

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) TTRO for proposed diversion of public footpath E229 (Home Farm, Ketton) now in operation. Report to director still to be submitted and an agreement for future maintenance of the estate road proposed for construction over the footpath still required.
- b) The Rutland County Council District Council (Preston) Bridleway E252 and Footpath E253 Diversion Order (No1) 2021 has been confirmed and is now in operation. Certification is (I believe) still required and I'm waiting on confirmation from the applicant / user group that there are no outstanding works required on the new route.
- c) The application to divert footpath D79 to enable development to take place at Whissendine Lodge Farm has been resubmitted in response to comments from the forum (APPENDIX A).

Definitive map modification orders

- d) The 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](#)) is being considered by a consultant (Routewise). A report with recommendations is expected December / January.

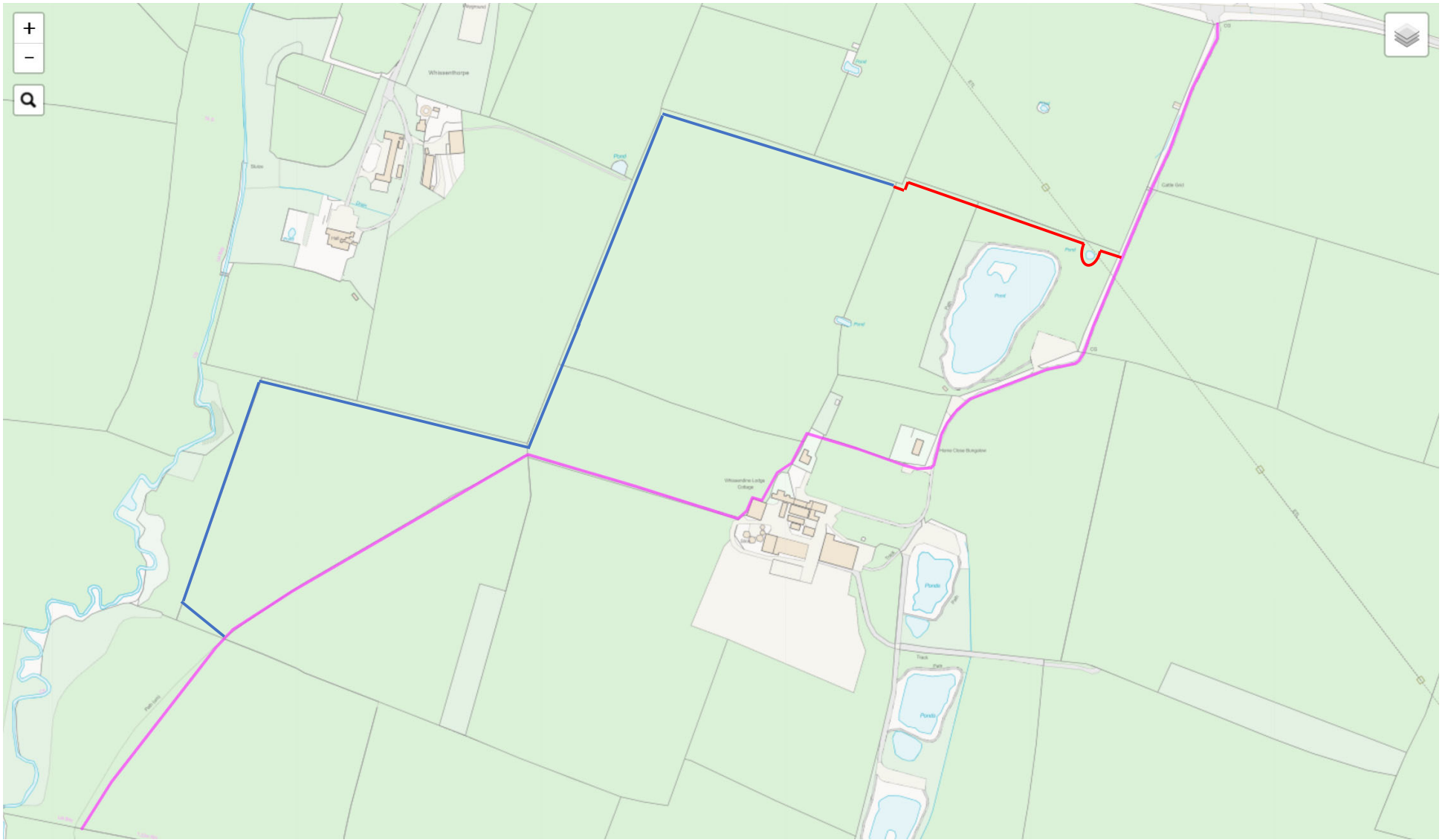
- e) On the 13th April 2022 an application to record a public road (byway) between New Town Road in Upppingham and the A6003 Lyddington in the definitive map and statement for Rutland was registered (ref RCCDC/M18). The application submits that the documentary evidence provided proves the existence of the claimed byway. The land crossed by the claimed byway is currently unregistered (APPENDIX B).

4. Recommendations

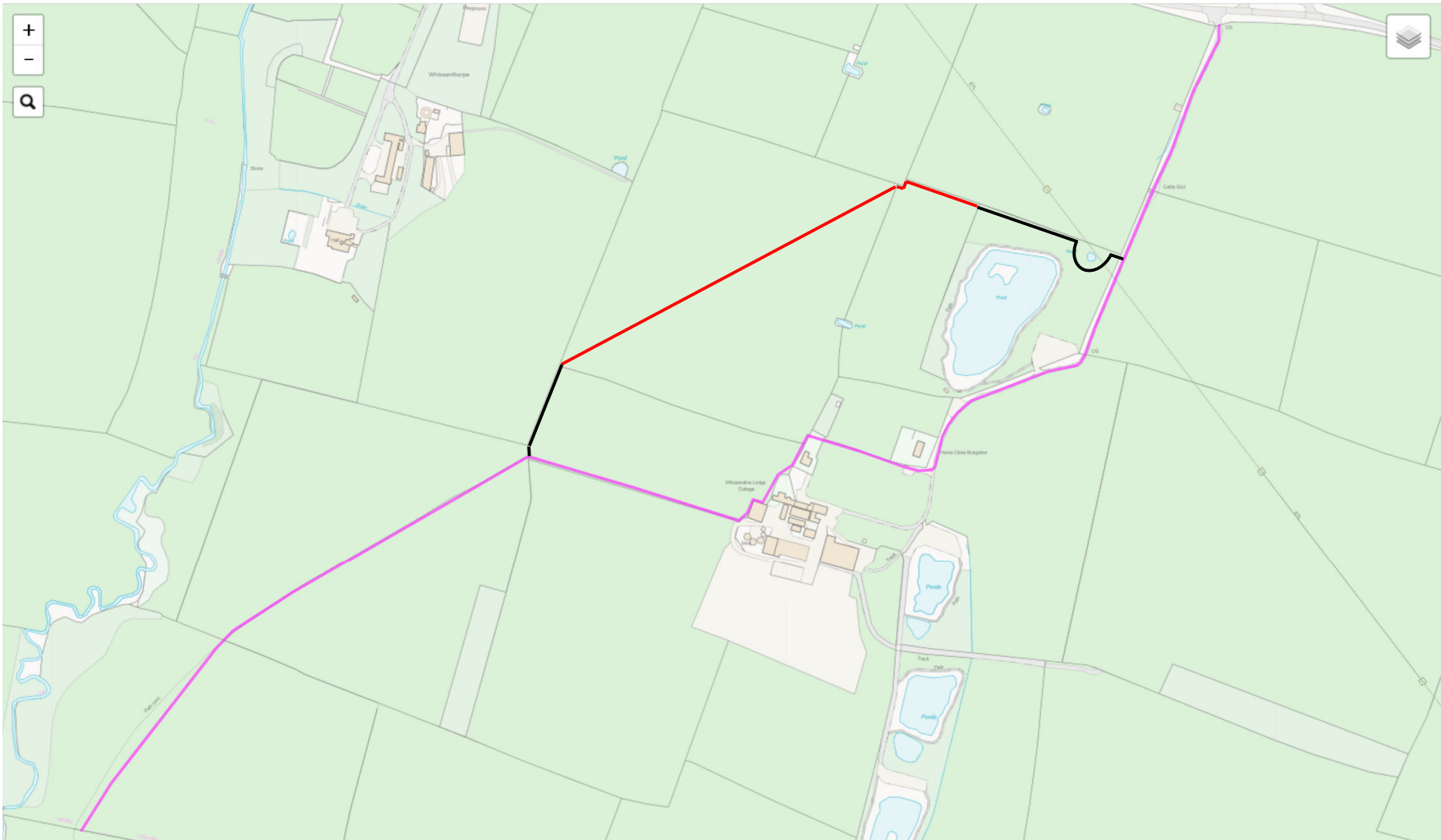
That the report is noted and formal written advice given where required.

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](#).



Original proposal – Red unfenced. Blue fenced.



Amended proposal - Red unfenced. Black unfenced with a geotextile and stone subbase.

Current footpath (purple) is 1465m total length of which.

623 m is on hard surfacing / roadways

842 m is on grass

Original proposal was 1780 m total length of which

270 m is on hard surfacing / roadways

1510 m is on grass

Amended Proposal route is 1405 m in length of which.

270 m is on hard surfacing / roadways

283 m is stoned geotextile subbase (black)

852 m is on grass

Rutland County Council

APPLICATION FOR MODIFICATION ORDER

WILDLIFE & COUNTRYSIDE ACT 1981
DEFINITIVE MAP MODIFICATION ORDERS

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

To: Public Rights of Way Officer, Rutland County Council, Catmose, Oakham LE15 6HP

APPLICATION

~~I/We~~ ROSEMARY HARRIS ON BEHALF OF THE BRITISH HORSE SOCIETY
of ABBEY PARK, STARETON, KENILWORTH, WARKS. 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 NEW TOWN RD, UPPINGHAM. To A6003 LYDDINGTON.....

OR

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

From To

OR

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

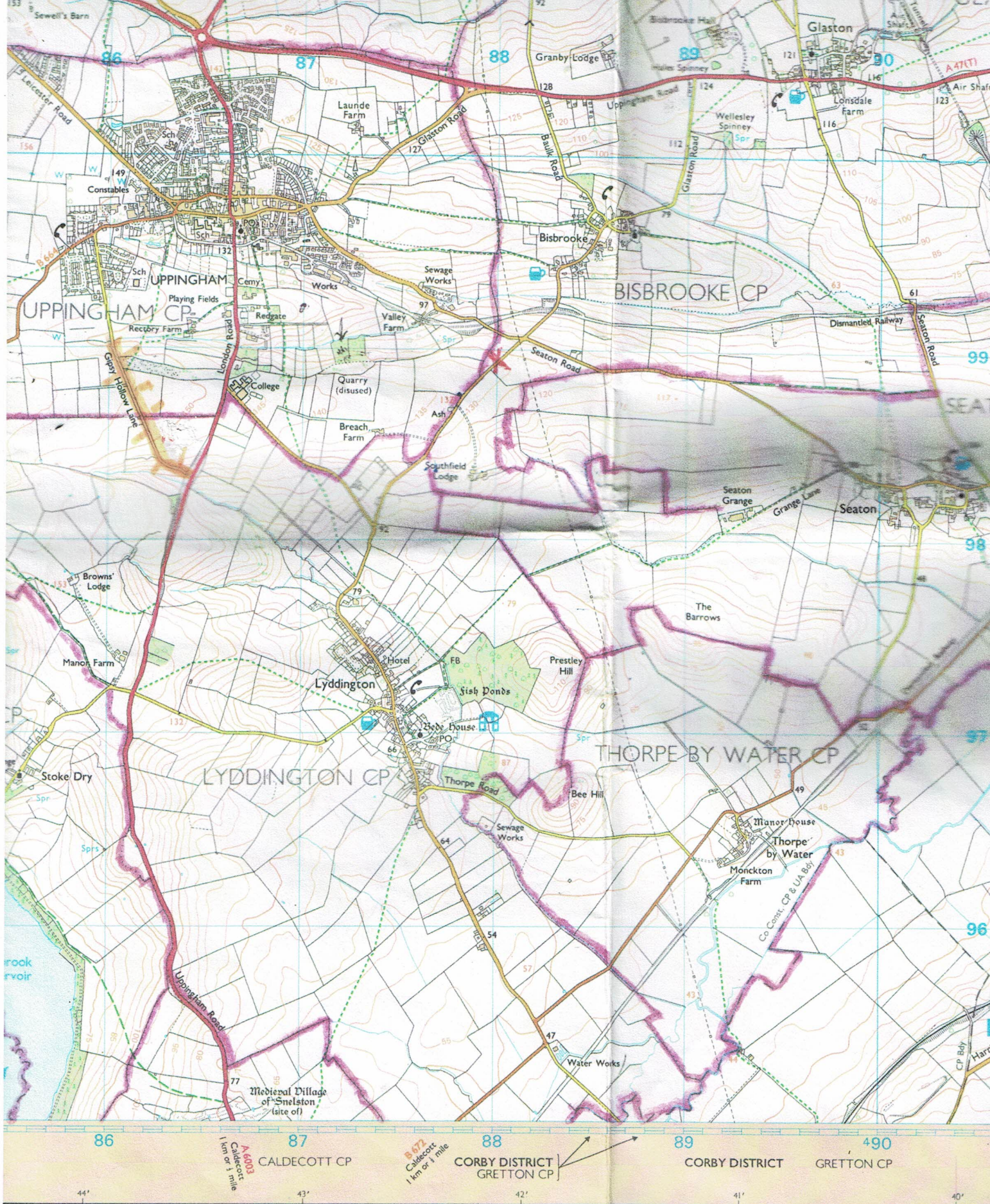
From To

by providing that

(in all cases) and shown on the map annexed hereto.

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

Signed R.E. Harris Dated 31/03/2022



RAILWAYS

- Multiple track
- Single track
- Narrow gauge
- Light rapid transit system (LRTS)
- Road over; road under; level crossing
- Cutting; tunnel; embankment
- Station, open to passengers; siding

PUBLIC RIGHTS OF WAY

OTHER PUBLIC ACCESS

- Other routes with public access (not normally shown in urban areas)
 - National Trail / Long Distance Route; Recreational Route
- The exact nature of the rights on these routes and the existence of any restrictions may be checked with the local highway authority. Alignments are based on the best information available.

Gen

ACCESS

way

ea **7** Junction number

