

**LEICESTERSHIRE COUNTY COUNCIL**

**NOTICE OF MAKING OF AN ORDER**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH V84 (PART) AND V85 (PART) AT OPTIMUS POINT**

**IN THE PARISH OF KIRBY MUXLOE**

**AND THE DISTRICT OF BLABY**

**PUBLIC PATH DIVERSION ORDER 2021**

The above Order made on 28<sup>th</sup> January 2021 will divert that part of Public Footpath V84 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 which extends from Point A, situated at Grid Reference 45304 30455, in a generally north-westerly direction for a distance of approximately 275 metres to Point B at Grid Reference 45290 30478 then in generally north-westerly then north-north-westerly directions for a distance of 300 m to Point C situated at Grid Reference 45279 30506.

Also, that part of Public Footpath V84 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 which extends from Point D, situated at Grid Reference 45278 30510, in generally north-north-westerly then north-north-easterly directions for a distance of approximately 260 metres to Point E situated at Grid Reference 45277 30535.

The above Order will also divert that part of Public Footpath V85 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 which extends from Point I situated at Grid Reference 45308 30466 in a generally north-westerly direction for a distance of approximately 100 metres to Point K situated at Kirby Road at Grid Reference 45300 30472.

Also, that part of Public Footpath V85 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 which extends from Point K previously described in a generally north-westerly direction for a distance of approximately 120 metres to Point B at a junction with Footpath V84, previously described.

The alternative route for part of footpath V84, as shown by broken black dashes on Plan No.2551, will extend from the point marked A previously described in generally easterly then north-westerly directions for a distance of approximately 290 metres to Point F at the junction with the new Footpath V85 at Grid Reference 45293 30478 and then in a generally north-westerly direction for a distance of approximately 325 metres to Point C previously described.

The alternative route for the second part of footpath V84, as shown by broken black dashes on Plan No.2551 will extend from the point marked D previously described in generally north-easterly then north-westerly then west-north-westerly directions for a distance of approximately 320 metres to Point H at the junction with the Kirby Road at Grid Reference 45275 30535.

The alternative route for part of footpath V85, as shown by broken black dashes on Plan No.2551, which will extend from the point marked I previously described in a generally westerly then north-westerly directions for a distance of approximately 40 metres to Point J at the junction with the Kirby Road at Grid Reference 45304 30468.

The alternative route for the second part of Footpath V85, as shown by broken black dashes on Plan No.2551, which will extend from the point marked F previously described situated at a junction with Footpath V84 in a generally east-north-easterly direction for a distance of approximately 30 metres to Point G at the junction with the Kirby Road at Grid Reference 45296 30479.

A copy of the Orders and maps can be seen upon request by emailing [Customerservices@leics.gov.uk](mailto:Customerservices@leics.gov.uk) or telephoning 0116 3050001. A copy has been sent to Blaby District Council, Council Offices, Desford Road, Narborough, Leicester LE19 2EP and Kirby Muxloe Parish Council.

Any representation about or objection to the Order may be sent in writing to me at the undermentioned address quoting reference SR/HTWMT/4675 not later than 3<sup>rd</sup> March 2021. 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 3<sup>rd</sup> February 2021

Lauren Haslam, Director of Law & Governance  
County Hall, Glenfield, Leicestershire, LE3 8RA

LEICESTERSHIRE COUNTY COUNCIL  
STATEMENT  
SECTION 119 - HIGHWAYS ACT 1980  
PUBLIC FOOTPATHS V84 (PART) AND V85 (PART) AT OPTIMUS POINT  
IN THE PARISH OF KIRBY MUXLOE  
AND THE DISTRICT OF BLABY  
PUBLIC PATH DIVERSION ORDER 2021

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 rights of way known as Footpath V84 and Footpath V85 at Optimus Point, Kirby Muxloe. This statement has been prepared to explain various aspects of the Order.

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 for the following reasons: -

1. To enhance the footpath routes and co-ordinate with the Optimus Point development and landscaping.
2. To provide a diversion which is not significantly less convenient than the current route and that will have a negligible effect on the public's use and enjoyment of the path as a whole.

The Council is satisfied that the Order complies 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 Order 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 3<sup>rd</sup> March 2021 and addressed to the Director of Law & Governance, Leicestershire County Council, County Hall, Glenfield, Leicestershire, LE3 8RA. Please quote reference SR/HTWMT/4675 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 Stephen Tipping on Leicester (0116) 3057084 or Sophie Robinson 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.



**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH V84 (PART) AND V85 (PART) AT OPTIMUS POINT**

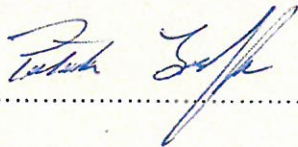
**IN THE PARISH OF KIRBY MUXLOE**

**AND THE DISTRICT OF BLABY**

**HTWMT/4675**

In accordance with the Scheme of Delegation, I confirm on behalf of the Director of Law & Governance the exercise of her Delegated Power to make the above Order made under Section 119 of the Highways Act 1980.

Signed.....



Dated.....

28 / 1 / 21

On behalf of Lauren Haslam  
Director of Law and Governance

**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH V84 (PART) AND V85 (PART) AT OPTIMUS POINT**

**IN THE PARISH OF KIRBY MUXLOE**

**AND THE DISTRICT OF BLABY**

**PUBLIC PATH DIVERSION ORDER 2021**

LEICESTERSHIRE COUNTY COUNCIL

SECTION 119 - HIGHWAYS ACT 1980

PUBLIC FOOTPATH V84 (PART) AND V85 (PART) AT OPTIMUS POINT

IN THE PARISH OF KIRBY MUXLOE

AND THE DISTRICT OF BLABY

PUBLIC PATH DIVERSION ORDER 2021

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 footpaths and described in paragraph 1 of this Order it is expedient that the line of the footpaths 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 rights of way over the land situated at Optimus Point, Kirby Muxloe and shown by bold continuous lines on the map contained in this Order and described in Part 1 and Part 2 of Schedule 1 to this Order shall be stopped up after 30 days from the date of this Order.
2. Notwithstanding anything contained in paragraph 1 where immediately before the date on which the public rights of way referred to therein are diverted in pursuance of this Order, there is apparatus on, under or over the rights 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 public footpaths over the land at Optimus Point, Kirby Muxloe described in Part 1 and Part 2 of Schedule 2 and shown by bold broken lines on the map contained in this Order.
  
4. Notwithstanding the provisions of Article 1 these provisions for the extinguishment of the public rights 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 V84 (Part) and V85 (Part) at Optimus Point, in the Parish of Kirby Muxloe and the District of Blaby) Public Path Diversion Order 2021."



## SCHEDULE 1

### PART 1

#### DESCRIPTION OF SITE OF EXISTING FOOTPATH V84 (PART) TO BE DIVERTED

That part of Public Footpath V84 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 annexed hereto which extends from Point A, situated at Grid Reference 45304 30455, in a generally north-westerly direction for a distance of approximately 275 metres to Point B at Grid Reference 45290 30478 then in generally north-westerly then north-north-westerly directions for a distance of 300 m to Point C situated at Grid Reference 45279 30506.

Also, that part of Public Footpath V84 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 annexed hereto which extends from Point D, situated at Grid Reference 45278 30510, in generally north-north-westerly then north-north-easterly directions for a distance of approximately 260 metres to Point E situated at Grid Reference 45277 30535.

The footpaths to be diverted have no defined width.

### PART 2

#### DESCRIPTION OF SITE OF EXISTING FOOTPATH V85 (PART) TO BE DIVERTED

That part of Public Footpath V85 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 annexed hereto which extends from Point I situated at Grid Reference 45308 30466 in a generally north-westerly direction for a distance of approximately 100 metres to Point K situated at Kirby Road at Grid Reference 45300 30472.

Also, that part of Public Footpath V85 within the Parish of Kirby Muxloe and the District of Blaby as shown by a bold black line on Plan No.2551 annexed hereto which extends from Point K previously described in a generally north-westerly direction for a distance of approximately 120 metres to Point B at a junction with Footpath V84, previously described.

The footpaths to be diverted have no defined width.

## SCHEDULE 2

### PART 1

#### DESCRIPTION OF SITE OF ALTERNATIVE FOOTPATHS V84 TO BE CREATED

A footpath within the Parish of Kirby Muxloe and the District of Blaby to be known as V84, as shown by broken black dashes on Plan No.2551 annexed hereto, which will extend from the point marked A previously described in generally easterly then north-westerly directions for a distance of approximately 290 metres to Point F at the junction with the new Footpath V85 at Grid Reference 45293 30478 and then in a generally north-westerly direction for a distance of approximately 325 metres to Point C previously described.

Also, a footpath within the Parish of Kirby Muxloe and the District of Blaby to be known as V84, as shown by broken black dashes on Plan No.2551 annexed hereto, which will extend from the point marked D previously described in generally north-easterly then north-westerly then west-north-westerly directions for a distance of approximately 320 metres to Point H at the junction with the Kirby Road at Grid Reference 45275 30535.

The new footpaths will have a width of 2 metres between Grid References 45304 30455 and 45279 30506 and between 45278 30510 and 45275 30535

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE FOOTPATH V85 TO BE CREATED

A footpath within the Parish of Kirby Muxloe and the District of Blaby to be known as V85, as shown by broken black dashes on Plan No.2551 annexed hereto, which will extend from the point marked I previously described in a generally westerly then north-westerly directions for a distance of approximately 40 metres to Point J at the junction with the Kirby Road at Grid Reference 45304 30468.

Also, a footpath within the Parish of Kirby Muxloe and the District of Blaby to be known as V85, as shown by broken black dashes on Plan No.2551 annexed hereto, which will extend from the point marked F previously described situated at a junction with Footpath V84 in a generally east-north-easterly direction for a distance of approximately 30 metres to Point G at the junction with the Kirby Road at Grid Reference 45296 30479.

The alternative footpaths will have a width of 2 metres between Grid References 45308 30466 and 445304 30468 and between 45293 30478 and 45296 30479

PART 3

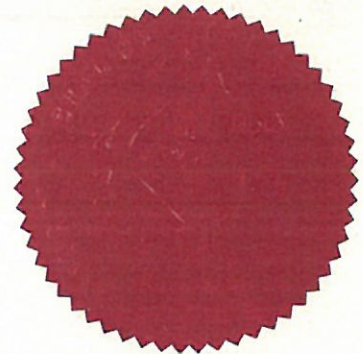
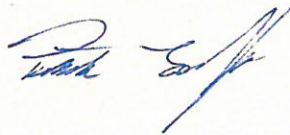
LIMITATIONS AND CONDITIONS

NONE

37698

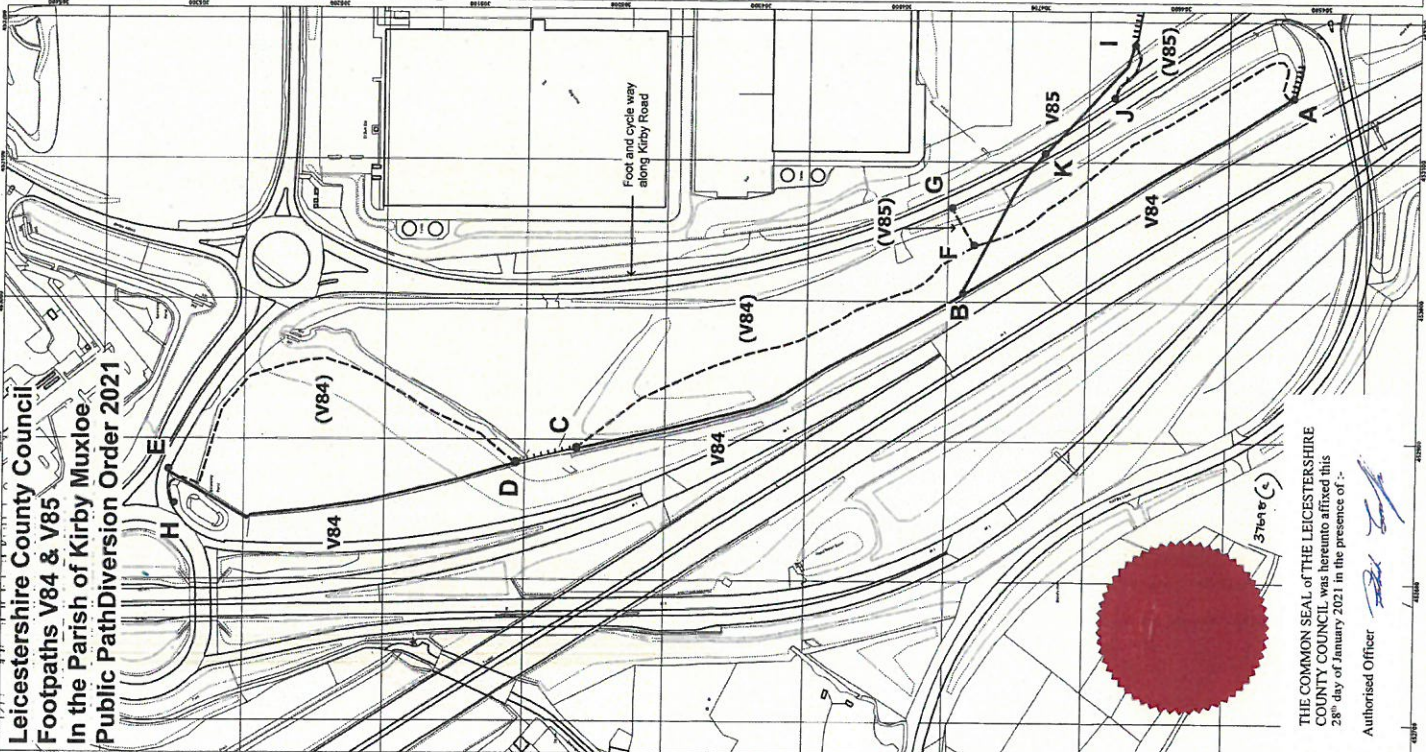
THE COMMON SEAL of THE LEICESTERSHIRE )  
COUNTY COUNCIL was hereunto affixed )  
this 28<sup>th</sup> day of January 2021 in the presence of: )

Authorised Officer

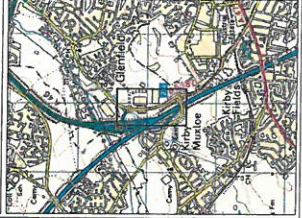




**Leicestershire County Council  
Footpaths V84 & V85  
In the Parish of Kirby Muxloe  
Public Path Diversion Order 2021**



**Location Plan**



**Key**

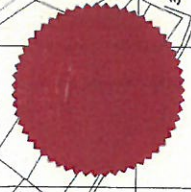
- Footpaths V84 to be diverted A-B-C and D-E
- Footpath V85 to be diverted I-E
- Alternative V84 footpaths to be created A-F-C and D-H
- Alternative V85 footpaths to be created I-J and G-F
- Unaffected Footpaths
- Shared use Footway J-G

**Location**  
Postcode: LE3 5JT  
Grid Ref: 45284 30600  
Lat/Lng: 52.640219 -1.220623

Environment & Transport Department,  
County Hall, Garfield,  
Leicestershire LE3 8RJ  
Email: footpaths@leics.gov.uk  
Director APH, Garfielders

**Leicestershire County Council**

**Plan No.2551**  
Scale 1:2500 at A3



THE COMMON SEAL OF THE LEICESTERSHIRE COUNTY COUNCIL was hereunto affixed this 28<sup>th</sup> day of January 2021 in the presence of :-  
Authorised Officer

Kirby Muxloe Parish Council

Date: 2<sup>nd</sup> February 2021  
My Ref: SR/HTWMT/4675  
Contact: Sophie Robinson  
Phone: 0116 3055782  
Email: [sophie.robinson@leics.gov.uk](mailto:sophie.robinson@leics.gov.uk)

Dear Sir or Madam,

SECTION 119 – HIGHWAYS ACT 1980  
PUBLIC FOOTPATH V84 (PART) AND V85 (PART) AT OPTIMUS POINT  
IN THE PARISH OF KIRBY MUXLOE  
AND THE DISTRICT OF BLABY  
PUBLIC PATH DIVERSION ORDER 2021

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

In connection with this matter I am now enclosing for your use a copy of the appropriate Public Notice, Order and Explanatory Statement and would be grateful if you acknowledge receipt and display a copy of the Notice on your notice board from 3<sup>rd</sup> February 2021 to 3<sup>rd</sup> March 2021.

Any representation or objection to the making of the Orders should be made to this Council not later than 3<sup>rd</sup> March 2021.

Yours faithfully

Sophie Robinson  
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

[www.leicestershire.gov.uk](http://www.leicestershire.gov.uk)