



Leicestershire
County Council

The Corporate Services Manager,
Harborough District Council,
DX 27317 Market Harborough

Date: 7th October 2004
My ref: GCJ/PTEPO/831/BAM
Your ref:
Contact: Gary Jackson
Phone: 0116 265 6159
Email:

Dear Sir,

**SECTION 53 - WILDLIFE AND COUNTRYSIDE ACT 1981 -
ADDITION (PARTS) AND DELETION (PARTS) OF PUBLIC BRIDLEWAY C40 AT WISTOW -
PROPOSED DEFINITIVE MAP MODIFICATION ORDER**

The County Council has received an application for a Definitive Map Modification Order, claiming for the addition of parts and deletion of parts of public bridleway C40 at Wistow to the Definitive Map of Public Rights of Way for Leicestershire, as shown on the proposal plan attached hereto.

The proposal is in two parts, firstly it is proposed to delete the section of bridleway shown A to B on the attached plan, on the grounds that it should not be on the Definitive Map because this is in fact a public carriageway with vehicular rights.

The second part of the proposal is to delete the section of bridleway shown C to D and to replace it with the route shown D to E on the attached plan, on the grounds that the bridleway has always run along this route.

The Director of Community Services has initiated some research into the origin of the sections of bridleway in question and has revealed the following evidence:-

1. The Route shown A to B

Route Survey

The survey indicated that this section of bridleway ran along the grass verge adjacent to the tarmacaded carriageway which forms Wistow Road. Wistow Road is a publicly maintained vehicular highway with grass verges.

Continued...

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HARBOROUGH D.C.

11 OCT 2004

DEMOCRATIC SERVICES

Ordnance Survey Map of 1884

On this map the southern end of Wistow Road is shown by parallel broken lines and appears to be a road.

Ordnance Survey Map of 1903

On this map the southern end of Wistow Road is also shown by parallel broken lines and again appears to be a road.

Ordnance Survey Map of 1956

On this map the southern end of Wistow Road is clearly shown as a road.

Highways Records

The route is not shown on the 1929 Highways Transfer Maps, but nor are any of the local network of minor country lanes which are recognised as all-purpose highways. However, the route is recorded on current highway plans as part of the publicly maintained vehicular highway.

2. The Route Shown D to C

Route Survey

The current route of the bridleway shown between points D and C is not capable of use, also at point D there is no gap in the boundary fence. Between these points the line of the bridleway goes through several mature trees forming the southern side of an avenue for the driveway leading to Kilby Lodge. There is also no sign of a public path where the current line of the bridleway exits on to Fleckney Road.

Wistow Parish Survey of 1950

The survey statement merely describes the general start and end points of the path, also the survey plan does not show a clear line of the path.

Definitive Maps of 1952 and 1957

These maps show the route D to C.

Ordnance Survey Map of 1884

This map shows the bridleway running along the northern boundary of a field approximately between points D to E. There is a boundary line shown between the field edge track and the drive to Kilby Lodge and a clump of trees is also shown where the route D to C is supposed to come out onto Fleckney Road.

Ordnance Survey Map of 1903

This map again shows the route in the same manner as the 1884 map.

Ordnance Survey Map of 1956

This map shows no link between the field edge track and the drive to Kilby Lodge, also the field boundary to the north west of the field edge track between points D to E, would appear to have been repositioned further to the south.

I should be pleased if you would let me have your Council's observations on this proposal by 16th December 2004.

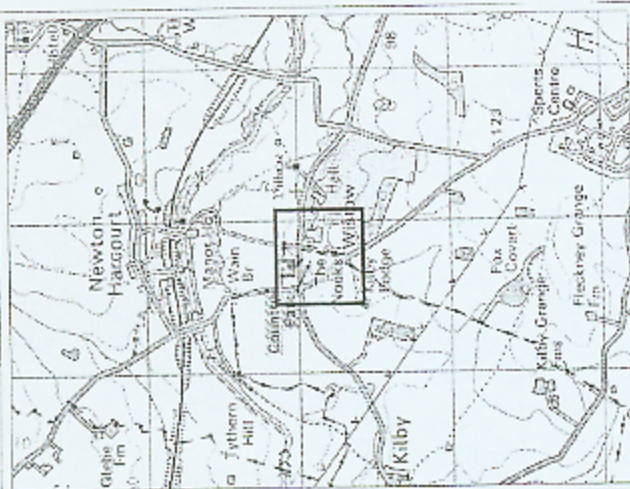
Yours faithfully,

A handwritten signature in cursive script, reading "Gary Jackson". The signature is written in dark ink and is positioned above the printed name and title.

Gary Jackson
Legal Assistant (Order making)

Proposed Definitive Map Modification Order - Public Bridleway C40 at Wistow, Kilby Parish

Location Plan



Key

- Bridleway to be deleted
- - - Bridleway to be added
- - - Bridleway unaffected

Produced By The Rights of Way Team
Sustainable Development Services
Community Services Department
County Hall
Glenfield
Leicestershire LE3 8TE (0116 265 7083)



Leicestershire
County Council

Proposal Plan

Scale 1:3000

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