

**Open Report on behalf of Richard Wills - Executive Director - Development Services**

Report to:	<b>Definitive Map &amp; Statement of Public Rights of Way Sub-Committee</b>
Date:	<b>04 October 2010</b>
Subject:	<b>Progress of Orders Work from October 2006-October 2010 and Considerations of Potential Minor Amendments to Policy</b>

**Summary:**

A report on the progress of Definitive Map Modification Order work since the inception of the current prioritisation policy and also including a review of the policy and consideration of potential minor amendments to policy wording.

**Recommendation(s):**

That the report is noted and that consideration is given to the proposed amendments to the current policy

## **1. Background**

As Surveying Authority the County Council has a statutory duty to keep under continuous review the Definitive Rights of Way Map and Statement for Lincolnshire and to make orders to take account of events requiring the map to be modified. This is carried out by the processing of Definitive Map Modification Orders (DMMOs) which are either applied for by the public or initiated by the Authority on the discovery of evidence.

Highways & Traffic Guidance Note HAT33/2/09 sets out that such cases will be dealt with in order of receipt/initiation unless one or more of the eight "exception criteria" apply.

The criteria are as follows:

1. Where there is sustained aggression, hostility and ill feeling within a community that is causing severe disruption to the life of that community, and that in processing the case early there is a strong likelihood that this will reduce.
2. Where there is a significant threat to the route, likely to cause a permanent obstruction (e.g. a building, but not, for example, a locked gate or residential fencing).

3. Where there is, or has been, a finding of maladministration by the Local Government Ombudsman on a particular case and that in processing the case the County Council will discharge its duty to the Ombudsman's decision.
4. Where legal proceedings against the County Council are instigated or are likely to be instigated and it is possible that the Authority has a liability.
5. Where there is a risk to children on County Council owned property and land or where the claimed route would provide for a safer alternative route to a school, play area or other amenity for children.
6. Where there is a significant financial saving to the County Council (and therefore taxpayers) through the processing of an Order.
7. Where a new application is received that relies on evidence of a case already received or, if the new application forms part of or is adjoining to an existing claim, the new claim will be dealt with at the same time as the older application.
8. Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action.

Initially the priority of a case is set by Officers however there is a right of appeal for applicants whereby a decision is made by the Definitive Map & Statement of Public Rights of Way Sub-Committee.

Appendices A, B and C to this report outline the progress that has been made over the last 4 years. It should be noted that the proposed timescales for completing cases has been affected by the long-term sickness of one of the Definitive Map Officers leading to a reallocation of their work. This reallocation is not reflected in the appendix which outlines the position from the start of the financial year.

### Review of Policy

It has become apparent that it is possible that the eight exceptions might not extend wide enough across all eventualities and it is the recommendation of officers that a paragraph is inserted into the policy, worded as follows:

“The above numbered exception criteria do not cover every eventuality and it is recognised that in exceptional circumstances there may be other reasons why it would benefit the public for a case to be considered out of normal order. Officers will not prioritise any case under such circumstances and any appeal will only be considered by the Definitive Map & Statement of Public Rights of Way Sub-Committee.”

It is also considered that the right of appeal ought to be widened beyond just the applicant to “any interested party”. This will enable any other person such as a user

or landowner affected by the claimed route to appeal. It will also enable parish and town councils who are not applicants to appeal.

The final amendment is the removal of Appendix C of the current Policy as all existing applicants have now been made aware of the Countryside Access and Rights of Way Improvement Plan.

A draft version of the proposed altered policy is attached as Appendix D

## **2. Conclusion**

That the proposed amendments to the existing policy will enable a more equitable scheme for appeals against the prioritisation of Definitive Map Modification Orders.

## **3. Consultation**

### **a) Scrutiny Comments**

### **b) Executive Councillor Comments**

### **c) Local Member Comments**

### **d) Policy Proofing Actions Required**

n/a

## **4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Schedule of Modification Order Cases Completed October 2006 to October 2010
Appendix B	Progress of Modification Order Cases where Appeals to Prioritisation Have Been Made.
Appendix C	Outstanding Modification Order Cases
Appendix D	Draft Revised Prioritisation Policy

## **5. Background papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Highways & Traffic Guidance Note 33 – Prioritisation of Definitive Map Modification Orders - [HAT 33/2/09](#)

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Appendix A - Schedule of Modification Order Cases Completed October 2006 to October 2010

<b>CASES WHERE AN ORDER WAS NOT MADE</b>				
Parish	Further details	Formal Application?	Decision Date	Reason not made
Careby, Aunby & Holywell	Reclassification of RB1	No	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 5	No	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 4	No	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Billingborough	Reclassification of RB 10	No	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Ruskington	Downgrading of RB 127	Yes	23/01/2007	Insufficient evidence
Horncastle	Claimed Public Footpath	Yes	06/06/2007	Insufficient evidence
Wrangle	Claimed Public Footpath	Yes	04/07/2007	Claimed path dedicated by landowner instead (PF987)
Osgodby / Owersby	Claimed Public Footpath & BOAT- Washdyke Lane	Yes	03/07/2007	Decision not to make, no appeal by applicant
Old Somerby	Upgrade to BOAT status	Yes	02/10/2007	DEFRA upheld decision, insufficient evidence
Ropsley & Humby	Re-alignment/diversion of PF1	No	18/03/2008	Realignment not necessary - requires diversion order
Uffington	Realignment of PF 10 (Main Rd to Turnpike Rd)	No	01/08/2008	Insufficient evidence
Ingham	Claimed BOAT across Ingham village green	Yes	09/10/2008	Legal Issue regarding Village Green status

<b>CASES WHERE AN ORDER HAS BEEN SUCCESSFULLY CONFIRMED</b>				
Parish	Further details	Formal Application?	Date of Confirmation	Notes
Hough on the Hill (Gelston)	Realignment of Public Footpath 9	Yes	17/01/2007	
Halton Hologate	Claimed Public Footpath from PF160 to Highfield Lane	Yes	05/03/2007	
Sleaford	Public Footpath 12 to Boston Rd and Recreation Ground	Yes	16/03/2007	
Sleaford	Deletion of Public Footpath 11	No	18/04/2007	
Waddingham	Claimed Public Footpath from Joshua Way to The Green	Yes	20/04/2007	
Anderby Creek/Huttoft	Claimed Public Footpath Anderby creek and Moggs Eye	No	23/04/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Black Dyke	Yes	02/05/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Green Lane	Yes	02/05/2007	
Uffington	Claimed Public Footpath from Casewick Lane to School Lane, across school playing field	Yes	05/06/2007	
Billinghay	Claimed Public Footpath from St Michaels Close to Playing Field	Yes	08/06/2007	
Fulletby	Realignment of Public Bridleway 58	No	11/06/2007	
West Keal	Claimed Public Footpath to Old Bolingbroke ( Hall Hill - the Point)	Yes	20/08/2007	

Appendix A - Schedule of Modification Order Cases Completed October 2006 to October 2010

Bucknall	Claimed Public Footpath from church to Road	Yes	21/08/2007	
Burton	Claimed Public Bridleway from A 57 to PF 229	Yes	21/09/2007	
Mablethorpe and Sutton	Claimed Public Footpath from Station Rd to Camelot Gdns	Yes	12/11/2007	
Heighington	Claimed Public Footpath from Bardney Road to Brinkle Springs Lane	Yes	15/11/2007	Confirmed by Secretary of State
Torksey/Brampton	Claimed Public Footpath from West Station Road to Brampton village	Yes	30/10/2007	Confirmed by Secretary of State
Sleaford	Claimed Public Bridleway from Bullock Pasture Lane to Mareham Lane	Yes	07/01/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Jacksons Lane	Yes	15/01/2008	
Belton & Manthorpe	Claimed Public Footpath from Low Rd to High Rd (known as "The Steps")	Yes	07/02/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Gravel pits to PF 240/241	No	30/05/2008	
Corby Glen	Deletion of part of Public Footpath 7 in Corby Glen	No	05/06/2008	
Washingborough	Claimed BOAT - North Dales Road	Yes	09/06/2008	
Skellingthorpe / Lincoln	Claimed Public Footpath alongside Catchwater Drain	Yes	27/06/2008	
Castle Bytham	Deletion of Public Footpath No. 12	Yes	28/07/2008	
North Somercotes	Claimed Public Footpath from Keeling St to Rd	Yes	27/11/2009	Secretary of State confirmation as Public Bridleway
Spilsby	Claimed Public Footpath from Halton Rd to PF 160	Yes	12/01/2010	
East Barkwith	Claimed Public Footpath from Village Green on Torrington Lane to church yard	Yes	06/05/2010	
Dogdyke (Chapel Hill)	Realignment of Public Footpath from Crown Inn to River Witham	Yes	17/08/2010	Currently in advertising period

Appendix A - Schedule of Modification Order Cases Completed October 2006 to October 2010

<b>CASES WHERE AN ORDER WAS NOT CONFIRMED</b>				
Parish	Further details	Formal application?	Decision Date	Notes
Sutton St Edmund	Claimed BOAT - Hallgate Road	No	19/09/2008	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from County boundary to Brewer's Grave	Yes	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Village Street to Brewer's Grave	Yes	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Church to Brewer's Grave	Yes	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Chequers Inn to Brewer's Grave	Yes	23/01/2009	Not confirmed by Inspector
East Stockwith	Realignment of Public Footpath No. 37	Yes	03/06/2009	Order incapable of being confirmed, owing to drafting error
Kirkby Underwood	Deletion of Public Footpath 7	Yes	14/09/2009	Not confirmed by Inspector

<b>CASES CURRENTLY SUBMITTED TO THE SECRETARY OF STATE</b>					
Parish	Further details	Formal application?	Date Submitted	Notes	Date Confirmed
Newton & Haceby	Upgrade of Restricted Byway 11 to BOAT Newton to A15	Yes	16/07/2010	Sch. 14 appeal - Directed to make Order	
Newton & Haceby / Walcot	Upgrade of Restricted Byway 2 and Public Bridleway 3 "Green Lane"	Yes	05/12/2008	Decision to upgrade Public Bridleway to Restricted Byway Only currently under advertisement	10/08/2010
Newton & Haceby / Walcot	Upgrade of Restricted Byway 10 and Public Bridleway 2 "Gettons Lane"	Yes	05/12/2008	Decision to upgrade Public Bridleway to Restricted Byway Only currently under advertisement	10/08/2010
Mablethorpe	Claimed Public Footpath from Queensway to King Georges Field	Yes	27/04/2010		
Sleaford	Claimed Public Footpath from Millfield Terrace to Eastgate through the cemetery	Yes		Sch. 14 appeal	
Temple Bruer with Temple High Grange	2 Claimed BOATs - Cocked Hat Plantation	No	15/12/2009	Public Inquiry cancelled - gone to Written Reps	
Bardney	Claimed Bridleway from Public Bridleway to layby off Henry Lane	Yes	30/06/2010		
Woodhall Spa	Claimed Public Footpath Tattershall Rd to Abbey Lane	Yes	12/03/2010		
Wellingore	2 Claimed BOATS North Hill Foot Lane & North Lane	Yes	21/08/2009	PINs' decision to record 2 restricted byways under advertisement at present	
Wickenby	Claimed BOAT from Wickenby Railway Bridge to Wickenby Wood corner	Yes	14/09/2010		
Carlton Scroop	Upgrade of Public Footpath 4 to Public Bridleway & missing link, Howdale Lane	Yes	09/02/2007	Public Inquiry cancelled - gone to Written Reps	

## Appendix A - Schedule of Modification Order Cases Completed October 2006 to October 2010

- In total there have been a total of 59 outputs since the initiation of the current Prioritisation Policy equating to an average of 14.75 cases per annum.
- In the same time frame the council has received or initiated 32 new cases (4 of which have since been resolved). This equates to a net decrease of 17 cases over 4 years.
- In the previous four years to October 2006 the total number of case outputs was 30 whilst the number of new cases in that time frame was 74 of which 16 have since been resolved. 44 of the new cases were claims for Byway Open to All Traffic (BOAT) status prior to the enactment of the Natural Environment & Rural Communities Act 2006 which had the effect of extinguishing any unrecorded motor vehicle rights.
- It would appear from these figures that the section has been twice as productive over the past four years in comparison to the previous four year period.



Appendix B - Progress of Modification Order Cases where Appeals to Prioritisation Have Been Made.

Since the inception of the current prioritisation policy the Definitive Map & Statement of Public Rights of Way Sub-Committee has heard appeals on a total of 11 cases. The following is a synopsis of the progress made on those specific cases.

**1<sup>st</sup> March 2007**

Horncastle – Claimed Public Footpath along Holt Lane to Banovallum Gardens

At the time of this sitting of the sub-committee this case was number 74 on the priority list. The sub-committee declined the appeal as it was felt that the case was likely to be dealt with in a short timescale

As the case had not been processed a further review of the decision was made at the sitting of the sub-committee on 30<sup>th</sup> June 2008 – see below.

Mablethorpe and Sutton – Claimed Public Footpath from Queensway to King George's Field

This case was number 142 on the priority list. The sub-committee allowed the appeal on the grounds that there was evidence that there was "Significant threat to the route and likely to cause a permanent obstruction with no means of resolving the problem by way of diversion".

The Statement of Reasons for this case was submitted to the Secretary of State on 27<sup>th</sup> April 2010. A public inquiry is due to be held on the 7<sup>th</sup> December 2010. The claimed route has now been obstructed by housing despite officer's advice to the developer.

**4<sup>th</sup> June 2007**

Stamford – Claimed Public Footpath from Welland Mews to Lower Stamford Meadows

This case was number 168 on the priority list. The sub-committee declined the appeal as it was felt that the submitted petition was not representative given the size of Stamford as a town.

Since this time a second appeal was made following the inclusion of the new exception criteria 8 in 2009. Officers accepted that the claimed route would have a significant impact on the implementation of the Countryside Access & Rights of Way Improvement Plan. The case is currently in its research phase prior to a decision as to whether the evidence supports the claimed route.

**10<sup>th</sup> January 2010**

Eagle & Swinethorpe / Swinderby: Claimed Public Bridleway from Southern lane to Public Bridleway 12 (Morton Lane)

This case was number 110 on the priority list. The sub-committee allowed the appeal on the grounds that there was "sustained aggression, hostility and ill feeling within a community that is causing severe disruption to the life of that community, and that in processing the case early there is a strong likelihood that this will reduce".

## Appendix B - Progress of Modification Order Cases where Appeals to Prioritisation Have Been Made.

Having conducted the relevant research the County Council felt that the evidence suggested that restricted byway rights, rather than public bridleway rights, existed. The consultation period for the subsequent order ended on 6<sup>th</sup> September 2010. The Order will be confirmed shortly.

### Sleaford – Claimed Public Footpath from Millfield Terrace to Eastgate

This case had not been prioritised by officers at the time of the sitting of the sub-committee. The appeal was allowed on the grounds that there was “a risk to children on County Council owned property or where routes are likely to be used by children to provide safe access to schools, play areas or other local amenities”.

Following the relevant research the County Council concluded that the submitted evidence did not show that any public right of way existed. The applicant exercised their right to appeal this decision to the Secretary of State in January 2009. The Planning Inspectorate have recently indicated that a decision on the appeal should be reached by November 2010.

### **30<sup>th</sup> June 2008**

### Lea – Claimed Public Bridleway from Lea Park to new plantation off Willingham Road, (nr Gainsborough)

This case was number 147 on the priority list. The sub-committee declined the appeal as it was felt that the arguments made by the appellant did not match any of the exception criteria.

Since this time a second appeal was made following the inclusion of the new exception criteria 8 in 2009. The sub-committee allowed this appeal at the sitting of 14<sup>th</sup> September 2009 on the grounds that the claimed route would have a significant impact on the implementation of the Countryside Access & Rights of Way Improvement Plan.

After conducting research and assessing the evidence the County Council made an order on 16<sup>th</sup> July 2010 with the objection period due to end on 7<sup>th</sup> October 2010. It is known that there is likely to be objections to the order however it may be possible to secure their withdrawal if a reasonable alternative route away from the adjacent properties could be negotiated.

### Horncastle – Claimed Public Footpath along Holt Lane to Banovallum Gardens

See above.

The sub-committee prioritised the case on the grounds that new information suggested that there was “a risk to children on County Council owned property or where routes are likely to be used by children to provide safe access to schools, play areas or other local amenities”.

The Statement of Reasons for this case has been completed and has now been passed to Legal Services Lincolnshire for final checking before submission to the Secretary of State.

Appendix B - Progress of Modification Order Cases where Appeals to Prioritisation Have Been Made.

**19<sup>th</sup> January 2009**

Burgh le Marsh – Claimed Public Footpath from Faulkners Lane to Orby Road.

This case was number 77 on the priority list. The sub-committee declined the appeal as it was felt that the arguments made by the appellant did not match any of the exception criteria.

No further progress has been made on this case.

Dogdyke (Chapel Hill) – Claimed Public Footpath from The Crown Inn Public House to the River Witham.

This case was number 94 on the priority list. The sub-committee allowed the appeal on the grounds that legal proceedings against the County Council were likely to be instigated and it is possible that the Authority has a liability.

Following the relevant investigations the County Council made an order on 1<sup>st</sup> June 2010 and, with no objections being made, the order was confirmed on 17<sup>th</sup> August 2010. The advertisement of the confirmation is currently being undertaken. At this stage objection can only be made on technical grounds.

**29<sup>th</sup> June 2009**

Lincoln - Claimed Public Footpath from Dunkirk Road to Breedon Drive

This case was number 141 on the priority list. The sub-committee declined the appeal as it was felt that the arguments made by the appellant did not match any of the exception criteria.

No further progress has been made on this case.

Mumby - Realignment of Public Footpath No. 59

This case was number 142 on the priority list. The sub-committee allowed the appeal on the grounds that legal proceedings against the County Council were likely to be instigated and it is possible that the Authority has a liability.

This case has now been allocated to an officer and the relevant investigations are being undertaken.

**14<sup>th</sup> September 2009**

See 30<sup>th</sup> June 2008 above

**12<sup>th</sup> October 2009**

Raithby & Hundleby – Claimed Byway Open to All Traffic (BOAT) & upgrade of Public Bridleway No 133 to BOAT

This case was number 155 on the priority list. The sub-committee declined the appeal as it was felt that the arguments made by the appellant did not match any of the exception criteria.

No further progress has been made on this case although it has been subject to protracted correspondence and a corporate complaint.

Appendix C - Outstanding Modification Order Cases

✓ = Case completed as at 20 <sup>th</sup> September 2010 X = Case targeted for completion in 2010/2011 Already with Pins = Cases submitted in previous years and awaiting determination							
Parish	File	Status	Further details	Application/Acceptance	Active	Priority Ranking	Targeted for 2010/11
Waddington	128	RB	RB 10	01/01/1990	Yes	1	X
Ancaster	2	RB	BOAT	13/11/1991	Yes	2	
Waddingham	114	PF	PF73	29/01/1993	Yes	3	X
Dogdyke (Chapel Hill)	244	PF	From Crown Inn to river Witham	14/10/2002	Yes	4	✓
Horncastle	250	PF	From Holt Lane to Banovallum Gardens	18/03/2003	Yes	5	X
Newton & Haceby	260	BOAT	Upgrade of RB 11 Claim BOAT Newton to A15	27/05/2004	Yes	6	✓
Newton & Haceby / Walcot	261	BOAT	Upgrade of RB 2 and BR 3 "Green Lane"	27/05/2004	Yes	7	Already with Pins
Newton & Haceby / Walcot	262	BOAT	Upgrade of RB 10 and BR 2 "Gettons Lane"	27/05/2004	Yes	8	Already with Pins
Eagle & Swinethorpe	264	PB	Claimed PB at Eagle Barnsdale to PB 12	18/06/2004	Yes	9	✓
Cherry Willingham	273	PF	Claimed PF from Fiskerton Rd to the River Witham	19/01/2005	Yes	10	X
Mablethorpe	284	PF	PF from Queensway to King Georges Field	15/08/2005	Yes	11	✓
Carlton Scroop/Ancaster	308	BOAT	Upgrade of PF 11 & PB 11 in Carlton Scroop and RB 13 in Ancaster to BOAT's	20/03/2006	Yes	12	
Ancaster	309	BOAT	Addition of a BOAT along Heath Lane in the parish of Ancaster	23/03/2006	Yes	13	
Lea	310	PB	Addition of a PB from Lea Park to New Plantation off Willingham Road	28/07/2006	Yes	14	X
Stamford	315	PF	From Welland Mews to Lower Stamford meadows	08/02/2007	Yes	15	X
Louth	318	PF	Claimed footpath from Kiln Lane to High Holme Road, Louth	25/04/2007	Yes	16	X
Mumby	322	PF	Claimed re-alignment of FP 59	29/09/2007	Yes	17	X
Sleaford	324	PF	Claimed footpath from Millfield Terrace to Eastgate through the cemetery	30/10/2007	Yes	18	Appeal at Pins
Harmston / Coleby	326	PF	Addition of PF from Coleby PF 2 to Grantham Rd	12/03/2008	Yes	19	X
Manby	67	PF	Claimed footpath between Chapel Lane and PF 218	27/04/1983	Yes	20	X
Holbeach	50	PF	Woodhouse Lane to Hurn Bank	14/06/1983	Yes	21	X
North Hykeham / Lincoln	75	PF	station Rd to Clarke Rd	16/07/1983	Yes	22	X
Anderby	3	PF	Sea road to Creek out fall	25/07/1983	Yes	23	X
Temple Bruer with Temple High Grange	110	PROW	2 BOATs - Coked Hat Plantation	06/02/1985	Yes	24	Already with Pins

## Appendix C - Outstanding Modification Order Cases

South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	30/04/1986	Yes	25	X
South Willingham	97	PF	Hainton Rd to High St	30/04/1986	Yes	26	X
South Willingham / Hainton	98	PF	Moors Lane to A157	30/04/1986	Yes	27	X
South Willingham	99	PF	Moors lane to Poplar Fm	30/04/1986	Yes	28	X
Bardney	6	PB	From BR 214 to layby off Henry Lane	20/04/1987	Yes	29	✓
Woodhall Spa	123	PF	Tattershall Rd to Abbey Lane	20/05/1989	Yes	30	Already with Plns
Wellingore	118	BOAT	North Hill Foot Lane & North Lane	16/08/1990	Yes	31	Already with Plns
Wickenby	121	BOAT	Wickenby R/way Bdge - Wickenby Wood corner	11/12/1990	Yes	32	X
Saltfleetby St Clement	82	PB	PB from Sea View to Gowts Farm	06/08/1991	Yes	33	✓
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	12/05/1998	Yes	34	X
Carlton Scroop	216	PB	Upgrade of FP 4 to BR & missing link, Howdale Lane	17/05/2000	Yes	35	Already with Plns
Lincoln	241	PF	Claimed PF from Wragby Rd to Greetwell Rd	22/06/2002	Yes	36	
Langrville	57	PF	Leagate Rd to Meer Booth Rd.	26/07/1983	No	37	X
Leasingham	199	RB	Proposed downgrading of RB 13 to PF	27/07/1983	No	38	
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby (Gads Lane)	01/11/1983	No	39	
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to church Lees	01/01/1985	No	40	X
Aunsby & Dembleby	5	PROW	see file	11/07/1985	No	41	X
Mablethorpe and Sutton	106	PF	High St to Broadway	16/09/1985	No	42	X
Grimoldby	43	PF	from Mill Lane	23/10/1985	No	43	X
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	11/12/1986	No	44	
Burgh-le-Marsh	18	PF	Faulkers Lane	10/02/1987	No	45	
Stamford	101	PF	Cherry Holt Lane to Priory Rd	03/04/1987	No	46	
East Stockwith/ Morton	27	PF	PF from Willowbank Lane to Walkerith Road	04/06/1987	No	47	
Linwood / Market Rasen	60	PF	Buslingthorpe R/way Bdge	18/06/1987	No	48	
Middle Rasen	72	PF	Caistor Rd to Gatehouse Lane	05/08/1987	No	49	
Gainsborough	36	PF	Whites Wood	07/09/1987	No	50	
Belchford	11	PB	Ings Lane	25/01/1988	No	51	
Skidbrooke with Salthaven	85	PF	The Haven	30/03/1988	No	52	
Leasingham	272	PF	Claimed PF from PF2 to PF3 in the Parish of Leasingham	21/10/1988	No	53	
Friesthorpe/Buslingthorpe/Lissington	32	PB	BW from Lissingley Lane to Shortwood Lane	08/05/1989	No	54	
Linwood/Legsby	59	PF	Linwood Church to Bleasby	11/07/1989	No	55	

## Appendix C - Outstanding Modification Order Cases

Great Gonerby/Marston	41	PF	Cliff Lane	01/01/1990	No	56	
Sutton St James	108	BOAT	Badgate	01/02/1990	No	57	
Market Rasen/Tealby	68	PF	from PF163	15/03/1990	No	58	
Welbourn (etc..)	117	BOAT	Ermine St	04/04/1990	No	59	
Castle Bytham	136	RB	RB 3	22/10/1990	No	60	
Glentham	38	PF	From church gates	07/04/1991	No	61	
Middle Rasen	69	PB	PB514 to BOAT	22/05/1991	No	62	
Kettlethorpe	55	BOAT	Know as Westmoor Lane	19/08/1991	No	63	
Fulletby	35	BOAT	Mill Street	22/05/1992	No	64	
Rothwell / Cabourne	81	BOAT	PB24 to BOAT	15/06/1992	No	65	
Great Gonerby	40	PF	PF6 to join RB 5	21/12/1992	No	66	
Bassingham	9	PF	Claimed PF from Brocklebank Close to playing field	27/10/1993	No	67	
Navenby	154	PF	'The Smoots'	22/05/1996	No	68	
Fulletby	162	PF	School Lane	10/10/1996	No	69	
Beckingham/Brant Broughton	167	PF	PF 5 to BW and missing link	12/12/1996	No	70	
Coningsby	182	PF	School Lane to Dogdyke Road	06/11/1997	No	71	
Little Carlton/Legbourne	185	PB	'Blind Lane' from PB 624 ( Manby)	22/01/1998	No	72	
Louth	186	PB	Grimsby/Louth Railway Line ( part from Keddington Rd crossing to Little Grimsby bridge)	03/02/1998	No	73	
Horncastle	195	PF	Boston Road to the Wong	23/05/1998	No	74	
Grantham	194	PF	Denton Ave to PF 16	28/05/1998	No	75	
Halton Hologate	201	PF	Northorpe Road to Ashby Road	17/08/1998	No	76	
Anderby Creek	203	PF	Occupation Road to Beach (via Rowan Court)	10/10/1998	No	77	
Rothwell / Swallow	220	PF 23	Realignment of Footpath 23	02/01/2001	No	78	
Hundleby	224	PF	PF366	26/02/2001	No	79	
Holbeach	236	PF	Langwith Gardens to Stukeley Hall Drive	18/01/2002	No	80	
Barrowby	237	PF	PF13 to PB, Casthorpe Rd to parish boundary	08/05/2002	No	81	
Skillington & Stoke Rochford	239	BOAT	BOAT from Crabtree Rd to parish boundary between Stoke Rochford & Easton and Wyville Cum Hungerton	05/06/2002	No	82	
Skillington	240	BOAT	Claimed BOAT from Skillington village to "The Drift" along Buckminster Lane	05/06/2002	No	83	
Tealby	238	PF	Claimed footpath from footpath 132 through Thorpe Mill to The Road	25/06/2002	No	84	
Woolsthorpe by Belvoir	242	BOAT	Claimed upgrade from PB to BOAT "Longmoor Lane"	03/07/2002	No	85	
Barrowby/Grantham	245	BOAT	Upgrade of RBs 10 and 922	10/10/2002	No	86	
Osournby/Aunsby & Dembleby	248	BOAT	Upgrade from RB (Mickling Meadow Rd)	02/04/2003	No	87	

## Appendix C - Outstanding Modification Order Cases

Harlaxton/Grantham	247	BOAT	Claimed BOAT from Gorse Lane to Great North Road)	23/04/2003	No	88	
Stamford	249	PF	PF leading over quarry from Walcot Way	23/04/2003	No	89	
Branston & Mere	253	PF	Claimed PF along bank of river Witham from Bardney bridge to Bardney Lock	29/10/2003	No	90	
Spilsby	254	BOAT	Claimed BOAT along Pooles Lane	24/11/2003	No	91	
South Somercotes	257	PF	Claimed PF Southfiels Lane / Town street of the Church	02/03/2004	No	92	
Colsterworth	259	PF 14	PF 14	06/05/2004	No	93	
Norton Disney	263	PB	Claimed PB at Norton Disney Newark Rd to Swinderby Rd	13/05/2004	No	94	
Holton Le Clay	266	BOAT	Claimed BOAT "The Smooting" Holton Le Clay	21/09/2004	No	95	
Leasingham	267	BOAT	Upgrade of PB 10 Moor Lane to Leasingham Parish Boundary	16/11/2004	No	96	
Leasingham / Sleaford	268	BOAT	Upgrade of PB 6 New Lane Claim from Leasingham Parish Boundary	16/11/2004	No	97	
Heckington	269	BOAT	Upgrade of PF 3 Heckington Claim from A17 to PF 3 Heckington	15/12/2004	No	98	
Snitterby	270	PF	PF from High St to Bridle Walk and PF 70	04/01/2005	No	99	
Aslackby & Laughton	277	BOAT	Upgrade of RB 12 to BOAT	22/02/2005	No	100	
Pointon & Sempringham / Aslackby & Laughton	276	BOAT	Upgrade RB 9 & 13 to BOAT ( Pethley Lane)	24/02/2005	No	101	
Threkingham / Billingborough	275	BOAT	Upgrade PB 4 Claim from Parish boundary to Folkingham Road	25/02/2005	No	102	
Allington/Foston	271	BOAT	Upgrade of RB 5 and RB 7 (Marston Lane)	14/03/2005	No	103	
Kirkby La Thorpe	274	PF	Claimed PF from The Hoplands to PF 1	17/03/2005	No	104	
Belton & Manthorpe / Syston	278	BOAT	Claimed BOAT from Heath Lane to High Dike "Beggars Lane"	13/06/2005	No	105	
Asterby	279	PF	Claimed Public Footpath from Goulceby Lane to Public Footpath No.18	18/07/2005	No	106	
Ropsley & Humby / Ingoldsby	281	BOAT	Upgrade of PB 30 & PB 14 to BOAT	27/08/2005	No	107	
Ingoldsby/Bitchfield & Bassingthorpe	282	BOAT	Upgrade of PB 16 to BOAT and Claimed BOAT	27/08/2005	No	108	
Wrangle	283	BOAT	Claimed BOAT from Church Lane to Church End "Cockle/Cocleshell Alley"	05/09/2005	No	109	
Osgodby / Owersby	285	PF 91	PF 91 Osgodby realignment	30/09/2005	No	110	
Helpringham	286	BOAT	Upgrade of RB 17 to Boat	23/10/2005	No	111	
Pointon & Sempringham/Billingborough	290	BOAT	Upgrade of RB 15 to BOAT & Realign " Primrose Lane"	25/10/2005	No	112	
Ropsley & Humby/Boothby Pagnell	287	BOAT	Upgrade of PF27 Ropsley & Humby to BOAT and claimed BOAT in Boothby Pagnell	26/10/2005	No	113	

## Appendix C - Outstanding Modification Order Cases

Boothby Pagnell/Old Somerby	291	BOAT	Upgrade of PF 7 to BOAT Claimed BOAT from PF7 to BW7 Upgrade of BW7	29/10/2005	No	114	
Pointon & Sempringham	289	BOAT	Claimed BOAT from West Road to Pethley Lane	30/10/2005	No	115	
Irnham/Edenham	294	BOAT	Claimed BOAT from Irnham Lane to Bulby Lane, Irnham	05/11/2005	No	116	
Lenton Keisby and Osgodby	292	BOAT	Upgrade of PB 3 to BOAT	06/11/2005	No	117	
Lenton Keisby and Osgodby / Irnham	293	BOAT	Claimed BOAT from RB 12 to PB 9 and Upgrade of PB 9 to BOAT	06/11/2005	No	118	
Lenton Keisby and Osgodby / Irnham	295	BOAT	Claimed BoAT from Irnham BR9 to Elsthorpe Road	09/11/2005	No	119	
Burton Coggles / Corby Glen	297	BOAT	Upgrade of BC BW1, RB2 & CG RB9	05/12/2005	No	120	
Great Sturton/Ranby/Hemingby/Belchford	296	BOAT	Upgrade of RB61 to BOAT	12/12/2005	No	121	
Aunsby & Dembleby	298	BOAT	Upgrade of RB5	06/01/2006	No	122	
Folkingham	299	BOAT	Upgrade of PF 8 to BOAT	27/01/2006	No	123	
Hough on the Hill	300	BOAT	Upgrade of RB22 to BOAT	27/01/2006	No	124	
Kirkby Underwood	301	PB	Claimed bridleway from Rippingale Br16 to Stainfield Road	30/01/2006	No	125	
Great Gonerby/Barrowby	302	BOAT	Upgrade of RB 7 and PF6 in Great Gonerby and PF 11 in Barrowby to BOATS	07/02/2006	No	126	
Lissington/Holton Cum Beckering	303	BOAT	Upgrade of PB 904 in Lissington and PB 904 in Holton Cum Beckering to a BOAT	14/02/2006	No	127	
Long Bennington	304	BOAT	Upgrade of RB 12 to BOAT	14/02/2006	No	128	
Foston	305	BOAT	Upgrade of PB 3 and RB 5 to a BOAT	16/02/2006	No	129	
Westborough and Dry Doddington/Stubton	306	BOAT	Upgrade of PB 12 (W&DD) and PF 3 & RB 7 (Stubton) to a BOAT	22/02/2006	No	130	
Westborough and Dry Doddington/Stubton / Claypole	307	BOAT	Addition of a BOAT in Westborough and DD, upgrade of RB 5 & 6 in Stubton and upgrade of BW 8 in Claypole	22/03/2006	No	131	
Searby	311	PB	Addition of a bridleway from Owmbly Road to Howsham Lane	03/08/2006	No	132	
Lincoln	313	PF	Claimed footpath from Church Drive to Tritton Road, Lincoln	27/12/2006	No	133	
Skegness	317	PF	Claimed footpath from Albany Close to Albany Road, Skegness	15/03/2007	No	134	
Lutton	325	PF	Claimed footpath from School Lane to Blazegate	17/07/2007	No	135	
Gainsborough	319	PF	Claimed footpath from Bowling Green Rd to Bayard StY	20/08/2007	No	136	
Lincoln	320	PF	Claimed footpath from Dunkirk Road to Breedon Drive	21/09/2007	No	137	
East Ferry	321	PF	Claimed footpath from East Ferry High St. to River Trent (county boundary)	24/09/2007	No	138	



## Appendix C - Outstanding Modification Order Cases

Heighington	323	PF	Claimed footpath along Bracken Hill Lane and Third Hill Road	04/10/2007	No	139	
West Ashby/Fulletby	327	PB	Upgrade of PB No. 57 to RB	28/03/2008	No	140	
Sturton by Stow	328	PF	Claimed footpath from Bonniwells Lane (PF82) to Tillbridge Lane	10/04/2008	No	141	
Swineshead	329	PF	From Tarry Hill to Station Road	21/07/2008	No	142	
Lincoln	330	PF	Claimed Footpath between Skellingthorpe Road and Rochester Drive	30/07/2008	No	143	
Mablethorpe and Sutton	331	PF	Claimed Public Footpath from Sanhurst Road to The Promenade	12/08/2008	No	144	
Scotter / East Ferry	332	PF	Claimed Public Footpath from Becks Lane to Gainsborough Road	28/08/2008	No	145	
Scotton	333	PF	Claimed Public Footpath from Gainsborough road to pf 4	28/08/2008	No	146	
Lincoln	334	PF	Claimed Public Footpath from Boswell Drive to Doddington Road	29/09/2008	No	147	
Old Somerby	335	PB	Claimed Public Bridlway from junction of Church Lane and The Pastures to PB 7	15/05/2009	No	148	
Ropsley & Humby	337	PB	Claimed Public Bridleway & upgrade of Ropsley FP9 (pt) and FP18 Somerby Rd to Ropsley Road	15/05/2009	No	149	
Snitterby/Bishop Norton	336	PF	Claimed Public Footpath Snitterby Carr PF68 (Brown's Bridge) to Grid Ref TF023933	06/07/2009	No	150	
Upton	338	PF	Claimed Public Footpath from High Street to PF 50	27/07/2009	No	151	
Raithby/Hundleby	339	BOAT	From B1195 road along Raithby PB 133 & part Hundleby PB 133 to Raithby old churchyard	07/09/2009	No	152	
Caistor	340	PF	Claimed Footpath (Buttermarket) South St to Plough Hill	18/09/2009	No	153	
Billingborough	341	PF	Claimed Footpath Low Street to Whiteleather Square	02/08/2010	No	154	
Timberland	342	PF	Claimed Footpath from Church Lane, along driveway of 52 Church Lane to PF 1	05/08/2010	No	155	

NO: HAT 33/03/10 **[DRAFT]**

SUBJECT: PRIORITISATION OF DEFINITIVE MAP MODIFICATION ORDERS

AUTHOR: PRINCIPAL RIGHTS OF WAY & COUNTRYSIDE ACCESS OFFICER

DISTRIBUTION: DISTRIBUTION LIST

## 1. Introduction

- 1.1 As Surveying Authority the County Council has a statutory duty to keep under continuous review the Definitive Rights of Way Map and Statement for Lincolnshire and to make orders to take account of events requiring the map and/or Statement to be modified. This is carried out by the processing of Definitive Map Modification Orders (DMMOs) which are either applied for by the public or initiated by the Authority on the discovery of evidence
- 1.2 This Highways & Traffic Guidance Note indicates the processes required for the prioritisation of Definitive Map Modification Orders (DMMOs) ensuring that it is carried out within a transparent and consistently applied priority system.

## 2. Scope

- 2.1 This Highways & Traffic Guidance Note applies to all DMMOs, either following an application by a member of the public or initiation by Lincolnshire County Council following the discovery of evidence which may require a Modification Order to be made.
- 2.2 The revised priority system will come into force with immediate effect although officers will complete any outstanding cases currently being processed by them. These are the cases highlighted in Appendix 2.

## 3. Process

- 3.1 An application to modify the Definitive Map is made by a member of the public or alternatively evidence is discovered by Lincolnshire County Council which may require the making of a Modification Order.
- 3.2 The application/initiation (“the case”) is dealt with on a date order of receipt basis unless it can be demonstrated that it ought to be considered at an earlier opportunity because it fulfils one or more of the following “exceptions” criteria.

## Appendix D - Draft Revised Prioritisation Policy

- 3.2.1 Where there is sustained aggression, hostility and ill feeling within a community that is causing severe disruption to the life of that community, and that in processing the case early there is a strong likelihood that this will reduce.
- 3.2.2 Where there is a significant threat to the route, likely to cause a permanent obstruction (e.g. a building, but not, for example, a locked gate or residential fencing).
- 3.2.3 Where there is, or has been, a finding of maladministration by the Local Government Ombudsman on a particular case and that in processing the case the County Council will discharge its duty to the Ombudsman's decision.
- 3.2.4 Where legal proceedings against the County Council are instigated or are likely to be instigated and it is possible that the Authority has a liability.
- 3.2.5 Where there is a risk to children on County Council owned property and land is where the claimed route would provide for a safer alternative route to a school, play area or other amenity for children.
- 3.2.6 Where there is a significant financial saving to the County Council (and therefore taxpayer) through the processing of an Order.
- 3.2.7 Where a new application is received that relies on evidence of a case already received or, if the new application forms part of or is adjoining to an existing claim, the new claim will be dealt with at the same time as the older application.
- 3.2.8 Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action.
- 3.3 The priority of the case will be set by the Principal Rights of Way Officer and/or the Senior Definitive Map Officer. The applicant will then be notified of the decision by letter. (Appendix X)
- 3.4 The applicant will be issued with a current list of outstanding cases indicating the level of priority (Appendix Y is a sample).
- 3.5 In the case of an appeal to the Authority by ~~an applicant~~ **any interested party** that ~~their~~ application has been prioritised incorrectly, adjudication upon any decision to re-prioritise will be made by the Definitive Map and Statement of Public Rights of Way Sub-Committee comprising of seven Councillors who are members of the Planning and Regulation Committee and who shall represent the political balance of the Council overall in terms of the Local Government and Housing Act 1989.

**3.6** *The above numbered exception criteria do not cover every eventuality and it is recognised that in exceptional circumstances there may be other reasons why it would benefit the public for a case to be considered out of normal order. Officers will not prioritise any case under such circumstances and any appeal will only be considered by the Definitive Map & Statement of Public Rights of Way Sub-Committee.*

**3.7** Once opened cases will be dealt with to completion within the constraints of staff resourcing and the legislative processes involved.

4. Review

4.1 This Priority System will require review as and when legislation regarding rights of way alters or comes into force.

5. Appendices

5.1 Appendix A – Notes for all new applicants regarding the prioritisation of cases.

5.2 Appendix B – Sample spreadsheet for outstanding cases to be issued to applicants.

~~5.3 **Appendix C – Sample letter to existing applicants regarding change to criteria**~~

APPENDIX A

Our Ref: xxxxxx/DMMO/xxxxxx

To: The Applicant.

*[date]*

WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 MODIFICATION TO THE  
DEFINITIVE RIGHTS OF WAY MAP  
*[PARISH – TITLE OF CASE FILE]*

Thank you for your application to modify the County Council's Definitive Map and Statement for Public Rights of Way including *[list of received documents to be inserted here]*. A case file has been set up and allocated to *[Name of case officer]*.

Due to the number of applications the Authority has received in the past it has been necessary to prioritise each case. This is carried out on a 'date received' basis unless it is felt that the case fulfils one or more of the criteria as listed below.

Please find attached the Schedule of Priorities as at the date of this letter indicating the standing of your application within the Schedule.

Should you, **or any other person affected by the claimed route**, feel that the County Council has not correctly prioritised your application ~~you may~~ **an appeal in writing can be made** to:

~~The~~ Executive Director  
**Development Services**  
Highways & Traffic  
4<sup>th</sup> Floor, City Hall  
Lincoln  
LN1 1DN

An adjudication on your appeal will be made by the Definitive Map and Statement of Public Rights of Way Sub-Committee consisting of seven Councillors who are members of the Planning and Regulation Committee.

CRITERIA:

1. Where there is sustained aggression, hostility and ill feeling within a community that is causing severe disruption to the life of that community, and that in processing the case early there is a strong likelihood that this will reduce.
2. Where there is a significant threat to the route, likely to cause a permanent obstruction (e.g. a building, but not, for example, a locked gate or residential fencing).
3. Where there is, or has been, a finding of maladministration by the Local Government Ombudsman on a particular case and that in processing the case the County Council will discharge its duty to the Ombudsman's decision.

## Appendix D - Draft Revised Prioritisation Policy

4. Where legal proceedings against the County Council are instigated or are likely to be instigated and it is possible that the Authority has a liability.
5. Where there is a risk to children on County Council owned property and land or where the claimed route would provide for a safer alternative route to a school, play area or other amenity for children.
6. Where there is a significant financial saving to the County Council (and therefore taxpayer) through the processing of an Order.
7. Where a new application is received that relies on evidence of a case already received or, if the new application forms part of or is adjoining to an existing claim, the new claim will be dealt with at the same time as the older application.
8. Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action.

***The above numbered exception criteria do not cover every eventuality and it is recognised that in exceptional circumstances there may be other reasons why it would benefit the public for a case to be considered out of normal order. Officers will not prioritise any case under such circumstances and any appeal will only be considered by the Definitive Map & Statement of Public Rights of Way Sub-Committee.***

Please be aware that the standing of your application within the schedule may alter as new applications are received. It is therefore important that you inform the County Council, in writing, of any changes in circumstance which may alter the priority of your application.

Once a case is being dealt with further background research will be undertaken including routine public consultation to allow all those affected or interested to express their views on the proposal. The decision as to whether or not to make an order in respect of your application will take into account this research.

For further information on these matters please contact the Definitive Map Team on 01522 782070

Yours sincerely

For Executive Director

Enc.