

LEICESTERSHIRE COUNTY COUNCIL

STATEMENT

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH I63a (PART) IN THE PARISH OF RATCLIFFE ON THE
WREAKE

AND THE BOROUGH OF CHARNWOOD

PUBLIC PATH DIVERSION ORDER 2023

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 Footpath I63a (part) at Ratcliffe on the Wreake, Charnwood. 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:-

- 1.It is expedient in the interests of the owner to divert the path, the effect of the order does not alter either point of termination of the path.
- 2.The alternative route is not substantially less convenient and would not have a significant negative effect on the public enjoyment of the path as a whole.

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 21st December 2023 and addressed to the Director of Law & Governance, Leicestershire County Council, County Hall, Glenfield, Leicestershire, LE3 8RA. Please quote reference MP/HTWMT/5626 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 Munira Patel on Leicester (0116) 3051272.

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.