

Definitive Map of Rights of Way for Leicestershire Register of Definitive Map Modification Order Applications

Short Description: From Watergate Lane, Braunstone Town across rough fields to Footpath W9 near Staplehurst Avenue.			
Application No.:	M1010	Legal Services Ref. No.:	HTWMT/XXX
Application Status:	Under consideration		
Geographical Location			
Path No:	W133	Route name (if known):	
Settlement:	Braunstone Town		
Parish:	Braunstone Town		
District/Borough:	Blaby		
Nearest Town/City:	Leicester		
Nearest Postcode:	LE3 2XQ		
Start Grid Refs:	Landranger:	SP 552 012	Eastings,Northings: 45521 30127
End Location:			
End Grid Refs:	Landranger:	SP 552 015	Eastings,Northings: 45523 30155
Applicant's Name, Address & Postcode:			
Mr. D. Tilley, Executive Officer, on behalf of Braunstone Town Council, Braunstone Civic Centre, Kingsway, Braunstone Town, LEICESTER, LE3 2PP.			
Date Received:	20/06/2014	Date Determined:*	
Application Stage(s):			
• Under consideration			
For Further Information			
Case Officer:	Piers Lindley		
Telephone:	0116 305 7087	Fax:	0116 305 7014
Email:	footpaths@leics.gov.uk		
Contents List:			Page:
Application Form			2
Map accompanying the application			3
Additional Documents			4-9
Inspector's Decision			

* Note the **Determination Date** is the occasion on which Leicestershire County Council formally decided whether or not to make an order in response to this application.



BRAUNSTONE TOWN COUNCIL

www.braunstonetowncouncil.org.uk

Darren Tilley – Executive Officer & Town Clerk

Email: executiveofficer@braunstonetowncouncil.org.uk

Braunstone Civic Centre, Kingsway, Braunstone Town, Leicester LE3 2PP

Telephone: 0116 2899270 Fax: 0116 2824785 VAT Reg No. 114762482

Civic Centre Reception & Bookings, Connect Service Shop
Thorpe Astley Community Centre Bookings

Tel: 0116 2890045
Tel: 0116 2890704

Fax: 0116 2824785

With Compliments



APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE

Please complete this form and return it together with Form PT636, and any evidence you wish to submit, to: Travel Choice & Access Team, Environment and Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.

I/We...Darren Tilley, Executive Officer and Town Clerk.....

of...Braunstone Town Council.....

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981, modifying the Definitive Map and Statement for the area by

~~*adding a footpath/bridleway/byway open to all traffic~~

~~*deleting a footpath/bridleway/byway open to all traffic~~

~~*upgrading the footpath/bridleway~~

~~*downgrading the bridleway/byway open to all traffic~~

~~*varying the particulars in the Definitive Statement relating to the footpath/bridleway/byway open to all traffic~~

(*delete as appropriate)

which runs from... Watergate Lane, Braunstone Town.....

to... Footpath W9, off Staplehurst Avenue, Braunstone Town

as shown on the attached plan.

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

List of Documents

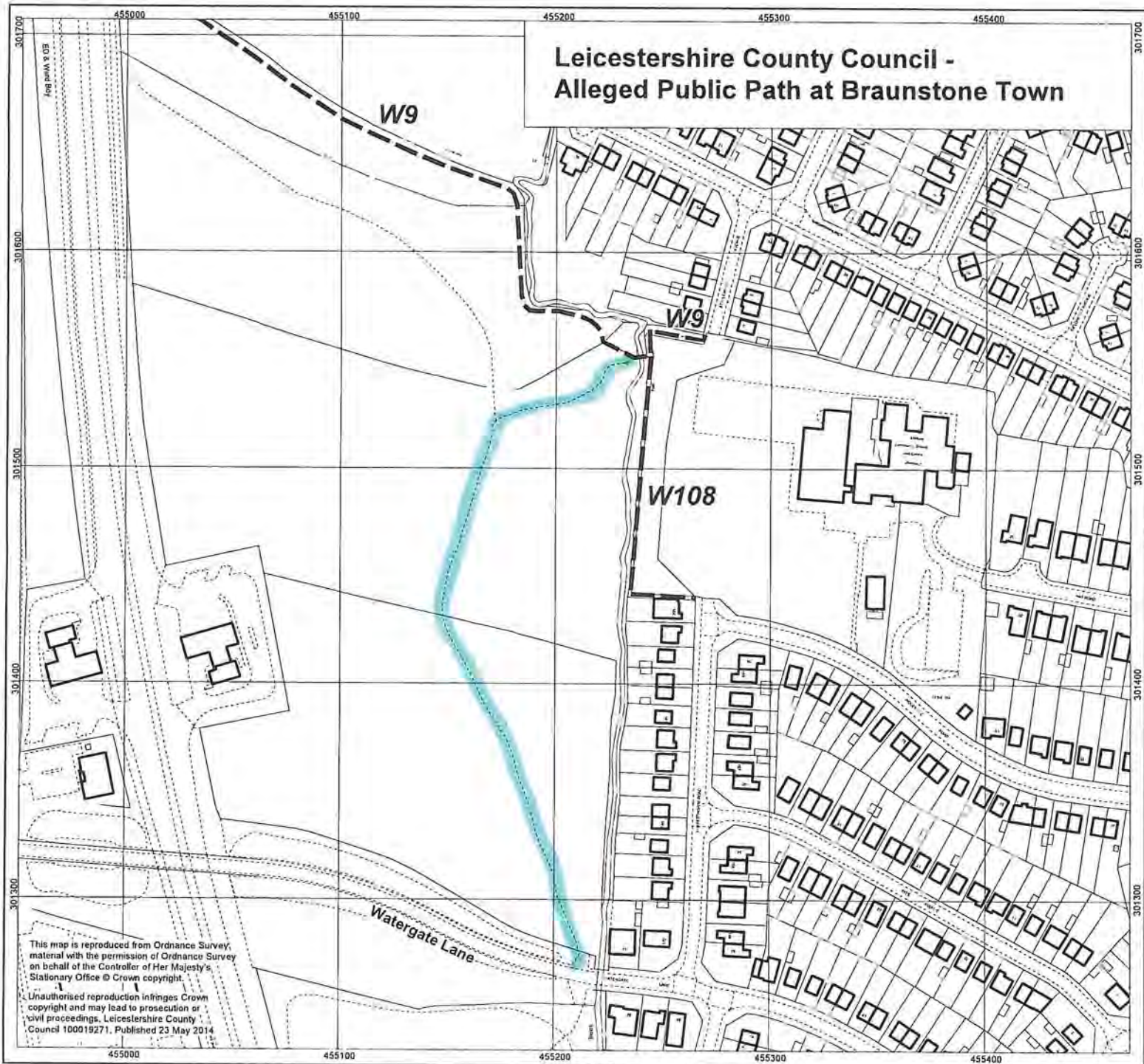
- Evidence from Mrs E A Langham includes: Evidence Form dated 17th June 2014; Map of route; letter dated 6th February 2014.
- Evidence from Mr J Johnson includes: Evidence Form dated 16th June 2014; Map of route; letter dated 30th January 2014.
- Evidence from Mr Jack & Mrs Barbara Haselgrove and Mr John Haselgrove includes: Evidence Form dated 16th June 2014; Map of route; letter dated 15th January 2014.
- Google Earth Satellite Images (2006 and 1999 showing well established route).
- Images from Google Earth showing access prior to changes made by the Environment Agency.
- Picture of entrance gate installed by the Environment Agency.
- Decision of Braunstone Town Council Planning and Environment Committee 27th February 2014 to formally request a Definitive Map Modification Order.

Signed.....



.....Dated...20th June 2014.....

Darren Tilley



Location Plan

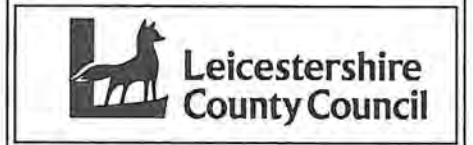


Key

- Claimed public right of way
- Existing footpaths

Please mark the route of the alleged public right of way in red ink on this plan

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Phil Crossland, Director



Plan No. APP1
Scale 1:2500



Google earth

feet
meters



2006.



Google earth

feet
meters



MAGE. 1999.

Below are images from Google Earth showing the access from Watergate Lane prior to the Environment Agency changing the access. The images show that there was pedestrian access to the side of the gate with three wooden posts.



Below is the entrance gate that has been installed by the Environment Agency, which is currently locked due to the area being used as a compound as part of the works currently taking place.



BRAUNSTONE TOWN COUNCIL

EXTRACT FROM THE REPORT OF THE PLANS & ENVIRONMENT COMMITTEE

27TH FEBRUARY 2014 AT 7.30PM

Present: Mr G Sanders (In the Chair), Miss A Ambrose, Mr R Berrington, Miss S Betts, Mr J Dodd (Ex-Officio), Mrs I Whailing, Mr W Wright.

Officers in Attendance: Miss J Leech, Assistant Executive Officer – Admin.

Apologies: Mr S Maxwell, Mr D Widdowson.

6. Pedestrian Access from Watergate Lane on land to east of Lubbesthorpe Way

- a) It was noted that an article had been published in the Braunstone Life to encourage residents to provide evidence that there had been public access across the area of open land off Watergate Lane to the rear of Lubbesthorpe Road for a continuous period of twenty years, and Members received the copies of the responses from residents.
- b) A draft letter from the Town Council to Leicestershire County Council's Rights of Way Department making a formal request for the following was received:-
- i) The reinstatement of the long established pedestrian right of way leading from the Watergate Lane field gate and onto open land to the north.
 - ii) The formal recognition as a Public Footpath the pedestrian route, from the Watergate Lane field gate to a point where it joins public footpath W9.
 - iii) Arrangements for the section of path between Watergate Lane and Public Footpath W9 to be included on the Definitive Map and the pedestrian access to be reinstated.
 - iv) That a Definitive Map Modification Order be applied for the W9 footpath.

RESOLVED

That the letter be submitted to Leicestershire County Council.

NOTE:

CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime & Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.

EQUALITIES ACT 2010

Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and;
- foster good relations between different groups

To ensure that no person receives less favorable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

These issues were considered in connection with each of the above decisions. Unless otherwise stated under each item of this report, there were no implications.