

# Public Document Pack

**NOTE – At the commencement of the meeting there will be a public forum for up to 15 minutes which will offer members of the public the opportunity to make statements or ask questions.**



County Offices  
Newland  
Lincoln  
LN1 1YL

13 July 2015

## **Mid-Lincolnshire Local Access Forum Meeting**

A meeting of the Mid-Lincolnshire Local Access Forum will be held on **Tuesday, 21 July 2015 at 6.00 pm in Huttoft Village Hall, Sutton Road, Huttoft, near Alford, Lincs LN13 9RG** for the transaction of the business set out on the attached Agenda.

Yours sincerely

Tony McArdle  
Chief Executive

## **Membership of the Mid-Lincolnshire Local Access Forum**

Chris Padley, (Users of Local Rights of Way) (Chairman)  
Councillor Denis Colin Hoyes MBE, (Lincolnshire County Council)  
Councillor Daniel McNally, (Lincolnshire County Council)  
Iain Colquhoun, (North East Lincolnshire Council)  
Sandra Harrison, (Landowners)  
Ray Shipley, (Landowners)  
Dr Chris Allison, (Users of Local Rights of Way)  
Sheila Brookes, (Users of Local Rights of Way)  
Deborah North, (Users of Local Rights of Way)  
Colin Smith, (Users of Local Rights of Way)  
Richard Graham, (Other Interests)  
Peter Skipworth, (Other Interests)  
3 Vacancies (Land Owners)  
3 Vacancies (Other Interests)



**MID-LINCOLNSHIRE LOCAL ACCESS FORUM AGENDA  
TUESDAY, 21 JULY 2015**

<b>Item</b>	<b>Title</b>	<b>Report Reference</b>
1	<b>Election of Chairman</b>	
2	<b>Election of Vice-Chairman</b>	
3	<b>Apologies for Absence</b>	
4	<b>Minutes of the previous meeting of the Mid Lincolnshire Local Access Forum held on 28 April 2015</b>	(Pages 7 - 14)
5	<b>Actions Arising from the previous meeting (if not already on the agenda)</b>	
5a	<b>De-Regulation Bill (Minute 63(b))</b>	(Verbal Report)
6	<b>Alison Healey - Retiring Member and Welcome to New Member - Deborah North</b>	(Verbal Report)
7	<b>Past Chairman's Report</b> <i>(Chris Padley to report)</i>	(Verbal Report)
8	<b>Joint Annual Report 2014/15</b> <i>(A report by Andrew Savage, Senior Countryside Access Officer, in connection with the work of the Forum during the last year)</i>	(Pages 15 - 28)
9	<b>Proposal for Future Permissive Access in Stewardship Schemes - Consultation</b> <i>(A copy of the draft report and consultation documents in connection with the above was emailed to the Forum with a covering note from Chris Padley on 22 June 2015. You were requested to bring any comments on the documents to this meeting. For information, the documentation has been emailed to you again)</i>	(Verbal Report)
10	<b>Ordnance Survey - The Recording of "Routes with Other Public Access" (ORPA)</b> <i>(Chris Padley has requested a definition of this area and a paper submitted by Chris Miller, Countryside Access and Definitive Map Manager, provides this information)</i>	(To Follow)

- 11 Big Pathwatch on 13 July 2015 - Organised by the Ramblers**  
*(The Big Pathwatch is an initiative aimed at motivating communities to survey the rights of way network—footpaths, bridleways and byways—in England and Wales, and then to report their findings, both good and bad, via the Ramblers purpose-built app or our website. Once the survey closes later in the year, it is the aim to produce the first comprehensive nationwide analysis of the condition of our paths. The Ramblers are keen to hear the views of the Forum in connection with the following:-*
- *Why your community values the path network and how you use it?*
  - *What impact cuts to path budgets have had on your community?*
  - *Examples of Councils managing the path network cost effective?)*
- (Verbal Report)
- 12 Haugh Rights of Way - Further Developments**  
*(Item raised by Pete Skipworth but a general enquiry about the clearance of Rights of Way)*
- (Verbal Report)
- 13 Lincolnshire Coastal Country Park Access and Recreation Group Update**  
*(Report by Richard Graham in connection with the latest situation)*
- (Pages 29 - 30)
- 14 Obstruction of Route from Saltfleet Paradise (Blackbridge) to Seaview Access**  
*(Sandra Harrison has requested that the Forum gives consideration to the lack of consultation by the Environment Agency to the obstruction of a well known route from Saltfleet Paradise (Blackbridge) along the foot of the Seaside dunes through to Seaview access. In Sandra Harrison's absence Councillor Danny McNally will speak on this item)*
- (Verbal Report)
- 15 Lincolnshire County Council Countryside Access and Rights of Way Improvement Plan - Update**  
*(A report by Andrew Savage, Senior Countryside Access Officer, which provides an update of the plan)*
- (Pages 31 - 58)
- 16 North East Lincolnshire Countryside Access and Rights of Way Improvement Plan**  
*(A report by Nicola Hardy, Public Rights of Way Mapping Officer, which provides an update of the Plan)*
- (Pages 59 - 60)
- 17 Lincolnshire County Council Progress of Definitive Map Modification Orders Work**  
*(A report by Chris Miller, Countryside Access and Definitive Map Manager, which provides an update of the Orders)*
- (To Follow)
- 18 North East Lincolnshire Progress of Definitive Map Modification Orders**  
*(A report by Nicola Hardy, Public Rights of Way Mapping Officer, which provides an update of the Orders)*
- (Pages 61 - 62)

- 19 Lincolnshire County Council Progress of Public Path Orders**  
*(A report by Chris Miller, Countryside Access and Definitive Map Manager, which provides an update of the Orders)* (To Follow)
- 20 North East Lincolnshire Progress of Public Path Orders**  
*(A report by Nicola Hardy, Public Rights of Way Mapping Officer, which provides an update of the Orders)* (Pages 63 - 64)
- 21 Date and Time of the Next Meeting**  
*(The next meeting of the Forum should coincide with the date and time of the next meeting of the South Lincolnshire Local Access Forum arranged for 21 October 2015. It is suggested that the next meeting of this Forum is arranged for 2.00pm on Tuesday 20 October 2015. Members will need to consider a venue)*

#### **Democratic Services Officer Contact Details**

Name: **Steve Blagg**  
Direct Dial **01522 553788**  
E Mail Address [steve.blagg@lincolnshire.gov.uk](mailto:steve.blagg@lincolnshire.gov.uk)

**Please Note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:

[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)

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**Open Report on behalf of Richard Wills - Executive Director for Environment & Economy**

Report to: **Mid Lincs/South Lincs Local Access Forums**  
Date: **21/22 July 2015**  
Subject: **Progress of Orders Work from October 2006 – 20<sup>th</sup> July 2015**

**Summary:**

A report on the progress of Definitive Map Modification Order work since the inception of the current prioritisation policy (October 2006 – 20<sup>th</sup> July 2015) and current caseloads

**Recommendation(s):**

That the report is noted

## **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 HAT33/3/11 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.

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.

Initially the priority of a case is set by Officers however there is a right of appeal for any affected persons 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 since the inception of the revised Schedule of Priorities and 20<sup>th</sup> July 2015.

## **2. Conclusion**

That the Rights of Way & Countryside Access Section has continued to make progress against casework backlogs.

### **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 Completed Modification Order Cases to 20 <sup>th</sup> April 2015
Appendix B	Progress of Modification Order Cases where Appeals to Prioritisation Have Been Made.
Appendix C	Ongoing Active Casework
Appendix D	<a href="#">Outstanding Modification Order Cases (Link)</a> – Paper copies available on request

**5. Background papers**

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Highways & Traffic Guidance Note 33 – Prioritisation of Definitive Map Modification Orders - <a href="#">HAT 33/3/11</a>
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This report was written by Chris Miller, Countryside Access Manager, who can be contacted on 01522 782070 or countryside\_access@lincolnshire.gov.uk.

Appendix A - Schedule of Modification Order Cases Completed October 2006 to 6<sup>th</sup> January 2015

CASES WHERE AN ORDER WAS NOT MADE				
Parish	Further details	Formal Application?	Decision Date	Reason not made
Careby, Aunby & Holywell	Reclassification of RB1	No 24/10/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 5	No 13/1/1998	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 4	No 12/06/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Billingborough	Reclassification of RB 10	No 02/05/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Ruskington	Downgrading of RB 127	Yes 02/02/1987	23/01/2007	Insufficient evidence
Horncastle	Claimed Public Footpath	Yes 01/10/1991	06/06/2007	Insufficient evidence
Wrangle	Claimed Public Footpath	Yes 17/09/1994	04/07/2007	Claimed path dedicated by landowner instead (PF987)
Osgodby / Owersby	Claimed Public Footpath & BOAT- Washdyke Lane	Yes 05/12/1990	03/07/2007	Decision not to make, no appeal by applicant
Old Somerby	Upgrade to BOAT status	Yes 07/11/2002	02/10/2007	DEFRA upheld decision, insufficient evidence
Opsley & Humby	Re-alignment/diversion of PF1	No 25/08/2005	18/03/2008	Realignment not necessary - requires diversion order
uffington	Realignment of PF 10 (Main Rd to Turnpike Rd)	No 31/01/2007	01/08/2008	Insufficient evidence
ingham	Claimed BOAT across Ingham village green	Yes 14/07/2003	09/10/2008	Legal Issue regarding Village Green status
Sleaford	Claimed Public Footpath from Millfield Terrace to Eastgate through the cemetery	Yes 30/10/2007	10/11/2010	DEFRA upheld decision, insufficient evidence
Lincoln	Claimed Public Bridleway from Wragby Rd to Greetwell Rd	Yes 22/06/2002	15/02/2011	Insufficient Evidence
Timberland	Claimed Public Footpath from Church Lane	No 05/08/2010	10/12/2010	Insufficient Evidence
Cherry Willingham	Claimed Public Footpath from Fiskerton Road to the River Witham	Yes 19/01/2005	14/6/2011	Insufficient Evidence – DEFRA Dismissed applicants appeal
Stamford	Claimed Footpath from Walcot Way over the former quarry	Yes 23/04/2003	2/6/2011	Insufficient Evidence
Leasingham	Proposed downgrading of RB to Public Footpath status	Yes 27/7/1983	17/10/2013	Insufficient Evidence
Welton le Wold	Claimed public footpath from Beck Lane to Graves Farm	Yes 29/8/2013	30/6/2014	Route not capable of addition to Definitive Map (matter referred to Highways (East) as a footways matter.

Appendix A - Schedule of Modification Order Cases Completed October 2006 to 6<sup>th</sup> January 2015

<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 12/02/2002	17/01/2007	
Halton Hologate	Claimed Public Footpath from PF160 to Highfield Lane	Yes 03/07/2002	05/03/2007	
Sleaford	Public Footpath 12 to Boston Rd and Recreation Ground	Yes 21/06/1999	16/03/2007	
Sleaford	Deletion of Public Footpath 11	No 12/10/2006	18/04/2007	
Waddingham	Claimed Public Footpath from Joshua Way to The Green	Yes 15/05/2000	20/04/2007	
Anderby Creek/Huttoft	Claimed Public Footpath Anderby creek and Moggs Eye	No 21/08/1996	23/04/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Black Dyke	Yes 15/11/1997	02/05/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Green Lane	Yes 15/11/1997	02/05/2007	
Uffington	Claimed Public Footpath from Casewick Lane to School Lane, across school playing field	Yes 06/09/1999	05/06/2007	
Billinghay	Claimed Public Footpath from St Michaels Close to Playing Field	Yes 04/06/1998	08/06/2007	
Pulletby	Realignment of Public Bridleway 58	No 11/06/2007	11/06/2007	
West Keal	Claimed Public Footpath to Old Bolingbroke ( Hall Hill - the Point)	Yes 20/08/2007	20/08/2007	
Sicknall	Claimed Public Footpath from church to Road	Yes 20/07/1992	21/08/2007	
Burton	Claimed Public Bridleway from A 57 to PF 229	Yes 27/08/1987	21/09/2007	
Mablethorpe and Sutton	Claimed Public Footpath from Station Rd to Camelot Gdns	Yes 15/11/1993	12/11/2007	
Heighington	Claimed Public Footpath from Bardney Road to Brinkle Springs Lane	Yes 20/08/2000	15/11/2007	Confirmed by Secretary of State
Torksey/Brampton	Claimed Public Footpath from West Station Road to Brampton village	Yes 08/03/1999	30/10/2007	Confirmed by Secretary of State
Sleaford	Claimed Public Bridleway from Bullock Pasture Lane to Mareham Lane	Yes 27/06/1991	07/01/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Jacksons Lane	Yes 10/02/1987	15/01/2008	
Belton & Manthorpe	Claimed Public Footpath from Low Rd to High Rd (known as "The Steps")	Yes 25/10/2001	07/02/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Gravel pits to PF 240/241	No 02/02/1987	30/05/2008	
Corby Glen	Deletion of part of Public Footpath 7 in Corby Glen	No 02/03/2007	05/06/2008	
Washingborough	Claimed BOAT - North Dales Road	Yes 22/05/1989	09/06/2008	
Skellingthorpe / Lincoln	Claimed Public Footpath alongside Catchwater Drain	Yes 17/11/1989	27/06/2008	
Castle Bytham	Deletion of Public Footpath No. 12	Yes 31/10/2005	28/07/2008	

Appendix A - Schedule of Modification Order Cases Completed October 2006 to 6<sup>th</sup> January 2015

North Somercotes	Claimed Public Footpath from Keeling St to Rd	Yes 02/02/1991	27/11/2009	Secretary of State confirmation as Public Bridleway
Spilsby	Claimed Public Footpath from Halton Rd to PF 160	Yes 22/02/1989	12/01/2010	
East Barkwith	Claimed Public Footpath from Village Green on Torrington Lane to church yard	Yes 24/07/1992	06/05/2010	
Newton & Hacey	Upgrade of Restricted Byway 11 to BOAT Newton to A15	Yes 27/05/2004	10/08/2010	Sch. 14 appeal - Directed to make Order
Newton & Hacey / Walcot	Upgrade of Restricted Byway 2 and Public Bridleway 3 "Green Lane"	Yes 27/05/2004	10/08/2010	
Dogdyke (Chapel Hill)	Realignment of Public Footpath from Crown Inn to River Witham	Yes 14/10/2002	17/08/2010	
Lea	Addition of PB from Lea Plantation to New Plantation	Yes 28/07/2006	07/10/2010	Confirmed as PF only
Carlton Scroop	Addition of Public Bridleway (upgrading from PF in part)	Yes 17/05/2000	11/11/2010	Secretary of State confirmation as Restricted Byway
Waddingham	Realignment of Public Footpath No. 73	No 29/01/1993	02/02/2011	
Bardney	Addition of Public Bridleway	Yes 20/04/1987	09/03/2011	Secretary of State confirmation as Public Bridleway
Wellingore	Claimed BOATS – North Hill Foot Lane and North Hill	Yes 16/08/1999	23/03/2011	Confirmed as Restricted Byway by Sec. of State following objections to modification to RB Status not being upheld
Humby	Realignment of Public Footpath No. 59	Yes 29/09/2007	15/04/2011	Realignment Confirmed
Woodhall Spa	Claimed Footpath from Tattershall Rd to Abbey Lane	Yes 20/05/1989	08/08/2011	Confirmed (in part Abbey Lane to Church only) following written representations procedure by the Secretary of State
Harmston	Addition of claimed PF from Coleby PF2 to Grantham Rd.	No 07/12/2009	06/10/2011	Confirmed by Secretary of State
Worncastle	Claimed Public Footpath – Holt Lane to Banovallum Gardens	Yes 18/03/2003	23/07/2012	Confirmed with modifications by Secretary of State
Orby	Realignment of PF 328	Yes 1/11/2010	4/12/2012	Realignment Confirmed
Wrangle	Claimed Byway Open to All Traffic - Cockle Alley	Yes 5/9/2005	21/6/2013	Confirmed as Public Bridleway only based on evidence
Caistor	Claimed Public Footpath from Plough Hill to Buttermarket	Yes 18/9/2009	9/9/2013	Confirmed after withdrawal of objections
Holbeach	Claimed Public Footpath from Stukeley Hall Drive to Langwith Gardens	Yes 18/1/2002	27/1/2014	Confirmed after withdrawal of objections
Waddington	Reclassification of RB 10	No 1/1/1990	09/06/2014	Confirmed with modifications by the Secretary of State to PB status
Ancaster	Regrading of RB 13 to BOAT status	Yes 20/3/2006	9/6/2014	Order to modify Statement only to show 60' width. Remainder of route subject to NERC Act 2006 provisions regarding status. Application not Winchester compliant.
Saltfleet / Skidbrooke	PB from Sea View to Gowts Farm	Yes 6/8/1991	27/9/2013	Public inquiry held 16 & 17/9/2014 modified following public inquiry to purely of PB status (and including section across common land) originally LCC had made an order in part for RB status based on a lack of equestrian evidence however more came to light during the inquiry to satisfy the inspector.

Appendix A - Schedule of Modification Order Cases Completed October 2006 to 6<sup>th</sup> January 2015

<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 31/10/1988	19/09/2008	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from County boundary to Brewer's Grave	Yes 25/03/1999	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Village Street to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Church to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Chequers Inn to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
East Stockwith	Realignment of Public Footpath No. 37	Yes 23/12/2001	03/06/2009	Order incapable of being confirmed, owing to drafting error
Kirkby Underwood	Deletion of Public Footpath 7	Yes 18/04/1983	14/09/2009	Not confirmed by Inspector
Temple Bruer with Temple High Grange	2 Claimed BOATs - Cocked Hat Plantation	No 06/02/1985	28/09/2010	Not confirmed by Inspector
Mablethorpe	Claimed Public Footpath from Queensway to King Georges Field	Yes 15/08/2005	19/05/2011	Not confirmed by Inspector – Insufficient evidence to prove a specific route
Newton & Haceby	Upgrade of Restricted Byway 11 to BOAT Newton to A15	Yes 27/05/2004	15/06/2011	Not confirmed by Inspector – Insufficient Evidence (LCC objected after having been made to make the order on appeal by the applicant)
Manby	Claimed Public Footpath between Chapel Lane and Public Footpath 218	Yes 27/04/1984	30/03/2012	Not confirmed by Inspector
South	Claimed Public Footpath from Kiln Lane to High Holme Road	Yes 25/04/2007	20/04/2012	Not confirmed by Inspector
Langrville	Leagate Rd to Mere Booth Rd.	Yes 26/07/1983	19/06/2012	Not confirmed by Inspector
North Hykeham / Lincoln	Station Road to Clarke Road	No	25/01/2013	Not confirmed by Inspector
Anderby	Sea Road to Creek Outfall	Yes 25/7/1983	23/4/2013	Not confirmed by Inspector – Insufficient Evidence
Stamford	Welland Mews to Water Meadows	Yes 8/2/2007	28/6/2013	Not confirmed by Inspector – Considered to be operational railway land
Holbeach	Woodhouse Lane to Hurn Bank	Yes 14/6/1983	31/7/2013	Not confirmed by Inspector – Insufficient Evidence
Wickenby	Wickenby Railway Bridge to Wickenby Wood Corner	Yes 11/12/1990	18/3/2014	Not confirmed by Inspector – Insufficient Evidence

Appendix A - Schedule of Modification Order Cases Completed October 2006 to 6<sup>th</sup> January 2015

CASES CURRENTLY SUBMITTED TO THE SECRETARY OF STATE				
Parish	Further details	Formal application?	Date Submitted	Notes

NEW APPLICATIONS SINCE LAST MEETING			
Parish	Case No	Status claimed	Description
Aisthorpe / Brattleby	381	PB	Claimed bridleway between Low Farm, Aisthorpe and Thorpe Lane, Brattleby

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The current Schedule of Priorities policy is now eight years old (albeit with some minor alterations since the original of 2006). In that time Lincolnshire County Council has resolved the following:

- Cases resolved by determining that insufficient evidence exists to warrant the making of an order **19**
- Cases resolved following the confirmation of an order **46**(12 by Secretary of State)
- Cases resolved following the non-confirmation of an order **18**
- Cases currently outstanding with the Planning Inspectorate on behalf of the SoS **0**
  
- Total cases **83**
  
- New Cases received since October 2006 **70**
- New Cases received since 1st April 2015 **2**

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 12 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. The Order was **NOT CONFIRMED**

**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. **NOT CONFIRMED BY SoS – Deemed to be operational railway land**

**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".

Having conducted the relevant research the County Council felt that the evidence suggested that restricted byway rights, rather than public bridleway rights, existed. The order was **CONFIRMED**

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

### 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 appeal was not upheld and the **ORDER WAS NOT MADE**

### **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. The Order was **CONFIRMED**

### 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 case has been **CONFIRMED** with modifications following submission to the Secretary of State.

### **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.



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

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**

**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.

Following investigation an Order was made and with objections withdrawn the Order was **CONFIRMED**.

**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. The applicant also exercised their right of appeal to the Secretary of State following the expiration of one year since the application was made. The Secretary of State felt that LCC's Schedule of Priorities was fair and declined to order that a decision be made.

**4<sup>th</sup> October 2010**

Caistor – Claimed Public Footpath between Buttermarket & Plough Hill

This case was number 153 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,

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

and that in processing the case early there is a strong likelihood that this will reduce”.

**CONFIRMED following the withdrawal of objections**

**5<sup>th</sup> September 2011**

Mablethorpe & Sutton – Claimed Public Footpath from Sandhurst Road to the Promenade

The case was 129 on the priority list. The sub-committee did not allow the appeal based 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” also the Town Council felt that the claimed route may be useful to the fire-brigade in dealing with the regular arson attacks to the beach huts at Sandilands.

Wrangle – Claimed Byway Open to All Traffic “Cockleshell Alley”

This case was number 94 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”.

**CONFIRMED as a Public Bridleway on the strength of available evidence**

**3<sup>rd</sup> October 2011**

Bourne – Claimed Footpath from Beaumont Drive to Bourne Woods (No.142 on the Priority List).

This case was number 142 on the priority list. The sub-committee deferred its decision pending the planning decision due to be considered by South Kesteven District Council. Having received this no further action is currently required.

Holbeach – Claimed Footpath between Langwith Gardens & Stukeley Hall Drive

This case is number 67 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”

**CONFIRMED**

**16<sup>th</sup> July 2012**

Sturton by Stow – Claimed Public Footpath from Bransby to Tillbridge Lane

The case is at No.124 on the priority list. The sub-committee did not allow the appeal as it did not consider that the planning permission granted for the land adjacent had an effect on the right of way

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

**5<sup>th</sup> November 2012**

Utterby – Claimed Public Footpaths Grange Lane to Holywell Lane and Former Railway

The Committee allowed the appeals for these two separate cases and were in agreement with the applicant that the routes fulfilled Criteria 8 “*Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action*”.

The case has now been allocated to a case officer and is in progress. Objections to the made orders have been received and a Statement of Case is being prepared.

Colsterworth – Deletion of Public Footpath No. 14

The Committee allowed the appeal on the basis that it felt that the route was the subject of much local concern and had given rise to a number of incidents of ill-feeling in the community and had become a particular problem for the occupiers.

The case is at No.3 in the priority list and has been allocated to an officer.

**8<sup>th</sup> April 2013**

Heapham - Variation of Particulars contained in the Definitive Statement for PF 57

The Committee allowed the appeal on the basis that it felt that the route was the subject of much local concern and had given rise to a number of incidents of ill-feeling in the community.

The case is at No.8 in the priority list and has been allocated to an officer – An order is due to be made shortly to realign PF 57.

**17<sup>th</sup> March 2014**

Skegness – Claimed Public Footpath Along Sea Bank Adjacent to North Shore Golf Course

The Committee allowed the appeal on the basis that it felt that the route was the subject of much local concern and had given rise to a number of incidents of ill-feeling in the community.

It was also felt that the potential addition of the route to the Definitive Map & Statement may bring benefits to the local economy and PRow network generally and fulfilled a RoWIP aim.

The case is at No.9 in the priority list and has been allocated to an officer.

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

**8<sup>th</sup> September 2014**

Glentworth & Harpswell – Claimed Public Footpath between Homeyard Farm and Hermitage Farm

The Committee did not allow the appeal made on the grounds of ill feeling and aggression in the Community as it did not believe that the issues were sustained. Also the Committee did not believe that the route, on its own merit, would substantially assist in achieving a ROWIP aim or objective.

Appendix C – Outstanding Modification Order Cases

Parish	File	Status	Proposal	Further details	Formal applicatio
Ancaster	2	RB	Claim	to BOAT	Yes
Alford	344	BOAT	Claim	Claimed BOAT from Hanby Lane to to New Cemetery	Yes
Colsterworth / Gunby & Stainby	259	PF	Deletion / Realignment	Colsterworth FP14 & Stainby FP 1(pt)	No
Ancaster	309	BOAT	Claim	Addition of a BOAT along Heath Lane in the parish of Ancaster	Yes
Utterby	354	PF	Claim	Claimed Footpath from Grange Lane to Holy Well Lane	Yes
Utterby	355	PF	Claim	Claimed Footpath from Grange Lane to former railway and beyond	Yes
New Leake	353	PF	Claim	Claimed Footpath from Spilsby Rd to Spilsby Rd	Yes
Heapham	360	PF	Variation of Particulars	Variation of Statement for PF 57	Yes
Skegness	364	PF	Claim	Claimed Footpath from PF 969 to PF 301 along sea defence	Yes
Belton / Gt. Gonerby	12	PF	Claim	Belton to Great Gonerby (Gads Lane)	Yes
South Willingham / Benniworth	96	PF	Claim	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	Yes
South Willingham	97	PF	Claim	Hainton Rd to High St	Yes
South Willingham / Hainton	98	PF	Claim	Moors Lane to A157	Yes
South Willingham	99	PF	Claim	Moors lane to Poplar Fm	Yes
Woodhall Spa	193	PF	Claim	Mill Lane to R.Witham Bank	Yes

ACTIVE CASEWORK

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