance

County Hall, Glenfield, Leicester LE3 8RA