

Definitive Map of Rights of Way for Leicestershire

Register of Definitive Map Modification Order Applications

Short Description: Addition of Bridleway Top Merrill Grange, Belton			
Application No.:	M1252	Legal Services Ref. No.:	
Application Status:	Application Received		
Geographical Location			
Path No:	L30	Route name (if known):	
Settlement:	Belton		
Parish:	Belton		
District/Borough:	North West Leicestershire		
Nearest Town/City:	Shepshed		
Start Location:	Bridleway L30 Merrill Grange		
Start Grid Refs:	Landranger:	SK 436 213	Eastings,Northings: 443640,321300
End Location:	Gelscoe Lane to Mill Lane Road		
End Grid Refs:	Landranger:	SP 443 215	Eastings,Northings: 444360,321510
Applicant's Name, Address & Postcode: LRBA and BHS - C/O Vicky Allen, 123 Park Road, Loughborough Leicestershire LE11 2HD			
Date Received:	10/06/2021	Date Determined:*	
Application Stage(s): <ul style="list-style-type: none"> Application made 10/06/21 			
For Further Information			
Case Officer:	Samantha Ireson		
Telephone:	0116 305 0001	Fax:	
Email:	footpaths@leics.gov.uk		
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Additional Documents			4-8
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.

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 Leics & Rutland Bridleways Assn + the British Horse Society
of c/o 123 Park Road, Loughborough LE11 2JD

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~~

in order to remedy an error in the DMS.

*~~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

A in the field beside Top Merrill Grange
to B in the SE corner of that field

as shown on the attached plan. *in red*

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

List of Documents

Copies of the relevant part of the Belton Parish
Review & accompanying map - of 9.3.51.
The Tribunal records referred to in the
explanatory document are publicly
available in Room 700, County Hall

Signed...

Dated

4.6.2021

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.



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, Leics + Rutland Bridways Assn, The British Horse Society
of c/o 123 Park Rd, Loughborough, LE11 2HD.

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

Page + Astatrust, c/o Mother Jamie
3 Bank Court, Weldon Rd, Loughborough LE11 5RF

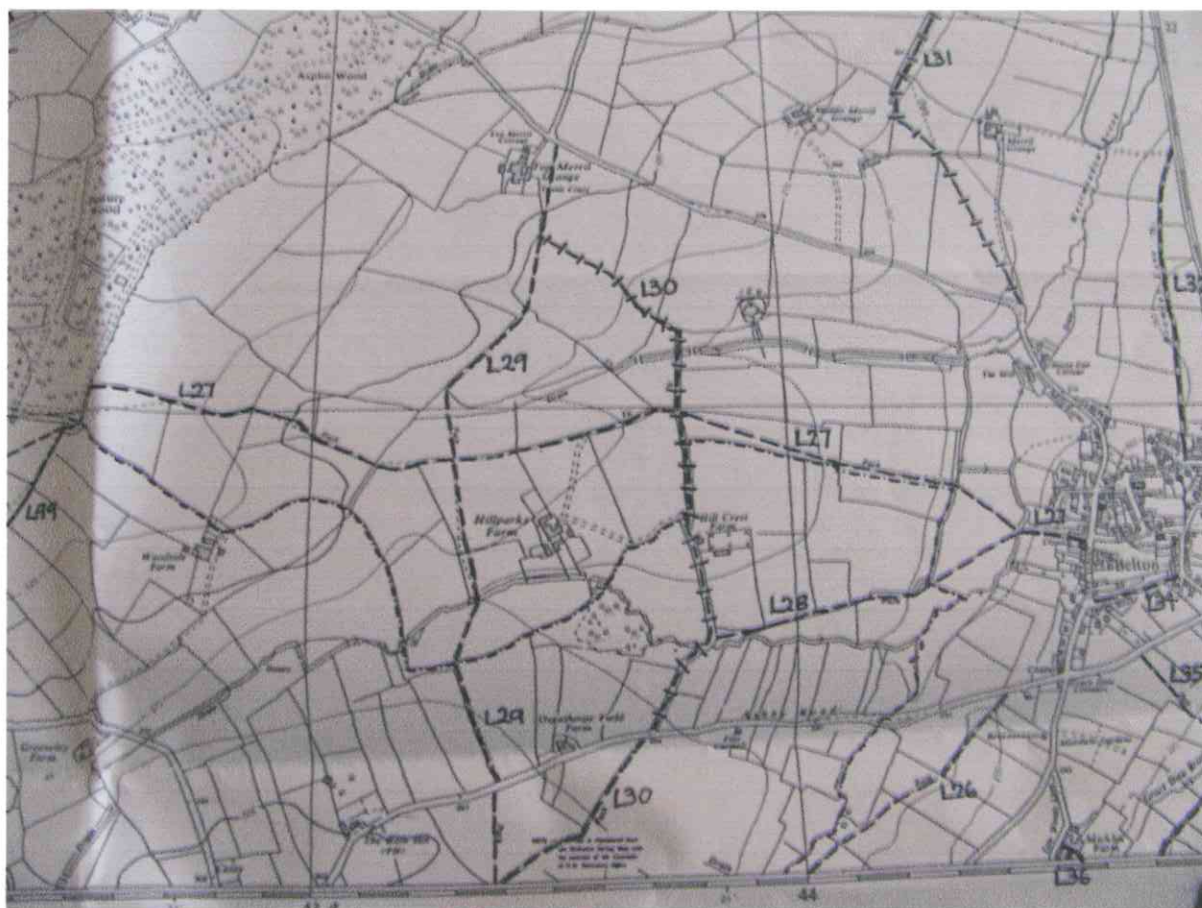
Signed N. E. Allen Dated 4.6.2021

4 June 2021

Request from the Leicestershire & Rutland Bridleways Association and The British Horse Society to amend the Definitive Map & Statement of Public Rights of Way for Leicestershire as the Map is currently in error and must be corrected in respect of the route of Bridleway L30 in Belton parish.

Background:

As can be seen in the map below, the current line of Bridleway L30 ends at Footpath L29 shortly before the footpath goes north past Top Merrill Grange farm to reach the road. The route to the road is currently blocked to horse riders and cyclists. This has a number of negative impacts on the public, in particular on local equestrian businesses by denying them access to the northern end of an off-road route.



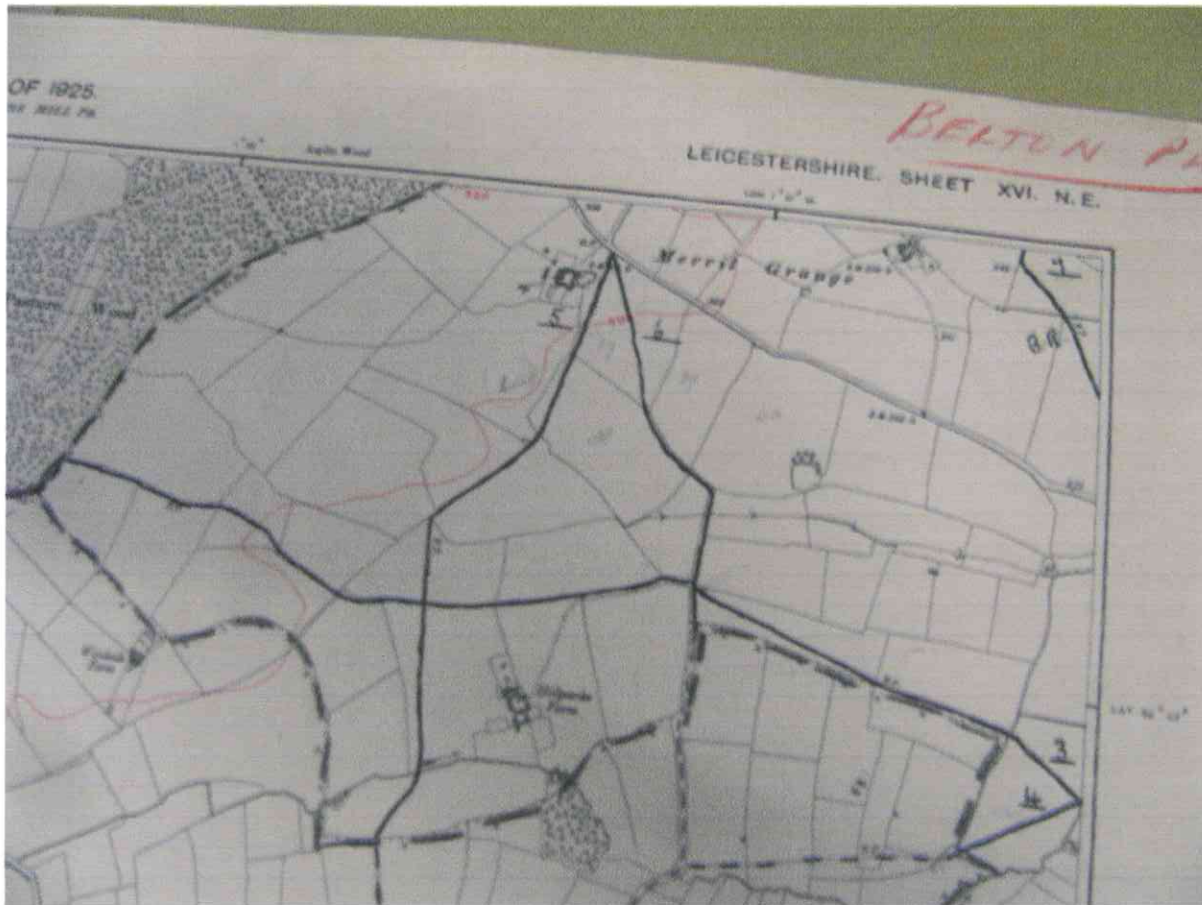
It has been an issue of concern to us for some time but a request from a British Horse Society member to find a way out to the road instigated more detailed research in summer 2019.

The historic evidence indicates that the northern end of the route should reach the road beside Top Merrill Grange, so it was decided to investigate the Parish Return process in 1951 when the Definitive Map was being created.

On 3 July 2019 I attended County Hall to review the Belton Parish Return, assisted by a Senior Definitive Map Officer. Below are photographs of the relevant pages of the form and of the accompanying map:

Bridleway L30 is the top item, numbered 6 , with "L30" in red crayon

Relevant part of the map accompanying the Belton Parish Return of March 1951. The number 6 is to the right of where the two routes are shown meeting at the top of the map.



The Parish Return and Map show exactly what would have been expected for Bridleway L30 but not what is now on the Definitive Map.

So the Definitive Map Officer with me suggested that the Tribunal papers should be investigated. These comprise the record of the outcomes of the Tribunal's procedures, with no contributory reasoning. Both the content of the objection and the reasoning behind any discussed and decided result have to be deduced.

- a) The typed record of the Tribunal showed that there were 2 objections - from the Paget Estate and the Leics Footpaths Association - saying that the map line of L30 was incorrect.
- b) Immediately after the objections, but on the next page, it says that these objections were withdrawn.
- c) The effect of this is that the Tribunal made no alteration, leaving the line as shown on the Parish Return map.
- d) BUT the final map ignores the withdrawal of the objections and drew a line for Bridleway L30 along the southern hedge line to meet Footpath L29. Presumably this was the line that the objectors had said was the "correct" one.
- e) **Our speculation** is that during World War 2 the field that L30 should cross diagonally was ploughed for crops, so it was easier to travel along the hedgeline and turn towards the road than to walk diagonally across a ploughed field or through growing crops.
- f) This line was, by 1951, fairly well known by local people so was offered to the Tribunal as the 'proper' line.
- g) By the date of the Tribunal meeting this was realised *not* to be the original line so the objections were withdrawn.

- h) The officer drawing the final map read the objections at the bottom of the page but failed to read of their withdrawal on the next page, so followed the map provided for the Tribunal.

Conclusion:

As the objections by the Paget Estate and the Leicestershire Footpaths Association were withdrawn before the Tribunal met, the 1951 claim by the Parish is what should now be shown on the Definitive Map.

The County Council, as the Order Making Authority, has a duty to ensure that the Definitive Map and Statement is accurate to the best of its knowledge.

Request:

The Leicestershire & Rutland Bridleways Association and The British Horse Society therefore ask Leicestershire County Council to make the necessary Order to amend the Definitive Map and Statement of Public Rights of Way for the county.



Vicky Allen
President & Networks Officer, LRBA
District Access & Bridleways Officer, BHS
123 Park Road, Loughborough, LE11 2HD