

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: Safe and Sustainable Travel Team, Environment and Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.

I/We **JULIAN ANTHONY HOWE**
of **59 ALLINGTON DRIVE, BIRSTALL, LEICS LE4 4FD**

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/restricted byway/byway~~ open to all traffic

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

*upgrading a ~~footpath/bridleway/restricted byway~~

*downgrading a ~~bridleway/restricted byway/byway~~ open to all traffic

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

(*delete as appropriate)

which runs from **Blenheim Road, Birstall (what3words common.sicles.clap)**
to **Watermead Country Park (what3words book.burns.speeds)**

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

**① PT634, ② map ③ PT636, ④ PT635 ⑤ Photograph
⑥ maps ⑦ Planning application ⑧ Notice ⑨ Use
Evidence form**

Signed.....  Dated **15/9/2025**

How we use your information

Any information you provide will be used in accordance with current data protection regulations and other relevant legislation. The information will be used to consider your application for a Definitive Map Modification Order. A copy of your application (including your name and address) will be published online in order to meet statutory requirements. Other personal details (such as telephone numbers, email addresses and signatures) will be removed before publication.

Scale 1:2500



Definitive Map of Rights of Way for Leicestershire

Register of Definitive Map Modification Order Applications

Short Description: Addition of Public Byway from Blenheim Road, along Meadow Lane to Watermead Country Park, Birstall.			
Application No.:	M1488	Legal Services Ref. No.:	
Application Status:	Application Received		

Geographical Location			
Path No:		Route name (if known):	Meadow Lane
Settlement:	Birstall		
Parish:	Birstall		
District/Borough:	Charnwood		
Nearest Town/City:	Birstall		
Start Location:	Blenheim Road		
Start Grid Refs:	Landranger:	SK 598 095	Eastings,Northings: 459826 309553
End Location:	Watermead Country Park		
End Grid Refs:	Landranger:	SK 602 095	Eastings,Northings: 460215 309554

Applicant's Name, Address & Postcode: Julian Howe, 59 Allington Drive, Birstall LE4 4FD			
Date Received:	15/09/2025	Date Determined:*	
Application Stage(s): • Wildlife and Countryside Act 1981 Sch 14(2) Notice Served and Certified? Part			

For Further Information			
Case Officer:	Samantha Ireson		
Telephone:	0116 305 0001	Fax:	
Email:	footpaths@leics.gov.uk		

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Map accompanying the application		2
Supporting Information		3-18
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.

Introduction

I hereby enclose a Definitive Map Modification Order application to add a Byway open to all traffic (BOAT) in the area described above from PT634 appendix (1), there is a map at appendix (2) showing the lane highlighted in blue and grid references.

The effect of the application, if approved, would result in an Order being made to modify the Definitive Map and Statement by adding a BOAT along the length of Meadow Lane, in the Parish of Birstall.

The application is based on documentary and user evidence.

Meadow Lane is unregistered with the Land Registry. Notices were placed on site by the applicant, and on Parish notice boards but no one came forward to claim ownership of the land (see appendix 8)

Notices PT635 were served on all adjacent landowners including Charnwood Borough Council (CBC) Leicestershire County Council (LCC), Birstall Parish Council (BPC), the football clubs and golf range.

The Certificate of Service of Notices PT636 are attached appendix (3)

Route

Meadow Lane is a route of considerable antiquity and can be traced to the first Ordnance Survey Map of 1884 – (See appendix 6E). It is approximately 400m in length and runs east from its junction Blenheim Road (an adopted highway). The road is tarmac and approximately 3-3.5m wide with a series of traffic humps along its length.

The application route serves a number of adjacent land uses including the car park to Watermead Country Park, Birstall United Football Club, Council allotments and a public park owned by the Parish Council.

The application route has been used consistently by the local community over many decades both for recreation and as a convenient route to Watermead Country Park as well as the shops / services in the centre of Birstall via Whiles Lane. The application route is used daily by pedestrians, cyclists and motorised vehicles.

With the opening of Watermead Country Park in the 1980's LCC surfaced the track and installed speed bumps (Appendix 5/3). Despite carrying these works and occasional maintenance LCC deny ownership of the application route.

It is understood that Meadow Lane is the joint and severally responsibility of the people / organisations who use it to access their land which is principally LCC, CBC and Birstall Parish Council which is acknowledged by them jointly paying towards repairs and safety fences fitted adjacent to the allotments

Also cycle signs / painted symbols on surface (Appendix 5/4)

Appendix 5/6 shows an AI overview

I personally have used this trackway on foot, cycle and by car for at least 50 years.

Photographs 1 to 5 Appendix 5 show the length / width of the lane and its condition

Photograph 5/5 shows a road sign presumably erected by LCC indicating traffic has access to the sports grounds

Given the very compelling evidence of use of the application routes by the local community between the Mid 1930's and 2025, the County Council is invited to make an Order to secure the public's use of the route in perpetuity.

Relevant Legal Tests

Section 53(2) of the 1981 Highways Act requires the surveying authority to make orders to modify its definitive map and statement in consequence of certain events specified in Section 53(3).

One type of event is set out in sub-section 53(3)(c)(i): "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows ... that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates ...".

The evidence in this case relates to usage of the route by local people as well as supporting documentary evidence. The requirements of Section 31 of the 1980 Act are thus relevant. This states that where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

'As of right' is set out in *R v Oxfordshire County Council, ex parte Sunningwell Parish Council (1999)* as being without force, secrecy or permission. The 20-year period applies retrospectively from the date on which the right of the public to use the way was brought into question.

As there is no apparent calling into question in this case, it is considered that the date of the application should be used for the purposes of calculating the 20-year period. The relevant 20-year period is thus 2005-2025

The statutory test to be applied to evidence under sub-section 53(3)(c)(i) is recognised as presenting two separate questions, one of which must be answered in the affirmative before the Surveying Authority can make an order: has a right of way been shown to subsist on the balance of probability?

(Test A) or has a right of way been reasonably alleged to subsist? (Test B). For the purposes of this application, it is my case that both Test A and B are met and accordingly an Order should be made and confirmed by LCC.

In addition to the above, it is also my contention that dedication of the route as a highway has taken place at common law. This requires me to demonstrate that the use of the route by the public and the actions or rather lack of them by the landowners are such that dedication of a right of way can be shown to have occurred expressly or, alternatively, whether dedication can be inferred.

No prescribed period of use is required at common law; the length of time required to allow such an inference to be drawn will depend on all the circumstances. The burden of proof lies with the person or persons claiming the rights.

Documentary Evidence

Ordnance Survey Maps Appendix 6

The earliest record of the application route is the 1884 (6 inch) Ordnance Survey map where the route is shown between two solid lines. According to the key this indicates the route was an 'other road'. At that time Meadow Lane extended further west where it formed a junction with Wanlip Lane.

The 1898 map (6E) shows the route as a fenced and metalled, third-class road.

The 1904 one-inch OS map (6C) shows the route as a minor road. A Council Sewage Works is shown on the land East of what is now Birstall United Football Club... .

The 1952 map (6B) shows Meadow Lane as a consistent width between two broken lines which is same as all other roads in Birstall. Allotments, tennis courts and a sports ground have appeared where Birstall United Football Club currently stands. The sewage works are still shown to the east

albeit in more detail than previous maps. 'Slopes' probably indicating drainage ditches are shown along both sides of the road.

By 1966 Meadow Lane (6/A) has been severed by the recently constructed Blenheim Road. The section east of Blenheim Road is the application route. Houses along Lambourne Road have been built to the south with rear gardens backing onto Meadow Lane. The sports ground are still shown but the sewage works are no longer shown. A footpath is shown commencing at the Northern end of Meadow Lane and heading towards Thurmaston.

Other Documentary Evidence

In his book Eight Ounces of Gold, a personal history of Birstall written by Michael Smith about his experiences in Birstall in the mid 1930's is the following quote "*Opposite my home on Sibson Road was the old village cricket field, cut across there and you came to an orchard and further on Meadow Lane which led to the village tip*'

In a 2004 Planning Application P/04/2002/2 (Appendix 7) its stated "Meadow Lane a narrow unmade road which serves the playing fields, the football ground, Watermead Park and access driveways and garages to the rear of Lambourne Road

User Evidence

User Evidence Forms (UEF's) are attached in support of the application (appendix 9), all but one of the witnesses testify to regular use over the relevant 20-year period. As you will see the UEF's are from local residents with a long-standing and intimate knowledge of the route. Their evidence should be afforded the fullest possible weight.

The forms demonstrate that the lane is in continual use by pedestrians, cyclists and motor vehicles stretching back over 50 years. When gathering evidence most of the public were unaware that Meadow Lane isn't a public right of way already.

As the route has been used by the public of Birstall for many decades, it would have been possible to submit literally dozens of UEF's. However, owing to time and cost constraints and the very obvious facts of this case, you will understand why I felt 15 was sufficient. The user evidence in this case is entirely consistent with the documentary evidence.

The route is well used that it is unusual not see other users. It is open both ends and there have never been any signs prohibiting access in fact the opposite as it is a signed cycle route (appendix 5/4).

The application routes have been available 24 hours day, 7 days a week, 365 days a year and there is no evidence that any of the landowners has ever taken steps to prevent the public's use of the route.

Conclusion

The evidence demonstrates the following:

- The application route has been used 'as of right' for many decades well over the relevant 20- year period;
- There has been no actions on the part of the landowners not to dedicate the routes over that time;
- There is no evidence of use by force, secrecy or permission;
- Tests A and B are therefore comprehensively met, and

- There has been no action on the part of the landowner to prevent the public's use of the route in fact quite the opposite and therefore dedication at common law can be inferred.

Should you require any further information please do not hesitate to contact me.

Regards

Julian Howe

15/9/2025

APPENDIX

- 1 PT634
- 2 Map showing lane highlighted in blue
- 3 PT636
- 4 PT635
- 5 Photographs
- 6 Maps
- 7 Planning application
- 8 Notice posted on lane and noticeboards
- 9 User Evidence Forms

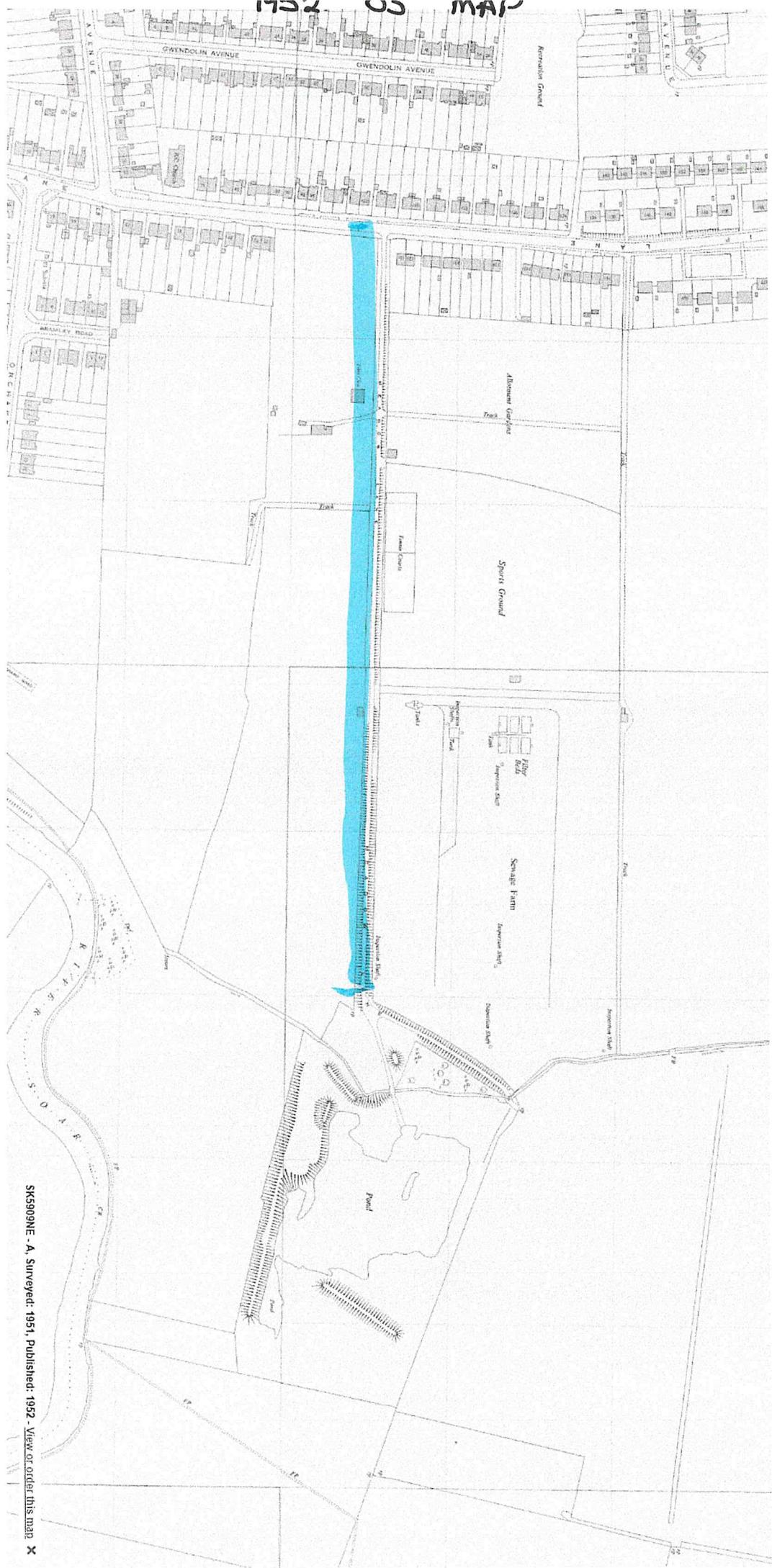
1966 OS map

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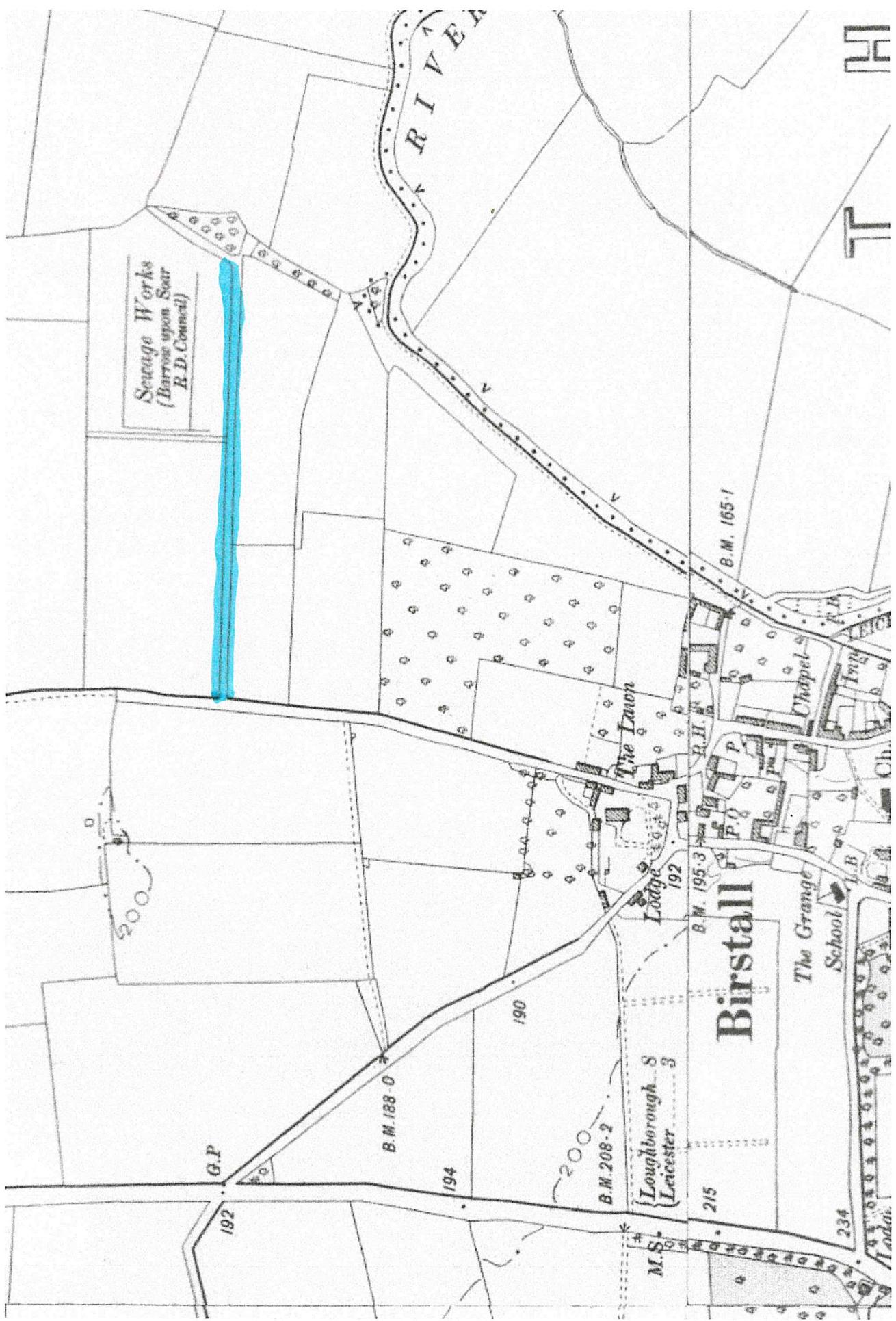
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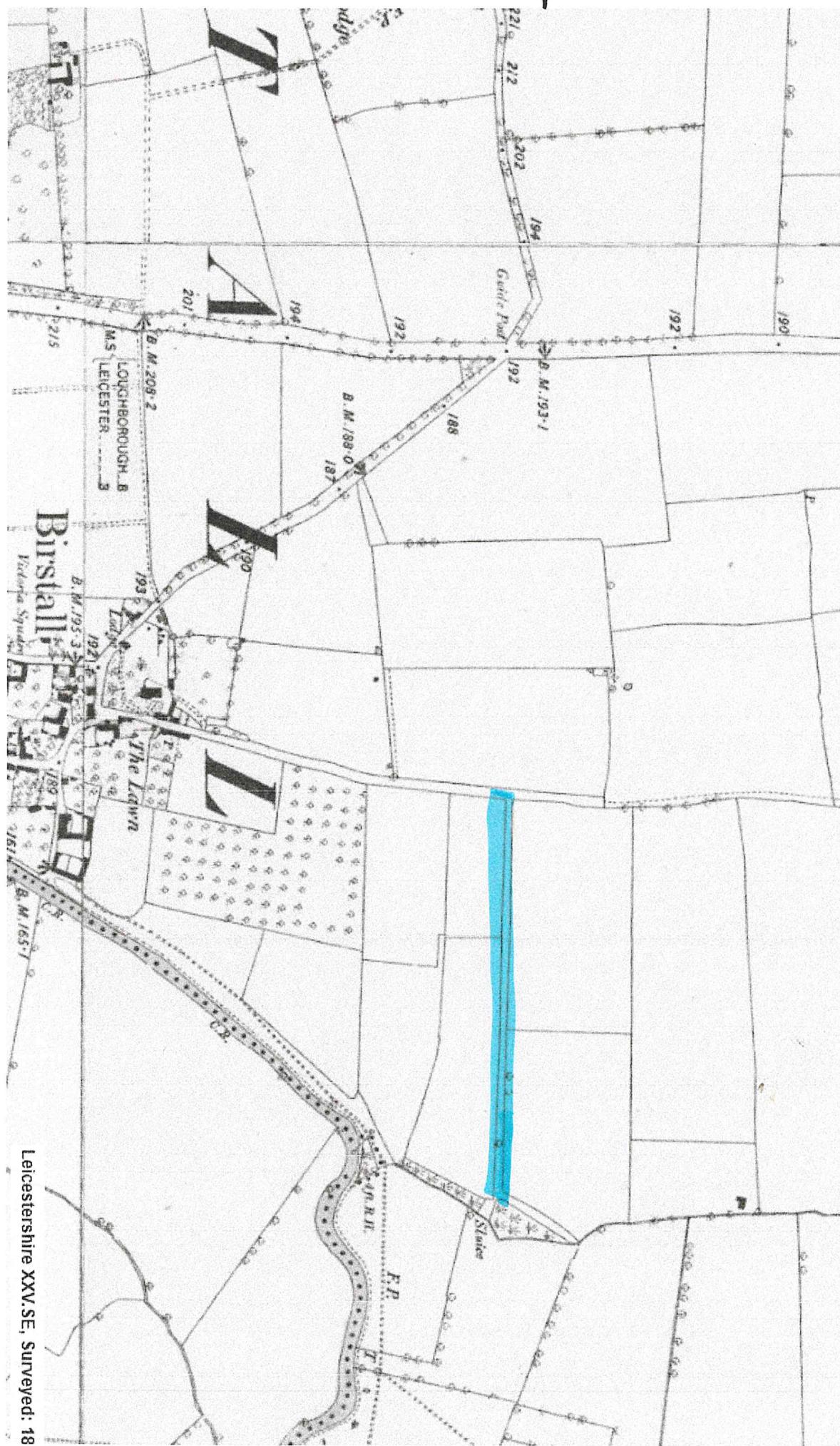
1904 OS map

6c



1884 OS map.

6d





Excellent



6e



Birstall, 1883 - 1885

Close

Item No. 4**Application No:** P/04/4160/2

Application Type:	Full	Date Valid:	3rd December 2004
Applicant:	C H Walker Transport Ltd		
Proposal:	Change of use from haulage yard to land for the storage of roofing materials. (Revised scheme Planning Refusal P/04/2002/2 refers)		
Location:	Haulage Yard, Meadow Lane, Birstall		
Parish:	Birstall	Ward:	Birstall Watermead Ward
Case Officer:		Tel No:	

Description of the Application

The application site is vacant, with some remnants of previous uses remaining on site. The plot, which is approximately 36 metres long and 27 metres wide, is bordered by open-mesh fencing and a mixture of hedging and shrubs. Birstall United Football Club borders the site to the east. The site is accessed via Meadow Lane, a narrow unmade road, which serves the playing fields, the football ground, Watermead Country Park and access driveways and garages to the rear of Lambourne Road.

The site is outside the limits to development for Birstall, within a Green Wedge, area of Local Landscape Value and an area allocated for Recreation within the adopted Borough of Charnwood Local Plan.

This application is for the change of use from a haulage yard to use for storage of roofing materials. This use would operate from 8 am until 5 pm Monday to Friday employing six people and utilising three light vans. The application differs from the previously refused application for storage of roofing materials (see below) as a supporting statement is included and proposed hours of use have been decreased (originally proposed from 8 am till 6 pm).

The supporting statement is attached as an appendix to this report.

Development Plan Policies and other material considerations

- **Development Plan Policies**



PHOTO ONE
MEADOW LANE LOOKING EAST
FROM BLENHEIM ROAD



PHOTO TWO
MEADOW LANE LOOKING
WEST FROM COUNTRY PARK
SHOWING SPEED BUMPS
INSTALLED BY LCC



PHOTO THREE
WATERMEAD COUNTRY PARK
CAR PARK



PHOTO FOUR
EXIT FROM MEADOW
SHOWING CYCLING ROUTE
MARKINGS



PHOTO FIVE ENTRANCE TO MEADOW LANE FROM BLENHEIM ROAD

AI Overview

adow Lane in Birstall, Leicestershire, leads to a car park at the end of the lane, which provides access to Watermead Country Park.



Watermead Co

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How to get there:

From Birstall, walk south to Meadow Lane and park at the end of the lane



From Wanlip Road, Syston, near the Hope and Anchor Pub, access the main entrance to the park



What to see:

- Lakes:** The park has over 12 lakes and smaller ponds
- Wildlife:** The park is home to many types of wildlife, including waterfowl, kingfishers, and water rail
- Walking and cycling:** The park has a network of paths and is accessible by foot or bicycle
- Picnic areas:** The park has picnic areas
- Birdhides:** The park has five birdhides, including a two-story hide

Other things to know:

- The park is a wetland area with woodlands, nature reserves, and a river
- The park is accessible by wheelchair
- The park is popular with walkers, joggers, and cyclists

Generative AI is experimental.



P Parkopedia

<https://en.parkopedia.co.uk> • parking • carpark • birstall

Watermead Country Park - Car Park

30 spaces. Get Directions. Leicester City Council Watermead Country Park Meadow Lane Birstall LE4 4FX +44 116 305 5417

PHOTO SIX AI OVERVIEW OF COUNTRY PARK ACCESS