

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

Short Description: Alleged circular footpaths on fields to the west of Barry Close, Kirby Muxloe.			
Application No.:	M1060	Legal Services Ref. No.:	HTWMT/XXX
Application Status:	Application(s) Received		

Geographical Location			
Path No:	N/A	Route name (if known):	N/A
Settlement:	Kirby Muxloe		
Parish:	Kirby Muxloe		
District/Borough:	Blaby		
Nearest Town/City:	Leicester		
Nearest Postcode:	LE9 2ET.		
Start Location:	Access from Barry Close and Public Footpath V		
Centre Grid Refs:	Landranger:	SK 521 033	Eastings,Northings: 452140 303350
And also:			
Centre Grid Refs:	Landranger:	SK 521 035	Eastings,Northings: 452180 303510

Applicants' Names, Address & Postcode:	
<p>a. Ms. Rachel Aspinall, 2 Maytree Court, Maytree Close, Kirby Muxloe, Leicester, LE9 2LD.</p> <p>b. Dr. Debbie Tombs, (on behalf of Kirby Muxloe Residents' Action Group) 9 Maytree Close, Kirby Muxloe, Leicester, LE92LB.</p>	

Date Received:	21/03/2016	Date Determined.*	
Application Stage(s):			
<ul style="list-style-type: none"> • Applications received 			

For Further Information			
Case Officer:	Piers Lindley		
Telephone:	0116 305 7087	Fax:	0116 305 7014
Email:	footpaths@leics.gov.uk		

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Inspector's Decision	N/A

* 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.

2 Maytree Court
Maytree Close
Kirby Muxloe
Leicester
Mob 07779699884

Mr Piers Lindley
Senior Access and Development Officer (Rights of Way)
Leicestershire County Council
County Hall
Glenfield
Leicester

13.03.2015

Dear Mr. Lindley

Application for definitive map modification order – land behind Barry Close, Kirby Muxloe.

I enclose completed forms PT634, PT636 together with the following:-

A plan indicating paths (marked in a dotted red line) which have been used by local residents for over 20 years . I am requesting that these paths are added to the definitive map and statement for the area.

Photographs taken on 10.03.16 showing the above paths.

Witness statements from local residents sharing their experience of using the paths. One of the witness statements is from David Parsons CBE, 5 Wentworth Green, Kirby Muxloe LE9 2EQ whom I have asked to liaise with you on behalf of my application.

I confirm that I have sent the landowner Mr. Peter Harbot form PT 635 and a copy of the plan indicating the paths we are requesting be added to the plan and definitive statement for the area.

I should be grateful if you would acknowledge receipt of the above documents and advise me of the steps that will be taken to ensure that the proposed paths are “respected” pending your enquiry.

Thank you for your help and advice on this matter.

Yours sincerely



Rachel Aspinall

Form PT634

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 RACHEL ASPINALL
of 2 MAYTREE COURT, MAYTREE CLOSE, KIRBY MUXLOE

LE9 2LD

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 ^Sfootpath/~~bridleway/byway~~ open to ~~all traffic~~ walkers

*~~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 ^Sfootpath/~~bridleway/byway~~ open to all ~~traffic~~ walkers.

(*delete as appropriate)


which runs PLEASE SEE ATTACHED MAP. From A to
from C to D to B to F to G to H to I to F to B to E to A.
to as shown on the attached plan. Shown by dotted red lines.

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

list of Documents

Photographs of existing path along the above routes. (Shown by dotted red lines)

Witness statements in support of my application.

Signed... 

Dated 12/3/16

How we use your information

Any information you provide will be used in accordance with the Data Protection Act 1998 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.



PLEASE MARK THE ROUTE OF THE PATH YOU ARE CLAIMING AND SIGN THIS PLAN HERE

R. Marshall

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- |---|---| Bridlev
- /---/---/ Byway
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- |---|---| Byway

Form PT636

CERTIFICATE OF SERVICE OF NOTICE:

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 PT634, 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.

We, RACHEL ASPINALL
of 2 MAYTREE COURT, MAYTREE CLOSE, KIRBY MUXLOE
LE9 2LD

Hereby certify that the requirements of paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981, have been complied with.

Names and addresses of owners and occupiers of land on whom Notice has been served

MR PETER HARBOT
BADGERS HOLT
MAIN STREET
BISBROOKE
UPPINGHAM
LE15 9EQ

Signed



Dated

12/3/16

2 Maytree Court
Maytree Close
Kirby Muxloe
Leicester
LE9 2LD

Mr. Peter Harbot

Badgers Holt

Main Street

Bisbrooke

Uppingham

LE15 9EQ

13.03.16

Dear Mr. Harbot

Application for definitive map modification order –land behind Barry Close Kirby Muxloe.

I enclose form PT 635 together with a plan indicating paths which have had uninterrupted use by local residents for over 20 years.

I have applied to Leicestershire County Council to have the paths added to the definitive map and statement for the area.

Yours sincerely

Rachel Aspinall

Form PT634

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..... Debbie Tombs (on behalf of Kirby Muxloe Residents' Action Group).....
of..... 9 Maytree Close, Kirby Muxloe, Leicester, LE9 2LB.....

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..... Current public footpath at Barry Close, around the north and south perimeter of the whole field
to..... Current public footpath as it goes between The Links and Half Acre.....

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. Aerial Photograph from Google Earth showing footpath.....

..... 2. Application Plan.....

..... 3. Aerial Photograph showing footpaths.....

..... 4. Statement of evidence.....

..... 5. User / Witness Statements from P Brennan, G Baron, C Francis, A Ray, H. Bradley, D West, M Rose Additional paper copies to follow.....

Signed..... Dr Debbie Tombs..... Dated..... 11.03.16.....

How we use your information

Any information you provide will be used in accordance with the Data Protection Act 1998 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.

Form PT635

NOTICE:

APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF LEICESTERSHIRE

Applicants must complete this notice and send a copy to all landowners and occupiers who may have an interest in the land affected by the application.

To:..... Peter Harbot (landowner) of Badgers Holt, Bisbrooke, Oakham, Rutland LE159EQ

of:..... Taylor Wimpey, (interested party) c/o Alison Wright, Savilles, Wytham Court, 11 Westway, Oxford, OX2 0G

Notice is hereby given that on the 11.03.16(date),

I/We, Dr Debbie Tombs, on behalf of Kirby Muxloe Residents' Action Group

of..... 9 Maytree Close, Kirby Muxloe, LE9 2LB

Made application to Leicestershire County Council, 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..... Current public footpath at Barry Close, around the north and south edges of the whole field

to..... Current public footpath as it goes between The Links and Half Acre

as shown on the attached plan.

Signed..... Debbie Tombs Dated..... 11.03.16

Form PT636

CERTIFICATE OF SERVICE OF NOTICE:

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 PT634, 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, Dr Debbie Tombs on behalf of Kirby Muxloe Residents' Action Group
of..... 9 Maytree Cose, Kirby Muxloe, LE9 2LB

Hereby certify that the requirements of paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981, have been complied with.

Names and addresses of owners and occupiers of land on whom Notice has been served

..... Peter Harbot, (landowner) of Badgers Holt, Bisbrooke, Oakham, Rutland, LE15 9EQ

..... Taylor Wimpey, (interested party) c/o Alison Wright, Savills, Wytham Court, 11 Westway, Oxford, OX2 0QL

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Signed..... Dr Debbie Tombs Dated..... 11.03.16

Statement of evidence to formally request a Definitive Map Modification Order

I am making this application that the footpath around the perimeter of the field between Barry Close and The Links and Half Acre (private houses) be included as an official right of way on the Definitive Map on behalf of a number of dog walkers and residents of Kirby Muxloe, Leicestershire in my capacity as Acting Chair of Kirby Muxloe Residents' Action Group.

There is evidence that the route has been used as a local tradition with right of access and as a highway for a period of twenty years or more as a right based on the evidence provided in the witness statements.

Under section 31 of the Highways Act 1980 a way becomes a right of way by means of presumed dedication if there has been "uninterrupted use by the public (not necessarily the same people all the time) over a period of 20 years in the belief that that use was as of right." The period of 20 years is counted back from the date on which the public's right was first brought into question, in this case through the approval of planned development on the field. (application number 14/0917/1/OX) I understand that a number of dog walkers and recreational walkers have complained that their continued use of this footpath will be jeopardised by this development.

The Defra circular Rights of Way Circular 1/09 – Guidance for Local Authorities, October 2009 v.2 page 4 point 1.5 states:

*"In many areas, rights of way help to boost tourism and contribute to rural economies. They can also provide a convenient means of travelling, particularly for short journeys, in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle, on foot, on horseback or in a horse-drawn vehicle, **to walk the dog**, to improve their fitness, or to visit local shops and other facilities. Local authorities should regard public rights of way as an integral part of the complex of recreational and transport facilities within their area"*

The footpath around the field in this instance is a historically very well established dog walking route and additional evidence of it's repeated, long standing use is provided by the aerial photographs which clearly show the level of indentation marking the path.

I hope the evidence submitted is sufficient to demonstrate that this route has been used for more than 20 years as a right and that the Council's Development Control & Regulatory Board make the decision that a Definitive Map Modification Order should be made under Section 53 of the Wildlife & Countryside Act 1981 as a recognition that the Authority believes a public right of way is already in existence.

Dr Debbie Tombs

