

**THE LANCASHIRE COUNTY COUNCIL**  
**BRIDLEWAY FROM BACK LANE TO MELLING MOOR, MELLING-WITH-  
WRAYTON**  
**DEFINITIVE MAP MODIFICATION ORDER 2025**

**COMMENTS ON DULY MADE OBJECTION**

One objection to the Order has been received by the Order Making Authority (OMA). The objection was submitted by The Green Lane Association Ltd. PO Box 107, Brecon, Powys LD3 3DG hereafter referred to as 'GLASS'.

The objection was made on the basis that the GLASS consider that higher rights along the Order route were improperly assessed by the OMA and that byway rights of some description exist along the full length of the Order route.

A copy of the objection is contained within the List of Documents (Document 4) and the points of objection are summarised in bold italics below with the Authority's response after each as follows:

***The Tithe Map (and Award) is described by the OMA - at least in part – as a road of equal status to adjoining carriage roads and there is no suggestion that these documents convey bridleway rights along any part of the route yet have been weighted as if they do in the final decision.***

The OMA explain in the Statement of Case (Document 3) that we consider that the very start of the Order route at point A appears to have been considered as part of the road network and owned by the township. It is numbered as part of plot 75 in the same way as Back Lane – which is now recorded as a publicly maintained road.

The remainder of the Order route through to point B was included in a plot numbered 147 which was listed as 'waste' owned by the township. There was no reference to a 'Road' 'Footpath' 'Bridleway' and no form of track shown within the bounded strip but the purpose of the Tithe Map and Award was to assess land and calculate Tithes and not to record public (or private) rights so this is not necessarily significant – particularly if the route was used on foot and horseback but not with carts and there was no 'obvious' track on the ground.

Between points B-D and D-E the Order route passed through land recorded in the private ownership of two different landowners and was described as moorland (B-D plot 146) and road and waste (D-E plot 153a). The OMA, in its initial assessment of the evidence, considered that the way this section of the Order route was shown and recorded in the Tithe Award suggested that it was probably not considered to be a public vehicular through route in 1848 but was not inconsistent with a through route used on foot and horseback.

It was noted that from point E to F the Order route was listed as part of plot 174 which also included 'Melling Moor' – a publicly maintained vehicular road. This part of the Order route was not subsequently recorded as being a publicly maintained highway

on the 1929 Handover Maps and although it did potentially form part of a longer through route the OMA still consider the evidence of the Tithe Map consistent with bridleway rights but not providing evidence at that time of a public vehicular through route.

The OMA have looked at the entirety of the map and documentary evidence when concluding that there was sufficient evidence to make an Order to record public bridleway rights along the full length of the Order route.

The Tithe Map provides supporting evidence to illustrate that the full length of the Order route physically existed as a through route capable of use at least on horseback in the 1840s and the information obtained from the map and award was considered consistent with other available evidence that the OMA consider is sufficient to show that the full length of the Order route was at least a public bridleway.

***The OMA's interpretation of the inclusion of the Order route on Bartholomew's Maps is flawed and to suggest the inclusion of the route on these maps was an indicator of bridle rights rather than byway status is a total fiction***

In the initial assessment of the evidence prior to making the Order the OMA said (Regulatory Committee report submitted as Document 20) that the inclusion of the route on these maps supported the view that the route physically existed and suggested that it would be capable of being used on horseback.

As cyclists could not use bridleways until 1968, the inclusion of the route on Bartholomew's Maps does suggest that it was considered to be capable of being used at least by bicycle and by inference it was considered to carry public vehicular rights in the first half of the twentieth century.

The maps carried a disclaimer about the non-indication of public rights. It is important to consider that the maps were for the use of cyclists so they show information to enable cyclists to know where they were, as well as to plan routes. To this end they showed railways, paths, rivers and contours not for cyclists to ride along but to assist orientation. A map which showed these other features but omitted non-carriageway tracks which were obvious on the ground would be very misleading.

The OMA considered whether there was sufficient evidence to make and promote an Order to confirmation for public vehicular rights however the evidence including the Tithe Map and Award, Finance Act and 1929 Handover Map documentation is not supporting the existence of public vehicular rights existing along the full length of the route, the OS maps show that from the 1890s the surfaced track only ran from A as far as the woodland recorded as common land (i.e. the first 325 metres from point A) and Bartholomew's maps alone were considered to be insufficient evidence of public vehicular rights.

***The OMA concluded in the report to the Regulatory Committee that 'both the tithe and finance act maps are likely suggestive of public vehicular rights but goes on to diminished this evidence by suggesting that other maps provide little support for this.' GLASS considered that very little of the other evidence directly***

***contradicted the possibility of higher rights along the Order route and cannot be used to diminish the significant value of evidence supporting higher rights.***

Whilst the OMA accepts the principle that lack of other evidence does not diminish strong evidence that is not the case here. The Committee Report did not say that those maps are 'likely suggestive of' but they 'may suggest' higher rights. As detailed above the OMA did not consider that the Tithe Map and Award provided strong enough evidence of public vehicular rights along the full length of the Order route and whilst a more detailed analysis of the Finance Act information (as documented in the OMA's Statement of Case Document 3) was considered to support the existence of a public right of way of some description along the full length of the Order route there is no suggestion that the full length of the Order route was considered to be a public vehicular route in 1910.

The OMA, having looked at all available historical evidence, consider that the Order route can be demonstrated to have been subject to at least public bridleway access rights along the full length.

### **Conclusion**

The OMA submits that the objection received does not in any way undermine the evidence that the Order route is, on balance, already a bridleway in law.

With regards to public vehicular rights, the OMA considered that there was insufficient evidence from which to infer that historical public vehicular rights existed along the Order route and the objection submitted by the GLASS does not include any new or additional evidence that alters our original recommendation to make this Order to record public bridleway rights over the Order route or to promote the Order as made to confirmation.

However, should the GLASS submit additional information, or should the Inspector, having had the opportunity to consider all available evidence, be minded to come to a different conclusion, the OMA, having acknowledge that the evidence was finely balanced, is unlikely to have any objection to a modification to record higher public rights.