

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 via Zoom - <https://us06web.zoom.us/j/88340326514> on **Wednesday, 9th March, 2022** 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) WELCOME & APOLOGIES

To receive any apologies for absence.

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) MINUTES OF PREVIOUS MEETING

To confirm the minutes of the Rutland Countryside Access Forum held on the 6th October 2021.
(Pages 5 - 10)

4) MATTERS ARISING FROM PREVIOUS MINUTES

To discuss any matters arising from the previous minutes that are not included in the agenda.

5) WARNING SIGNS CONSIDERATION

A verbal discussion requested by Rosemary Harris on the consideration of the placement of horse and cyclist warning signs at or near danger spots on Rutland's country lanes.

6) PERMISSIVE ACCESS AGREEMENTS

To receive a written report from John Law.
(Pages 11 - 12)

7) SECRETARIAL DUTIES RELATING TO LAF SUB-GROUPS

A verbal discussion requested by John Law.

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

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

9) LEGAL ORDERS AND PLANNING APPLICATIONS

To receive a report by Stuart Crook, Highways Asset & Policy Manager.
(Pages 13 - 28)

10) ANY URGENT BUSINESS

To receive any urgent items of business which have been previously notified to the Chair.

11) DATE OF NEXT MEETING

To be confirmed following the publication of the Programme of Meetings 2022/2023

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DISTRIBUTION

MEMBERS OF THE RUTLAND COUNTRYSIDE ACCESS FORUM NAME OF COMMITTEE:

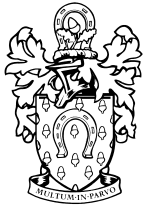
1.	Councillor A Brown (Chair)
2.	H Baines (Vice-Chair)
3.	R Brett
4.	J Buchanan
5.	J Clarkson
6.	Councillor W Cross
7.	R Harris
8.	Councillor M Jones
9.	W Kirstein
10.	J Law

11.	R Linford
12.	T Plumber
13.	J Williams

OFFICERS:

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

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Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email governance@rutland.gov.uk

Minutes of the **RUTLAND COUNTRYSIDE ACCESS FORUM** held Via Zoom on Wednesday, 6th October, 2021 at 2.00pm

PRESENT:

Councillor A Brown (Chair)
Councillor M Jones
William Cross
Rosemary Harris
John Law
John Williams

APOLOGIES:

Harry Baines
Paul Dadford
Roger Linford
Tommy Plummer

ABSENT:

Richard Brett
John Clarkson
William Kirstein

OFFICERS:

Stuart Crook	Highways Asset Management and Policy Manager
Vicki Semple	Governance Administrator

1 APOLOGIES FOR ABSENCE

Apologies were received from Harry Baines, Paul Dadford, Roger Linford and Tommy Plummer.

2 MINUTES OF PREVIOUS MEETING

The minutes of the Rutland Countryside Access Forum held on the 16 June 2021 were agreed and confirmed as a true record. They were proposed by Councillor M Jones and seconded by Rosemary Harris.

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John Law joined the meeting.
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3 LEGAL ORDERS - PROPOSED CHANGES TO PUBLIC RIGHTS OF WAY

Stuart Crook, Highways Asset Management and Policy Manager, introduced a report setting out a number of legal orders relating to proposed changes to public rights of way and one definitive map modification order for the Forum to consider.

Item 1: Proposed diversion of public footpath D79 at Whissendine Lodge under section 119 of the Highways Act 1980.

A full application had now been received to divert the footpath away from the house and farm. This would represent a significant diversion with width increased to 2.5 metres and a reduction in the number of stiles/gates. The Highways Asset Management and Policy Manager advised that this application in principle was fine but did express general concerns when moving cross field paths to field edges due to the extra maintenance that could come from this with regards to hedge and grass cutting. The footpath would be fenced in which meant it would need to be mown as required as land would no longer be grazed as previously done so. Also, Rutland County Council (RCC) would need to take on the maintenance of a new structure either a culvert or a bridge and that this would need to be taken in to account, and the cost covered if the diversion was approved.

The Highways Asset Management and Policy Manager advised he would be re-visiting the site to access the ground in the winter to check if it got waterlogged and whether the landowner would need to sort the drainage. Forum members were concerned about the extra maintenance regarding the path the proposal would cause RCC. Both the Chair and William Cross felt there was an alternative route that should be looked at.

RESOLVED

That the legal order be **NOTED** and that William Cross would submit his proposal to Highways Asset Management and Policy Manager for consideration.

Item 2: Proposed diversion of footpath D85.

The Highways Asset Management and Policy Manager informed the Committee that the order was a long-standing application. The original order made in response to the Landowners first application to divert was abandoned because works required to give effect [to the diversion] were not completed and fees were not paid. Years later the development of Brocklehurst Park resumed, and they had assumed the diversion had gone ahead and obstructed the line of the footpath with landscaping features. RCC raised the issue with the landowner a new diversion order was made, but not confirmed as once again the landowner had failed to undertake the required works (conditions).

RCC could serve notice and have anything obstructing the definitive line removed. Consensus of the Forum was the landowners need to be given final warning.

RESOLVED

The legal order be **NOTED** and Stuart Crook to take Forum members views forward to Legal Services.

Item 3: Bridleway E135 diversion.

A temporary diversion for a bridleway that the landowner now wished to make permanent. The bridleway ran through the middle of the quarry with ramps to either side. The ramps needed a technical assessment every 2 years and while the quarry was active, they were maintained by the landowner. Once the quarry was finished the council would then have to maintain. The quarry agreed to do an assessment and undertake any remedial work before they ceased operations at the site. There were several issues to consider, the bridleway was close to Pickworth Wood (SSSi) and there were drainage issues affecting sections of the proposed diversion. The members of the forum expressed frustration regarding Planners signing off the Quarry extension before the diversion had been finalised.

RESOLVED

The legal order be **NOTED** and William Cross would contact Justin Johnson, Service Manager for Development regarding this application and discussion at the next Planning meeting.

Item 4: Proposed Bridleway diversions of E252 at Preston.

The Highways Asset Management and Policy Manager were satisfied with the diversions as they benefited all and the landowners were in agreement.

RESOLVED

The legal order be **NOTED**.

Item 5: Seaton Mill diversion of footpath E320 under section 119 of the Highways Act 1980.

This application would be in the landowner's interest only. Due to privacy issues, they would like to move the path away from their driveway. At this point the landowner needed to justify where the public would benefit from this move.

RESOLVED

The legal order be **NOTED**.

Item 6: Application made to record a bridleway in the definitive map and statement for Rutland at Ranksborough, Langham.

This was a map modification requested by the British Horse Society to record a bridleway on the Definitive Map at Langham, partly over the route of footpath D85.

RCC were directed to make the order by the Planning inspectorate (PINS), but then had to refer the order back (t PINS) for consideration due to a significant number of objections. The order had been returned to RCC by PINS twice for technical errors. This has delayed determination for 3 years which was holding back an application to develop some of the affected land.

RESOLVED

The legal order be **NOTED**.

4 TRAINING

Stuart Crook, Highways Asset Management and Policy Manager asked if the Forum members would like any training on either the legislation behind Rights of Way and on general legislation. Members of the forum were asked to contact Governance if they felt any of the proposed training would be of benefit to them and depending on the level of interest this could be provided internally or externally. The Highways Asset Management and Policy Manager also reminded the Forum of recent free training on offer to them.

RESOLVED

That Governance would recirculate the link of the free training to the Forum members.

5 MILES WITHOUT STILES

A verbal discussion was received by John Law regarding replacing styles with kissing gates in the hope of making the Countryside accessible to all. John proposed to set up a sub-group to investigate the following:

- Identify where all gates and stiles were on the PROWS
- To prioritise the routes more beneficial to users
- To encourage landowners to change stiles for kissing gates
- Look at Bridleways that link up to footpaths.

John hoped to involve Rutland Ramblers and Disabled Ramblers with these investigations. John Law volunteered to Chair the sub-group.

RESOLVED

Governance to send out an email to see who would like to help John and join the sub-forum.

6 A SAFER COUNTRYSIDE FOR LIVESTOCK AND PROW USERS

A verbal discussion was received by John Law about dogs on leads and spraying in the Countryside.

It was requested to find a way to ensure dogs were on leads when walking in the Countryside with livestock. Unfortunately, as is not a legal requirement it was hoped to advertise the Countryside code more effectively, several discussions followed on how to promote and educate this through schools and other forums.

John Law proposed that Walkers and Horse riders needed more notice when spraying was in process in the fields. John asked if there was a way to inform people before they start their routes. Members advised that it was good practise to put signs up when spraying would be in process, but it would be difficult to give early notice of this due to often being very reliant on the weather as to when it can be done.

RESOLVED

John Law would submit a paper for the next meeting to discuss Spraying further.

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

Paul Dadford, Oakham Canal Project Manager was unable to attend the meeting and would provide a written update for Members which will be circulated with the minutes.

The Highways Asset Management and Policy Manager gave a short verbal update. At the Northern end of the Canal the stone steps had become uneven and a liability, it was arranged that the army would construct some temporary steps to allow the old steps to be assessed. On assessment of the old steps, it was decided that they cannot be modernised, and the temporary steps would need to stay. They would improve the temporary steps and be retaining the old stone to use elsewhere.

RESOLVED

That an update would be provided by Paul Dadford and would be shared with Members via the minutes.

8 ANY URGENT BUSINESS

John Law advised that previous Countryside Access Forum when joint with South Lincolnshire that the minutes usually included 'Matters arising from the minutes' and 'Declarations of Interest'. The Chair agreed to add these.

In response to John Law's query regarding an update on the budget cuts for rights of way the Highways Asset Management and Policy Manager advised essential work would still be able to get the capital funding when required. Problems could arise if this was for work deemed to be an improvement (rather than essential), in which case funding would not be as accessible.

RESOLVED

That 'Matters arising from the minutes' and 'Declarations of interest' be added to future meetings.

a) FUTURE MEETINGS

Councillor M Jones queried if the meeting time could be changed to the evening. It was confirmed that future meetings would need to remain at the 2pm starting time rather than becoming an evening meeting due to resources.

RESOLVED

That all meetings would remain at the original timing of 2pm.

9 DATE OF NEXT MEETING

The next Rutland Countryside Access Forum was due to be held on Wednesday 9th March 2022 at 2pm.

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Chairman closed the meeting at 15.08pm.

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PERMISSIVE ACCESS AGREEMENTS

INTRODUCTION

Higher Level Stewardship (HLS) and Countryside Stewardship Agreements have in the past made payments to farmers and landowners for providing permissive access. In England there were approximately 1800 walks and rides included in the HLS and Countryside Stewardship Schemes in 2010, prior to the closing of the scheme. The subsidy was granted for a 10 year period with the opportunity of renewal at the end of the 10 years. Hence some of the permissive routes were available until 2020. Both Natural England and the NFU provided advice to farmers and landowners who kindly opted to continue with permissive access agreements without receiving payment.

Whilst many of these permissive routes were useful and enjoyable, there was a large proportion that did not provide suitable access due to being: unsigned, incorrectly described, not maintained to a reasonable standard, no connections to PRow and duplicate routes within very close proximity.

A report was submitted to Natural England in 2013 by the South Lincolnshire and Rutland LAF pointing out the problems with the original funded permissive access agreements. The report also encouraged DEFRA to continue with funded permissive access agreements following the process outlined in the report, to ensure the funded permissive access was fit for purpose and value for money.

CURRENT SITUATION

Lord Benyon, the Parliamentary Under-Secretary of State for DEFRA stated on the 27th May 2021 *“Support for public access, including paying to create new permissive access or rights of way, could potentially be funded under new schemes that reward environmental benefits. The agricultural transition plan sets out examples of the types of land management actions that we envisage paying for under these schemes. We are working with stakeholders and users to determine the specific actions that will be funded, and further details of these will be set out later this year.”*

However, in the Rural Payments Agency booklet, Countryside Stewardship: Higher Tier manual for agreements starting on 1 January 2023 (published February 2022), only states payment is available for access to woodland. This is under WS4 Access for People and reads:

“Where to use this supplement

It’s available for Countryside Stewardship Higher Tier on whole or part parcels where currently there is a lack of access to a woodland, but people would benefit if they could access the woodland.

How this supplement will benefit the environment

Effective use of the supplement will:

- *create more opportunities for the public to have access to woods*

- *contribute to the public's health and mental well-being*
- *create alternative outdoor activities*
- *create educational opportunities so people can understand woodlands better*
- *encourage and foster engagement with nature*

Aims

Enable permissive access (by foot) across the whole woodland to increase the wellbeing of the public, where access to the woodland is currently limited.

Where this supplement cannot be used

- *Outside the spatial eligibility, unless agreed with your Woodland Officer. Read the [Countryside Stewardship: Higher Tier manual](#) for more information*
- *Where woodland owner/manager already has a legal obligation to provide access by foot due to their existing commitments or where legal rights already exist, for example, open access land. Agree compatibility with other woodland supplements with your Woodland Officer or Deer Officer.*

Requirements

- *Enable permissive access to the woodland through identifiable paths and routes. Carry out management and maintenance of the path network, to allow public access throughout the year on foot, and where reasonable for mobility aids, pushchairs and buggies.*
- *Erect appropriate signs to show the public they are welcome to visit the woods*
- *Each year, carry out the necessary number of site inspections to make sure the woodland complies with Health and Safety standards"*

Andrew Mackintosh of Natural England has been asked if other paid permissive access will be available in the near future. He has stated in an email 22nd February 2022 that Natural England "knew it ([WS4](#) option) was a possibility when new woodland options were being considered by Forestry England a few months ago but we were not involved with the decision to include it or option design and guidance."

Due to Natural England and the LAFs not being consulted, I believe the LAF should write to DEFRA copying Natural England, raising concern about how permissive access is being implemented, to ensure mistakes made in the past are not repeated. The letter should also provide relevant information from the 2013 SL&R report displaying the issues found and a more robust process. This is needed as payment for permissive access is currently being investigated for National Parks and AONBs. What we do not want is DEFRA introducing payment for permissive access in other areas such as Rutland, with a scheme which is not fit for purpose.

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. Updates since last meeting

Public path orders

- a) A new application (Appendix A) has been made to divert public footpath E229 at Home Farm in Ketton, to facilitate construction of a residential development recently granted planning permission ([2020/1254/MAF](#)). The proposal will require a departure from guidance ([Circular 1/09](#)) in allowing an estate road to be constructed on the same alignment as the diverted footpath.
- b) The Rutland County Council District Council (Preston) Bridleway E252 and Footpath E253 Diversion Order (No1) 2021 was made on the 22nd December

2021 (Appendix B) and notice was published on the 13th January 2022. Public consultation closed on the 11th February. No objections were received. Any works on site required to give effect to the diversion will now be undertaken prior to confirmation of the order.

Definitive map modification orders

- c) On the 16th December 2021 an application to record a footpath between Main Street in Barrow and Sheep Dyke in Cottesmore in the definitive map and statement for Rutland was registered (ref [RCCDC/M17](#)). The application submits that the documentary evidence provided proves the existence of the claimed footpath. Affected landowner have indicated that they're opposed to the recording of the footpath.

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](#).



Public Rights of Way (Highways)
 Rutland County Council, Catmose
 Oakham, Rutland LE15 6HP
 Tel: 01572 722577
 Email: rightsofway@rutland.gov.uk

Application for Stopping Up or Diversion of a Public Right of Way
TOWN AND COUNTRY PLANNING ACT 1990, Section 257

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:		Full Name:	BEESON WRIGHT LIMITED
	Address:	2 COBBLESTONE YARD BATH ROW STAMFORD PE9 2RD		
	Telephone:	01780 437 437	Email:	andrew@bwpartnership.com
Agent	Mr/Mrs/Miss/Ms/Other:		Full Name:	KATE WOOD
	Address:	EDDISONS THE LAWNS 33 THORPE ROAD PETERBOROUGH PE3 6AB		
	Telephone:	01733 897722	Email:	kate.wood@eddisons.com

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

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

N/A

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:

N/A

PROPOSAL

Status: DIVERSION APPLICATION

Path reference: ROUTE E229

Town/Parish: KETTON

OS Grid Reference: SK 980047

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:

THE PROPOSED NEW ROUTE FOR THE FOOTPATH FOLLOWS THE PRIVATE UNADOPTED ROAD THROUGH THE RESIDENTIAL DEVELOPMENT SITE. THE ROAD MEASURES 3.5 METRES AT ITS NARROWEST POINT AND WILL BE LAID TO TARMACADAM (AS IS THE SURFACE OF THE EXISTING ROUTE). THE PROPOSED NEW ROUTE IS THAT USED BY A MAJORITY OF USERS AT PRESENT. THE ENTRANCE/START OF THE FOOTPATH WHEN LEAVING THE HIGH STREET WILL REMAIN UNCHANGED, AS WILL THE EXIT POINT WHEN LEAVING THE DEVELOPMENT SITE. SEE PLAN HF-PR-PROV-02.

LEGISLATIVE TESTS

An authority may by Order authorise the stopping up or diversion of a footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to take place [Section 257(1), Town and Country Planning Act 1990]. Please describe the nature of the development necessitating the stopping up/diversion.

HOME FARM IN KETTON HAS BEEN GRANTED PLANNING CONSENT FOR A RESIDENTIAL DEVELOPMENT. THIS DIVERSION APPLICATION IS NECESSARY IN ORDER TO IMPLEMENT THE RESIDENTIAL DEVELOPMENT SCHEME.

Please provide the planning reference for the development and the date of consent.

2020/1254/MAF

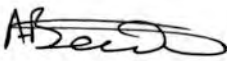
RESOLUTION TO GRANT PLANNING AT COMMITTEE MEETING HELD ON 11TH JANUARY 2022.

COSTS

DIVERSION AT APPLICANTS COST

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	ANDREW BEESON
Date of statement	01/02/22



Key

- Tarmac Road Finishes
- Existing Public Right of Way, Route E229.
- Proposed Diversion of Public Right of Way, Route E229.

Proposed Site Plan



NOTES	
REVISIONS	
<p>Jon Richards Architectural Design Joanna Howe HR@jrad.co.uk 1 Red House Pasture www.jrad.co.uk Langdon Park Ave. +44 (0) 1952 566218</p>	
CLIENT	Beeson Wright Ltd
PROJECT	Home Farm 72 High Street Watton Spaldwick PE13 5TE
DRAWING TITLE	Permanent Public Right of Way Diversion
SCALE	1:200 @ A0
DATE	February 2022
DRAWING NO.	HF-PR-PRD-W-02



Rutland
County Council

**NOTICE OF PUBLIC PATH DIVERSION
AND DEFINITIVE MAP MODIFICATION ORDER**

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PRESTON)
BRIDLEWAY E252 AND FOOTPATH E253 DIVERSION ORDER (NO.1) 2021**

The above Order was made on 22nd December 2021. The effect of the order, if confirmed as made, will be to divert part of bridleway E252 in Preston to an alternate line between OS grid references SK86890359 and SK87130292 and to modify the Rutland County Council District Council Definitive Map (SK80SE) and Statement accordingly.

The effect of the order, if confirmed as made, shall also divert part of footpath E253 to an alternate line between OS grid references SK86980350 and SK86890359 and to modify the Rutland County Council District Council Definitive Map (SK80SE) and Statement accordingly.

A copy of the Order and the Order Map has been placed and may be seen free of charge during normal office hours at Rutland County Council, Council Offices, Catmose, Oakham, LE15 6HP. Copies of the Order and Map may be purchased from the Council. Alternatively, should the Council Offices be closed due to Covid Restrictions a copy of the Order and Order Map may be seen at Oakham Library, Catmos Street, Oakham, Rutland LE15 6HW during the hours of 09:00 to 17:00 Monday to Friday. In the event that access to public buildings is not permissible please contact Stuart Crook using the details below.

Any representation or objection relating to the Order must be sent in writing to Stuart Crook, Highways Asset and Policy Manager, at Rutland County Council, Catmose, Oakham, Rutland, LE15 6HP or by email to rightsofway@rutland.gov.uk no later than 11th February 2022, stating the grounds on which it is made. Please note that objections/representations cannot be treated as confidential and may come into the public domain. Copies of any objections or representations received may be disclosed to interested parties, including the Planning Inspectorate if the case is referred to it for determination.

If no representation or objections are duly made to the Order, or if any so made are withdrawn, Rutland County Council District Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of state for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Order.

Dated: 13th January 2022

Penny Sharp
Strategic Director - Places

**PUBLIC PATH DIVERSION ORDER AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PRESTON)
BRIDLEWAY E252 AND FOOTPATH E253 DIVERSION ORDER (NO.1) 2021**

This Order is made by Rutland County Council District Council (“the Authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the Authority that in the interest of the owner of the land crossed by the footpath and the bridleway described in paragraph 1 of the Order and also in the interests of the public that it is expedient that the line of the way should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the Authority that the Rutland County Council District Council definitive map (SK80SE) and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

The British Horse Society have agreed to make a contribution towards expenses which are incurred in bringing the new site of the way into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over land situate at Preston and shown by an unbroken black line labelled ABK and an unbroken black line with short bars at intervals labelled KC 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, and thereupon the Rutland County Council District Council definitive map (SK80SE) shall be modified by deleting from it that public right of way.
2. There shall at the end of 30 days from the date of confirmation of this Order be a public bridleway over the land situate at Preston described in Part 2 of the Schedule and shown by a broken black line labelled DEFC on the map contained in this Order (“the Order Map”), and thereupon the Rutland County Council District Council definitive map (SK80SE) shall be modified by adding that bridleway to it.

3. The public right of way over land situate at Preston and shown by a grey continuous line with short bars labelled DIJK on the map contained in this order and described in Part 3 of the Schedule to this Order shall be modified so that after 30 days from the date of confirmation of this Order there will be a public footpath as described in Part 4 of the Schedule to this Order and shown by an unbroken black line with short bars and labelled KC on the map contained in this Order ,for the avoidance of doubt this will form an extension to the existing public right of way labelled HIJK on the map contained in the Order and thereupon the Rutland County Council District Council definitive map (SK80SE) shall be modified accordingly
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.
5. The Rutland County Council District Council definitive statement shall be modified as described in Part 5 of the Schedule to this Order.
6. This Order may be cited as “The Rutland County Council District Council (Preston) Bridleway E252 and Footpath E253 Diversion Order (No.1) 2021.”

THE COMMON SEAL of RUTLAND COUNTY
COUNCIL DISTRICT COUNCIL was hereunto affixed
this [day] day of [month] [year]

in the presence of:

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

Chief Executive

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

Chairman



Seal No:

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY (BRIDLEWAY E252)

Section of path or way	Width
From point A on the Order map at (OS) grid reference SK87260334 generally west for approximately 285 metres to point B at grid reference SK87020345 and then turning north west for approximately 200 metres to point C at grid reference SK86890359, as shown by an unbroken black line (AB) and an unbroken black line with short bars at intervals (KC) on the Order Map.	Not defined

PART 2

DESCRIPTION OF SITE OF LAND (BRIDLEWAY E252)

Section of path or way	Width
From point C on the Order Map at (OS) grid reference SK86890359 generally south for approximately 330 metres to point F, at grid reference SK86760331, then turning east for around 245 metres to point E at grid reference SK86980322, then turning south east for around 340 metres to point D at grid reference SK87130292, as shown by a dashed black line on the Order Map.	5 metres

PART 3

DESCRIPTION OF SITE OF EXISTING PATH OR WAY (FOOTPATH E253)

Section of path or way	Width
From point H on the Order map at (OS) grid reference SK87150291 generally north for approximately 395 metres to point I at grid reference SK87040329 and then continuing north for a further 215 metres through point J at grid reference SK87010342 to terminate at	Not defined

its junction with bridleway E252, point K at grid reference SK86980350, as shown by a unbroken grey line with short bars at intervals on the Order Map.

PART 4

DESCRIPTION OF SITE OF LAND (FOOTPATH E253)

Section of path or way	Width
<p>From point H on the Order map at (OS) grid reference SK87150291 generally north for approximately 395 metres to point I at grid reference SK87040329 and then continuing north for a further 215 metres through points J (grid reference SK8701034) and K (grid reference SK86980350) before turning north east for 135 metres to terminate at its junction with the diverted bridleway E252, point C at grid reference SK86890359 as shown by a unbroken grey line with short bars at intervals (HIJK) and an unbroken black line with short bars at intervals (KC) on the Order Map.</p>	<p>2 metres</p>

PART 5

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

The entry for E252 to read:-

Reference number	E252
Map	SK80SE
Status	Bridleway
Location	Preston
Width	5 metres
Limitations and conditions	None
Relevant date	10 th December 2021

The entry for E253 to read

Reference number	E253
Map	SK80SE
Status	Footpath
Location	Preston
Width	2 metres
Limitations and conditions	None
Relevant date	10 th December 2021

THIS ORDER IS HEREBY CONFIRMED AS AN UNOPPOSED ORDER

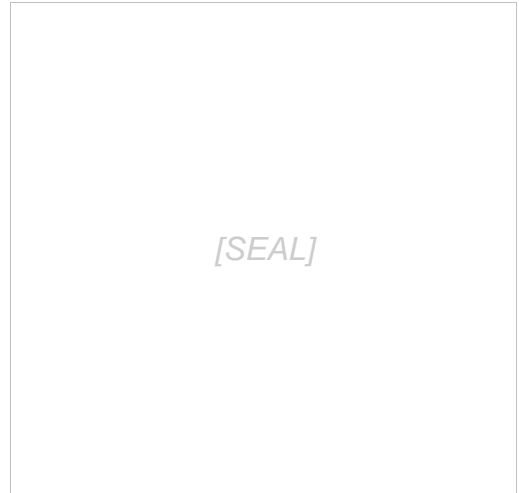
GIVEN this [day] day of [month] [year]

THE COMMON SEAL of RUTLAND COUNTY
COUNCIL DISTRICT COUNCIL was hereunto affixed
this [day] day of [month] [year]

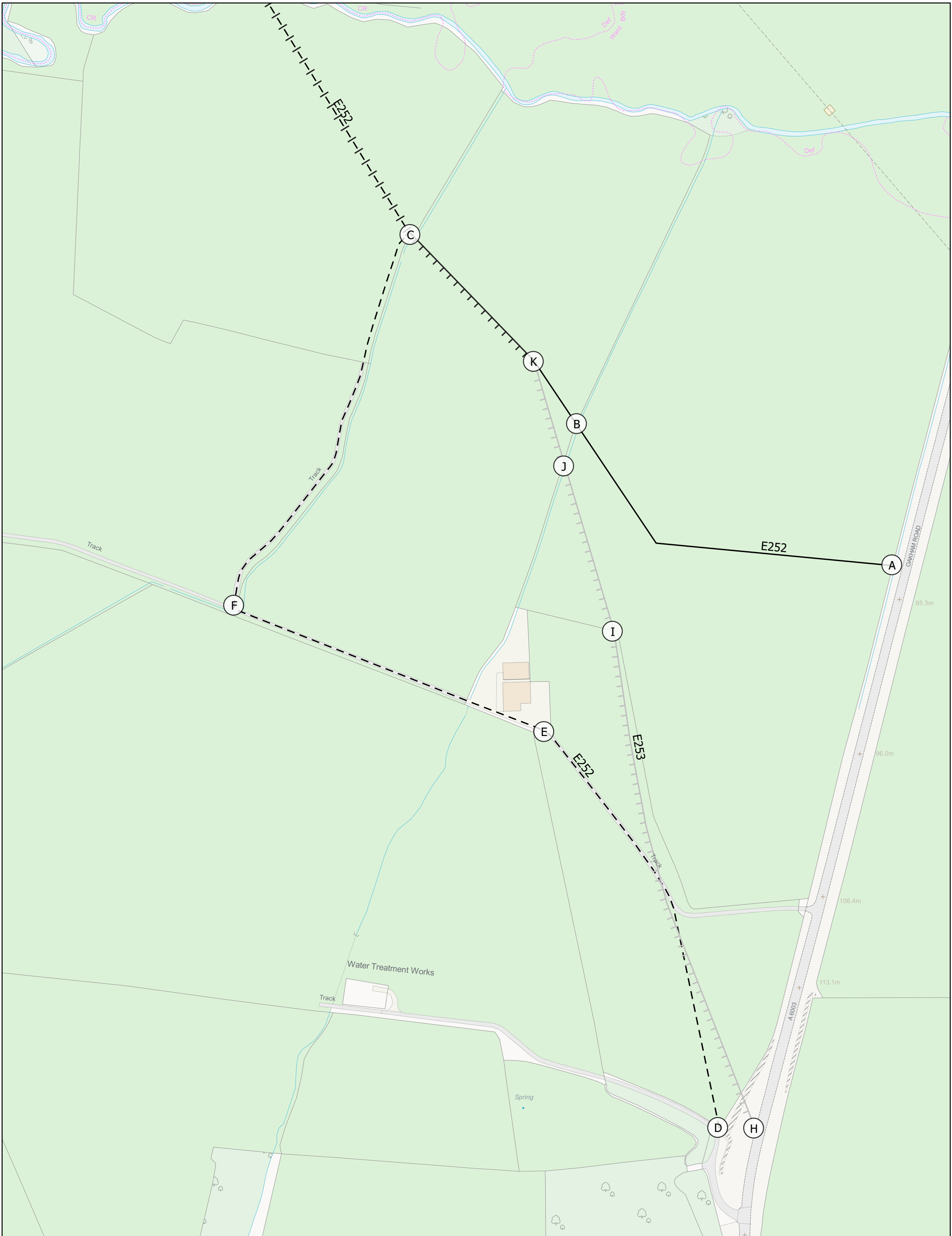
in the presence of:

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

Authorised Signatory



Seal No:



LEGEND:

— A B K C —	Bridleway to be diverted
- - - D E F C - - -	Proposed alternative bridleway
..... H I J K	Footpath unaffected
— K C —	Bridleway replaced by footpath
- - - - -	Bridleway unaffected

Title: RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PRESTON) BRIDLEWAY E252 AND FOOTPATH E253 DIVERSION ORDER (NO.1) 2021			
CRS:	EPSG:27700	DRAWN:	scrook
SCALE:	1:2,500	MANAGER:	
SIZE:	A4	DATE:	2021-12-10
EXTENT (NW):	486587.302747		
EXTENT (SE):	487304.303772		



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