

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email governance@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **RUTLAND COUNTRYSIDE ACCESS FORUM** will be held in the Via Zoom - <https://us06web.zoom.us/j/87070352068> on **Wednesday, 6th October, 2021** commencing at 2.00 pm when it is hoped you will be able to attend.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Yours faithfully

Mark Andrews
Chief Executive

A G E N D A

1) APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2) MINUTES OF PREVIOUS MEETING

To confirm the minutes from the Rutland Countryside Access Forum held on the 16th June 2021.

(Pages 5 - 10)

3) LEGAL ORDERS - PROPOSED CHANGES TO PUBLIC RIGHTS OF WAY

To receive a report by Stuart Crook, Highways Asset & Policy Manager.

(Pages 11 - 62)

4) TRAINING

A discussion about training for members to be introduced by Stuart Crook.

5) MILES WITHOUT STILES

A discussion on 'Miles Without Stiles' to be introduced by John Law.

6) A SAFER COUNTRYSIDE FOR LIVESTOCK AND PROW USERS

A verbal discussion requested by John Law.

7) UPDATE ON THE IMPROVEMENT OF ACCESS ALONG THE OLD OAKHAM CANAL

To receive an update on the improvement of the Old Oakham Canal from Paul Dadford, Project Manager

8) ANY URGENT BUSINESS

a) Future Meetings

Members to discuss if they would like future meetings to be virtual or face-to-face and what time they would like future meetings to be held.

9) DATE OF NEXT MEETING

Wednesday, 9th March 2022 at 2.00 p.m.

Proposed Agenda

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DISTRIBUTION

MEMBERS OF THE RUTLAND COUNTRYSIDE ACCESS FORUMNAME OF COMMITTEE:

1.	Councillor A Brown (Chair)
2.	Mr H Baines (Vice-Chair)
3.	Mr R Brett
4.	Mr J Buchanan
5.	Mr J Clarkson
6.	Councillor W Cross
7.	Mrs R Harris
8.	Councillor M Jones
9.	Mr W Kirstein
10.	Mr J Law
11.	Mr R Linford
12.	Mr T Plumber
13.	Mr J Williams

OFFICERS:

14.	Stuart Crook	Highways Asset Management and Policy
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		Manager
15.	Mrs V Semple	Governance Administrator

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Rutland County Council

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Minutes of the **MEETING of the RUTLAND COUNTRYSIDE ACCESS FORUM** held via Zoom on Wednesday, 16th June, 2021 at 2.00 pm

Present: H. Baines
R. Brett
Councillor A. Brown
J. Clarkson
Councillor W. Cross
R. Harris
Councillor M. Jones
R. Linford
J. Williams

Apologies: J. Law
T. Plummer

In attendance: S. Crook – Highways Asset Management and Policy Manager
E. Dearsley - Governance Officer
P. Dadford – Project Manager (Oakham Canal Green Corridor Project)

1 APPOINTMENT OF CHAIR

It was proposed by Cllr Jones and seconded by Mr Linford that Cllr A Brown be appointed as Chairman of the Rutland Countryside Access Forum. Before moving to a vote, a question was asked about the Terms of Reference relating to the position of the Chairman as these stated that the Chairman should be Independent to the Council. Mr Crook, the Highways Asset Management and Policy Manager, confirmed that although this was stated, there was precedent elsewhere that a Councillor could be appointed to this position. In view of this and with no further nominations, the recommendation was put to the Forum and the appointment was approved unanimously.

RESOLVED

That Cllr Brown be **APPOINTED** as Chairman of the Rutland Countryside Access Forum for the municipal year 2021/22.

2 APPOINTMENT OF VICE-CHAIR

Mr Linford proposed Mr Baines as Vice-Chairman of the Rutland Countryside Access Forum which was seconded by the Chairman. There were no further nominations put to the Forum and this was approved unanimously.

RESOLVED

That Mr H Baines be **APPOINTED** as Vice-Chairman of the Rutland Countryside Access Forum for the municipal year 2021/22.

3 APOLOGIES FOR ABSENCE

Apologies were received from Mr J Law and Mr T Plummer.

4 TERMS OF REFERENCE

The Forum reviewed the Terms of Reference and comments were raised regarding Point 4, bullet point 2. The wording of this was currently as follows:

‘The desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area’

It was felt that the word ‘desirability’ was not appropriate and should be replaced with:

‘**Have regard to the conservation of the** natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area’

The amended wording was agreed unanimously.

It was raised whether the Forum was funded by Natural England. It was confirmed that there was no money ring-fenced from Natural England even though the Forum was a statutory duty. Mr Crook confirmed he had asked for a representative to attend future meetings.

RESOLVED

That the Terms of Reference be **AMENDED** to reflect the comments above. The new wording for point 4 (bullet point 2) being as follows:

‘**Have regard to the conservation of the** natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area’

5 BUDGET SAVING PROPOSALS - PUBLIC RIGHTS OF WAY

The Forum received a report from Mr S Crook, regarding the budget savings proposed to the public rights of way (PLA-035). Members were asked to consider the likely impact of the proposed budget savings on the improvement of public access, open-air

recreation and the enjoyment of the area and provide advice to the appointing authority (as per section 94(4) of the Countryside and Rights of Way Act 2000).

Mr Crook advised that the Council had set a budget which used £2.4m of reserves but required in-year savings of £1m. As a result, the budget for the rights of way service had been reduced to around £35k (revenue) and any capital works would need to be bid for from the Integrated Transport Capital Funding block.

It was proposed that:

- a) the maintenance budget be reduced; with a focus on only high priority works.
- b) only replacement gates be provided, installation to be done by landowners; and publications to be produced electronically (removing printed leaflets)

The Forum discussed only providing replacement gates and Mr Crook advised that Landowners may not accept a kissing gate as a replacement for their stiles due to the additional costs for installation. It was suggested whether people could donate to the price of the gate in memory of a loved one similarly what was done with public seating. It was agreed that a Sub-Committee was not necessary to take this forward but could be a topic for discussion at a future meeting as there was a lot more involved to it than just allocating a gate to a person.

AGENDA

Public funding of gates to be discussed at the next meeting

The Forum expressed concern about only producing publications in an electronic format i.e. no print copy. It was confirmed that a printed leaflet was produced for wheelchair users and it was queried if businesses could be approached to help with its funding. It was also suggested that NHS and/or Health Authorities could be approached for funding as being outside in the countryside was a benefit for mental health and physical wellbeing. Health benefits were always high on the agenda for the Council and it was agreed that this would be better raised with the Adult and Health Scrutiny Committee. Mr Crook advised that the PCT were a potential funding stream and that parishes were also being approached as they were in receipt of Section 106 monies from new developments to spend where they felt fit.

ACTION

Mr S Crook agreed to circulate to the Forum the Rights of Way Improvement Plan and the Statutory Guidance for Local Access Forums.

The Forum was concerned that Council could approve a reduction on this service's budget by up to 66%. Although it was recognised that adjustments needed to be done to help with the budget shortfall, it was not felt that this amount was reasonable.

ACTION

The Chairman would be raising this concern with Council.

Questions had been received from member Mr J Law, who could not attend the meeting.

Mr Law had made requests for the Forum to be informed of the top 3 high and low cost projects with appropriate cost benefit, that would not be able to be funded due to the reduced maintenance budget. The response was that it was not possible to

answer this yet because bids were required to go through the process. A response may be able to be received at the next meeting in October.

Cllr Cross stated that the Forum should focus more on what the priorities were to inform officers. Parishes had been asked to look around their areas and to help identify the number of users of their right of way paths as not all pathways had a high usage and were therefore not a priority.

ACTION

Mr Linford advised that 150 bridle way improvements had been identified and he would circulate details to members.

The Forum noted that not all the footpaths were round Rutland Water and that more should be done to promote the local pathways etc and attract visitors, particularly walkers, to the area and so help local businesses.

6 IMPROVEMENTS TO ACCESS ALONG THE OLD OAKHAM CANAL

The Forum received a presentation from Mr P Dadford, who was the Project Manager for the Oakham Canal Green Corridor Project. It was agreed that the slides would be circulated with the minutes and published on the website.

ACTION

Presentation to be circulated with the minutes and published on the website

Members were advised that the Oakham Canal Green Corridor Project aimed to create a linear heritage, environment and leisure facility to the north of Oakham, based around the former Oakham Canal. It aimed to work with landowners, tenant farmers and other groups to:

- Engage the local community in developing and maintaining the leisure corridor.
- Preserve the remains of the Oakham Canal as a heritage asset and provide historical interpretation.
- Enhance the environment, improving footpaths and public access while developing habitats and diversity.

The green corridor would start at the Springfield Estate in the south and end close to the Oakham Enterprise Park. Ultimately, it could be possible to extend the corridor further north towards Rocks by Rail.

The project had a large amount of support from around the community and communication was ongoing with other users namely the Anglers Society and landowners to continue moving the project forward.

The Forum congratulated the team on the positive work that had been done and fully supported the project. It was agreed that a letter should be sent from the Chairman of the Forum showing its support.

ACTION

Mr Crook and Governance would draft a letter which would be sent to the Chairman to agree and sign off before being sent.

7 ANY OTHER BUSINESS

Members raised the issue of dog walkers and the impact on livestock. There had been some incidents especially during lockdown, which had seen an increase in the number of people walking and not thinking about the control of dogs when they were off the lead. A point was raised that warning signs could be placed on the new kissing gates.

AGENDA

Dog walkers and new signage would be discussed at the next meeting.

ACTION

Mr Crook to place the revised Countryside Code onto the website.

ACTION

Mr Law to circulate information on the joint exhibitor's booth at the Virtual Choice Unlimited event with Lincolnshire Joint Local Access Forum.

8 DATE OF NEXT MEETING

The date of the next meeting was 6 October 2021.

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Chairman closed the meeting at 3.13 pm.

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Legal Orders

1. Background

The County Council has a power to divert, extinguish or create public rights of way either of its own volition or following an application to do so from the public. The Council may also enter into agreements with landowners regarding the dedication of public rights.

As a Surveying Authority the County Council has a statutory duty to keep under continuous review the Definitive Rights of Way Map and Statement for Rutland and to make orders to take account of events requiring the map to be modified. This is carried out by the processing of Definitive Map Modification Orders (DMMOs) which are either applied for by the public or initiated by the Authority on the discovery of evidence.

2. Policy

In our second [Rights of Way Improvement Plan](#) we committed to publishing a policy statement setting out criteria to be met in order for the authority to accept an application for a diversion and also for the prioritisation of applications that have been accepted by 2022. Until that time we will continue to exercise discretion in the use of our powers to divert rights of way. Applications that can't demonstrate some form of public benefit will not generally be accepted.

We also committed to publishing a statement of priorities / exception criteria in relation to applications for definitive map modification orders (DMMOs) by 2022. If a surveying authority fails to determine an application for a definitive map modification order within one year of receipt an appeal may be made to the Secretary of State. In considering the appeal they take into account any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date. Our statement will ensure that we can justify the prioritisation of applications with the potential to deliver the greatest benefits to the network.

3. Summary of current cases

Public path orders

- a) Preliminary enquiries have been made regarding the proposed diversion of public footpath D79 at Whissendine Lodge under section 119 of the Highways Act 1980. The effect of the diversion would be to move the footpath away from the farm / house to the edge of nearby fields (route map at Appendix A).
- b) Proposed diversion of footpath D85 remains on hold due to the undetermined definitive map modification order (RCCDC/M15) and various issues with the proposed diversion route (report to director at Appendix B).
- c) In order to give effect to planning application reference 2019/0433/FUL bridleway E135 at Clipsham must be diverted. Consequently an application was made under section 257 of the Town and Country Planning Act 1990 (Appendix C). A diversion has been agreed in principle.

- d) Local bridleway groups proposed the diversion of E252 at Preston to avoid the busy A6003 and create a safe and more convenient route for bridleway users. To expedite the diversion they agreed the alternative route with the affected landowner (Appendix D) and agreed to meet the legal costs incurred by the council.
- e) An application has been made by the owners of Seaton Mill to divert footpath E320 under section 119 of the Highways Act 1980. The effect of the diversion would be to move the footpath away from the building and on to adjoining arable land (Appendix E).

Definitive map modification orders

- f) An application was made to record a bridleway in the definitive map and statement for Rutland at Ranksborough, Langham. The council rejected the application but were directed to make a definitive map modification order on appeal. After making the order the council received objections, so the matter was referred back to the planning inspectorate for determination (Appendix F).

4. Recommendations

That the report is noted and formal written advice given where required.

5. Background papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report: [The second Rights of Way Improvement Plan for Rutland](#).

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HIGHWAYS ACT 1980 – Section 119

REPORT TO THE DIRECTOR FOR PLACES (ENVIRONMENT, PLANNING AND TRANSPORT)

CONSIDERATION OF AN APPLICATION UNDER SECTION 119 OF THE HIGHWAYS ACT 1980 TO DIVERT PUBLIC FOOTPATH D85, RANKSBOROUGH, PARISH OF LANGHAM

1. Purpose of the report

- 1.1. On the 29th April 2015 Mr M Southerton, acting on behalf of Barley Thorpe Leisure Limited and Mr A White (Director), submitted an application to divert public footpath reference D85. The Director for Places (Environment, Planning and Transport) is requested to decide whether the application should be accepted and a legal Order made to give effect to the proposed diversion.

2. Legal Framework

- 2.1. As of May 2015 the Scheme of Delegation for Rutland County Council delegates to the Director for Places (Environment, Planning and Transport) the power: “ To administer, make decisions and exercise powers, duties and responsibilities, and implement the provisions of the various Acts of Parliament relating to public rights of way issues, including legal enforcement, in consultation with the Head of Legal and Democratic Services; this to include the issuing of, and authorisation of, requisite notices and certificates as may be required by statute and associated regulations.”
- 2.2. Orders for the Diversion of footpaths, bridleways or restricted byways may be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, in the following circumstances:-

“Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—

- a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and
- b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

An order under this section is referred to in this Act as a “public path diversion order”.

- 2.3. The Director for Places (Environment, Planning and Transport) must be satisfied that the proposed diversion is expedient and that the alternative route is substantially as convenient as the existing, whilst having regard to the effect that it [the proposed diversion] will have on the enjoyment of the path as a whole.

3. Applicant and Landowner

- 3.1. Rutland County Council has received an application to divert part of footpath D85, as shown on the attached plan (ref: D85/16/1), from:

Mr Mark Southerton
Springfield
Gawtersyke Lane
Kirkbymoorside
North Yorkshire
YO62 6DR

- 3.2. Mr Southerton has made the application on behalf of:

Barley Thorpe Leisure Limited
Parkdene
Wilton Road
Melton Mowbray
LE13 0UJ

- 3.3. According to the land registry the freehold title owner is:

Ranksborough Limited
Ranksborough Hall
Langham
Oakham
Rutland
LE15 7EL

- 3.4. Mr Anthony White is the director of Ranksborough Limited and is instructing Mr Southerton in this matter. Mr Southerton informed the Council that Ranksborough Limited own Barley Thorpe Leisure Limited (a private limited company with 100% of the share capital held by Ranksborough Limited) which is responsible for the running of the holiday lodge area including the area subject of the diversion request.

4. Background to the Application

- 4.1. In 2003 planning permission (FUL/2002/0283) was granted for a change of use of the land crossed by footpath D85, from a touring caravan site to a site for 46 'Lodge Style' holiday home caravans.
- 4.2. After starting to develop the site in accordance with the above permission an application to divert footpath D85 was made by Ranksborough Ltd on the 26th July 2005. The reason given for the request was to segregate walkers from on-site traffic and caravan park activities.
- 4.3. The Order was made on the 18th April 2006 under section 119 of the Highways Act 1980. An objection, based on a technical defect with the order, was received.
- 4.4. Development of the site stalled and after it became apparent the applicant was not interested in pursuing the matter the unconfirmed diversion order was abandoned in 2012.
- 4.5. An inspection of footpath D85 was undertaken in 2015 which revealed that development of the site recommenced and a new 'Lodge' had been constructed in very close proximity to the footpath. The owner of the Lodge had obstructed the footpath, seemingly unaware of its existence.
- 4.6. After raising the matter with the site owners a new application for a diversion was submitted.

5. Consultation

- 5.1. Preliminary consultation was undertaken with a select group of stakeholders, including the Ramblers Association, the Leicestershire Footpaths Association, the Parish Council and the ward member (Cllr Hemsley).
- 5.2. Langham Parish Council has no objection to the diversion provided that the footpath is made good and meets the specified criteria, and that the existing footpath remains open for the duration of the work.
- 5.3. Marion Markham (Langham resident) commented on the obstruction of the definitive route of the footpath, but felt the diversion would be 'sufficient' so long as the hedges were regularly cut.
- 5.4. Leicestershire Footpaths Association noted that they had seen the proposal previously in 2006 and they had decided not to oppose it. Their position remains unchanged.

6. Legal Tests

- 6.1. The County Council, as the Highway Authority, has the power to make a Public Path Diversion Order under section 119 of the Highways Act 1980, if it is considered expedient to do so, and if it is in the interests of either the landowner or of the public.
- 6.2. The proposal currently being considered is clearly in the interests of the landowner with no real benefits to the public. The land crossed by footpath D85 is now in use as a leisure park with individual holiday lodges being sold to private owners. Some encroachment onto and obstruction of the footpath is now evident and this is likely to increase as the site develops and more of the lodges are sold, hence the need for the diversion.
- 6.3. Section 119(2) of the Highways Act 1980 requires that a Diversion Order should not be made unless the new termination point connects to the same highway, or a highway connected to it and is substantially as convenient to the public as the existing termination point.
- 6.4. In this proposal the points at which the footpath terminates remain unaltered.
- 6.5. Section 119(6) of the Highways Act 1980 sets out criteria to be considered before a Diversion Order is confirmed. The new path or way should not be substantially less convenient to the public in consequence of the diversion, and it should be expedient to confirm the order, having regard to the effect which:
 - i. the diversion would have on public enjoyment of the path or way as a whole;
 - ii. the coming into operation of the order would have as respects other land served by the existing public right of way; and
 - iii. any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
- 6.6. Although these criteria are not applied at the order-making stage, it is believed that the proposal meets these tests and therefore the Order can be confirmed, subject to any matters that may be raised during statutory consultation should the Order be made and advertised.
- 6.7. Section 69 of the Countryside and Rights of Way Act 2000 requires the County Council to have due regard to the needs of persons with mobility problems. This is further reinforced by the requirements of the Equality Act 2010. It can be confirmed that the requirements of those with limited mobility have been taken into account when developing this proposal.

7. Additional Considerations

- 7.1. Prior to the development of Brocklehurst Park the field in question was unimproved pasture and grazed by sheep. The footpath ran straight across the middle of the field and was unenclosed. At this time there was no cost to the highway authority for maintenance. It required no mowing and the surface didn't get muddy in winter or in periods of wet weather.
- 7.2. The proposed diversion has been enclosed by the applicant. It will now require mowing in summer and is likely to become muddy in winter or periods of wet weather
- 7.3. Consequently, to mitigate against any additional maintenance liabilities being imposed on the highway authority it's suggested that the applicant be required to construct the diversion route in accordance with the attached specification (Appendix X). The highway authority will, of course, have to accept liability for future maintenance of the constructed path.
- 7.4. An adjoining landowner (land to the north east) who shares a boundary with the applicant has expressed some reservations about the proposed diversion. The diversion route will run alongside a boundary hedge maintained by this neighbour. If the hedge were allowed to become overgrown and encroach on to the diverted footpath this would be an offence under Section 154 of the Highways Act. Cutting back of the hedge has been made much more difficult since the applicant planted a second hedge inside the boundary in order to enclose the footpath.
- 7.5. The neighbour has made it clear that they see their obligation to maintain the hedge (to prevent encroachment) as a new liability and has asked whether they might be able to seek compensation for this. Whilst I can understand the neighbour's issue, and perhaps it would be fair if the applicant maintained their side of the boundary hedge, as far as I'm aware compensation under Section 28 cannot be claimed unless the affected party owns the land over which the new path runs.

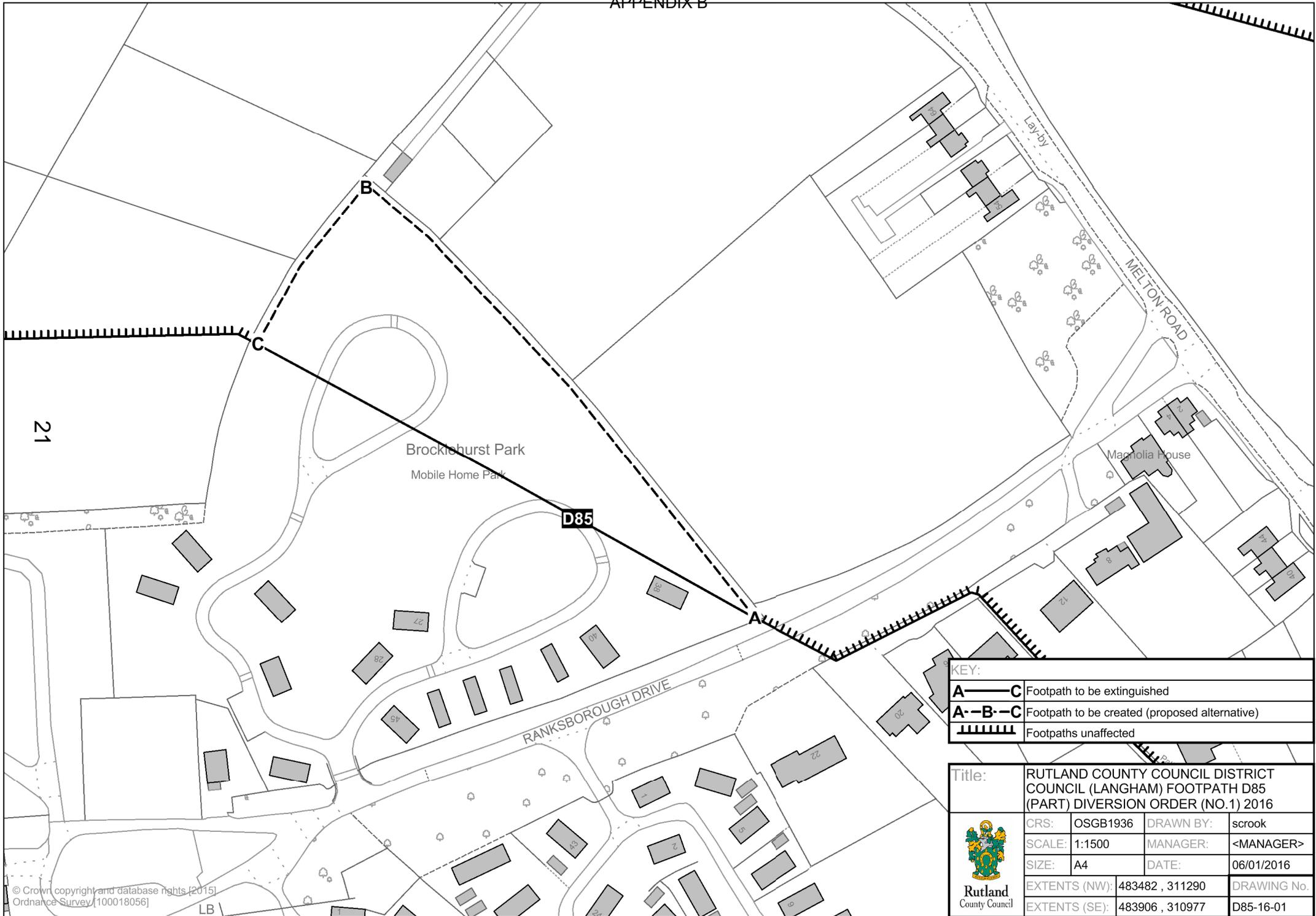
8. Recommendations

- 8.1. That an Order be made under section 119 of the Highways Act 1980, diverting footpath D85 (part) in the parish of Langham as shown on plan number D85/16/1 by a broken black line on the grounds that it is expedient to do so in the interests of the owner / occupiers of the land.
- 8.2. That the Order is not confirmed, and the diverted route does not come in to operation, until the footpath is constructed to the attached specifications.

Background Papers

Appendix A – Plan No. D85/16/1

Appendix B – Path specification



KEY:	
A—C	Footpath to be extinguished
A-B-C	Footpath to be created (proposed alternative)
	Footpaths unaffected

Title: RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (LANGHAM) FOOTPATH D85 (PART) DIVERSION ORDER (NO.1) 2016				
	CRS:	OSGB1936	DRAWN BY:	scrook
	SCALE:	1:1500	MANAGER:	<MANAGER>
	SIZE:	A4	DATE:	06/01/2016
	EXTENTS (NW):	483482 , 311290		DRAWING No.
	EXTENTS (SE):	483906 , 310977		D85-16-01

Appendix B – Path specification

Proposed diversion route to be constructed to the Countryside Agency specification A9 (attached), subject to the variations below, and at least 1.5 metres wide:

- Finished route to be minimum of 50 mm above existing ground level
- Therefore excavation to be at least 50 mm
- No requirement for geotextile / geo-synthetic
- 100 mm sub base acceptable
- Sub base to constructed of DfT type 1 (or possibly type 4 recycled material)
- 10 mm surface layer acceptable

Tolerances

Materials:

If there are issues with / doubts about the validity of the materials used a sample may be required for testing.

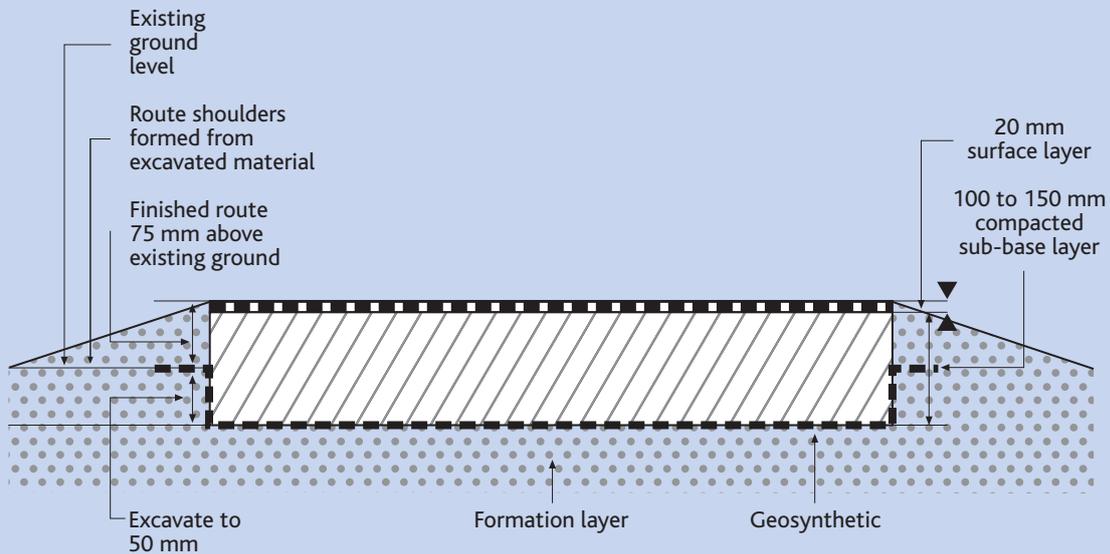
Path width:

Some restrictions to the required 2 metre width between boundaries (hedge / ditch) are acceptable; sections at least 1.5 metres for no more than 0.3 metres along the path and sections 1.75 metres for no more than 1 metre along the path. However, average path width must exceed 1.75 metres.

Path surface:

Surface regularity will be such that there will be no gaps exceeding 10 mm under a 1.0 metre straight edge.

A9 Unbound Aggregate Surfacing – 1



Indicative material specification

- Surface layer – 3 mm nominal size limestone dust.
- Sub-base layer – 63 mm down aggregate or road planings.
- Geosynthetic – a geotextile or combined geotextile/geogrid on soft natural ground.

Indicative construction details

- Excavate to approximately 50 mm below the existing ground level. Remove any large stones and secure the geotextile.
- Place and compact the sub-base aggregate to a thickness between 100 and 150 mm.
- Provide adequate crossfall or camber to the sub-base layer so that the route sheds water (see Appendix A1).
- Place and compact surface layer, retaining the camber or crossfall.
- Ensure the surface of the route is 75 mm above the adjacent ground level, for run off drainage.
- Use excavated material to give protective shoulders to the route.

Indicative costs

- Limestone dust, or similar surfacings, costs £7 to £10 per tonne.
- The sub-base layer material costs £10 to £13 per tonne.
- A geotextile costs between £1 and £2.50 per square metre.

Indicative maintenance requirements

- Conduct fortnightly inspection of route surface, with litter/leaf removal as required. Removal of detritus costs £0.10 to £0.20 per square metre.
- The limestone dust surface layer erodes at about 3 mm per annum. Re-grading and re-dusting will be required every 5 to 10 years, at a cost of approximately £2.50 per square metre.

References

- British Horse Society, Guide to the Surfacing of Bridleways and Horse Tracks, 2nd Edition, 1995.
- Davis Langdon and Everest, Spon's Civil Engineering and Highway Works Price Book 2004.
- Scottish National Heritage, Scottish Enterprise and The Paths for All Partnership, Lowland Path Construction – A Guide to Good Practice, 2001.

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Rutland County Council

RUTLAND COUNTY COUNCIL

APPLICATION FOR THE DIVERSION/EXTINGUISHMENT OF A PUBLIC RIGHT OF WAY UNDER S257 TOWN AND COUNTRY PLANNING ACT

**PLEASE READ THE ACCOMPANYING GUIDANCE NOTES CAREFULLY BEFORE
COMPLETING THIS APPLICATION FORM**

IMPORTANT: No authority for the stopping up of a footpath or bridleway is conferred unless and until a Diversion/Extinguishment Order has been confirmed and certified. Any preliminary obstruction is an offence and may make it impossible to proceed with an Order.

1 Applicant details

Name and address of applicant

George Wilson

Stamford Stone, Swaddywell Quarry, Stamford Rd, Peterborough PE6 7EL

Daytime telephone number

01780740970

E-mail address

george@stamfordstone.co.uk

2 Agent details (if applicable)

Name and address of Agent to whom correspondence should be addressed

Liam Toland

Heatons, 9 The Square, Keyworth, NG12 5JT

Daytime telephone number

01159375552

E-mail address

liam@heatonplanning.co.uk

3 Particulars of public right of way to be diverted/extinguished:

- a) Footpath/Bridleway Number
E135
- b) Parish/Town :
Clipsham
- c) Length in metres of section to be diverted
194m
- d) Description of length to be diverted. Describe the existing position, width, surfacing, any gradients, and any stiles, gates, bridges or steps
See Enclosed Supporting Statement and Plans

4 Particulars of alternative route to be provided:

- a) Length in metres
318m
- b) Description of path to be provided. Describe the existing position, width, surfacing, any gradients, and any, gates, bridges or steps
See Enclosed Supporting Statement and Plans

5 Interested parties

- a) Applicant's interest in the land over which the existing path runs
(eg owner/tenant/occupier)

Part of the existing path traverses through Clipsham Quarry, which is owned by Stamford Stone. The southern part travels through land to be worked as part of a Southern Extension to Clipsham Quarry - See enclosed Plan Ref: HPL/PROW/001 showing the Land Under the Control of the Applicant

- b) Applicant's interest in the land over which the alternative path runs
(eg owner/tenant/occupier)

As above

- c) If any other person has an interest in either the land over which the existing path runs, or the land over which the alternative path runs please give details
NB Written consent or a joint application will be required as detailed in the guidance notes

See enclosed Letter on behalf of the landowners to the south of Clipsham Quarry giving written consent for the proposed diversion route

6 s257 Town and Country Planning Act 1990

State how the proposed diversion/extinguishment satisfies s257 Town and Country Planning Act 1980 (it is the Applicant's responsibility to satisfy the Council that the application satisfies the requirements (continue on a separate sheet if necessary))

- a) Date and reference of planning permission

A planning application for a Southern Extension to Clipsham Quarry is to be submitted to Rutland County Council by the end of March 2019 for determination.
See enclosed Supporting Statement for further detail.

- b) Name and address of developer :

George Wilson
Stamford Stone, Swaddywell Quarry, Stamford Rd, Peterborough PE6 7EL

- c) Date works due to commence

Autumn/Winter 2019

- d) Explain why the diversion is necessary to facilitate the works for which planning permission has been granted

See enclosed Supporting Statement

- e) Date the development is expected to cease:
Completion of quarrying and restoration operations in the existing quarry and the southern extension will be completed in circa 45 years
- f) Will the public rights of way be re-instated on the original line following completion of the works?
It is proposed to permanently divert E135

7 Applicant's declaration and agreement

* delete as appropriate

Declaration

- a) I understand that no authority for the diversion of a public
bridleway is conferred unless and until an order made under s257
Town and Country Planning Act 1990 is confirmed and, if appropriate certified,
- b) I declare that the bridleway to be diverted is in no way obstructed and that it is fully
available to the public. I undertake that it shall in no way be obstructed before the
order comes into operation
- c) I have read and understand the guidance notes which accompany this application form
- d) I that to the best of my knowledge all the particulars given are true and accurate.

Agreement

I hereby agree:

- a) To make up the new lengths of bridleway to such standard as is required by Rutland
County Council or to meet the costs of the works
- b) Rutland County Council will carry out consultations before determining your
application. Whilst consultees are able to walk the existing route, they need
permission to inspect the proposed route(s)
I give permission for consultees to inspect the proposed route(s) unaccompanied
~~I give permission for consultees to inspect the proposed route(s) but they should~~
~~contact~~ on telephone number
- c) To reimburse to Rutland County Council all expenses incurred by it in connection
with the making of the Order, whether or not the order is confirmed
- d) To pay any compensation which may become payable in consequence of the coming

into operation of the Order

- e) To pay the cost of any works (including removal or re-positioning of any sign posts or statutory undertakers' apparatus in, or under the highways to be diverted) necessary in consequence of the coming into operation of the Order
- f) To the information supplied within and in support of this application being supplied to other parties as necessary in the context of the application and in accordance with the provisions of the Data Protection Act 1988 and the Freedom of Information Act 2000

Signed ..  (on behalf of Stamford Stone Co Ltd).

Full Name(s) LIAM TOLAND

Position (if applicable).....

Date..... 19/02/2019

Supporting Statement

On behalf of Stamford Stone Co Ltd

For a Proposed Permanent Diversion to Bridleway E135

November 2018



Contents

1	Introduction	1
2	Background	1
3	Proposed Diversion	2
4	Conclusions	3

APPENDIX 1 – Appeal Decision

APPENDIX 2 – Letter on Behalf of Landowners

1 Introduction

- 1.1.1 This document is the Supporting Statement, on behalf of Stamford Stone Co Ltd (The Company), for a proposed permanent diversion to bridleway E135.
- 1.1.2 The purpose of this statement is to provide Rutland County Council with the information required to assess and process an application to divert Public Bridleway E135 under Section 257 of the Town and Country Planning Act 1990. The permanent diversion of the bridleway is necessary as the legal route of E135 hasn't been able to be used in a number of years and also to allow further mineral extraction to take place in relation to a proposed southern extension to Clipsham Quarry, which is intended to be submitted to the Council by the end of March 2019.
- 1.1.3 The primary purpose of the proposed southern extension is to provide for an extension to the quarry in order to release further building stone reserves. The extension would make available reserves that would replace those which have now been exhausted within the existing working area. The building stone quarried from Clipsham has an exceptional reputation as a technically and aesthetically superior limestone that has been used and continues to be used in many prestigious applications.
- 1.1.4 The definitive route of Bridleway E135 runs in a north to south direction across the permitted operational area of the quarry and, as such, its usage is impractical until quarrying and restoration has been completed. The original (definitive) route of Bridleway E135 and the proposed permanent diversion of Bridleway E135 are shown on the enclosed plan ref: HPL/PROW/001.

2 Background

- 2.1.1 In order to appreciate and explain the reasoning and approach to the proposed permanent diversion it is useful to refer to the following events:
- **September 1990** - Planning Permission for an extension to Clipsham Quarry was granted (Planning Application Ref: 89/0282/9).
 - **1991** - An application for the temporary diversion of Bridleway E135 was submitted to Leicestershire County Council.
 - **July 1992** - A Temporary Diversion Order of Bridleway E135 was granted following a Public Inquiry (Inspector's Report Ref: FPS/J2400/5/11). *A copy of the Inspector's Report is provided at Appendix 1.*

-
- **9th August 1993** - The order came into effect for a period of six years.
 - **9th August 1999** - The Temporary Diversion Order expired.
 - **March 2006** - a Planning Application was submitted to further extend the operational area of Clipsham Quarry (Planning Application Ref: FUL/2006/0306/CC). Planning Permission granted 2008.
 - **February 2012** - An application for the temporary diversion of Bridleway E135 was submitted to Rutland County Council – never determined.

3 Proposed Diversion

- 3.1.1 The present situation is that the definitive route of Bridleway E135 remains unavailable and unsuitable for reinstatement due to current and proposed site operations. This is as a consequence of mineral operations at Clipsham Quarry which have involved mineral extraction taking place across the route of the public Bridleway E135 as permitted in a 2006-planning permission for the site (ref. FUL/2006/0306/CC). As set out above, the first Temporary Diversion Order of Bridleway E135 was granted following a Public Inquiry in July 1992 (Inspectors Report Ref FPS/J2400/5/11).
- 3.1.2 Upon expiry of the Temporary Diversion Order in August 1999 the legal line of the Bridleway technically returned to its original position. However, the use of the definitive/legal Bridleway route remains impractical until quarrying of the site is complete and final restoration has been implemented. Furthermore, as discussed above, a proposed Southern extension to Clipsham Quarry is proposed, which will further delay the reinstatement of E135 to its legal route.
- 3.1.3 It is proposed that the permanent diversion route is on the same route as the previous diversions of Bridleway E135. This has provided an alternative route maintaining north-south connectivity through the quarry in a safe manner whilst Clipsham Quarry is an active mineral site. The diversion crosses the active quarry, albeit at a significantly narrower crossing than the definitive route. This has made crossing the quarry much safer.
- 3.1.4 The diverted Bridleway passes through the existing quarry along the diverted route and south into the proposed extension area. At present, the route runs immediately alongside Pickworth Great Wood. This route has been used for a considerable period and would therefore appear to be acceptable to Bridleway users.

-
- 3.1.5 The route at present alongside Pickworth Great Wood appears therefore to be an acceptable alternative to the definitive route which intersects both the existing quarry and the proposed extension area. The landowners are also in support of the proposed diversion in the field directly to the south of Clipsham Quarry (see attached letter at Appendix 2).
- 3.1.6 In terms of the proposed southern extension to the quarry, it is proposed that the diverted bridleway will be separated from quarrying activities by a 3m soil bund and a 3m corridor will be left between the soil bund and Pickworth Great Wood.

4 Conclusions

- 4.1.1 The permanent diversion of Public Bridleway E135 under Section 257 of the Town and Country Planning Act 1990 is required in order to continue the diversion of the Bridleway along its current route.
- 4.1.2 The proposed diversion route has been in operation for a number of years is considered preferable to the definitive/legal route, which cannot be used at present as it crosses a wide section of the quarry and the quarry access track from Bidwell Lane (as well as the proposed extension area). The applicant is willing to work with the Council to ensure that the permanent diversion route provided as part of the proposals will be safe, convenient, to an acceptable standard and easy to follow.

Appendix 1 – Appeal Decision



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1321
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218 884
Switchboard 0272-218811
Fax No 0272-218
GTN 1374

County Secretary
Leicestershire County Council
County Hall
Glenfield
LEICESTER LE3 8RP

Your reference:
MLH/ENV/6/F/96/EK

Our reference:
FPS/J2400/5/11

14 JUL 92

Sir,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
THE LEICESTERSHIRE COUNTY COUNCIL (BRIDLEWAY E135 (PART) - CLIPSHAM)
PUBLIC PATH DIVERSION ORDER 1991

1. I refer to the above named Order, submitted by your Council to the Secretary of State for the Environment for confirmation, which I have been appointed to determine in accordance with the provisions of Paragraph 4 of Schedule 14 to the Town and Country Planning Act 1990. I inspected the lines of the present and proposed routes on 13 April 1992.
2. The effect of the Order, if confirmed without modification, would be temporarily to divert, for a period of six years, that part of Bridleway E135 which lies across land for which planning permission has been given for minerals to be worked. The way as diverted would take a more easterly line around and across part of the existing quarry instead of past its western side as now.
3. Objections to the Order were made by one local person and both he and the Council agreed that the matter should be dealt with by way of written representation. In my determination of this case I have taken into consideration his objections and representations, together with those of the Council - including the further submission made by the Council on 9 June 1992 following my inspection of the Order ways and area.

DESCRIPTION OF THE ORDER ROUTES

4. Bridleway E135 leads south-eastward from the centre of Clipsham village past the south-western corner of Pickworth Great Wood and thence offers a route to Pickworth. The Order section of the bridleway is that part which is about 1 km to 1.6 km south of Clipsham village.

5. From the village the existing bridleway line runs southward along the western side of the hedges and fences of open fields in a fairly straight line past the western side of the quarry and down to a small copse about 1.6 km from the village; it then leads round the western side of that copse, in part on a well used farm track, before leading off to the south-east toward Pickworth. The line as diverted would turn off the present route at a point about 1 km south of Clipsham to run for some 200 metres eastward along the southern edge of an open field which bounds the northern side of the quarry area; it would then turn into the field containing the quarry to run southward for about 25 metres before turning north-eastward for some 215 metres or so, all on the quarry headland. It would then turn south-westward for about 290 metres, dropping fairly sharply down to and across the bottom of a worked out section of the quarry and up the other side; and then it would run for about 320 metres in a generally south-westerly direction through a wooded area and across a ploughed field to rejoin the existing line at the northern side of the copse 1.6 km south of Clipsham.

6. Alongside the existing route the edge of the quarry field is lined by an earth bund on which there are safety notices; there is a similar bund parallel to the line as diverted where it follows the field edge eastward, but not thereafter. Where, within the quarry field, the proposed route would turn from south to north-east along the headland the quarry drops sharply to the southern side, with part of the cliff face tending to split away; the line as diverted would be some 8 to 10 metres from that quarry edge. The route north-eastward along the headland would follow a sand track well clear of the quarry itself; that line crosses undulating ground but the existing sand/lime surface is firm, as it is on the descent into the quarry. Across the quarry bottom there are no workings in the immediate vicinity of the proposed route but the line is crossed by lorries travelling between the quarry working face and the public highway; the surface thereabouts is of powdered limestone which, when inspected, was wet and sticky. The initial part of the route up out of the quarry has been bulldozed through the trees and old workings and offers a sand or earth way well screened from the present quarry working area, and the way thence to rejoin the existing line at the copse is through some trees and then across open plough.

SUBMISSIONS OF THE PARTIES

THE CASE FOR THE COUNTY COUNCIL

7. The material points made by the County Council were:

a. On 5 September 1990 they had granted planning permission for the excavation of limestone on land adjoining Clipsham Quarry such that the quarry would be extended to the west and south-west. That extension would cut across the present line of Bridleway No E135 and the planning consent had included a note that the permission did not entitle the applicant to obstruct that bridleway and that if the bridleway was to be diverted or stopped up then appropriate legal steps should be taken before the development commenced. They had subsequently received an application to divert the bridleway temporarily onto a route to the east.

APPENDIX C

b. When negotiating the Order route with the Applicant for the diversion they had taken account, as far as possible, of observations made to them at the preliminary consultation stage. The way would be 2.5 metres wide and would be signed and waymarked as necessary. The proposed diversion would pass close to the quarry edge but the Council would require to be satisfied that pedestrians and horse riders could use it safely before they would allow it to be brought into use; in that context the landowners had said that they would provide suitable fencing and embankments and remove loose or overhanging material from adjacent vertical faces as necessary at an appropriate time, and would grade out their works where the route would cross the quarry.

c. The Order, authorising a temporary diversion of the way for a period of 6 years, had been made on 5 June 1991. They had given notice of the making of the Order, inter alia, to the various prescribed organisations, including the Parish Meeting and District Council and the various organisations concerned with horse riding and footpaths, but the only objection had been from Mr Garbett of Barrowden, Oakham.

THE CASE FOR THE OBJECTOR

8. The material points made by Mr Garbett were:

a. He considered that the bridleway diversion should have been discussed before the planning permission was granted. In the event he had found that the proposed route could not be inspected closely without going onto private property and entering a working quarry surrounded by 'Danger' notices; and elsewhere the line ran in part through land which was at present impassable. From what he had been able to see it appeared that the line would run close to the edge of a deep cliff and would follow an undefined and undulating route through worked out parts of the quarry and an adjacent wood.

b. The existing way was used by pedestrians as well as horse riders. He believed that it was intended to provide a short route from Clipsham to Pickworth but the diverted section would be some 1050 metres long, as compared to the present 330 metres, and it would be exceptionally indirect, convoluted and subject to frequent changes of direction - to the extent that at one point it would practically turn back on itself. He used the way on foot and if diverted it would be less convenient, would lead to substantially increased journey times and would no longer be a practical route between Clipsham and Pickworth; at the same time he believed that the line could be confusing to users and might give rise to unintentional trespass. He also considered that the diverted route could be difficult for horse riders, unlike the present route which lent itself to an easy canter.

c. He considered that the Order way could have been diverted onto another more convenient and existing track leading off from the vicinity of White's Plantation and running to the west of the present line to join a farm accommodation track along which it would run

APPENDIX C

eastward to the copse which marked the point at which the Order diversion would end.

9. In rebuttal the Council said that:

a. Mr Garbett had not been consulted when the preliminary consultations had been carried out, but he had been invited to comment on the proposal before the Order was made and his observations had been taken into account.

b. The section of way which was diverted would run throughout on land owned by the Applicant for the Order. The more westerly route suggested by Mr Garbett would not and the owners of the land which would be affected had been opposed to the quarry development and had not even been ready to consider selling land required for visibility splays. The Applicant had pointed out that that landowner would be unlikely to agree to the creation of a public right of way along the line of his track as it would severely inconvenience any arable agricultural activities.

c. There was no obligation on either the Council or the Applicant to ensure that the alternative route was open to the public until the Order came into force. Although Mr Garbett had been unable to inspect the proposed line on the ground the route had been inspected by officers of the Council together with a representative of the Leicestershire Bridleways Association. The Council recognised that the route as diverted would be longer than that which existed now but believed that that could be preferable from a recreational point of view and noted that a user organisation had been delighted that that would be the case, even if for only a limited period. In all, the Council considered that, given the constraints of the land ownership in the area, the line adopted was the best compromise available.

d. They would not bring the Order into force until the alternative route had been constructed and they intended that it should be made as convenient as possible for both bridleway and footpath users. They considered that any confusion or inadvertent trespass would be avoided by the use of signposting and waymarking and they noted that neither the Applicant as landowner, nor the Council as Highway Authority, were obliged to provide a facility suitable for the cantering of horses.

CONCLUSIONS

10. I note that Mr Garbett considers that the County Council have been remiss in their handling of his interests and concerns. Any question concerning perceived earlier maladministration is not a matter for me but I am satisfied that he has had appropriate opportunity to make known his objections and views concerning the Order as made.

11. It is self-evident that the minerals under Bridleway E135 could not be worked whilst the affected part of that way remained open to the public; consequently, I am in no doubt but that a diversion is necessary to enable the development for which planning approval has been given. It is also

APPENDIX C

evident, on inspection, that the land on and about the line of the diversion which is proposed would need to be carefully adjusted to make the bridleway convenient, and in one place safe, for public use; that has been recognised by the Council and by the landowners and I see no reason to suppose that those responsible would not meet their duties of care in full.

12. I can see that the route as diverted through the quarry and wood could offer an interesting and very different prospect to those out for recreation on horse or on foot and that they might welcome the change; however, there is no doubt that any who use the present way as a short route between Clipsham and Pickworth would find it much less convenient. The route suggested by Mr Garbett would offer a less inconvenient way for such folk than would the route proposed in the Order but the land ownership is such that the Council do not consider that it is a practicable alternative, and I note that although a more straightforward way would remain available to such users by way of Bidwell Lane that would be almost 1 km longer than the present 3.8 km direct route. That said, Mr Garbett lives some 15 km from the Order area and although the local Parish Meeting and District Council were consulted by the County Council there is nothing to indicate any concern on the part of those living closer at hand about a potential loss for six years of the present way as a utilitarian route between the two villages.

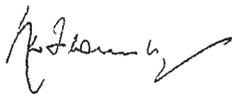
13. In all, I am satisfied that a diversion is necessary to enable the development which has been authorised. I am at the same time led to the view that the proposed somewhat circuitous diversion is as good as can be arranged in the circumstances and that since the main use of the way is most probably for leisure purposes it is not unacceptable. In addition, I have no reason to dissent from the statement by the Council in the preamble to their Order that they are satisfied that after the minerals have been worked the bridleway could be restored to a condition not substantially less convenient to the public than now.

DECISION

14. For the above reasons, and in exercise of the powers transferred to me, I have decided to confirm the Order. The confirmed Order is enclosed together with an explanatory memorandum.

15. A copy of this letter has been sent to the Objector and to other interested persons.

I am, Sir,
Your obedient Servant



(L. W. F. WHEELER)
Inspector

DOCUMENTS

1. Leicestershire County Council planning permission 89/0282/9 dated 23 March 1989 for the excavation of limestone from land adjoining Clipsham Quarry.
2. Letters concerning the adoption of the written representations procedure.
3. Letter of objection from Mr J.E. Garbett, and associated correspondence
4. Certificate concerning notices served on local authorities and prescribed organisations.
5. Leicestershire County Council letter dated 9 June 1992 concerning the preparation of the alternative Order route.
6. Plan showing alternative routes.

Appendix 2 – Letter on Behalf of Landowners



RURAL · COMMERCIAL · ESTATE AGENTS · LETTINGS · PLANNING AND DEVELOPMENT · SURVEYING

Mr George Williams
 Stamford Stone
 Swaddywell Quarry
 Stamford Rd
 Peterborough
 PE6 7EL

30th October 2018
 Our Ref: AJG/P/300/H7.17.2/sb

Dear Mr Williams

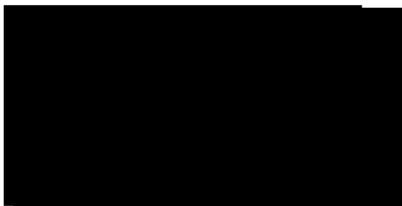
Re: Minerals

Following our meeting I understand my colleague has sent you the relevant Notice No 1 for the Planning Application.

I am also happy to confirm that Mr Hill is happy to agree the proposed diversion of the footpath/bridleway and also for you to commence drilling.

I confirm we will speak to John Merry but presume you will also speak to him about timings.

Yours sincerely



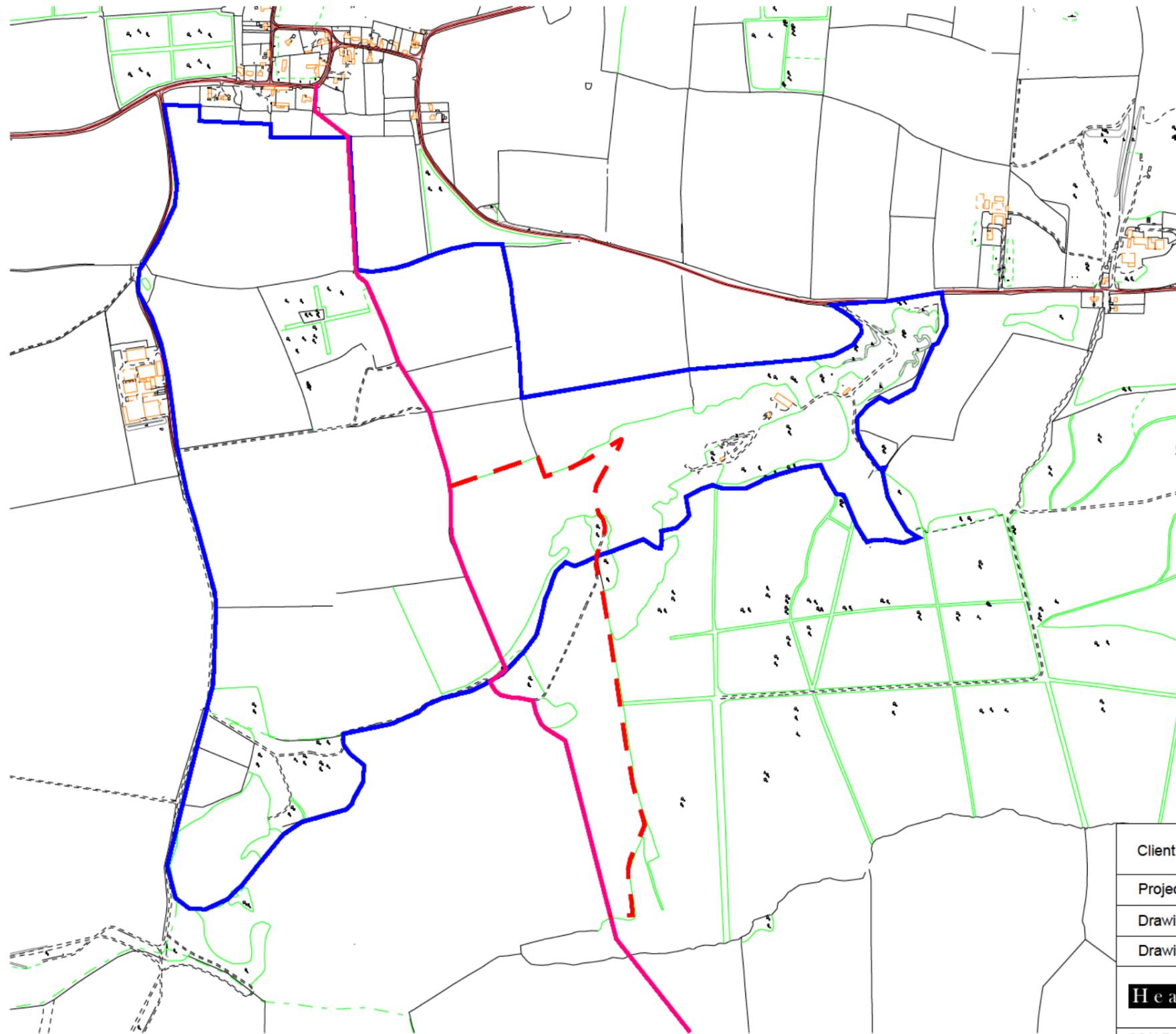
Andrew Granger
 FRICS FAAV

**Phoenix House, 52 High Street, Market Harborough,
 Leicestershire, LE16 7AF
 Tel: 01858 439090 Fax: 01858 439091**

Directors:	Peter Buckingham BSc (Land Management)	Jill Griffiths MARLA, MNAEA	Rupert Harrison FRICS, FAAV Chartered Surveyor	Stephen Mair MSc, MRTPI	Andrew Robinson BSc(Hons) FRICS Chartered Surveyor	Mark Sandall MSc SURV MIRICS Chartered Surveyor	David Woodfield FNAEA, MARLA
			Consultant:	Andrew Granger FRICS, FAAV			

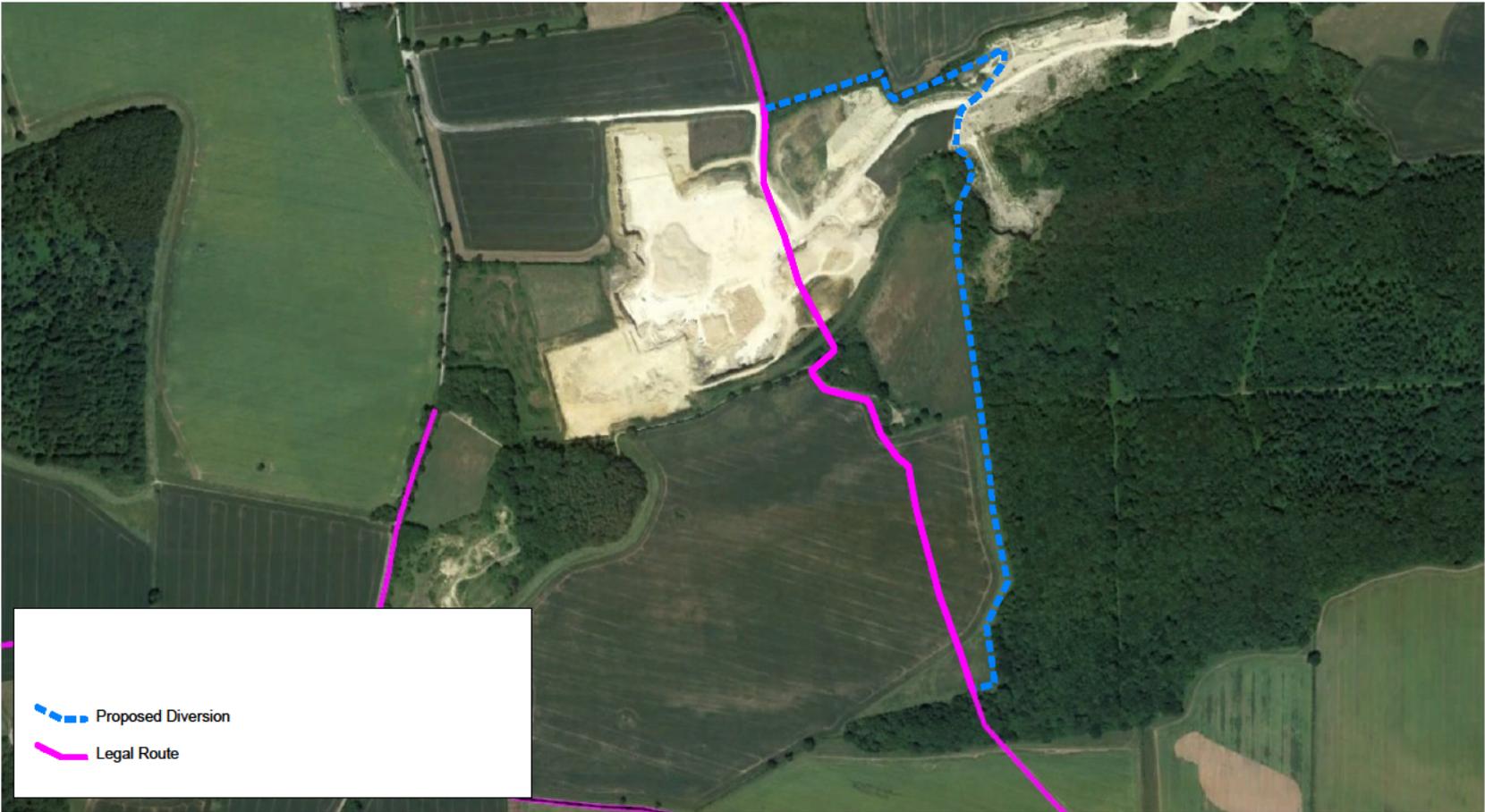
REGULATED BY RICS





	Land Ownership Boundary
	Legal Route E135
	Proposed Diversion

Client: Stamford Stone Co Ltd	
Project Title: Clipsham Quarry	
Drawing Title: Proposed PROW Diversion	
Drawing No: HPL/PROW/001	
Heaton Planning	
Heaton Planning Ltd 9 The Square, Keyworth Nottingham NG12 5JT	
SCALE : 1 : 10000 @ A3	DATE : 19/02/2019
MAP FILENAME : [Filename]	
Map data shown may contain Ordnance Survey . products supplied by Pear Technology Services Ltd; Email: info@peartechology.co.uk) Crown Copyright and database rights from date shown above Ordnance Survey . licence number 100023148	





RURAL · COMMERCIAL · ESTATE AGENTS · LETTINGS · PLANNING AND DEVELOPMENT · SURVEYING

Mr George Williams
Stamford Stone
Swaddywell Quarry
Stamford Rd
Peterborough
PE6 7EL

30th October 2018
Our Ref: AJG/P/300/H7.17.2/sb

Dear Mr Williams

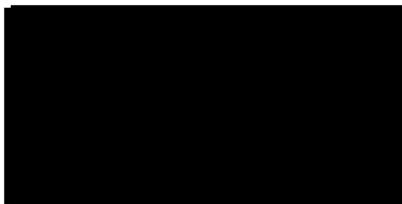
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Yours sincerely



Andrew Granger
FRICS FAAV

**Phoenix House, 52 High Street, Market Harborough,
Leicestershire, LE16 7AF
Tel: 01858 439090 Fax: 01858 439091**

Directors:	Peter Buckingham BSc (Land Management)	Jill Griffiths MARLA, MNAEA	Rupert Harrison FRICS, FAAV Chartered Surveyor	Stephen Mair MSc, MRTPI	Andrew Robinson BSc(Hons) FRICS Chartered Surveyor	Mark Sandall MSc SURV MIRCS Chartered Surveyor	David Woodfield FNAEA, MARLA
			Consultant:	Andrew Granger FRICS, FAAV			

REGULATED BY RICS



Clipsham Quarry

Proposed Public Right of Way Diversion

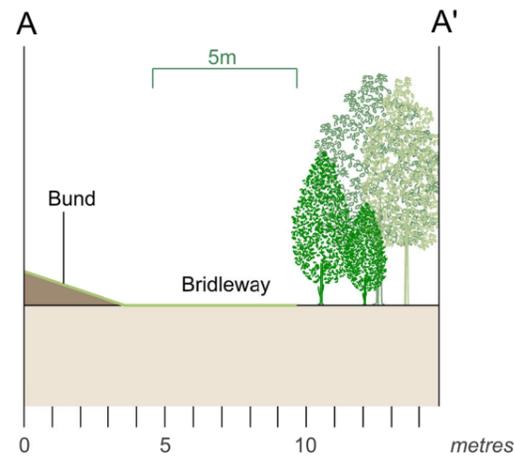
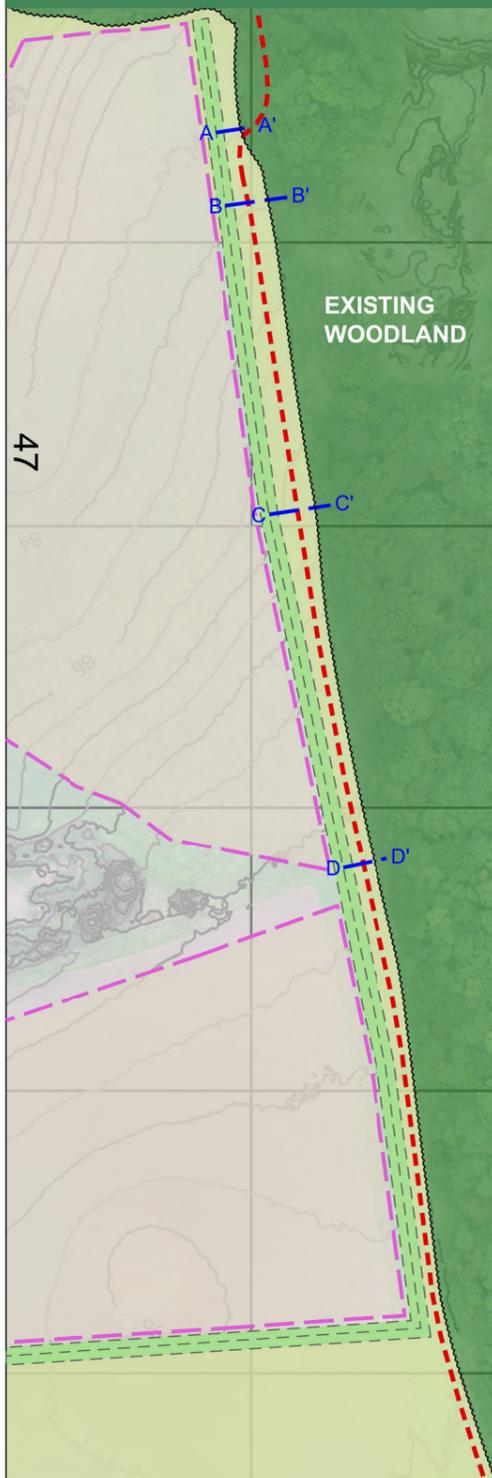
Outline Specification

The information below illustrates the route of the proposed diverted bridleway (ref. E135), running within a minimum 5m width corridor between the proposed eastern screening / soil storage bund and existing mature woodland to the east.

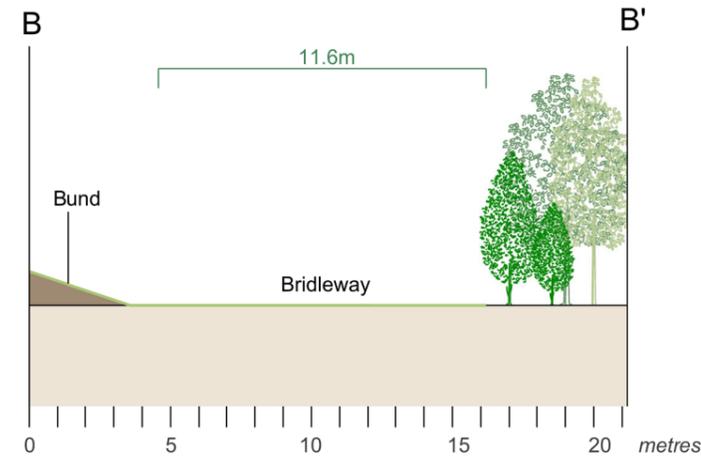
4No. cross sections are provided which show typical corridor scenarios and associated footpath / bridleway widths to be accommodated. These also highlight the location of existing boundary woodland and the screening / storage bund.

Much of the route will accommodate a corridor width of between ~10 and ~13m, narrowing to 5m+ in the north and south. A surfaced route will be maintained throughout.

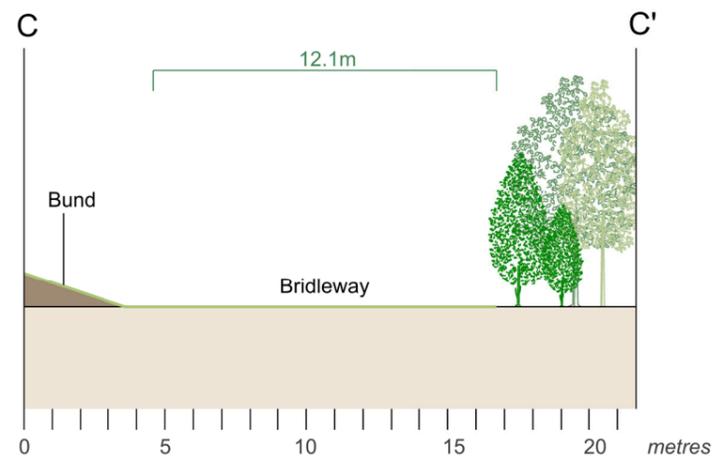
Proposed PROW Route (1:2,500 @A3)



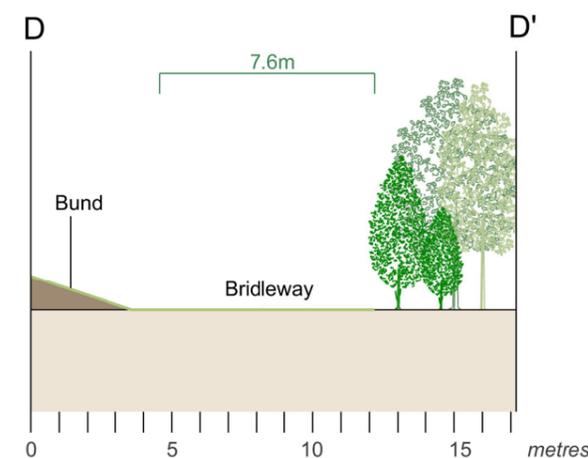
Section A-A'



Section B-B'



Section C-C'



Section D-D'

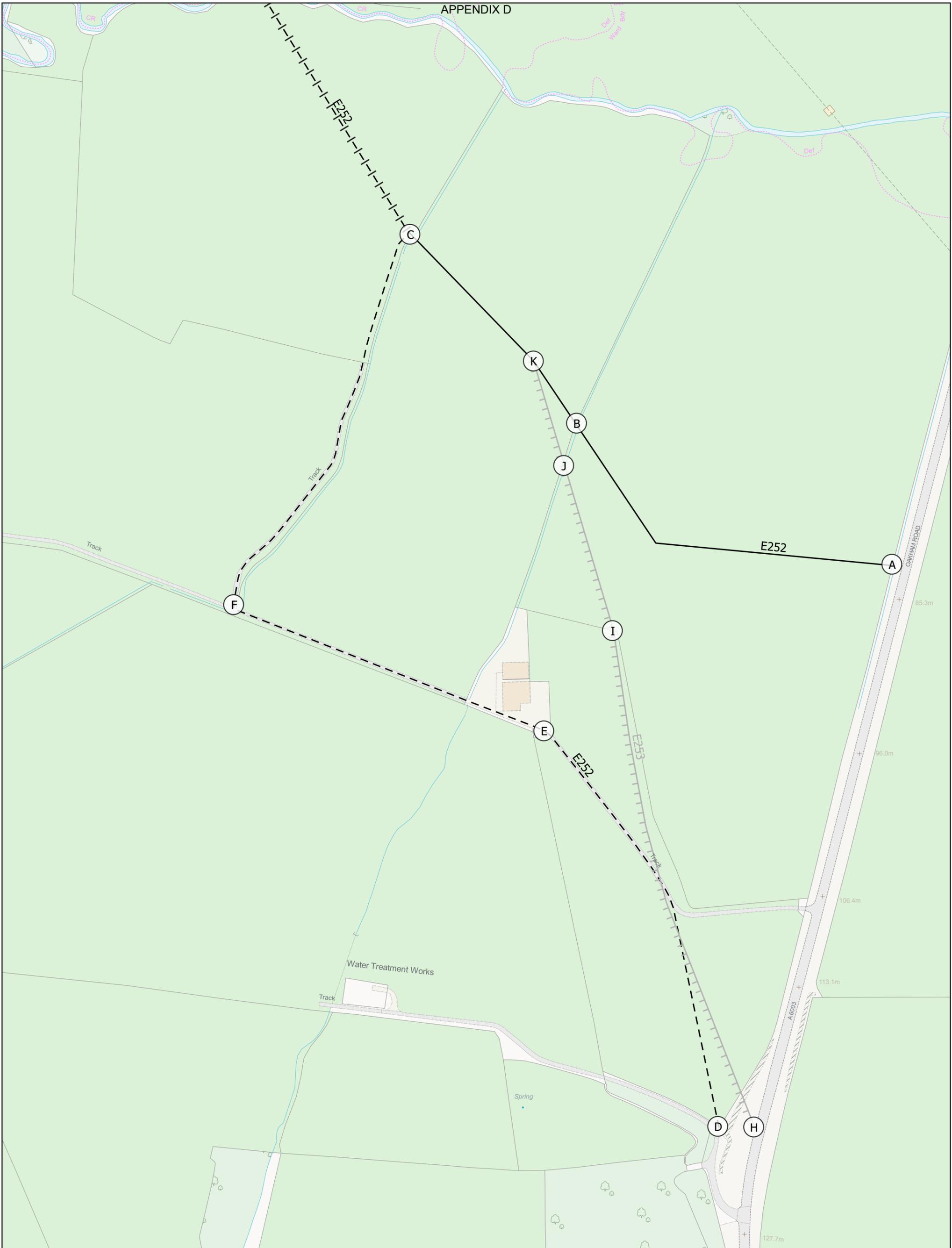
Note: Sections and associated distances based upon Phasing Drawings

Typical Sections (1:250 @A3)

LEGEND

- PROW Diversion Route
- Proposed Soil Storage Bund (Max 3m in height)
- Limit of Extraction
- Extraction Area
- Peripheral Grassland / PROW Corridor
- Existing Woodland
- Typical Section Locations

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LEGEND:

	Bridleway to be diverted
	Proposed alternative
	Bridleway unaffected
	Footpath

Title: RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PRESTON) BRIDLEWAY E252 DIVERSION ORDER (NO.1) 2021			
CRS:	EPSG:27700	DRAWN:	scrook
SCALE:	1:2,500	MANAGER:	
SIZE:	A4	DATE:	2021-01-13
EXTENT (NW):	486587.302748		
EXTENT (SE):	487305.303773		

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Rutland
County Council

Public Rights of Way (Transport Strategy)

Rutland County Council, Catmose

Oakham, Rutland LE15 6HP

Tel: 01572 722577

Email: rightsofway@rutland.gov.uk

Application for Public Path Diversion Order

HIGHWAYS ACT 1980, Section 119

Please read the 'Applicant Guidance Notes' carefully before completing all section of this form. The application from should be accompanied by **(1)** A map clearly showing the existing and alternative routes, ideally to a scale of 1:2500, **(2)** A letter of consent and accompanying plan showing the extent/interest of each affected landowner, occupier, lessee or other party affected by the proposal (where applicable, a plan showing and unidentified ownership should also be included), and **(3)** An environmental statement and other supporting documentation, where applicable.

CONTACT DETAILS

Applicant	Mr/Mrs/Miss/Ms/Other: <input checked="" type="radio"/>		Full Name:	RICHARD JOHN WARBURTON
	Address:	SEATON MILL, MILL ROAD, SEATON OAKHAM, RUTLAND - LE15 9HX		
	Telephone:	07899 064429	Email:	Richard.warburton@terrapost.com
Agent	Mr/Mrs/Miss/Ms/Other:		Full Name:	
	Address:			
	Telephone:		Email:	

LAND OWNERSHIP

Are you the freehold owner and occupier of all the land affected by the diversion proposal? Yes No

If no, please list the names and addresses of all those who stand to be affected by the proposal, along with the nature of their interest in the affected land:

Name	Address	Interest
51		

Give details of any land affected by the proposal for which the owner has not been identified (refer to plan):

Are you aware of the existence of any apparatus belonging to statutory undertakers in, on, over or across the land affected by the existing route(s)? If yes, please provide details:

PROPOSAL

Status:

Path reference:

E320

Town/Parish:

SEATON

OS Grid Reference:

NW 490559, 297847 . SE 491021, 297280

Annotating the proposal map accompanying this application, please give a detailed description of the new route in terms of its width, surface, proposed structures (gates/stiles etc) and any relevant topographic features:

SURFACE: GRAZED GRASS

STRUCTURES: KISSING GATE AT ROAD END, AND ~~KISSING GATE OR STILE AT~~

ROUTE: THE PATH WILL NOW CONTINUE ON FROM THE DIRECTLY OPPOSITE PATH CROSSING OVER THE DISUSED RAILWAY, ACROSS AN OPEN MEADOW.

LEGISLATIVE TESTS

Please explain why it is expedient to divert the public right of way in the interests of the owner, lessee or occupier of the land or of the public [Section 119(1), Highways Act 1980]:

IT WILL BE SAFER AND MORE SECURE TO DIVERT THE PATH AS IT MEANS WALKERS ARE NOT COMING ^{RIGHT} UP TO THE HOUSE AND OUTBUILDINGS WHERE THERE ARE CHILDREN, VEHICLES MOVING AROUND AND OPEN DOORS AND WINDOWS.

Please describe the effect that the diversion will have on (a) public enjoyment of the path as a whole (b) other land served by the existing right of way (c) land over which the new right of way is to be created [Section 119(2), Highways Act 1980]:

THE PROPOSED ROUTE OF THE PATH WILL BE:

- MORE CONVENIENT AND LESS CONFUSING AS IT WILL BE DIRECTLY OPPOSITE THE PATH COMING ACROSS THE DISUSED RAILWAY LINE. MANY WALKERS EITHER MISS THE CURRENT ENTRANCE OR ARE RELUCTANT TO WALK DOWN WHAT LOOKS LIKE A PRIVATE DRIVE
- WILL BENEFIT FROM IMPROVED AESTHETICS AS IT IS ACROSS AN OPEN MEADOW RATHER THAN DOWN A HARD LANDSCAPED DRIVE. THE MEADOW SHOULD BE OPEN
- GRAZED AND IN GOOD CONDITION AND OFFERS A MUCH BETTER VIEW OF THE VALLEY AND VIADUCT THAN THE DRIVE.

COSTS

The amount payable in respect of making the order will not exceed the costs actually incurred and will comprise the following elements:

- a) Initial discussion with applicant, research and consultation, publication of a legal order, confirmation and certification, estimated at £1400 (see appendix to guidance notes for schedule of costs)
- b) Fees for at least two notices placed in a local newspaper*:
 - i. When the Order is made
 - ii. When the Order is confirmed / certified

***NB: A further notice may be required to advertise the coming in to operation of a new route if it is not feasible to specify a completion date for works in the Order.**

- c) The costs agreed in the attached estimated Schedule of Works (payable upon confirmation and certification of the route)

DECLARATION

1. I/We understand that no authority for the diversion of a public right of way is conferred unless:
 - a. The appropriate Order has been made and confirmed.
 - b. Any works necessary to bring the alternative route into operation have been certified as acceptable by Rutland County Council.
2. I/We have noted the costs which are payable for processing a Public Path Order application and agree to pay the charges outlined above when invoiced by Rutland County Council. I/We understand that in the event that objections are received, a proportion of the specified fee and the cost of the initial newspaper notice will still be payable in the event the Order is not confirmed.
3. In the case of a Public Path Diversion Order being confirmed pursuant to the application, I/We agree that Rutland County Council will not be liable for any compensation which may become payable to a third party and I/We agree to defray any such claim. I/We also waive my/our right to claim compensation under Highways Act 1980 Section 28.
4. I/We understand that the information provided on this form cannot be treated as confidential and that all supplied information may be made available to members of the public on request.
5. I/We hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.

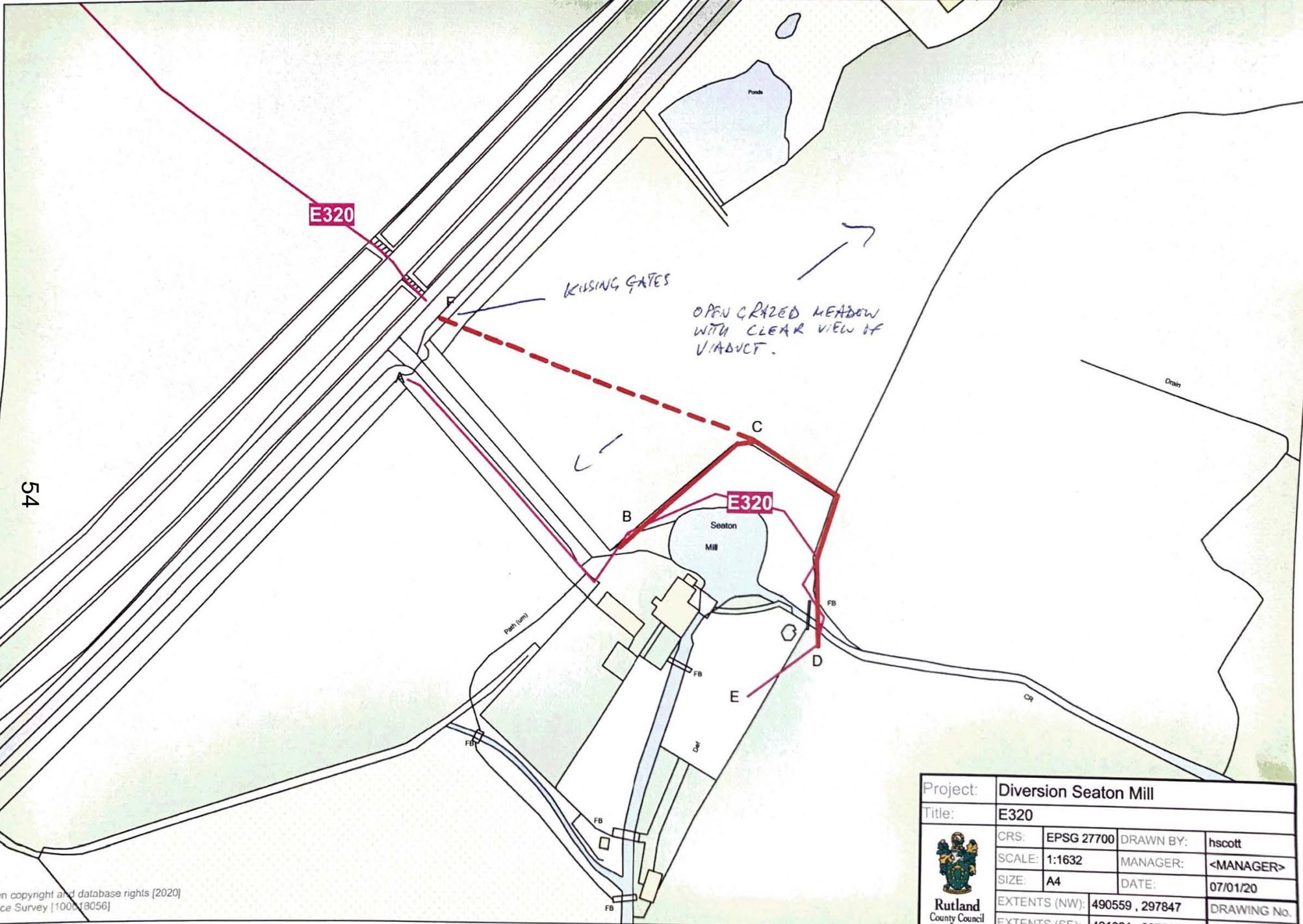
Signature

Print name

Date of statement

RICHARD JOHN WARBURTON

6/5/2021



Project:		Diversion Seaton Mill	
Title:		E320	
 Rutland County Council	CRS:	EPSG 27700	DRAWN BY:
	SCALE:	1:1632	MANAGER:
	SIZE:	A4	DATE:
	EXTENTS (NW):	490559 , 297847	DRAWING No.
	EXTENTS (SE):	491021 , 297280	Map 1

APPLICATION FOR MODIFICATION ORDER
(Wildlife & Countryside Act, 1981)

County Of Rutland, Definitive Map & Statement

(This form to be completed by the applicant and served on Rutland County Council)

To: The Rights of Way Officer, Rutland County Council, Environmental Services,
Catmose, Oakham, Rutland. LE15 6HP.

~~I/We~~ ROSEMARY HARRIS ON BEHALF OF THE BRITISH HORSE SOCIETY
of ABBAY PARK, STARETON, WARKS ^{KENILWORTH,} Post Code CV8 2XZ.

Hereby apply for an order under Section 53 of the Wildlife & Countryside Act 1981 to
modify the Definitive Map & Statement for the area by;

(Delete any of the following sections that do not apply)

~~Deleting the footpath/bridleway/byway (delete as appropriate)~~

~~From _____ To _____~~

~~OR~~

~~Adding the footpath/bridleway/byway (delete as appropriate)~~

From POINT A, GOLD OVERTON RD, LANGHAM. To POINT D. ON FOOTPATH D85, LANGHAM

~~OR~~
~~AND~~

~~Upgrading/Downgrading the footpath/bridleway/byway to a~~
~~footpath/bridleway/byway (delete as appropriate)~~

From POINT D. ON F.P. D85 To POINT E. ON F.P. D85 ON THE RUTLAND /
LEICESTERSHIRE COUNTY BOUNDARY

~~OR~~

~~Varying the particulars of the footpath/bridleway/byway (delete as appropriate)~~

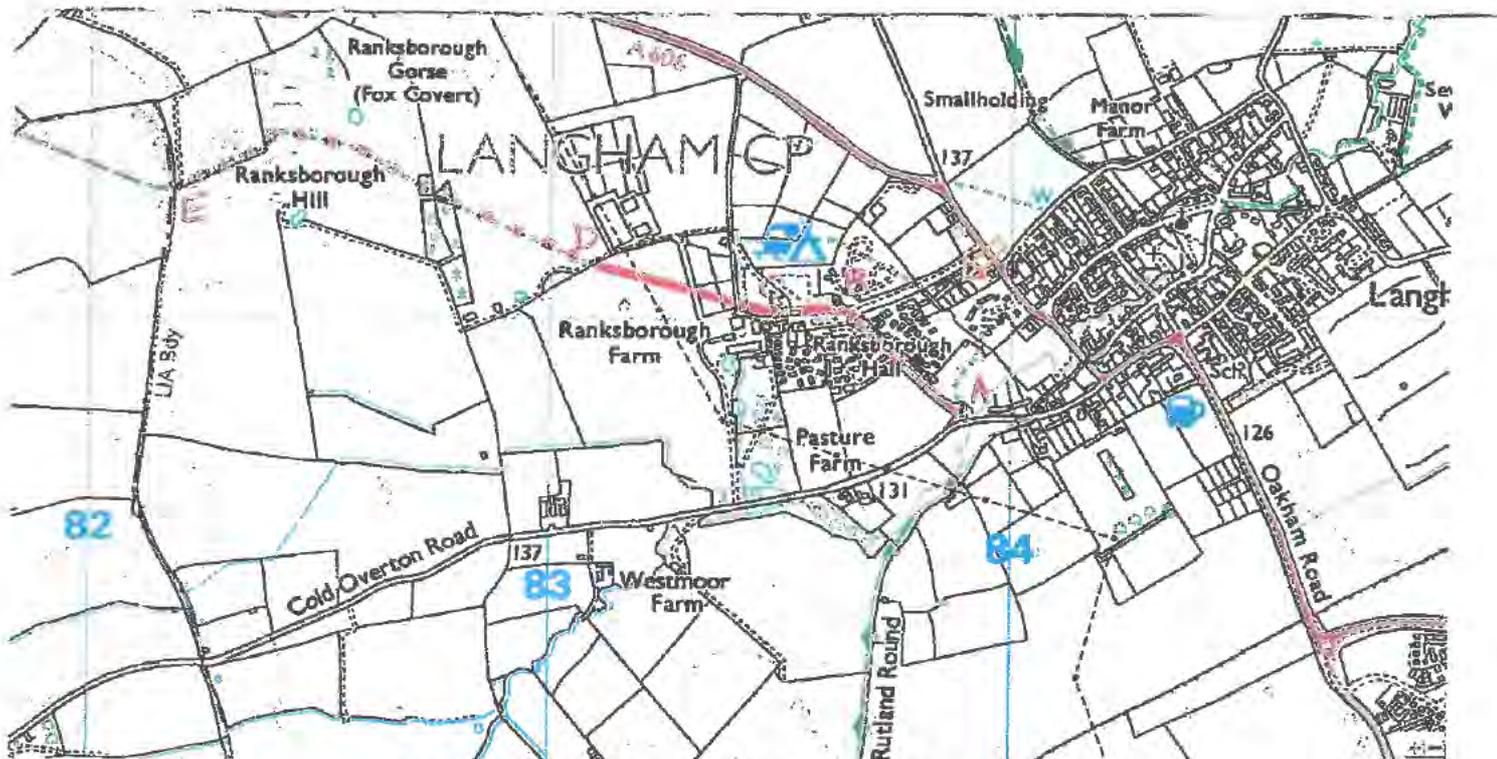
~~From _____ To _____~~

~~by providing that _____~~

and shown on the map annexed hereto.

~~I/We~~ attach copies of the documentary evidence (including statements of witnesses)
in support of this application.

Dated: 22/09/2016 Signed 



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A to D not recorded on Definitive Map



D to E part of Footpath D85





Rutland
County Council

Dated:

8th October 2019

Order:

The Rutland County Council District Council (Langham)
Definitive Map and Statement Modification Order No. 1 of
2019

Power:

Section 53(2) Wildlife and Countryside Act 1981

**Legal Services
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HG**

Legal File Reference: 100611/JT

WILDLIFE AND COUNTRYSIDE ACT 1981

**DEFINITIVE MAP AND STATEMENT FOR
RUTLAND COUNTY COUNCIL DISTRICT COUNCIL**

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (LANGHAM) DEFINITIVE
MAP AND STATEMENT MODIFICATION ORDER NO. 1 OF 2019**

This Order is made by Rutland County Council District Council ("the Surveying Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Surveying Authority that the Definitive Map and Statement for Rutland County Council District Council requires modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) and 53(3)(c)(ii) namely the discovery of evidence which shows that a bridleway which is not shown in the Definitive Map and Statement subsists or is reasonably alleged to subsist and that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description on land between Cold Overton Road (C6305) in Langham and the county boundary with Leicestershire at Ranksborough Hill, Rutland.

The Surveying Authority have consulted with every local authority whose area includes the land to which the Order relates.

The Surveying Authority hereby orders that:

1. For the purpose of this Order the relevant date is 12th October 2017.
2. The Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to this Order.
3. This Order shall take effect on the date it is confirmed and may be cited as "The Rutland County Council District Council (Langham) Definitive Map and Statement Modification Order No. 1 of 2019".

THE COMMON SEAL of RUTLAND COUNTY
COUNCIL DISTRICT COUNCL was hereunto
affixed this 8^m day of *October* 2019

in the presence of:

.....
.....
.....

.....
Chief Executive

.....
.....
.....

.....
Chairman



Seal No: *M*

Seal No:

SCHEDULE

PART I: Modification of Definitive Map

Description of bridleway to be added

There shall be added to the Definitive Map in the parish of Langham a bridleway (No. E363) from a point on the Cold Overton Road, Langham at Ordnance Survey grid reference SK83901077 to a point on Ranksborough Hill at Ordnance Survey grid reference SK82171128, via Ordnance Survey grid references SK883601100, SK83401098 and SK83081111, as shown on the attached map (reference E363/17/1) by a continuous line with cross bars at intervals between points A and E.

PART II: Modification of Definitive Statement

Description of bridleway to be added

There shall be added to the Definitive Statement in the parish of Langham the following entry:

Reference Number	E363
Map	SK81SW
Status	Bridleway
Location	From the Cold Overton Road, Langham, north west to the county boundary at Ranskborough Hill.
Parish(es)	Langham
Width	Varying from 5 to 50 metres, as shown on the OS first edition County Series (1885)
Length	1925 metres
Limitations and conditions	
Relevant date	12 th October 2017



Legend:

	Existing footpaths
	Existing bridleways
	Bridleway to be added
	Leicestershire

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL
(LANGHAM) BRIDLEWAY E363
MODIFICATION ORDER (No.1) 2019**

<p>Rutland County Council</p>	CRS:	EPSG 27700	DRAWN BY:	scrook
	SCALE:	1:7500	MANAGER:	ccapps
	SIZE:	A3	DATE:	08/07/2019
	EXTENTS (NW):	481549 , 311938	DRAWING No.	
	EXTENTS (SE):	484594 , 310039	E363/19/1	

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Ordnance Survey 100018056

THIS ORDER is hereby confirmed as an Unopposed Order on [DATE]

THE COMMON SEAL of RUTLAND COUNTY
COUNCIL DISTRICT COUNCIL was hereunto
affixed this day of

in the presence of:

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.....
.....

.....
Chief Executive

.....
.....
.....

.....
Chairman



Seal No: