

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

11 July 2016

Mid-Lincolnshire Local Access Forum Meeting

A meeting of the Mid-Lincolnshire Local Access Forum will be held on **Tuesday, 19 July 2016 at 6.00 pm** in **Meeting Room, Huttoft Village Hall, Sutton Road, Huttoft, nr 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)
Dr Chris Allison, (Users of Local Rights of Way) (Vice-Chairman)
Councillor Denis Colin Hoyes MBE, (Lincolnshire County Council)
Councillor Daniel McNally, (Lincolnshire County Council)
Councillor Iain Colquhoun, (North East Lincolnshire Council)
Sandra Harrison, (Landowners)
Ray Shipley, (Landowners)
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)
David Mills, (Other Interests)
Katherine Mills, (Other Interests)
3 Vacancies (Land Owners)
2 Vacancies (Other Interests)

**MID-LINCOLNSHIRE LOCAL ACCESS FORUM AGENDA
TUESDAY, 19 JULY 2016**

Item	Title	Report Reference
1	Election of Chairman for 2016/17	
2	Election of Vice-Chairman for 2016/17	
3	Declarations of Members' Interests	
4	Minutes of the previous meeting of the Mid Lincolnshire Local Access Forum held on 26 April 2016	(Pages 7 - 14)
5	Update of Action Taken on the Minutes of the Previous Meeting (if not already on the agenda)	
5a	Minute 46 (a) - Obstruction of Route from Saltfleet Paradise (Blackridge) to Seaview Access <i>(Chris Miller, Countryside Services Team Leader, will provide a verbal update of the latest situation)</i>	(Verbal Report)
5b	Minute 46(d) - Lost Ways Update <i>(A report by Colin Smith in connection with the latest situation of Lost Ways)</i>	(Pages 15 - 16)
6	Natural England Local Access Forum Annual Review Form for 2015/16 <i>(Members are requested to give consideration to the questions posed in the email sent to you on 21 June 2016 and to be prepared to respond at the meeting. Details of the questions circulated are as follows:-</i> <ul style="list-style-type: none"> • <i>LAF achievements/making a difference? Please give examples to illustrate how your LAF has improved public access to land for the purpose of open air recreation and the enjoyment of the area</i> • <i>Do you think your LAF has made a difference to public access in your area via its discussions and actions?</i> • <i>What activity did your LAF undertake to help record historical PROW before 2026?</i> • <i>What are your top priorities for the year ahead?</i> • <i>Do you foresee any issues or challenges that may affect your LAFs operation and/or its ability to deliver improvements to public access in the coming year?</i> • <i>Is there any particular support or training that you need to deliver your priorities or work programme for next year?</i> • <i>Summarise any feedback received from section 94(4) bodies)</i> 	(Verbal Report)

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|----|---|-----------------|
| 7 | <p>Past Chairman's Report
 <i>(Chris Padley will give a verbal report of his year in office for 2015/16)</i></p> | (Verbal Report) |
| 8 | <p>Danger from Eroded Sides of Tarmac on Carriageways
 <i>(Item brought to the Forum by the Chairman. The background is that many country roads now have deep fissures at the sides of the tarmac. Where there is no footway, and overgrown verge, this is increasingly presenting a hazard for walkers. I am wondering how aware the authorities are of this? It is also one of many issues which raise a question over our contact with Lincolnshire County Council following the transfer (yet again) of its Rights of Way (RoW) team out of highways, since we have an interest in ordinary roads. It also occurs to me that I do not actually know how North Lincs interfaces between its RoW function and other highway authority functions, and I should)</i></p> | (Verbal Report) |
| 9 | <p>Priority 3 Paths with Kirkby on Bain 171 as Example
 <i>(Item raised by the Chairman to consider how Lincolnshire County Council's policy of not signposting or clearing priority 3 paths where there is a blockage is working in practice, and to consider the case of Kirkby on Bain footpath No. 171 which exemplifies some of the issues arising from the policy)</i></p> | (Pages 17 - 18) |
| 10 | <p>Adding sections of the Wolds' Way to the Definitive Rights of Way Map
 <i>(This is an issue which has been raised by Sheila Brookes and Chris Padley will expand further on this matter at the meeting)</i></p> | (Verbal Report) |
| 11 | <p>Joint Annual Report 2015/16
 <i>(Chris Miller will give a verbal report on activities undertaken by the County Council on Public Rights of Way matters in 2015/16 at the meeting)</i></p> | (Verbal Report) |
| 12 | <p>Countryside For All
 <i>(A report by John Laws, a member of the South Lincs Local Access Forum)</i></p> | (Pages 19 - 20) |
| 13 | <p>Lincolnshire County Council Countryside Access and Rights of Way Improvement Plan (ROWIP)
 <i>(Chris Miller will give a verbal report on the latest situation in connection with the County Council's ROWIP)</i></p> | (Verbal Report) |
| 14 | <p>North East Lincolnshire Countryside and Rights of Way Improvement Plan</p> | (To Follow) |
| 15 | <p>Lincolnshire County Council Progress of Definitive Map Modification Orders
 <i>(A report by Chris Miller, Team Leader, Countryside Services, in connection with the latest situation of these Orders)</i></p> | (Pages 21 - 28) |
| 16 | <p>North East Lincolnshire Council Progress of Definitive Map Modification Orders</p> | (To Follow) |

- 17 **Lincolnshire County Council Progress of Public Path Orders**
 (A report by Chris Miller, Countryside Services Team Leader, in connection with the latest update of these Orders) (Pages 29 - 30)
- 18 **North East Lincolnshire Council Progress of Public Path Orders** (To Follow)
- 19 **Date and Time of the Next Meeting**

Democratic Services Officer Contact Details

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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.

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

Report to:	Mid Lincolnshire Local Access Forum
Date:	19 July 2016
Subject:	Definitive Map Modification Orders - Ongoing

Summary:

A report on the progress of Definitive Map Modification Order Currently being undertaken.

Recommendation(s):

That the report is noted & formal written advice provided as required.

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.

Appendix A, provides an outline of the position of cases currently deemed to be "active" within the prioritisation policy.

2. Consultation

a) Scrutiny Comments

b) Executive Councillor Comments

c) Local Member Comments

d) Policy Proofing Actions Required

n/a

3. Appendices

These are listed below and attached at the back of the report	
Appendix A	Outline summaries of "active" modification order cases as at 23 June 2016
Appendix B	Appeals against prioritisation – Q1 2016-17
Appendix C	Outstanding Modification Order Cases (Link) – Paper copies available on request

4. 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 - HAT 33/3/11
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This report was written by Chris Miller, Team Leader – Countryside Services, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk.

APPENDIX A - Outline Summaries of "active" modification order cases

PARISH	CASE No.		CASE TITLE	FORMAL APP?	Date	UPDATE
Ancaster	2	BOAT	Regrade from RB to BOAT	Yes	13/11/91	Currently revisiting extensive file work from long-standing case.
Alford	344	BOAT	Claimed BOAT from Hanby Lane to New Cemetery	Yes	01/04/93	COMPLETE - Confirmed 15 June 2016 with minor modification to the description of a gate limitation
Colsterworth / Gunby & Stainby	259	PF	Colsterworth FP14 & Stainby PF 1(pt)	No	19/05/04	Submitted to Secretary of State 21/12/2015 – Being dealt with through the Written Representations procedures
Ancaster	309	BOAT	Addition of a BOAT along Heath Lane in the parish of Ancaster	Yes	23/03/06	COMPLETE – Confirmed by Secretary of 18 April 2016 as part BOAT, part RB
Utterby	354	PF	Claimed Footpath from Grange Lane to Holy Well Lane	Yes	08/05/12	Submitted to the Secretary of State 8/12/2015 – Public Inquiry set to 15/11/2016
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	Yes	08/05/12	Submitted to the Secretary of State 8/12/2015 – Public Inquiry set to 15/11/2016
New Leake	353	PF	Claimed Footpath from Spilsby Rd to Spilsby Rd	Yes	30/05/12	Submitted to the Secretary of State 18/11/2015 – Being dealt with through Written Representations procedures. Site visit by Inspector undertaken w/c 14 June 2016 and decision expected imminently
Skegness	364	PF	Claimed Footpath from PF 969 to PF 301 along sea defence	Yes	30/05/13	COMPLETE - Decision not to make order due to insufficient evidence and evidence of lack of intention to dedicate 17 May 2016. No appeal received before 18 June 2016
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby (Gads Lane)	Yes	01/11/83	Submitted to Secretary of State – Awaiting start date
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyholme Lane, Marshchapel	Yes	4/8/2014	LCC Decision not to make an Order. W&CA81, Schedule 14 appeal made by applicant to Secretary of State
South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	Yes	30/04/86	Submitted to the Secretary of State 26/11/2015 – Written Representation procedure ongoing until 5/2016 – Boundary Book information from National Archives requested.
South Willingham	97	PF	Hainton Rd to High St	Yes	30/04/86	Statement of Reasons prepared. Due to be submitted to Secretary of State 15 July 2016
South Willingham / Hainton	98	PF	Moors Lane to A157	Yes	30/04/86	Statement of Reasons prepared. Due to be submitted to Secretary of State 15 July 2016
South Willingham	99	PF	Moors lane to Poplar Fm	Yes	30/04/86	Statement of Reasons prepared. Due to be submitted to Secretary of State 15 July 2016

APPENDIX A - Outline Summaries of "active" modification order cases

Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	Yes	12/05/98	Order made and a number of objections received - Statement of Grounds prepared and submitted to Secretary of State 21 June 2016
Coningsby	182	PF	School Lane to Dogdyke Road	Yes	06/11/97	Order made and a number of objections received. Statement of Reasons being prepared.
Louth	363	PF	Claimed deletion of part of PF5 and addition of PF	Yes	08/03/13	COMPLETED - Decision not to make order made and no appeal received
Caythorpe & Frieston / Fenton / Fulbeck/ Leadenham	383	PB	Claimed bridleway from Fenton to Fulbeck Grange (routes around former Fulbeck Airfield)	Yes	05/03/15	COMPLETE - Decision not to make order due to insufficient evidence and evidence of lack of intention to dedicate 17 May 2016. No appeal received before 18 June 2016
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	Yes	16/04/15	Decision report completed. Awaiting decision as to whether evidence is sufficient to make an order.

BOAT – Byway Open to All Traffic

RB – Restricted Byway

PB – Public Bridleway

PF – Public Footpath

- **2016-17 cases completed - 4**

(Submission to Secretary of State, order confirmed unopposed or where a decision not to make an order has been made)

- **2016-17 new cases received – 2**

- **Total Number of cases (Formal application or Self-initiated) – 153 still outstanding inclusive of those awaiting determination by the Secretary of State (8 including 1 Sch 14 Appeal) at 28th July 2016**

There have been no appeals determined in this quarter although two appeals have been submitted but are yet to be heard.

Appendix C – Outstanding Modification Order Cases

Parish	File	Status	Proposal	Further details	Formal application
Ancaster	2	RB	Claim	to BOAT	Yes
Alford	344	BOAT	Claim	Claimed BOAT from Hanby Lane to to New Cemetery	Yes
Coningsby	182	PF	Claim	School Lane to Dogdyke Road	Yes
Colsterworth / Gunby & Stainby	259	PF	Deletion /	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
Skegness	364	PF	Claim	Claimed Footpath from PF 969 to PF 301 along sea defence	Yes
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyhole	Yes
Caythorpe & Frieston/Fenton/Fulbeck/Leafield	383	PB	Claim	Claimed bridleway from Fenton to Fulbeck Grange (routes around former Fulbeck A	Yes
Navenby	384	PB	Claim	Claimed bridleway from Grantham Road to Doncaster Gardens	Yes
Belton / Gt. Gonerby	12	PF	Claim	Belton to Great Gonerby via Gonerby Grange (Gadds 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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