

Democratic Services & Governance Manager  
Blaby District Council  
Council Offices  
Desford Road  
Narborough  
Leicestershire  
LE19 2EP

Date: 23<sup>rd</sup> August 2018  
My ref: WTJ/HTWMT/3568  
Your ref:  
Contact: William Jackson  
Phone: 0116 3055782  
Email: [william.jackson@leics.gov.uk](mailto:william.jackson@leics.gov.uk)

Dear Sir/Madam

**SECTIONS 118 AND 119 - HIGHWAYS ACT 1980  
DIVERSION OF PUBLIC FOOTPATH Z33 (PART)  
AND EXTINGUISHMENT OF FOOTPATH C39 (PART), KILBY**

I refer to previous correspondence and would inform you that approval has been given for the making of an Order in respect of the above-mentioned matter.

In connection with this matter I am now enclosing for your Council's use a copy of the appropriate Public Notice, Order and explanatory statement and would be grateful if you would acknowledge receipt and display a copy of the Notice in your offices from 30<sup>th</sup> August 2018 to 28<sup>th</sup> September 2018.

Any representation or objection to the making of the Order should be made to this Council not later than 28<sup>th</sup> September 2018.

Yours faithfully



William Jackson  
Legal Assistant (Order Making)

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

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



**LEICESTERSHIRE COUNTY COUNCIL**  
**NOTICE OF MAKING OF DIVERSION ORDER**  
**AND EXTINGUISHMENT ORDER**

**SECTION 119 - HIGHWAYS ACT 1980**  
**PUBLIC FOOTPATH Z33 (PART)**  
**PARISH OF KILBY, DISTRICT OF BLABY**  
**PUBLIC PATH DIVERSION ORDER 2018**

The above Order made on 17<sup>th</sup> August 2018 will divert the part of Footpath Z33 which extends from point "E" on the plan, situate at Grid Reference 46216 29549, in an easterly direction across an agricultural field, through point "D" on the plan, for a distance of approximately 235 metres, to point "F" on the plan, situate at its junction with Wistow Road at Grid Reference 46240 29548. (E-D-F as indicated on the plan).

A new footpath (Z33) in the Parish of Kilby and the District of Blaby, shown by a bold broken line on Plan No. 2456/A, annexed hereto, which extends from point "E" on the plan, previously described, in a generally easterly direction, across an agricultural field, for a distance of approximately 220 metres to point "G" on the plan situate at its junction with existing Footpath C39 and Wistow Road, at Grid Reference 46238 29547. (E-G as indicated on the plan).

**SECTION 118 - HIGHWAYS ACT 1980**  
**PUBLIC FOOTPATH C39 (PART)**  
**PARISH OF KILBY, DISTRICT OF BLABY**  
**PUBLIC PATH EXTINGUISHMENT ORDER 2018**

The Council has also made an Order to extinguish Footpath C39 (Part) that part of Public Footpath C39 in the Parish of Kilby and the District of Blaby, shown by a bold continuous line on Plan No. 2456/B annexed hereto, which extends from point "A" on the plan, situate at its junction with Main Street and Wistow Road at Grid Reference 46221 29533, in a generally north-north-easterly direction along a pathway between houses then through the garden of No. 56 Main Street, for a distance of approximately 60 metres to point "B" on the plan situate at Grid Reference 46222 29538 and then continues in a generally south-easterly direction through the curtilage of No. 4 Wistow Road for a further distance of approximately 25 metres to point "C" on the plan situate at Grid Reference 46225 29537 then continues in a generally north-easterly direction running parallel to Wistow Road, through several fields for a further distance of approximately 180 metres, to point "D" on the plan, situate at its junction with the original route of footpath Z33 at Grid Reference 46239 29548. (A-B-C-D as indicated on the plan).

A copy of the Orders and maps have been placed and may be seen free of charge at Room 200 Main Building, County Hall, Glenfield, Leicester LE3 8RA and the offices of Blaby District Council, Council Offices, Desford Road, Narborough, LE19 9EP during office opening hours. A copy has also been sent to Kilby Parish Council. Copies of the Orders and maps may be purchased at a cost of £15 each.

Any representation about or objection to the Order may be sent in writing to me at the undermentioned address quoting reference WTJ/HTWMT/3568 not later than 28<sup>th</sup> September 2018. Please state the grounds on which it is made.

If no such representation or objection is duly made, or if any so made are withdrawn, the Leicestershire County Council may confirm the Order as unopposed. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation any representation or objection which has not been withdrawn will be sent with the Order.

Dated: 30<sup>th</sup> August 2018  
Lauren Haslam, Director of Law & Governance  
County Hall, Glenfield, Leicester LE3 8RA



**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 118 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH C39 (PART)**

**PARISH OF KILBY, DISTRICT OF BLABY**

**PUBLIC PATH EXTINGUISHMENT ORDER 2018**

LEICESTERSHIRE COUNTY COUNCIL

SECTION 118 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH C39 (PART)

PARISH OF KILBY

DISTRICT OF BLABY

PUBLIC PATH EXTINGUISHMENT ORDER 2018

This Order is made by Leicestershire County Council ("the authority") under Section 118 of the Highways Act 1980 (hereinafter called "the 1980 Act") because it appears to the authority that the footpath described in paragraph 1 below is not needed for public use.

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

**BY THIS ORDER**

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

3. This Order may be cited as the "Leicestershire County Council (Extinguishment of Public Footpath C39 (Part), Parish of Kilby) Public Path Extinguishment Order 2018."

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH C39 (PART)

TO BE EXTINGUISHED

That part of Public Footpath C39 in the Parish of Kilby and the District of Blaby, shown by a bold continuous line on Plan No. 2456/B annexed hereto, which extends from point "A" on the plan, situate at its junction with Main Street and Wistow Road at Grid Reference 46221 29533, in a generally north-north-easterly direction along a pathway between houses then through the garden of No. 56 Main Street, for a distance of approximately 60 metres to point "B" on the plan situate at Grid Reference 46222 29538 and then continues in a generally south-easterly direction through the curtilage of No. 4 Wistow Road for a further distance of approximately 25 metres to point "C" on the plan situate at Grid Reference 46225 29537 then continues in a generally north-easterly direction running parallel to Wistow Road, through several fields for a further distance of approximately 170 metres, to point "D" on the plan, situate at its junction with the original route of footpath Z33 at Grid Reference 46239 29548. (A-B-C-D as indicated on the plan).

THE COMMON SEAL of THE LEICESTERSHIRE )  
COUNTY COUNCIL was hereunto affixed )  
this 17<sup>th</sup> day of August 2018 in the presence of: )

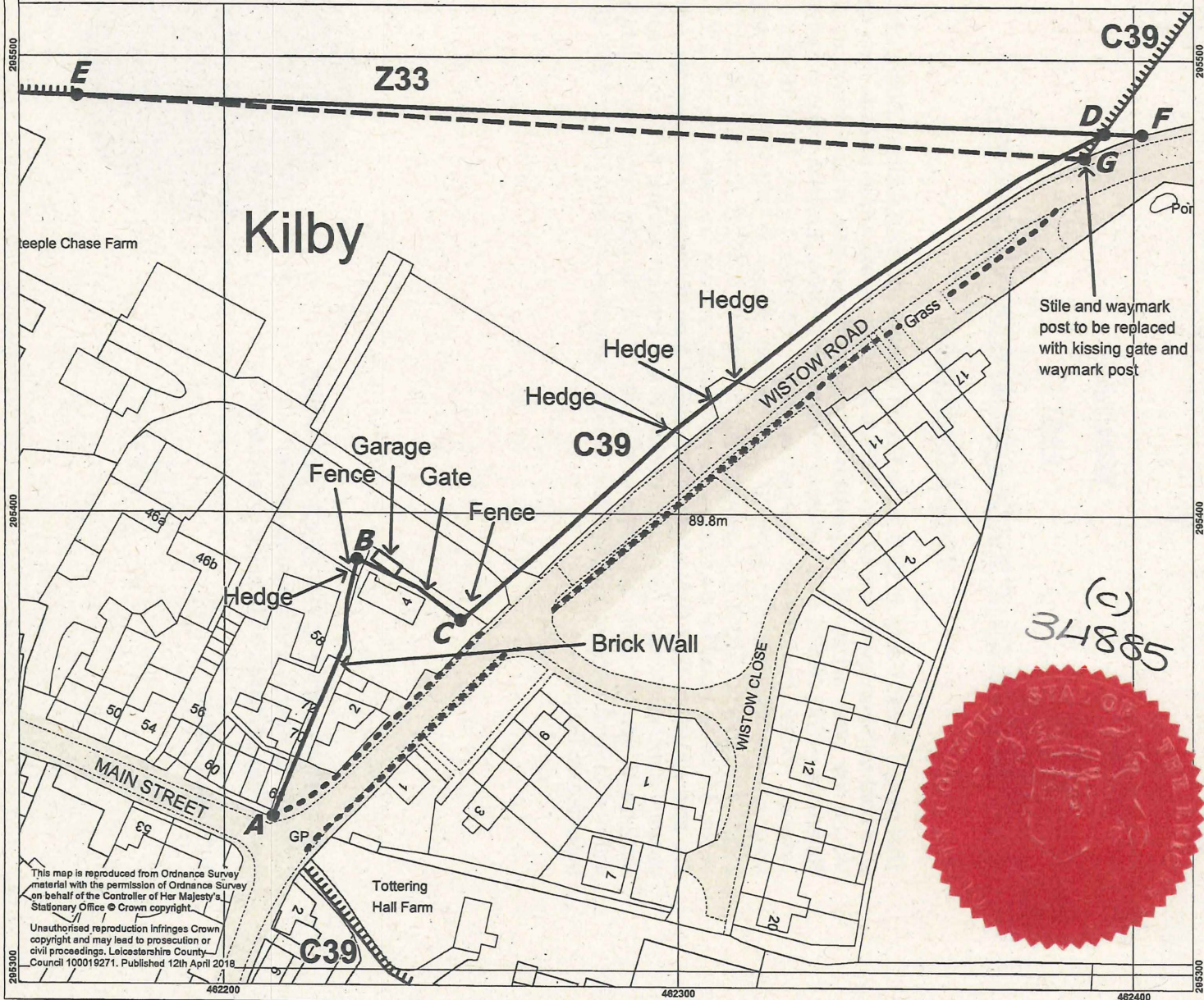
Authorised Officer

*AKC*

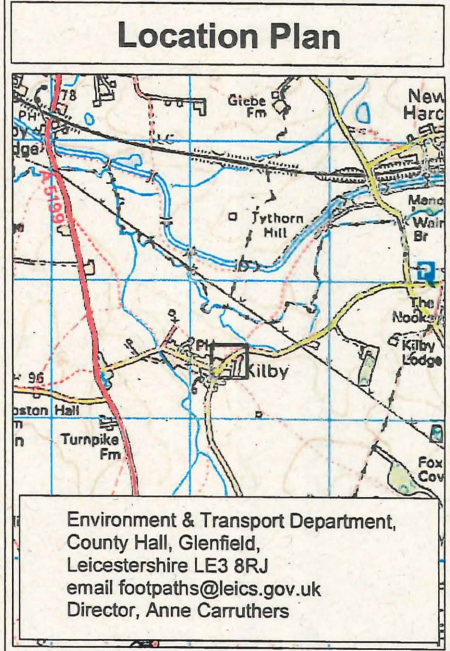


34885  
(B)

# Leicestershire County Council (Public Footpath C39 (Part) Parish of Kilby) Public Path Extinguishment Order 2018



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- ### Key
- Footpath to be stopped up by this Order A-B-C-D
  - Footpath to be diverted by separate order E-D-F
  - New footpath to be created by separate order E-G
  - Footpaths unaffected
  - surfaced footway/access



**Plan No. 2456/B**  
Scale 1:1250



**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH Z33 (PART)**

**PARISH OF KILBY, DISTRICT OF BLABY**

**PUBLIC PATH DIVERSION ORDER 2018**

LEICESTERSHIRE COUNTY COUNCIL

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH Z33 (PART)

PARISH OF KILBY

DISTRICT OF BLABY

PUBLIC PATH DIVERSION ORDER 2018

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

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

BY THIS ORDER

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

undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

3. There shall at the end of 30 days from the date of confirmation of this Order be a public footpath over the land at Kilby described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order.
4. Notwithstanding the provisions of Article 1 these provisions for the extinguishment of the public right of way shall not come into force until the Leicestershire County Council acting by its proper officer shall have certified that the agreed works have been carried out to its satisfaction in accordance with Section 119(3) of the 1980 Act.
5. This Order may be cited as the "Leicestershire County Council (Public Footpath Z33 (Part), Kilby) Public Path Diversion Order 2018."

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING FOOTPATH Z33 (PART) TO BE DIVERTED

That part of public footpath Z33 in the Parish of Kilby, and the District of Blaby shown as a bold continuous line on Plan No. 2456/A annexed hereto, which extends from point "E" on the plan, situate at Grid Reference 46216 29549, in an easterly direction across an agricultural field, through point "D" on the plan, for a distance of approximately 225 metres, to point "F" on the plan, situate at its junction with Wistow Road at Grid Reference 46240 29548. (E-D-F as indicated on the plan).

*The footpath to be diverted has no recorded width.*

PART 2

DESCRIPTION OF SITE OF NEW FOOTPATH Z33 TO BE CREATED

A new footpath (Z33) in the Parish of Kilby and the District of Blaby, shown by a bold broken line on Plan No. 2456/A, annexed hereto, which extends from point "E" on the plan, previously described, in a generally easterly direction, across an agricultural field, for a distance of approximately 210 metres to point "G" on the plan situate at its junction with existing Footpath C39 and Wistow Road, at Grid Reference 46238 29547. (E-G as indicated on the plan).

The new footpath will have a width of 1.8 metres

Works

Existing stile and waymark post at point "G" on the plan, to be replaced by L.C.C. design compatible kissing gate and waymark post.

PART 3

LIMITATIONS AND CONDITIONS

NONE

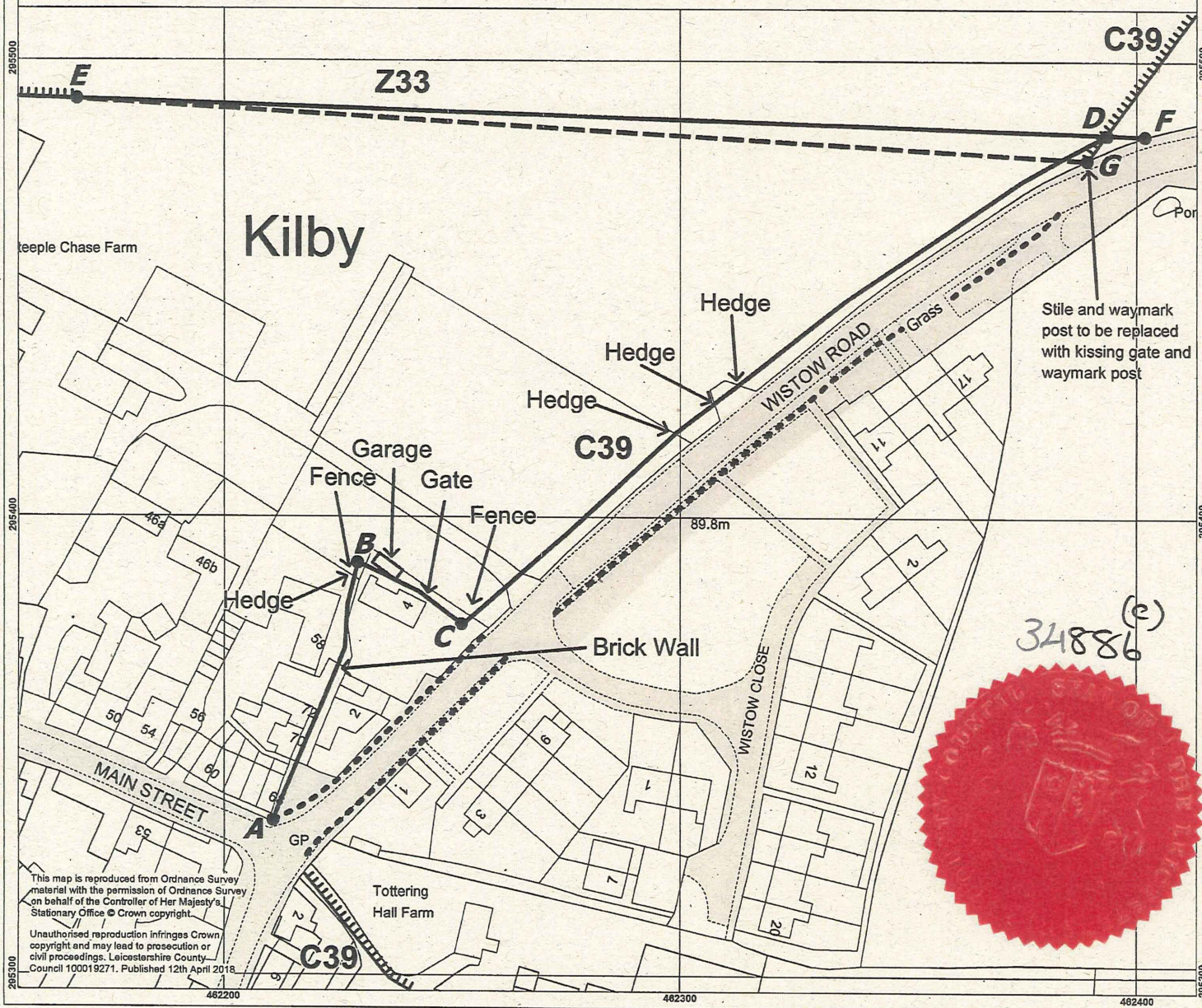
THE COMMON SEAL of THE LEICESTERSHIRE )  
COUNTY COUNCIL was hereunto affixed )  
this 17<sup>th</sup> day of August 2018 in the presence of: )

Authorised Officer

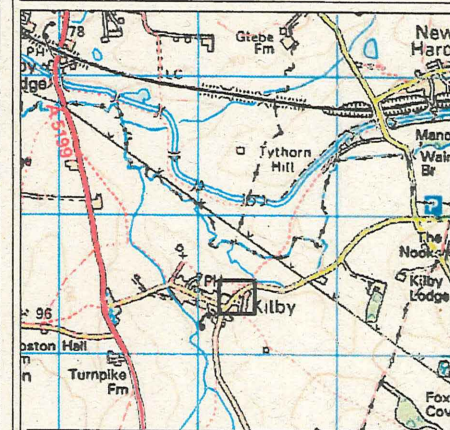
*ML*



# Leicestershire County Council (Public Footpath Z33 (Part) Parish of Kilby) Public Path Diversion Order 2018








## Location Plan



Environment & Transport Department,  
County Hall, Glenfield,  
Leicestershire LE3 8RJ  
email [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk)  
Director, Anne Carruthers

## Key

-  Footpath to be stopped up by this Order E-D-F
-  Alternative new footpath E-G
-  Footpath to be stopped up by separate order A-B-C-D
-  Footpaths unaffected
-  surfaced footway/access



**Plan No. 2456/A**  
Scale 1:1250

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**LEICESTERSHIRE COUNTY COUNCIL**

**STATEMENT**

**SECTION 119 - HIGHWAYS ACT 1980**  
**PUBLIC FOOTPATH Z33 (PART)**  
**PARISH OF KILBY, DISTRICT OF BLABY**  
**PUBLIC PATH DIVERSION ORDER 2018**

and

**SECTION 118 - HIGHWAYS ACT 1980**  
**PUBLIC FOOTPATH C39 (PART)**  
**PARISH OF KILBY, DISTRICT OF BLABY**  
**PUBLIC PATH EXTINGUISHMENT ORDER 2018**

Under the Highways Act 1980, County and District Councils have the power to make Orders to create, extinguish (close) or divert public rights of way. A notice that such an Order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The Leicestershire County Council (hereinafter referred to as "the Council") has made an Order to divert part of the public right of way known as Public Footpath Z33 at Kilby in the District of Blaby. The Council has also made an Order to extinguish the public right of way known as Public Footpath C39 at Kilby. This statement has been prepared to explain various aspects of the Orders.

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

The application has been made in the interests of the landowner and is seeking the diversion and extinguishment for the following reasons:-

1. The matter was prompted when the Rights of Way Inspector recently became aware of an old brick wall erected across the legal line of footpath C39. It would appear that the path has not been available since at least 1982. An old Title Record for No. 58 Main Street, Kilby dating back to 1982 described the path as "formerly running" suggesting that physically, if not legally, the path was unavailable prior to 1982. The authority has no record of any requests from either local residents, the wider public or user groups to have it reopened.
2. Also included in the consultation is the obstructed section of Footpath C39 on land which is owned by the County Council and tenanted to a local farmer (section running approximately from point C to D) and a minor diversion of Footpath Z33.
3. It is considered that the footpath would not serve a great deal of purpose, paralleling, as it does, Wistow Road which has good pavements and grass verges.

The Council is satisfied that the Orders comply with the following legal grounds and tests laid down in the Highways Act namely that the alternative route is not substantially less convenient to the public as the existing route.

The Orders will come into effect only after it has been confirmed; making and advertising the Order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the Order must be made in writing by 28<sup>th</sup> September 2018 and addressed to the Director of Law & Governance, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RA. Please quote reference WTJ/HTWMT/3568 on all correspondence.

The Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Please contact Piers Lindley on Leicester (0116) 3057085 or Will Jackson on Leicester (0116) 3055782.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the Council will have to refer the Order and objections to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a Public Inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received to the Order, the Council will be able to confirm the Order itself as an unopposed Order but it does not have the power to modify Orders. Where a new path is being created (by a creation or diversion Order) the change will come into effect only after the specified period from the date of confirmation to allow time for any necessary works to be undertaken.