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Mr H Stewart
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Your Ref: M1027
Our Ref: FPS/M2460/14D/2
Date: 7 March 2017

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 SCHEDULE 14

Leicestershire County Council

Application for the addition of a footpath between Prior Park Road and South Street, Ashby-de-la-Zouch

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to your application on 20 December 2016 for a direction to be given to Leicestershire County Council under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 ("the Act"). The direction you have sought would require the Council to determine your application for an order, under section 53(5) of the Act, to modify the Council's Definitive Map and Statement of public rights of way for the area so as to add to it a footpath running between South Street and Prior Park Road in Ashby de la Zouch.
2. The Council was consulted about your request for a direction on 9 January 2017 as required by the Act. The Council's formal response was received on 21 February 2017.
3. The Secretary of State takes a number of issues into account in considering how to respond to such requests and whether she should direct an authority to determine an application for an order within a specific period. These issues include any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date; the reasonableness of such priorities; any actions that the authority has taken or expressed intentions to take or further action on the application in question; the circumstances of the case; and any views expressed by the applicant.

Your case

4. You applied for a modification order on 1 February 2015 and nothing has happened since then. You spent considerable time and effort in collecting user evidence forms. You feel that the fact that the land over which the alleged path runs is in the

ownership of the County Council has slowed the process of the application. Access to the path has been blocked by gates for over two years.

The Council's Case

5. The County Council does not have a formally adopted Statement of Priorities under which applications can be ranked, but it does have a developing priority framework, currently on hold due to the need to take into account the Government's delayed deregulation provisions.
6. Unlike other cases where a route subject to an application is blocked or threatened, the path between South Street and Prior Park Road is available and is being used. However, the County Council has carried out preliminary consultations with interested parties with a view to reaching an agreement. If this can be done a potentially lengthy and expensive formal process might be avoided. If not, and a decision to make a modification order is made, it is expected that an order would be made in Autumn 2017.

Consideration

7. The Secretary of State is pleased to note that the County Council intends to come to a decision on this application in the reasonably near future. She is, however, aware of your concerns, both about landownership and the fact that the route in question is, according to you (although not the County Council) blocked, and believes that it would be reasonable to set a date by which the County Council must decide either to make an order as requested, to refuse to make an order, or to resolve the application in some other way, for example by entering into a creation agreement under section 25 of the Highways Act 1980.

Decision

8. In the circumstances the Secretary of State has decided that there is a case for setting a date by which time the application should be determined. In exercise of the powers vested in her by paragraph 3(2) of Schedule 14 to the Act, the Secretary of State has directed Leicestershire County Council to determine this application not later than 31 December 2017.
9. A copy of the Secretary of State's letter of direction to the Council is enclosed, and a copy of this letter is being sent to the Council.
10. A copy of this letter is being sent to the Council.

Yours faithfully

Peter Millman

Peter Millman
Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf