REPORT TO THE DEVELOPMENT CONTROL AND REGULATORY BOARD – 13TH MAY 2004

PROPOSED DEFINITIVE MAP MODIFICATION ORDER

ADDITION OF A PUBLIC BRIDLEWAY
MELTON ROAD TO SANDY LANE, BURTON LAZARS

REPORT OF THE CHIEF EXECUTIVE

PART A

PURPOSE

1. The purpose of this report is to seek the Board's approval of the above-mentioned proposal.

Recommendation

2. It is recommended that an Order be made under the provisions of Section 53 of the Wildlife and Countryside Act 1981, the effect of which will be to add a bridleway from Melton Road to Sandy Lane, Burton Lazars, to the Definitive map of Public Rights of Way for Leicestershire as shown on the plan attached to this report.

Reason for Recommendation

3. Given the historical evidence which has been provided, it would appear to offer strong support that a public bridleway does exist and should therefore be added to the Definitive Map.

Circulation under Sensitive Issues Procedure

4. Lt. Col. P.A. Roffey, DL., CC
   Mr. B. Chapman, AEA, CC.

Officer to Contact

5. Mr. Gary Jackson, Chief Executive's Department, Tel 0116 2656159.
PART B

Background

6. An application has been received from Mr. K.J. Brockway of 1 Main Street, Redmile, Nottingham to add a bridleway to the Definitive Map, as shown on the plan attached to this report.

7. The application is being processed under the provisions of Section 53 of the Wildlife and Countryside Act 1981.

Historical Evidence Documents

8. The historical evidence which has been provided, has been listed below:

   (a) **W. Kings Map of 1806**
       (Historical Evidence Document No. 1)

       This map shows a "Public Carriage Road" running from the Melton Road to Sandy Lane.

   (b) **Tithe Map for Burton Lazars of 1852**
       (Historical Evidence Document No. 2)

       This map clearly shows the route bounded on either side by dotted lines. It is coloured terracotta as other public highways in the area. The route crosses two parcels of land, firstly No. 288 described "Melton Close", a meadow with a road through and secondly No. 293 described as also part of Melton Close with a road through.

   (c) **Plan of Melton Mowbray of 1871**
       (Historical Evidence Document No. 3)

       This plan shows the hedged section of the route leaving Sandy Lane and the route is labelled "To Burton".

   (d) **Estate Map of Burton Lazars of 1881**
       (Historical Evidence Document No. 4)

       This map shows the route as depicted on the Tithe Map.

   (e) **First Edition Ordnance Survey Map of 1885**
       (Historical Evidence Document No. 5)

       This map shows the route bounded by dotted lines. The route is not annotated in any way to indicate status.
(f) **Inland Revenue Maps and Books of Reference of 1910**

These documents show the area in question. The map is based on the second edition Ordnance Survey Map of 1904. The route in question crosses one of the land parcels numbered 88. A reduction of £30.00 was made for "Public Rights of Way or User" over the landholding. As the reduction applies over the whole landholding, it does not give any specific information about the route from Melton Road to Sandy Lane.

(g) **Local Government Act Map of 1929**

(Historical Evidence Document No. 6)

This map shows the route as an unclassified, unscheduled highway No. 88 and is coloured green. At this time the route had a gate at either end as it has at the present time, with one gate part way along the route. Unfortunately the written schedules accompanying the maps for this area have not survived.

(h) **First Definitive Map of 1952**

When this map was drawn up in 1952, the area in question fell within the boundary of the Melton Mowbray Urban District Council. The route was not claimed by the Urban District Council as a footpath, bridleway or road used as a public path.

**Copies of the Historical Evidence Documents are available for inspection in the Members' Room and the Members' Library.**

**Consultations**

9. The following parties have been consulted and have made no objection:

Melton Borough Council

Burton and Dalby Parish Council

W.L. Child and Sons,
Chestnut Farm,
Burton Lazars,
Melton Mowbray,
Leics. LE14 2UP (Landowner)

The F.D. Allen Trust,
c/o 97 Scalford Road,
Melton Mowbray,
Leics. LE13 1JZ (Landowner)
The Ramblers Association

This Association has stated that they are not in a position to offer additional evidence, however, they understood that the route in question was already a county road.

Leicestershire Footpath Association

This Association has stated that its members were not familiar with the route being claimed and therefore cannot offer any additional evidence concerning usage of the route.

Fisher German, Chartered Surveyors (acting for Esso Petroleum Co. Ltd., and Mainline Pipelines Ltd.)
East Midlands Electricity
The National Grid Co. plc
Energis Communications Ltd.,
Environment Agency
British Telecom plc
Transco plc
NTL Group Ltd.

10. The following parties have also been consulted but no reply has been received:

Mr. T. Childs,
Childs Cottage,
Melton Road,
Burton Lazars,
Melton Mowbray,
Leics. LE14 2UR       (Landowner)

Mr. M.A. Grainger,
38 Launceston Drive,
Nuneaton,
Warks. CV11 6GN    (Landowner)

The British Horse Society
Cyclists Touring Club
Powergen Property Department
Byways and Bridleways Trust
Loughborough and District CHA Rambling Club
The Leicester Group of the Endurance Horse and Pony Society of Great Britain
The Royal Mail
Severn Trent Water Ltd.

Landowners

11. The four known landowners affected by this proposal have been written to with a summary of the available evidence. However, no response has been received from two of the landowners.
Members will be informed if any representations are received in the interim.

**Objections**

12. **The following objection has been received and not withdrawn:**

   The Leicestershire and Rutland Land Rover Club  
   (Objection Document No. 7)

13. **The following objection has been received and then withdrawn:**

   Leicestershire and Rutland Bridleways Association  
   (Objection Withdrawn - Documents No. 8 and 9)

   This Association initially stated that they would wish to object to the proposed bridleway status and felt that this route should be of a byway status. However, following further consultation this Association stated that they would now support the bridleway status of the route.

   **Copies of the Objection and Objection Withdrawn Documents are available for inspection in the Members' Room and the Members' Library.**

**Conclusions**

14. **Regarding the submission from The Leicestershire and Rutland Land Rover Club, the fact that the Ordnance Survey Map of 1922 shows the route as a white road does not provide evidence of public status, but merely indicates the physical existence of the route at that time.**

   The existence of cobbles along the route suggest that it may have been used by carts and carriages, however, this does not indicate whether the use was public or private.

   Having considered the historical evidence, it is clear from the 1929 Local Government Act Map and the Tithe Map that the route has public rights over it. I would suggest that the depiction of the route on other estate plans and W.King's map indicate that the route has more substantial public rights than that of a footpath.

   Following further consultation with The Leicestershire and Rutland Land Rover Club and The Leicestershire and Rutland Bridleways Association, no further evidence has been provided to show conclusively that the route carries public vehicular rights. Therefore, I would suggest that it can be reasonably alleged that a public right of way exists and the path should be added to the Definitive Map as a public bridleway.
Although the four known landowners affected by this proposal have been consulted and made aware of the application, they have not objected or submitted any contrary evidence. Therefore, it seems reasonable to conclude that they do not seem to challenge the alleged bridleway status.

**Equal Opportunities Implications**

15. None.

**Background Papers**

16. Correspondence on file PTEPO/608