

# 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

27 March 2017

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

A meeting of the Mid-Lincolnshire Local Access Forum will be held on **Tuesday, 4 April 2017 at 2.00 pm** in **Committee Room Three, County Offices, Newland, Lincoln LN1 1YL** 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)  
Sheila Brookes, (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)  
Dr Chris Allison, (Users of Local Rights of Way)  
Richard East, (Users of Local Rights of Way)  
Peter McKenzie-Brown, (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)  
3 Vacancies (Land Owners)  
4 Vacancies (Other Interests)



**MID-LINCOLNSHIRE LOCAL ACCESS FORUM AGENDA  
TUESDAY, 4 APRIL 2017**

| <b>Item</b> | <b>Title</b>  | <b>Report Reference</b> |
|-------------|---|-------------------------|
| 1           | <b>Apologies for Absence</b>  |                         |
| 2           | <b>Declarations of Members' Interests</b>   |                         |
| 3           | <b>Minutes of the previous meeting of the Mid Lincolnshire Local Access Forum held on 24 January 2017</b>   | (Pages 5 - 10)          |
| 4           | <b>Actions Arising Since the Previous Meeting for the Forum (if any)</b>  |                         |
| 5           | <b>Generic Advice to Planners</b><br><i>(Leicestershire Local Access Forum have produced generic advice to Planning Authorities in connection with Rights of Way. The Forum is asked for its views on whether similar advice can be used by this Forum)</i> | (Pages 11 - 16)         |
| 6           | <b>Permissive Access</b><br><i>(John Law, a member of the South Lincs LAF has forwarded the attached report and Chris Padley will speak on this item)</i>   | (Pages 17 - 22)         |
| 7           | <b>Charitable Incorporated Organisation (CIO's)</b><br><i>(John Law, a member of the South Lincs LAF, has forwarded the attached report and Chris Padley will speak on this item)</i>   | (Pages 23 - 38)         |
| 8           | <b>Bennerley Viaduct Project</b><br><i>(John Law, a member of the South Lincs LAF, has forwarded the attached report and Chris Padley will speak on this item)</i>  | (Pages 39 - 50)         |
| 9           | <b>Countryside for All</b><br><i>(John Law, a member of the South Lincs LAF, has forwarded the attached report and Chris Padley will speak on this item)</i>  | (Pages 51 - 54)         |
| 10          | <b>North East Lincolnshire Countryside and Rights of Way Improvement Plan</b><br><i>(A report by Matthew Chaplin, Rights of Way Officer, North East Lincolnshire Council, in connection with the latest update of the Plan)</i>                             | (Pages 55 - 56)         |
| 11          | <b>Lincolnshire County Council Definitive Map Modification Orders - Ongoing</b><br><i>(A report by Chris Miller, Team Leader, Countryside Services, on the latest update of these Orders)</i>   | (Pages 57 - 64)         |
| 12          | <b>North East Lincolnshire Council Progress of Definitive Map Modification Orders</b><br><i>(A report by Matthew Chaplin, Rights of Way Officer, North East Lincolnshire Council, on the latest update of these Orders)</i>                                 | (Pages 65 - 66)         |

- 13 Lincolnshire County Council Progress of Public Path Orders**  
*(A report by Chris Miller, Countryside Services Team Leader, on the latest update of these Orders)* (Pages 67 - 68)
- 14 North East Lincolnshire Council Progress of Public Path Orders**  
*(A report by Matthew Chaplin, Rights of Way Officer, North East Lincolnshire Council, in connection with the latest update of these Orders)* (Pages 69 - 70)
- 15 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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**MID-LINCOLNSHIRE LOCAL ACCESS  
FORUM  
24 JANUARY 2017**

**PRESENT: CHRIS PADLEY (CHAIRMAN)**

Representing Lincolnshire County Council: Councillors D McNally

Representing North East Lincolnshire Council: No one present

Representing Independent Members: Dr Chris Allison, Ray Shipley, Sheila Brookes, Colin Smith and Richard Graham

Officers: Steve Blagg (Democratic Services Officer), Matthew Chaplin (Public Rights of Way Mapping Officer), Christopher Marsh (Senior Highways Officer (Countryside)) and Chris Miller (Environmental Services Team Leader (Countryside Services))

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Iain Colquhoun and Deborah North.

41 DECLARATIONS OF MEMBERS' INTERESTS

No declarations were made at this stage of the meeting.

42 MINUTES OF THE PREVIOUS MEETING OF THE MID LINCOLNSHIRE LOCAL ACCESS FORUM HELD ON 18 OCTOBER 2016

RESOLVED

That the minutes of the previous meeting held on 18 October 2016, be confirmed as a correct record and signed by the Chairman.

43 ACTIONS ARISING SINCE THE PREVIOUS MEETING OF THE FORUM

44 MINUTE 28 - ENGLISH COASTAL PATH

In response to a question from Colin Smith in connection with progress of the English Coastal Path, officers stated that the proposed route of the path from Skegness to Mablethorpe was due to be published by Natural England in early March 2017. Objections received to the proposed route of the path around the golf course on the north shore, Skegness and safety concerns in connection with the crossing of Quebec Road in Mablethorpe would be addressed by the Planning Inspector.

**MID-LINCOLNSHIRE LOCAL ACCESS FORUM  
24 JANUARY 2017**

Officers stated that the proposed route from Sutton Bridge to Skegness was not as advanced with issues in the vicinity of Gibraltar Point being resolved and the option of using the Internal Drainage Board bridge to cross the river together with mitigation measures to protect wildlife being put in place.

45 MINUTE 30 - ACCESSIBILITY AMBASSADORS

This item was covered in minute No. 49.

46 MINUTE 32 - HEALTH RELATED WALKS FROM APRIL 2017

This item was covered in minute No. 49.

47 DE-REGULATION ACT

In response to a question from Colin Smith in connection with progress of the implementation of the De-Regulation Act, officers stated that as affirmation of both Houses of Parliament were required before the Act could be enacted and this was unlikely as the Government had more important legislation to consider. Officers stated that other issues causing a delay to the introduction of the legislation included the Treasury's wish to see written guidance of the cost implications included and the possible suggestion of splitting the legislative package. The responsible Minister for introducing the legislation was keen to keep the package together. Officers stated that any legislation would not be introduced before 1 April 2017.

48 "GETTING ACTIVE OUTDOORS" - AN UPDATE BY RACHEL BELCHER,  
LINCOLNSHIRE SPORT

Rachel Belcher, Lincolnshire Sport, gave details of a new strategy adopted by Sport England following a statement by the Government that Sport England was not hitting the health agenda. Sport England was therefore moving away from support for its traditional areas to try and get people more active out of doors and one of these aims was to try and get more people walking. Details of the proposals were outlined which included training twelve "Champions" to train people at a local level, particularly younger people so that they could spread the message of the health benefits to their families. She stated that it was proposed to start the initiative in Boston and South Holland as these areas had high levels of inactivity. It was proposed to use "apps" on mobile phones to allow participants to plan routes. She added that walks for people suffering from dementia had been trialled in Hartsholme Park where over 226 people had taken part and 101 families involved. She stated that the demand was there and that walking provided a good activity to start off with.

Comments by the Forum and responses included the following:-

- The proposals were welcomed.
- Care was needed not to put participants off and walking distances needed to be reasonable to start off with. Treasure hunts were a good idea to get people's interest. Lincolnshire Sports was also working with individual groups in East Lindsey to start the initiative.

- Lincolnshire Sport was working in consultation with the NHS to provide support for carers working with people suffering from dementia and GP surgeries.
- In some cases schools were asked to design walks for after school activities including nature walks in consultation with the Wildlife Trust.
- The "Champions" were aiming to attract young families and the elderly in the Boston and South Holland areas.
- It was noted that West Lindsey District Council had withdrawn financial support for volunteers in its area. Some volunteers travelled a long way and there could be some support from the Co-op to meet their costs.
- Map reading skills could be promoted in the various walking groups and Rachel Belcher agreed to provide contact details.
- It was important to introduce a social dimension to the walks which would encourage participation. This might include a visit to a RSPB reserve and ascertaining people's hobbies. There was a need to avoid participants having to travel long distances.
- It was agreed that there was a need to monitor the results of the project and show value for money for the NHS by the increase in physical activity.
- The use of apps allowed people to create their own walks.
- Both Access Forums should be kept updated of the progress of the project.

The Forum placed on record its appreciation to Rachel Belcher for an interesting presentation and gave their full support to the Lincolnshire Sport project.

#### 49 COUNTRYSIDE FOR ALL ROUTES

The Forum received a progress report from John Law, a member of the South Lincolnshire Local Access Forum, in connection with the development of routes for all in the countryside. In response to some questions asked by John Law in his report officers stated that the Accessibility Ambassadors should contact the Rights of Way section whose details were available on the Council's website. With regard to the various questions asked under paragraph 10 (Disability Sub Group Change of Name and Logo), the Forum concurred with the responses of the Disability Sub Group.

#### 50 NORTH EAST LINCOLNSHIRE COUNTRYSIDE AND RIGHTS OF WAY IMPROVEMENT PLAN

The Forum received a progress report from North East Lincolnshire Council in connection with its Countryside and Rights of Way Improvement Plan. Officers stated that in addition to the information provided in the report the line of Footpath 72 requiring amendment to the Definitive Map and the reinstatement of the path on the ground would take place this week.

RESOLVED

That the report be noted.

**51 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF DEFINITIVE MAP  
MODIFICATION ORDERS**

(NOTE: Sheila Brookes left the meeting during this item)

The Forum received a report from Lincolnshire County Council on the progress of its Definitive Map Modification Orders. Officers stated that as many of the cases were quite old the user evidence was poor.

The Forum commented that many of the cases did not support a public right of way and that a review of how orders were prioritised might be necessary. Also, consideration should be given to the likelihood of a case succeeding and that one of the issues with the current system was that when there was a natural delay applications went automatically to the bottom of the list for consideration. The Forum stated that consideration should be given to those cases that if taken out of sequence could lead to a positive outcome. Officers stated that any request to take a case out of sequence in the priority list was a decision for the Definitive Map and Statement of Public Rights of Way Sub-Committee. Officers stated that under the De-Regulation Act the priority system would require alteration but they accepted the Forum's point about the need to consider the priority system.

RESOLVED

That the report and the comments made by the Forum be noted.

**52 NORTH EAST LINCOLNSHIRE COUNCIL PROGRESS OF DEFINITIVE  
MAP MODIFICATION ORDERS**

The Forum received a report from North East Lincolnshire Council in connection with the progress of its Definitive Map Modification Orders.

RESOLVED

That the report be noted.

**53 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF PUBLIC PATH  
ORDERS**

(NOTE: Councillor D McNally left the meeting during this item and the meeting became inquorate)

The Forum received a progress report from Lincolnshire County Council in connection with its Public Path Orders. Officers stated that in connection with the Coastal Country Park the Council was about to start formal consultations on the proposed diversions to realign routes in the Park which hopefully would improve connectivity.

Since the publication of the report officers updated the Forum as follows:-



**MID-LINCOLNSHIRE LOCAL ACCESS FORUM**  
**24 JANUARY 2017**

- With regard to the level crossing diversion orders at Tallington the Council was still waiting for the Statement of Reasons for the diversion from Network Rail. A member of the Forum commented that he had received notice from the Council that the Orders had been withdrawn and officers agreed to check out this information which could have been a misunderstanding.
- There was an alternative route being investigated in connection with Claypole level crossing but it required landowner engagement.
- It was now possible to progress the diversion of the footpath now that it was no longer a bridleway at North Somercotes and there were on-going talks with the Environment Agency as it was likely to be proposed that the route would become part of the new English coastal path.

Comments by the Forum included:-

- The need to remove a kissing gate on a path in Branston because it was no longer required. Officers stated that the cost of removal was expensive and larger problem was with inaccessible stiles. Officers informed the Forum that 385 such stiles had been removed in the last ten years in the north west of the county by one officer alone. It was suggested that the issue at Branston should be raised with the local County Councillor.
- Because of the shortage of funding from the County Council Lincolnshire Sport should be approached for funding

RESOLVED

That the report and comments made by the Forum be noted.

54     NORTH EAST LINCOLNSHIRE COUNCIL PROGRESS OF PUBLIC PATH ORDERS

The Forum received a progress report from North East Lincolnshire Council in connection with their Public Path Orders.

RESOLVED

That the report be noted.

55     DATE AND TIME OF THE NEXT MEETING

It was agreed that the next meeting of the Forum should be arranged for 2.00pm on Tuesday 4 April 2017 at the County Offices, Lincoln.

The meeting closed at 3.30 pm

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# Agenda Item 5

This is a generic advice / response agreed by Leicestershire Local Access Forum to be given to planning authorities and or developers. Elements may be omitted depending on their relevance to any particular situation and points may be added regarding specific applications after email or other consultations with the members of the Planning & Travel Committee.

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The Leicestershire Local Access Forum (LLAF) wishes to make what we trust you will find constructive suggestions for when considering planning applications and local plans. Planners are quite constrained by national guidelines but still have sufficient discretion to make a difference in a number of areas of concern.

The LLAF is an independent statutory body, set up as a result of the Countryside and Rights of Way Act (CROW) 2000, and exists to represent the interests of everyone concerned with access to the countryside and the public rights of way network including footpaths, bridleways and byways, cycleways and areas of open access.

Section 94 of the CROW act makes it a statutory function of the Forum to give advice to a range of bodies, including local authorities, on access issues in respect of land use planning matters.

Ministers have advised that in particular forums were asked to focus on the impact and options for minimising possible adverse effects, of planning policies and development proposals in respect of future public access to land and identifying and expressing support for opportunities to improve public access, or associated infrastructure, which might be delivered through planning policies or new development.

There are three issues which we wish to highlight where the planning process can help greatly. There is an amount of overlap.

These are:

Access and sustainable travel

Open spaces for both people and wildlife

Planning for the environment.

## **Access and sustainable travel**

When considering new developments, the design of our neighbourhoods is key to promoting healthy travel habits, where local facilities such as shops, doctors, schools and other services are located to encourage routine walking and cycling.

The benefits of the footpath, bridleway and cycleway networks are multi-dimensional and have impacts on sustainable travel, green infrastructure, recreation, tourism, local economies, health and general well-being. They are an essential mechanism for linking communities and facilities if we are to reduce motorised transport and the carbon emissions that ensue. They play a major part in the development of the recreational potential of any area. It is essential to create a physical, social, economic, and legal context in which more people will be encouraged to walk more often and to walk further.

The benefits of the rights of way network should be balanced against the need to protect and enhance the ecology and landscape and enable regeneration and economic growth. These should not be viewed simply as competing demands but as a challenge to use best practice and/or innovative approaches to achieve good quality outcomes to meet each of the aspirations. The LLAF recommends that any policy includes a dedicated section that makes specific reference to the existing network and potential improvements to it and to this end we would suggest the paragraphs in appendix 1 be included in any policy or plan.

When looking at planning applications there are a number of areas that should be considered. If we want to encourage sustainable travel and improved physical and mental health of the residents, then all developments should be designed to encourage and facilitate the taking of exercise by walking. This does not mean providing no bus service but it does mean wherever possible offering attractive alternatives.

Snickets and cut-throughs should enable people to get to facilities such as shops, schools and bus routes. We need however to look at the bigger picture beyond the actual potential development site. Does an existing right of way pass nearby or is there some green space close by? If so can a link from the site be achieved? If not within the control of the landowner could section 106 monies 'buy' a way to join the network up?

We need to ensure that in the planning of our communities, access to basic amenities and services is not dependent on car ownership but is always available to those on foot, bicycle, wheelchair and public transport.

### **Open spaces for both people and wildlife**

If we are to encourage walking we need attractive places to attract them. Green open spaces are great for wildlife and provide an outlet for residents to enjoy. If trees feature they are also 'lungs' helping counteract air pollution. Planners should always bear this in mind when permission is requested to remove trees.

The built environment has a major impact on how we travel, so planners and policymakers have an opportunity to make changes in that environment to promote healthier and more active communities. The presence of, and access to, green areas and the natural environment can help increase activity and reduce obesity. Daily physical activity is essential for maintaining health; inactivity directly contributes to 15% of deaths in the UK

Whether for walking, running or the riding of either bicycles or horses, the benefits of all kinds of access to green space have mental and general health benefits plus many economic benefits especially to rural communities by transferring money from the urban areas to the countryside. To harness these benefits a concerted and co-ordinated effort is needed from policy makers, planners, public health practitioners, health professionals, the voluntary sector, community groups, local media and the public themselves. This collaborative effort needs to identify available green spaces, make them safe and accessible for everyone, make use of them for community and group activities and prescribe their use to promote health and wellbeing. They could help treat a number of conditions, particularly mild to moderate depression. Planning can assist by either encouraging provision within developments or rejecting applications which would threaten such areas.

Larger developments are required to leave green oases but these are often overly manicured. Sewn and fertilised 'parks' are good at absorbing rainwater but rough grassland is over four times more effective and trees improve things further. Such wilder 'semi-natural' areas are also much better for wildlife. We must plan for more absorbent habitats especially in the flood plains. Wetlands and woodlands are ideal at holding back floodwaters as are moors but these

are in short supply in Leicestershire. They also provide a varied landscape for residents to access and enjoy.

The National Planning Policy [NPPF] provides protection for Local Green Space although local Green Space does not have a single definition but provided it is of local significance to the community it should be protected.

All new development should produce a green infrastructure plan to show how the development can improve green spaces and corridors for people and nature, in the context of the surrounding landscape.

Even small scale developments could contribute significantly to creating and enhancing local wildlife habitat thereby encouraging people to get out into the wilder areas to see it. This may be by requiring or suggesting using native plants in landscaping schemes. Also for every tree that is removed they could be required to plant two or even three. Developers should be encouraged to create new habitat such as woodland, wetland, wildflower meadows or other wildlife habitats and adding a green roof to new buildings is also to be encouraged

It can be a win-win situation. If we create wetland and woodland areas and green corridors linking them, we can help wildlife to migrate between populations keeping them healthier and introducing them to our gardens; can create ideal walking possibilities for the health and general well being of the population and cut down the risk of flooding all at the same time.

We must protect and extend natural habitats that soak up and store rainwater. We can employ these natural processes in urban areas, including water-holding habitats in the urban scene and by installing more green roofs on our houses and garages, more permeable surfaces in our towns and cities and more sustainable drainage systems to capture excess water.

### **Planning for the environment.**

Many parts of Leicestershire suffer air pollution levels close to or in excess of acceptability. When agreeing any new roads or industrial sites it is essential not to add to this problem.

Parts of the County are prone to flooding which can close off rights of way and hinder access to open spaces. All applications should be assessed for impact in this regard. Other parts of the country have suffered far worse, but homes in some areas are at risk and we must not add to the problem. There is increasing pressure to build in the flood plain of the Soar and its tributaries in particular the Rothley Brook corridor.

It is little use building flood protection barriers if it just transfers the problem downstream.

When looking at major developments flood relief basins are required but more use of planning could be made on a small scale. Wherever possible parking areas should be made of permeable material and that includes drives to domestic properties. Far too many homes are paving over front gardens for parking which stops rain being absorbed into the ground and speeds up run off. Urban areas lack the vegetated spaces needed to absorb water safely and release it slowly. Poor planning in the past has allowed too much hard landscaping. Another means of slowing this run off which planning can promote is the application of green roofs to larger constructions.

We need an integrated approach to flood alleviation and water quality issues and adverse side effects like wildlife decline. This is just as important locally as

nationally and we must stop ignoring Environment Agency advice and building in the wrong places.

Where Sustainable Urban Drainage Systems (SuDS) are needed they should be designed in a way that benefits wildlife. Good SuDS schemes not only help with water management to prevent flooding but also benefit wildlife for little or no extra cost and provide attractive oases for walkers to visit.

## APPENDIX 1

### Footpaths, Bridleways, Cycleways and Access Land

1. Whenever new developments are considered it is important that improvements to the foot/bridle/cycle path network are considered. Such changes should aim to improve sustainable transport, green infrastructure, recreation, tourism, health and general well-being. Improvements will normally have beneficial impact on local economies and the aspiration should be for improvements rather than for maintenance of the status quo. Considering their public utility, footpaths have very low maintenance costs. The larger the scale of any developments, the greater should be the opportunity to enhance all aspects of the foot/bridle/cycle paths network.

2. The most important property of the network is the inter-connectedness of the network itself. Every opportunity should be taken to improve the inter-linking of the network so that it becomes more useful to the public.

3. Opportunities should be taken for giving rights of way a higher status whenever possible. For example, bridleways are legally useable by both cyclists and pedestrians whilst footpaths can only be used by walkers.

4. For the maximum public benefits, the main target groups are schoolchildren and short-distance commuters. In essence, these require direct routes from A to B. Such routes should also provide safe and pleasant access to and from public transport facilities, local shops, medical centres etc.

5. For recreation, families look for attractive circular routes. Based on the experience of the LLAFF, recreational routes are preferred where they are away from traffic; beside water; with open space on one side and, whenever possible, having a good surface (pram-pushing, child-biking, walking and riding). They are most popular when free from stiles and gates.

6. New housing developments will contain a large number of dog walkers and these users need to be catered for. Circular routes of about one kilometre are most useful for these.

7. Where significant mixed foot, horse and cycling traffic is expected, the way needs to be of appropriate width to allow all traffic to pass easily and safely and, where practical, different classes of users should be provided with their own space. Wherever possible motorised traffic is to be kept separate from other users.

8. The surfaces of the foot/bridle/cycle path network should be appropriate for its use and the amount of traffic expected. Cycleways for example need an all-weather surface otherwise they soon become too muddy for general use and some bridleways can become so cut up by horses that the surfaces become difficult for use by pedestrians. These problems can be avoided by appropriate drainage and surfacing.

9. In order to assist the less able and those pushing buggies etc., gates/gaps/stiles should be as easy to use as the requirements permit. On bridleways, gates should allow operation by riders without dismounting.

10. In some circumstances, particularly in built-up areas, lighting of the foot/bridle/cycle path may be required.

11. When a development fronts an existing road, separation zones e.g. grass verges or 'behind the hedge' routes should be considered to take walkers, cyclists and horse riders away from motorised traffic. Every opportunity should be taken to create new routes and to link up with any existing routes, although care needs to be exercised in planning where users can re-access the highway.

12. New foot/bridle/cycle paths can often usefully be combined with "green wedges" and "wildlife corridors" thus also fulfilling the need to protect and enhance both the ecology and landscape.

13. Longer distance routes for those taking exercise or pursuing treks as a hobby, bring visitors into rural areas boosting local economies and to this end all opportunities should be taken to improve connectivity to local services

14. It is often thought that the rights of way network is already fixed, but this is not true. Leicestershire has hundreds of "lost ways" and informal "desire paths". Any proposed development should aim to recover these historic assets or link existing paths together. Informal paths should not be ignored just because they have no legal protection. The LLAF working with the County Council has established a wish list of many of the possibilities and these can be made available to planning authorities or developers.

15. As required by statute, Leicestershire County Council has a Rights of Way Improvement Plan which should be consulted when developments are proposed.

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# Agenda Item 6

## Mid Lincolnshire Local Access Forum – 4 April 2017

### Permissive Access

#### Email to Chancellor of the Exchequer and Chief Secretary of the Treasury

Rt Hon Philip Hammond MP, Chancellor of the Exchequer

Whilst realising you have many pressing issues to attend to in the run up to the new situation after we leave the EU the Leicestershire Local Access Forum would like to put some suggestions on the table.

After Brexit the considerable funds provided by the Common Agricultural Policy to the UK to support farming, will be coming out of the monies to be retained by the National Exchequer. These funds should we feel be targeted at desirable outcomes, often environmental, rather than a subsidy for production

We have made the case to DeFRA for post-Brexit payments to include payment for providing public access to the countryside. There is a desperate need to separate the non-motorised from vehicles when using rural roads – the most dangerous category of roads. This either by providing new multi-user routes (walkers, cyclists, equestrians, disabled) on parallel alignments or funding diversions and creations so that it is less necessary to use a road to travel between off-road tracks to continue the journey.

Healthy exercise and non motorised travel are good for the nation's general health and wellbeing and reduce the burden on the NHS but people must be able to do this without the risk of death or injury. We do not imagine that public funds are ever likely to be available to create a fully-connected second highway network for the non-motorised but we feel progress could be made by subsidies to farmers being targeted to encourage provision of tracks where there is an obvious need. Whether any proposed new routes would be useful could be assessed by the local Access Forum.

We urge the Government to ensure that there are additional and specific funds to support improvements to public access to land across England in the post-Brexit settlement and hope it will have your support. Farmers can be supported; people offered a safer environment and the NHS a reduced demand. A win-win situation.

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## Email to local MP

### RURAL FUNDING

#### **LEICESTERSHIRE LOCAL ACCESS FORUM (LLAF) SUGGESTIONS FOR TARGETED LANDOWNER SUBSIDIES**

In the interests of the safety of travellers by non motorised means we think that subsidies to landowners can be better targeted to give the general public better value for these public funds. Non motorised travel is good for the environment and good for the general health, fitness and wellbeing of those enjoying it. Presumably the whole issue of funding subsidies to the agricultural sector will be revisited when we stop contributing to the EU and getting some of our money back.

The countryside many of us crave and where we want to encourage more people to get out and enjoy nature is not natural in the true sense – it is largely man made and is maintained as it is by people working the land and the creatures that graze it. As such it is proper that they should get some public support in recognition of this fact. Support for farmers to maintain walls, gates, stiles and other infrastructure on access points to the countryside should be provided where needed but subsidies for gates and stiles should only be provided when the landowner can demonstrate a need to enclose livestock. Encouragement should be given to remove them, and hence the financial burden, in favour of gaps.

There is also a widely recognised need to improve and update public access to the countryside and subsidies to landowners /occupiers of marginal land should be able to assist them whilst at the same time being used to create additions and improvements to the public rights of way network. This could involve landowners / occupiers being rewarded for creating off-road links to close gaps in the rights of way network including those where at present the link is a metalled highway which can no longer be used safely. Many such links have been identified by the LLAF and other LAFs and are often recognised in local authority Local Transport Plans or Rights of Way Improvement Plans.

When we use the term targeted it is in the belief that under Stewardship/HLS schemes money was given out for access where there was little or no public demand or need. By targeted we mean that it should only be on offer where there is a demonstrable public benefit from the access being offered with priority being given to missing safe links. We also think that funding should be directed towards smaller privately owned farms especially on marginal land and not large corporate or institutional organisations. Bodies like the National Trust, Wildlife Trusts, Woodland Trust or RSPB have other funding sources they could use to create accessible routes on their land.

We can as a country, be rightly proud of our historic public rights of way network and Leicestershire County Council does an excellent job of ensuring it is maintained and given adequate signage but there are many gaps making the network dysfunctional. This will not improve in a county with strong development pressures unless positive action is taken. There is a need for belated public compensation for the loss of the links in the network that have occurred with growth in vehicular traffic and many new

roads. We also feel that where major new disruption is planned compensation should be built into the system. Here in Leicestershire we face HS2 cutting many longstanding rights of way and the people of Leicestershire will see no benefits from this scheme. We are also to see a Strategic Rail Freight Interchange also disturbing the network. As a LAF we have made overtures to the HS2 Company to try and get agreement to some mitigation measures but we do feel that, somewhat akin to the Section 106 planning benefit, there should be a sum of hypothecated money provided to improve the rest of the network. This would enable us to pursue some of the subsidy suggestions without increased call on the national exchequer.

Turning to specific suggestions:

1. Payment for improvements to the public rights of way network where the route in question is deemed of sufficient public benefit by the local Rights of Way Authority in consultation with the local LAF.
2. Preference to be given to routes aiding all non-motorised users (that is, pedestrians, cyclists and equestrians) providing higher rights where needed and suitable, with priority being given to smaller privately owned farms, hill farms in particular.
3. Payment for maintenance on routes over privately owned land and in open access areas i.e. mowing of grass tracks, improving the accessibility of and maintenance of walls, gates and stiles and assistance with directional signage.
4. Funding to come from a hypothecated fund part grant aided and to be used for no other purpose
5. Agreements should be better policed than has been the case in the past, by improved cross-compliance and simpler regulation. Whenever landowners are applying for support under Stewardship, Woodland Management or any other public funding grant they must look after the environment and provide safe access to the public into any amenity land. We do not think the present level of inspection is adequate and would like to see a portal where the public can raise concerns for the inspectorate to look into.
6. Access funds provided previously have not produced best public value, partly because of underuse due to a lack of awareness and poor publicity and in some cases due to a lack of maintenance, we would suggest that any new tracks created should be added to the Definitive Map of Public Rights of Way so that they will be publicised via OS maps and subject to a well-established reporting and inspection system by regular users and highway authority staff.

**SUGGESTED LETTER FOR MPs TO SEND TO LORD GARDINER RELATING TO PERMISSIVE ACCESS IN YOUR LOCALITY**

Dear.....

It has been drawn to my attention by constituents that there is a developing denial of public access to certain land in the constituency. --+

The background is that until recently one of the benefits that the public had gained was that there were successive agri-environment schemes such as Environmental Stewardship which sometimes included a requirement that some stakeholders were required to allow the public i.e. the taxpayer to have some form of permissive access to the land which was subject to the scheme. It was and is a matter of great concern to the constituent members of this Forum that these schemes were no longer to be supported partly because there was to be no EU matched funding. As a result there was public access to [*describe the land or lands and the type of permissive access*]

Now as a result of the referendum the EU funding or lack of it will become irrelevant. I am aware that the government will be reviewing the help being given to farmers and landowners. My purpose in writing to you is to invite you to agree to commit the Government to make every possible effort to ensure that in planning for the future of agricultural support it will ensure that any package will include a requirement that there should be reasonable public access to the land which will benefit from any new support package and particularly the land mentioned earlier in this letter.

You will, no doubt, be aware that there are many places where there is quite insufficient public access whether for walkers, horse riders or cyclists. Such a commitment would give those members of the public greater opportunity to enjoy the countryside whether by defined routes or by higher or more rights to roam. Successive governments have supported access to the countryside as a great benefit to the nation's physical and mental health.

If the government decides to give support to farmers and landowners it is only reasonable and proper that the public should also benefit and on behalf of my constituents I ask that you do so.

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**Nottingham  
Community  
and Voluntary  
Service**

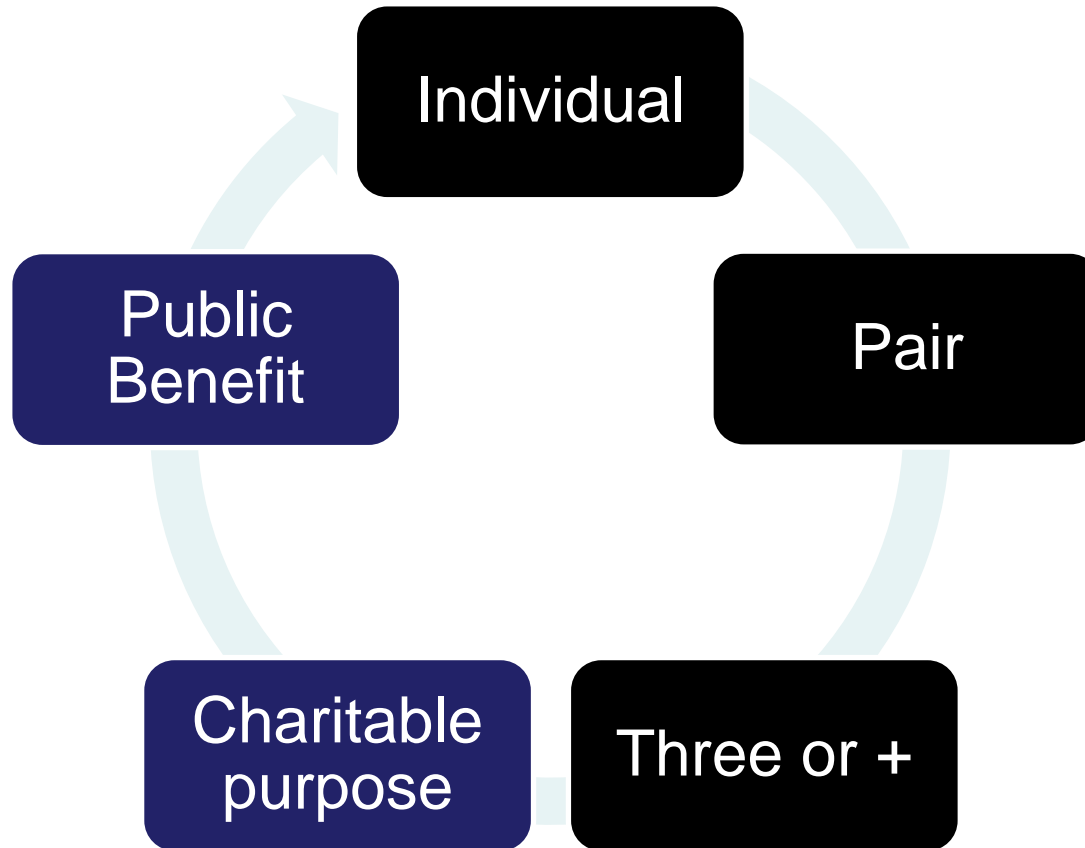
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# CIO'S

David J Saunders  
Group Development (Training) Officer  
NCVS  
14 March 2017

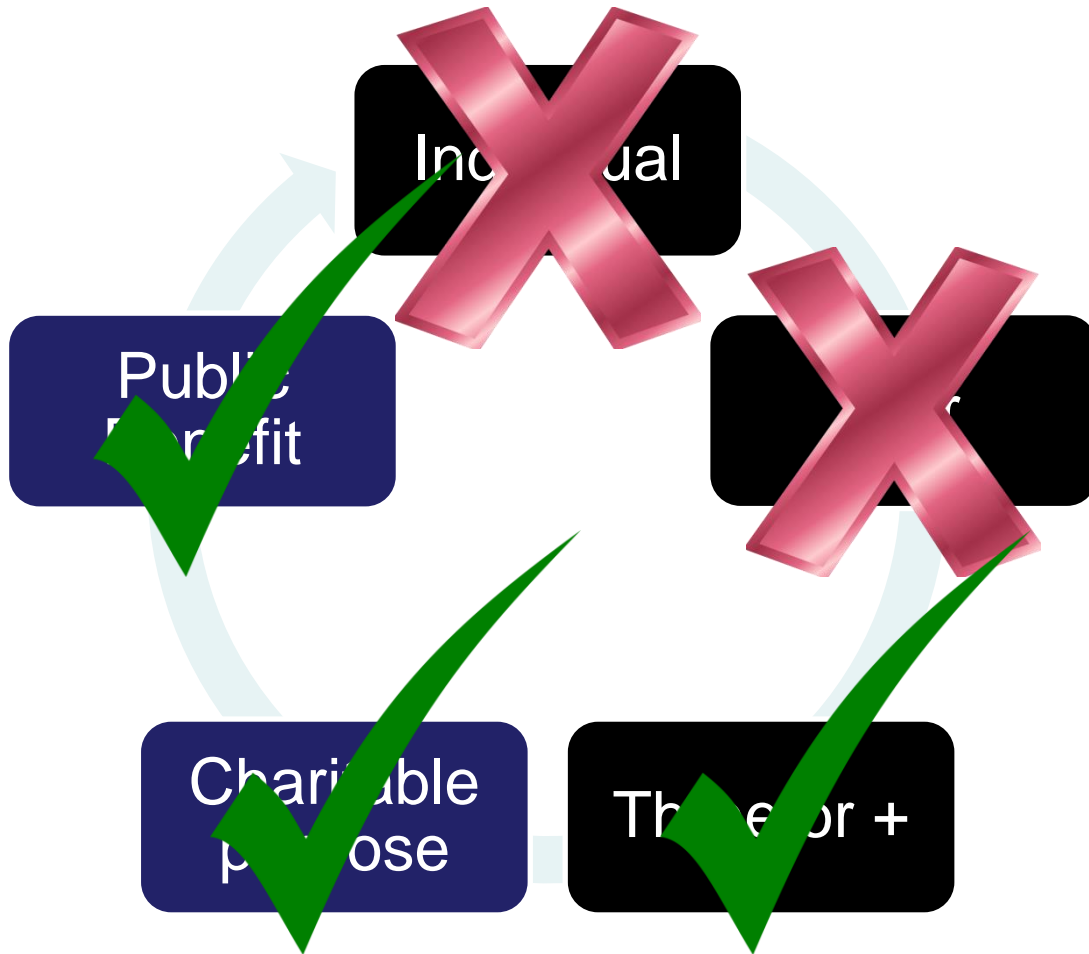
Agenda Item 7

# Voluntary and Community Sector

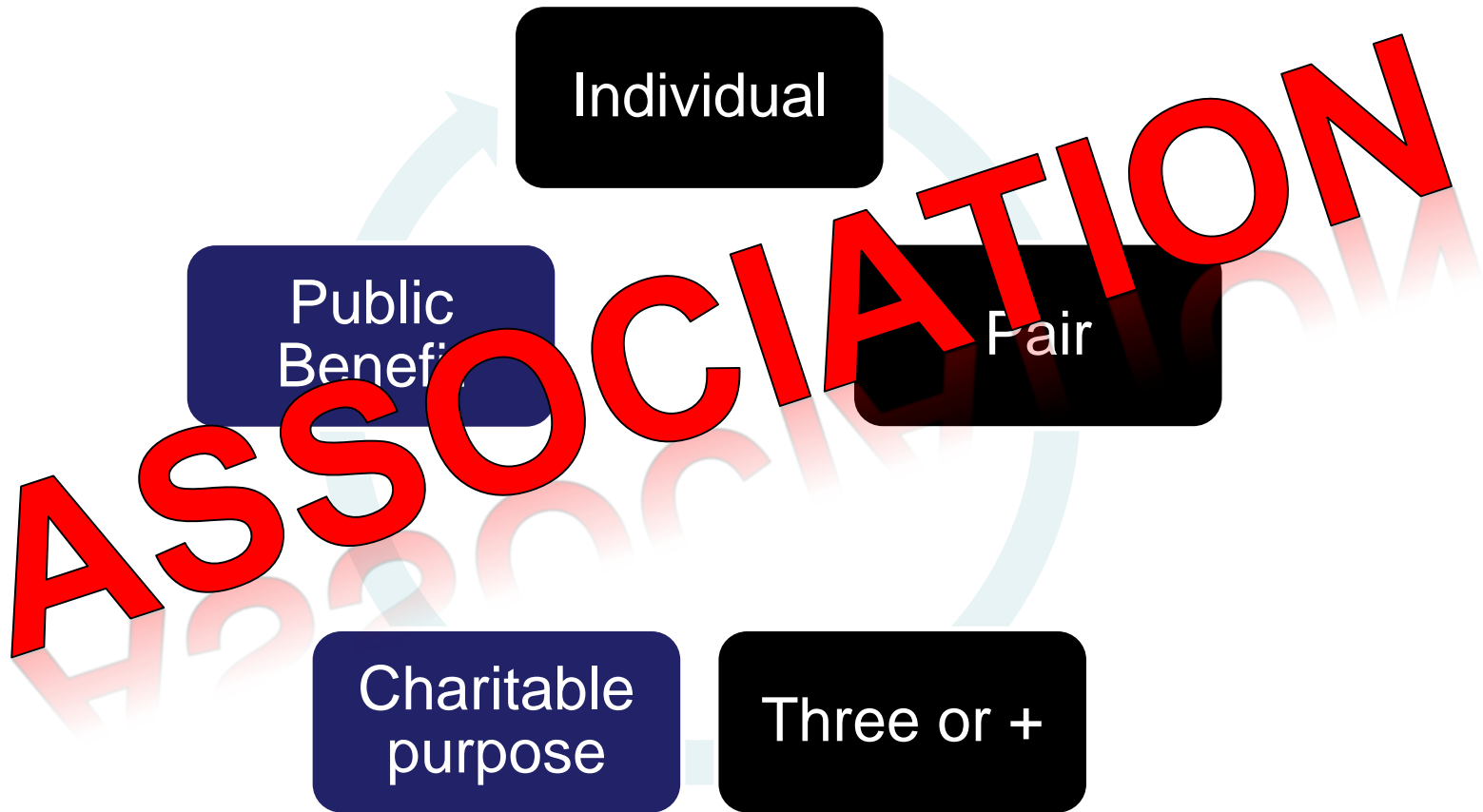




# Voluntary and Community Sector



# Voluntary and Community Sector









We the People of the United States, in order to form a more perfect Union, insure domestic Tranquillity, provide for the common defence, promote the Progress and Welfare, and bind our Posterity, do ordain and establish this Constitution for the United States of America.

### Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Persons, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York one, New Jersey four, Pennsylvania eight, Delaware one, Maryland one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers, and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clauses. The first of the Clauses of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of any of the Clauses, the Electors in that State shall have Authority to fill such Vacancies until the next Meeting of the Legislature, which shall then fill them.

# RULES

1. YOU CAN....

2. YOU CAN'T...

3. YOU CAN....

4. YOU CAN'T

# Structure

- Unincorporated association
- Charitable Association Income + £5k last 12 months  
ok unless - legal contracts / employ
- Charitable Company
- Social Enterprises Could include:  
CLG (By shares or not)  
Community Interest Company  
(CIC)  
Community Benefit Society (IPS)  
Co-operative Society  
Charitable Company  
Limited Liability Partnership



# Charitable Company



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**CHARITY COMMISSION**  
FOR ENGLAND AND WALES



**Companies House**





# Charitable Incorporated Organisation (CIO)

- Only 1 Regulator



CHARITY COMMISSION  
FOR ENGLAND AND WALES

- No need to have minimum income (good for new)
- No fee to register
- Choice of Constitution Foundation  
Association
- Exists when registered (40+ working days)
- Incorporated Optional contribution
- No penalties (Company Law) – **But...**

# Any cons?

- 40+ days to register
- No case law
- New – outside the sector, *“What is it?”*
- Can’t change it
- No charges register



CHARITY COMMISSION  
FOR ENGLAND AND WALES

## Constitution of a Charitable Incorporated Organisation with voting members other than its charity trustees

---



OCTOBER 2016



## INCORPORATED LEGAL FORMS

| LEGAL STATUS                                                                                      | WHO CONTROLS                     | WHAT GOVERNING DOC                     | REGULATOR                                                            | LIMITED LIABILITY | PROFIT DISTRIBUTION                                                                   | CHARITABLE STATUS AVAILABLE            |
|---------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------|----------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|----------------------------------------|
| Charitable Incorporated Organisation (CIO)                                                        | Board of Trustees                | Constitution                           | Charity Commission                                                   | Yes               | No                                                                                    | Yes, automatic                         |
| Company Limited by Guarantee (CLG)                                                                | Board of Directors               | Memorandum and Articles of Association | Companies House AND Charity Commission (if it has charitable status) | Yes               | Usually No                                                                            | Yes                                    |
| Company Limited by Shares (CLS)                                                                   | Board of Directors               | Memorandum and Articles of Association | Companies House                                                      | Yes               | Yes                                                                                   | Very rarely                            |
| Community Interest Company, either Limited by Shares (CIC CLS)m or Limited by Guarantee (CIC CLG) | Board of Directors               | Memorandum and Articles of Association | Companies House and CIC Regulator                                    | Yes               | Yes, but must benefit wider community. Can pay limited dividends to private investors | No                                     |
| Community Benefits Society (BenComms)                                                             | Management Committee             | Rules                                  | Financial Conduct Authority                                          | Yes               | No                                                                                    | Yes                                    |
| Cooperative Society                                                                               | Management Committee             | Rules                                  | Financial Conduct Authority                                          | Yes               | Yes                                                                                   | Very rarely                            |
| Limited Liability partnership                                                                     | Partners                         | Partnership Deed                       | Companies House                                                      | Yes               | Yes                                                                                   | Very rarely                            |
| <b>UNINCORPORATED</b>                                                                             | <b>LEGAL</b>                     | <b>FORMS</b>                           |                                                                      |                   |                                                                                       |                                        |
| Unincorporated Association                                                                        | Management Committee Of Trustees | Constitution                           | Charity Commission                                                   | No                | No                                                                                    | Yes, if purposes are solely charitable |
| Charitable Trust                                                                                  | Board of Trustees                | Trust Deed                             | Charity Commission                                                   | No                | No                                                                                    | Yes                                    |

# Q & A

David J Saunders  
Group Development (Training)  
NCVS

[davids@nottinghamcvs.co.uk](mailto:davids@nottinghamcvs.co.uk)

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# Agenda Item 8

## Mid Lincolnshire Local Access Forum – 4 April 2017

### Bennerley Viaduct Project:

#### Request for a Letter of Support.

Dear

We are currently seeking funding from Heritage Lottery and other sources to restore the magnificent Bennerley Viaduct and bring it back into use as a walking and cycling trail. We have had tremendous support for the project from a wide range of partner groups and from the local community. We are currently assembling a bid for funding and we want to be able to demonstrate that breadth of support for the project. We will be submitting our bid in early March 2017

It will be extremely helpful if your organisation / club / society / group could write letter of support for this exciting project. It would be helpful if your letter could contain the following information.

1. The purpose of your group and an indication of the size of membership.
2. A brief indication of what your group do.
3. The key reasons why your group is supporting the Bennerley Viaduct Project.

**Further Information about the Project:** To help you with your letter, I enclose four sources of further information.

1. **Factsheet about the Project.** A factsheet about Project and our future vision is attached. This may help you with your response.
2. **Factsheet about the Structure.** This will give some information on the structure of the viaduct. attached
3. **Website.** Friends of Bennerley Viaduct website
4. **Facebook.** You will also be able to view some fantastic images of the Viaduct on our facebook page. <https://www.facebook.com/bennerleyviaduct/> (Don't forget to like our page)

#### **Where and how to send your response.**

**By Post.** Ideally, if your group have any headed paper, could you please use that for your response but we would welcome any letter of support from your group. Could you post your letter to:

Kieran Lee / Bill Tomson  
Sustrans Bennerley Viaduct Project  
2 King Street,  
Nottingham  
NG1 2AS

**Email** If you are e mailing a response, could you please send your letter to [kieran.lee@sustrans.org.uk](mailto:kieran.lee@sustrans.org.uk)

**Timescale:** It would be most helpful if you could get your response to us by April 30 2017.

With thanks in anticipation of your support. If you want any further information, please do not hesitate to get back to me.

Kieran Lee: Community Engagement and Development Officer.

Bennerley Viaduct Project



# Bennerley Viaduct

## About the Project



1. We aim to **Restore Bennerley Viaduct** and bring it back into use as a walking and cycling trail. This will give the viaduct a new purpose.

2. We will **inform, explain and celebrate** the achievements of our Victorian engineers and share our admiration of this magnificent wrought iron structure.

3. We will ensure that the **lifespan of Bennerley Viaduct is extended** so future generations can enjoy it.

4. We will **connect** the viaduct to the area's trail network. The viaduct will become the centrepiece of the developing Great Northern Greenway **connecting** both arms of the Erewash Valley Trail.

5. We will **improve access** around, on and underneath the viaduct so this iconic structure can be fully appreciated.

6. We will **enhance the natural heritage** of the viaduct area and manage the land to increase biodiversity

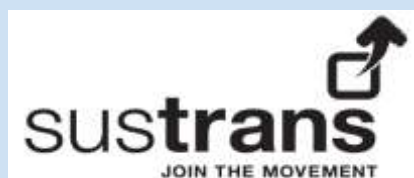
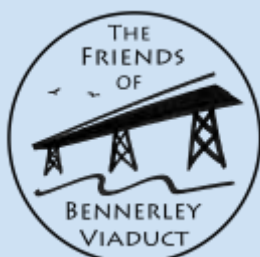


7. We hope to **improve the health of the local community** by providing opportunities to walk and cycle in the outdoors.

8. We will **promote the literary heritage** and the connections between the area and D.H. Lawrence.

9. We will involve local schools, colleges and young people and **developing educational and training opportunities** using the viaduct as a focus.

10. We will **develop people's skills** to improve employment prospects. (Heritage restoration skills and wildlife/ecological skills.)



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# Bennerley Viaduct

## About the Structure

1. Bennerley Viaduct is a **local and national treasure**. It is protected by its grade 2\* listed status.
2. There is **only one other viaduct of its type** left in the country (Meldon Viaduct in Devon) but Bennerley is considerably longer. It has been largely unaltered since its construction in 1877.
3. The viaduct is over **quarter of a mile long** straddling the Erewash Valley between Ilkeston (Derbyshire) and Awsworth (Nottinghamshire).
4. The wrought iron components for Bennerley were prefabricated in Derby by Eastwood and Swinger. The parts were transported to Bennerley and assembled using cotterpins and **over half a million rivets**.
5. The viaduct was **designed by Richard Johnson and Samuel Abbott** as part of the Great Northern Railway's Derby and Staffordshire Extension (also known as the Friargate Line).
6. It was **designed to be light and flexible** due to the unstable ground beneath the viaduct. It took eighteen months to build opening in 1878.
7. The viaduct is not physically attached to the ground. It sits on cast iron baseplates which rest on brick piers. **It is held in place by gravity**.
8. The viaduct was built to carry coal but it also carried other goods and passengers. The last passenger train crossed in 1964. The last goods train crossed in 1968. The line closed following the Beeching Report after **90 years of use**.
9. The viaduct **survived bombing by Zeppelins** in January 1916. Sadly, the nearby signal box was not as fortunate.
10. British Rail attempted to demolish the viaduct but were **thwarted by local people**, councils and special interest groups who considered the viaduct was **an invaluable part of our industrial and railway heritage**.



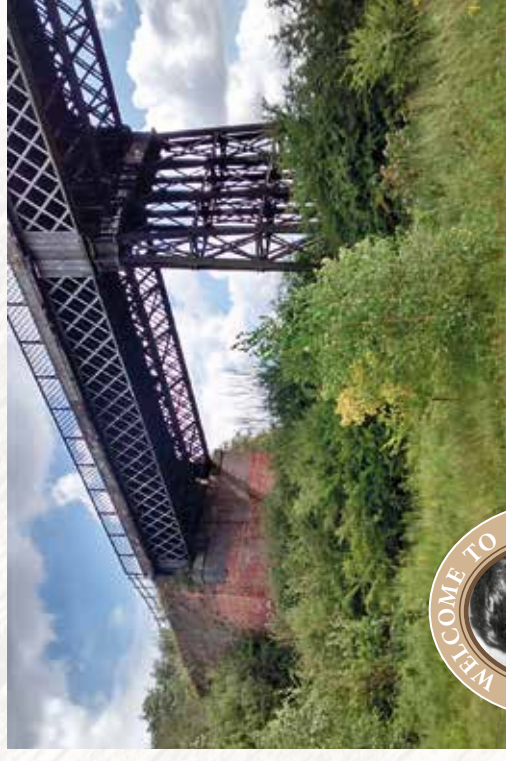
## Images of Bennerley Viaduct.



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**Discover this magnificent wrought iron railway viaduct and a wealth of heritage in this corner of DH Lawrence country**



# Bennerley Viaduct

**THE IRON GIANT OF THE EREWASH VALLEY**

Rediscovering

## Location

Bennerley Viaduct spans the Nottinghamshire/ Derbyshire border between Awsworth and Cotmanhay



**Walking & Cycling**  
A great way to get to the Bennerley area is by bike or on foot along the many paths and trails. Canals pass close by both ends of the viaduct and the Erewash Valley Trail follows these for much of its route. This beautiful 30 mile largely traffic-free circular trail has multiple access points. Visit: [www.erewashvalleytrail.co.uk](http://www.erewashvalleytrail.co.uk) for information.

**Rail links**  
Langley Mill is the closest train station from where it's a pleasant 3miles/5km ride south along the Erewash Canal to the Bennerley area.

Long Eaton train station lies 8miles/13km to the south from where it's an excellent ride north along the canal to Bennerley.  
Visit: [www.nationalrail.co.uk](http://www.nationalrail.co.uk) for train times

**A NEW STATION IS CURRENTLY BEING BUILT FOR ILKESTON.** Once completed it will be a short bike ride or walk to Bennerley.

**Bus links**  
From Nottingham catch Trent Barton's 'The Two' to Bridge Street, Cotmanhay from where it is a short walk to the Erewash Canal. Visit: [www.trentbarton.co.uk/services/two](http://www.trentbarton.co.uk/services/two) for bus times.

From Derby catch Trent Barton's 'Ilkeston Flyer' to Bridge Street, Cotmanhay from where it is a short walk to the Erewash Canal. Visit: [www.trentbarton.co.uk/services/ilkestonflyer](http://www.trentbarton.co.uk/services/ilkestonflyer) for bus times.



**Facebook:** [Bennerley Viaduct Friends Group](http://www.bennerleyviaduct.org.uk)

**Web:** [www.bennerleyviaduct.org.uk](http://www.bennerleyviaduct.org.uk)

**Email:** [MidlandsandEast@sustrans.org.uk](mailto:MidlandsandEast@sustrans.org.uk)

**Web:** [www.sustrans.org.uk](http://www.sustrans.org.uk)

**Phone Sustrans on:** 0115 853 2953

Find out more about Sustrans and the progress on conserving Bennerley Viaduct and bringing it into use as a walking and cycling route:



Photo by Steve Cole

**Sustrans**  
JOIN THE MOVEMENT



here: [www.sustrans.org.uk](http://www.sustrans.org.uk)

## Find Out More

Sustrans is the sustainable transport charity that's enabling people to travel by foot, bike or public transport for more of the journeys we make every day and the charity behind the National Cycle Network. Find out more about Sustrans here: [www.sustrans.org.uk](http://www.sustrans.org.uk)

## Bennerley's Heritage Value puts it in the top 8% of listed structures in England.

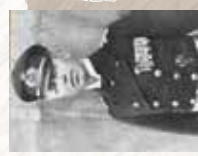
Built between May 1876 and November 1877 to carry the Great Northern Railway's line over the Erewash Valley, Bennerley Viaduct has great heritage value. It is an outstanding example of the railway architecture of the time surviving in an almost unaltered state. It is also one of only two wrought iron viaducts left in England. The other is Meldon Viaduct in Devon, however Bennerley is much longer. Because of its importance and to help protect it, it has been given Grade II\* listed status since 1974 which puts it in the top 8% of listed structures in England. It spans the Erewash Valley for 440 metres (approximately 1/4 mile) with its deck standing 18 metres (60 feet) above the valley floor.

## Future Plans

The viaduct came into the ownership of Sustrans, the sustainable transport charity, in 1998 as part of a deal to convert 200 miles of disused railways into cycling and walking paths. Working with communities and partner organisations, Sustrans wants Bennerley Viaduct conserved and brought into public use by building a path across it. It will connect with a network of routes including the Erewash Valley Trail and will be a key link in the route between Nottingham & Derby.

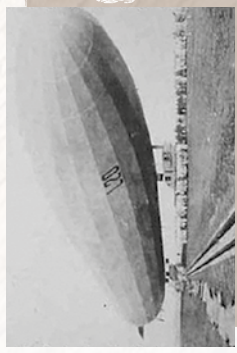


## Zepplin Attack!



Bennerley also survived a Zepplin raid. On Monday 31 January 1916 a fleet of 9 airships, with Liverpool and Manchester as their targets, crossed the North Sea. Due to bad weather, basic navigation and mechanical problems some of the airships became lost or turned back.

One of the airships, the L20 captained by Kapitaneutnant Franz Stabbert, it is thought, was attracted to the glow coming from Bennerley Ironworks and at 8.20 pm loomed over the Erewash Valley. Here several high explosive bombs were dropped with one narrowly missing the viaduct. The bomb fell onto the railway below damaging the line and destroying the signal box. The L20 then headed towards Stanton Ironworks where it dropped 15 more bombs. Two men were killed by the raid: James Hall and Walter Wilson.



## The Survivor

Bennerley Viaduct is a remarkable survivor. Apart from Meldon Viaduct, all other wrought iron viaducts in England have gone. Most were demolished after the lines they carried were closed following the Beeching report. Fortunately the first demolition attempt of Bennerley Viaduct failed because the costs were too high. In 1974 its heritage value was recognised by English Heritage who listed it as Grade II\* affording it some protection. The second attempt to demolish it started in 1975 when British Rail applied for permission, but Broxtowe and Erewash Borough Councils refused. In 1980 a Public Inquiry was held and because of local demand to keep it, demolition was held off. A Bennerley Viaduct Preservation Trust was established and plans to re-open Bennerley Viaduct as a cycleway were put forward.

## The Bennerley Viaduct Story

The Midland Railway Company which formed in 1844 had a monopoly of trade coming into Derby and sole access to the thriving collieries of the Erewash Valley. Colliery owners, businessmen from Derby and directors of the Great Northern Railway Company were keen to break the Midland's stranglehold on trade and they were successful in securing permission from Parliament to construct a new line from Staffordshire to Nottingham via Derby. This 'Friargate' line named after its Derby station was challenging to build as the natural routes following river valleys had been taken up by the Midland. One of the engineering challenges was to take the line across the Erewash Valley and over the Midland's Railway, the River Erewash and the Nottingham and Erewash Canals. To do this Bennerley Viaduct was designed.

Due to extensive mining in the area the Great Northern Railway's designers needed a design for Bennerley Viaduct which would avoid the problems of unstable ground. Resident Engineer Samuel Abbott and Chief Engineer Richard Johnson came up with a wrought iron latticework design that was light in weight and could be built quickly and cheaply.

The ironwork was prefabricated by Eastwood, Swinger & Co. of Derby and then assembled on site by the railway construction firm, Benton and Woodiwiss, the metalwork held together by rivets and cotter pins. Construction was completed by November 1877 and the viaduct opened early in 1878.

The line was very profitable and extensions were built into the heart of the coalfield. A familiar sight on the viaduct was steam locomotives hauling coal wagons from the nearby collieries. The line also meant that Skegness became the locals' seaside resort, reachable on day trips from Ilkeston.





rediscovering

# THE IRON GIANT OF THE EREWASH VALLEY

## Bennerley Viaduct forms a grand centrepiece to a part of the Erewash Valley rich in industrial and natural heritage

### Paths & Trails

The Erewash Valley is great for walking and cycling. The map shows public paths and trails around Bennerley Viaduct including part of the Erewash Valley Trail - a 30 mile circular trail along both sides of the Erewash Valley and following the canals most of the way. Visit [www.erewashvalleytrail.co.uk](http://www.erewashvalleytrail.co.uk) for information. Please drop your pace when cycling on canal towpaths.



### Erewash Canal

Running for 11¼ miles between the River Trent and Langley Mill, the Erewash Canal was completed in 1779, built largely to transport coal from the Erewash Valley pits.



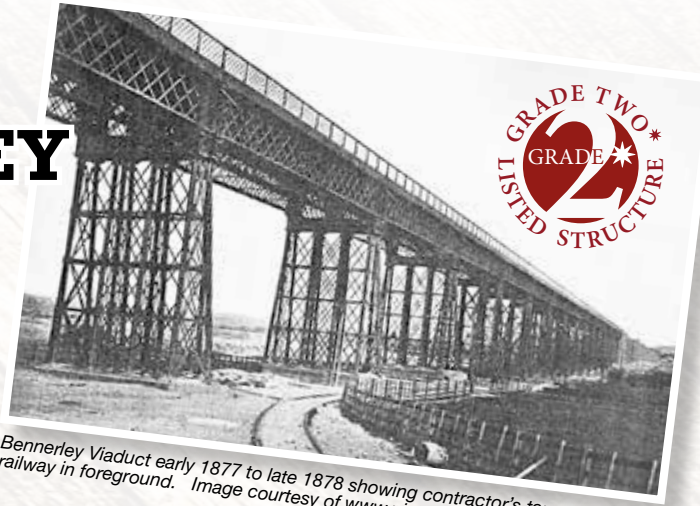
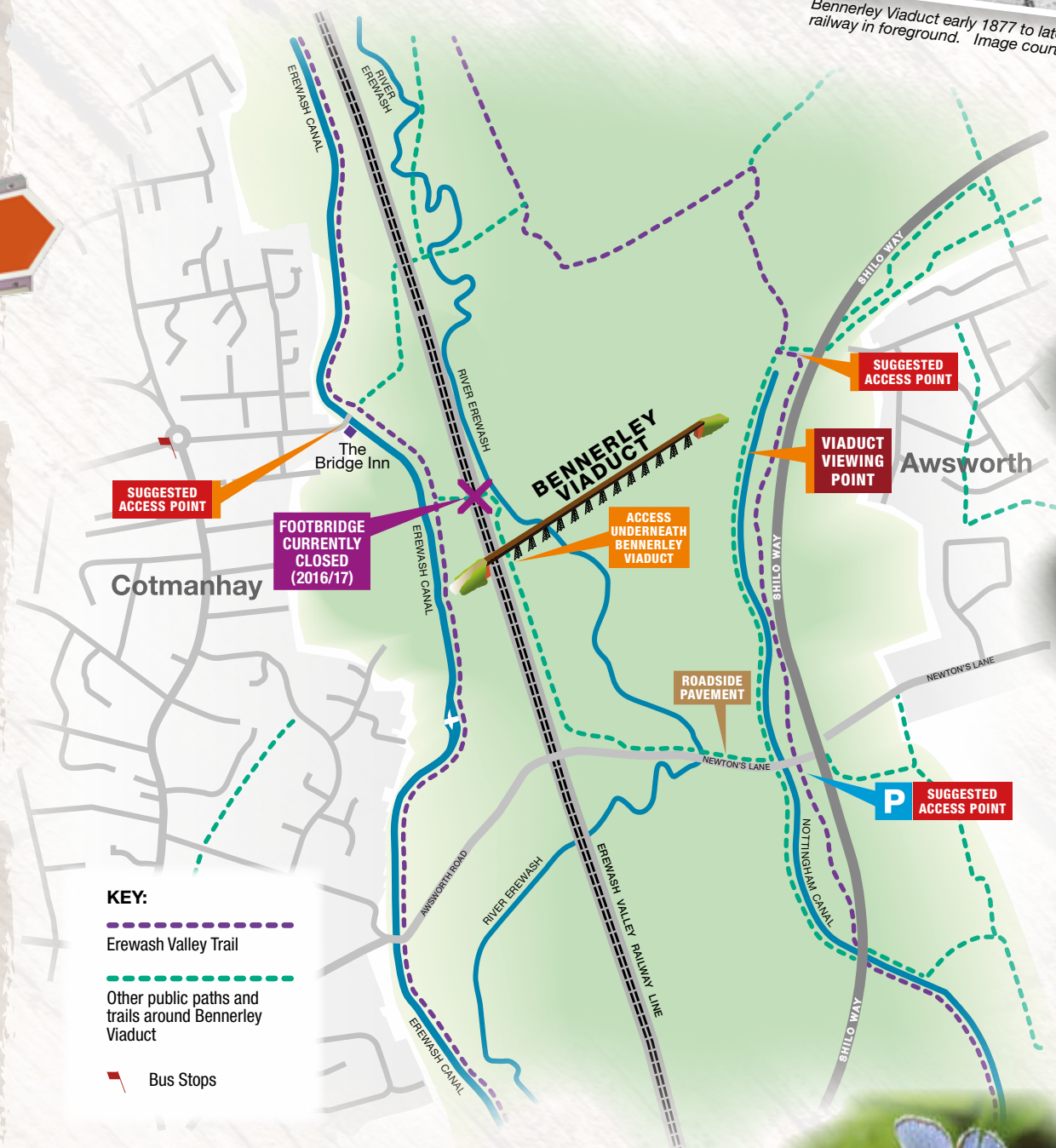
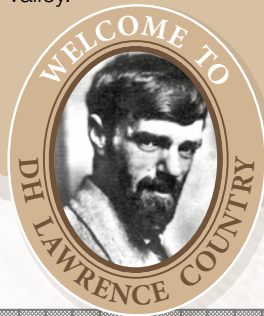
More commercially successful than the Nottingham Canal it was never taken over by the railways. Managed today by the Canal and River Trust, it is still open to boats for its whole length and connects to the inland waterway network.

### DH Lawrence Country

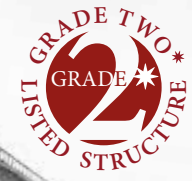
DH Lawrence knew the area well. He refers to the rattle of trains going over Bennerley Viaduct and the glow of the ironworks which lay immediately to its north. His fiancée lived in nearby Cossall so he would have walked from his home in Eastwood around this part of the valley.



DH Lawrence museum in Eastwood.



Bennerley Viaduct early 1877 to late 1878 showing contractor's temporary railway in foreground. Image courtesy of [www.picturethepast.org.uk](http://www.picturethepast.org.uk)



### Nottingham Canal

Opened in 1796 the Nottingham Canal met the Erewash Canal and the Cromford Canal in Langley Mill. Driven out of business by the railways it closed to traffic in 1937 and only short sections are still in water. North of Newton's Lane, much of the canal was lost to opencast coal mining in the 1980's; however, the stretch by Bennerley Viaduct was reinstated on the original course.



The former Great Northern Railway bridge over the Nottingham Canal. Photo courtesy of Michael Golds

Today the Nottingham Canal is a haven for wildlife and has Local Nature Reserve status.

### Erewash Valley Railway

The railway line that runs under Bennerley Viaduct today was originally built by the Erewash Valley Railway Company to compete with the canals in carrying valuable coal traffic. Opening in 1847 it soon became profitable and was quickly absorbed into the Midland Railway Company. The Great Northern Railway which Bennerley Viaduct was constructed for was built to compete with The Midland Railway for this lucrative trade.



Barn Owl  
Photographer: Paul Shaw.

Water Vole  
Photographer: Richard Pitman.

### Wildlife

A rich variety of wildlife habitats are found around Bennerley Viaduct with the whole valley forming an important wildlife corridor. Plant life includes several orchid species while animal life includes grass snake, great crested newt and water vole. In the river white-clawed crayfish and otter have been spotted while kingfishers breed in the banks. Barn owls are frequently seen on the viaduct, their presence indicating a rich supply of smaller animals in the area. Bats fly around the viaduct in the warmer months in the late evening, feeding on the rich supply of insects.



Sedge Warbler  
Photographer: Paul Shaw.

### River Erewash & floodplain

The River Erewash gives its name to the valley and forms the county boundary between Nottinghamshire and Derbyshire for much of its course between Kirkby-in-Ashfield and the River Trent. It flows south under Bennerley Viaduct into an area that seasonally floods providing an important site for wetland birds.



View south from the viaduct showing the River Erewash and its floodplain.

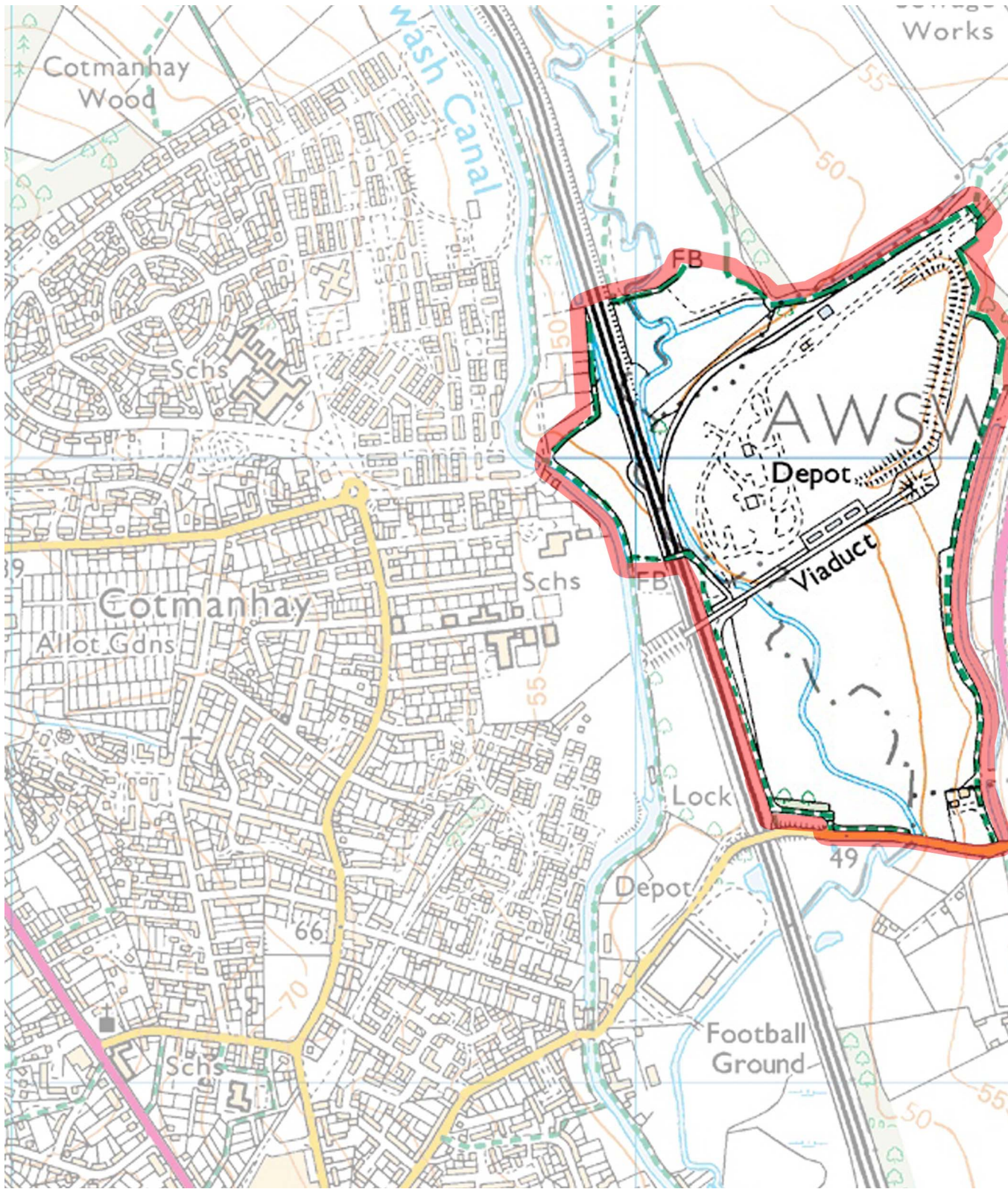


Common Blue Butterfly  
Photographer: Paul Shaw.



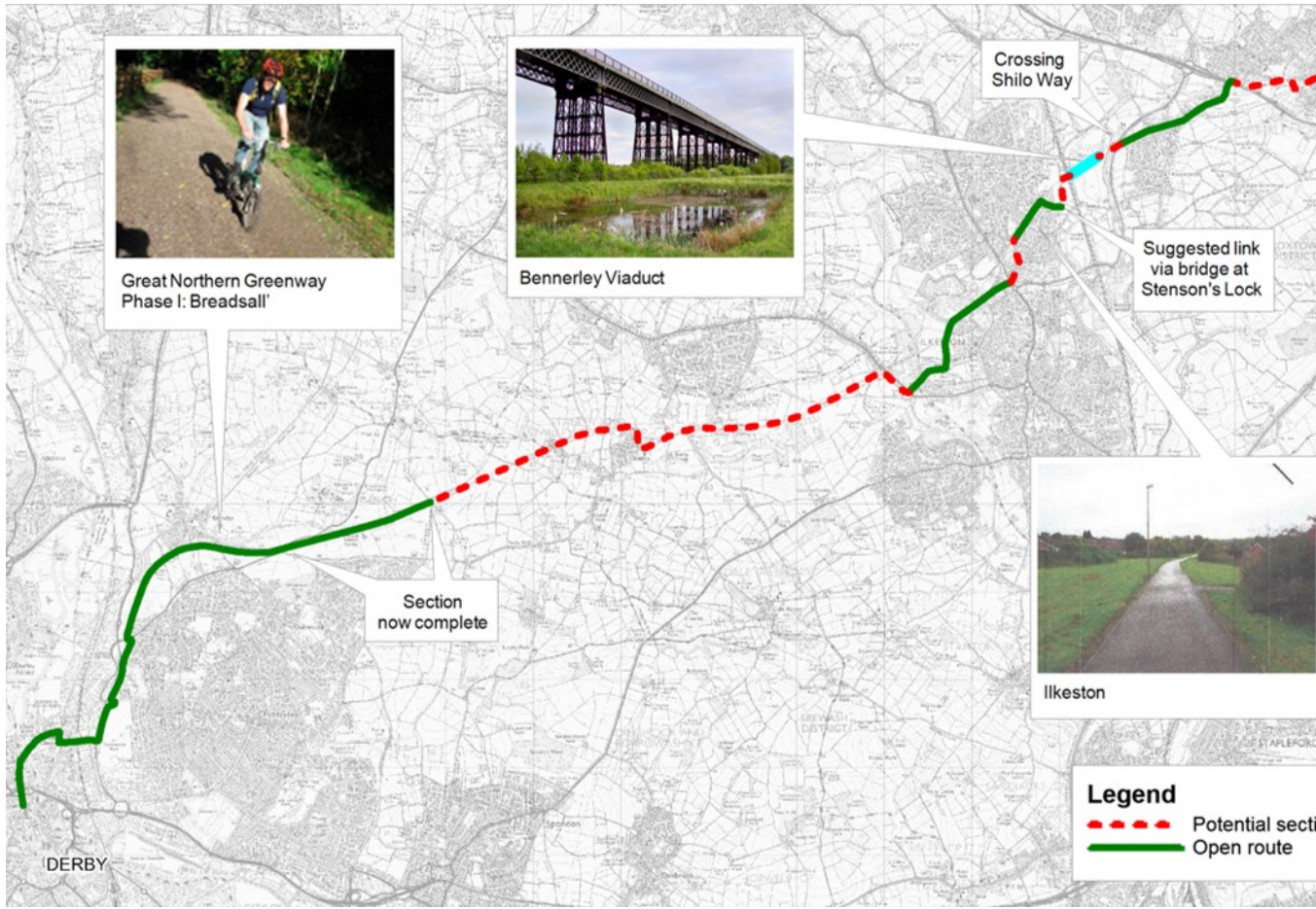
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## Mid-Lincolnshire Local Access Forum – 4 April 2017

### COUNTRYSIDE FOR ALL – Report

#### **1. COUNTRYSIDE FOR ALL ROUTES**

##### **1.1. Lincolnshire**

We were hoping to have had the 5 route leaflet details with the designer/printer early February. Unfortunately due to ownership issues in relation to the track joining the Grantham Canal we have still not been able to send the details to the printers. We are still trying to find a solution to this issue. If this is not resolved by the end of March we will look at producing a route leaflet for the Woodhall Spa airfield instead.

##### ***Verbal update to be provided at the meetings***

We are still investigating the lack of car park signage on the Water Rail Way at Southrey and Stixwold.

The Woodland Trust has borrowed the Lincolnshire County Council inclinometers for a course. We have learnt that the course is to standardise the Woodland Trust access definitions countryside e.g. easy, moderate. The Woodland Trust has expressed an interest in 10 people attending the Inclusive Countryside Access course which we aim to hold. At the first course we funded back in March 2015 we had 3 of their employees on the course. One of the key issues the course delivers training on, is that route descriptions should provide factual information and not subjective judgements. We have mentioned we are concerned about the definitions they are using to promote countryside routes and have asked for a meeting with their CEO and senior managers to discuss the issue.

##### **1.2. Rutland**

The Rutland Countryside For All folder has been funded by Rutland County Council. We are very fortunate to have the photos of the views on the folder from Richard Adams, a local Rutland photographer.

We have requested a meeting with the Woodland Trust to discuss suitable Countryside For All routes on their land.

After discussions with the Yew Tree Avenue Trust, we have decided to wait until the outcome of discussions between the Trust and the Forestry Commission are known, before pursuing the improvements from the car park to the Avenue and the Countryside For All leaflet.

#### **2. DEMENTIA FRIENDLY WALKS**

##### **2.1. Lincolnshire**

This information is displayed in item 6

## **2.2. Rutland**

The next Dementia Friendly Strolls Walk Leader course is planned for April and will be held at the Lodge Trust. If anyone wants to become a walk leader or assist in these strolls they need to contact Danielle Adams, [DAdams@rutland.gov.uk](mailto:DAdams@rutland.gov.uk). The trainers travel expense for this course will be funded by Active Rutland.

## **3. CHOICE UNLIMITED EVENT**

### **3.1 Rutland**

We are aiming to attract more representatives from different disability groups to join the working group. This will ease the workload on the current work group members. We are still getting good feedback from visitors to the event, even after 5 months! The Rutland County Council has kindly funded our table at the Leicester Choice Unlimited event which will be held at Leicester Tigers 26<sup>th</sup> April. All are invited, the Local Access Forums will have 3 six foot by two foot tables at this event, so it should be a pretty impressive stand. Hopefully that will aid the visitors to be attracted to our stand.

### **3.2 Lincolnshire**

We have been looking at localities which we think will benefit most from a Choice Unlimited event, which has suitable facilities outside Lincoln. South Holland with its ageing population and its health issues seems a suitable area. Spalding with a population of approximately 29,000 looks a good sized catchment area. A suitable venue for the event, maybe the Springfield Event Centre. We are keen to involve Lincolnshire Sports, as we feel the Choice Unlimited event will prove an ideal showcase for them to promote sports for the disabled. If Lincolnshire Sports chooses not to be involved, we will be using our contacts with other disability sports organisations. We are looking for working partners to join the working group to enable an event to be held in 2018. The reason the LAF Countryside for All sub group need this event to happen is to promote countryside activities for the disabled including walking, wheelchair/mobility scooter routes, cycling, horse riding and carriage driving. The Lincolnshire County Council have a lot to gain from this event. Both Social Services and education for children with disabilities would benefit. Assistance is required in identifying suitable County Council contacts to assist on the working group to make the event happen. We are working with Lincolnshire CVS to identify representatives of disability groups to help on the working group.

***Action: All – Identify suitable County Council contacts***

## **4. FUNDING BIDS**

### **4.1. I-Spy In the Countryside**

We are looking for £410 to order 300 booklets to give out to children with disabilities at the Choice Unlimited events, to encourage them and their parents to explore the countryside. We are currently waiting for a response from Severn Trent Water. The Leicester City Football Club will be the next organisation we will contact if we do not get the response we require from Severn Trent.

### **4.2. Nineveh Charitable Trust**

A further funding application is going to be submitted to Nineveh. This funding application will be for Lincolnshire Countryside For All folders, one Countryside for All route leaflet and an Inclusive Countryside Access Course.

### **4.3. Chapel Six Marshes**

Although the route surface improvements have been priced, we are also working with LCC to identify how we can improve the interest on the site. As soon as this has been established and priced we will apply to the East Coast Community Fund for finance.

### **4.4. Ashing Lane Nature Reserve**

A key player in the discussions to the car park improvement and extension of the all ability path is currently working abroad. On their return we will be arranging a meeting with the Nettleham Woodland Trust and the Lincolnshire Wildlife Trust.

### **4.5. Chambers Farm Wood**

We are working with the Forestry Commission to see how we can extend the all ability trail and improve the current route.

### **4.6. Lincolnshire Health Related Walks from April 2017".**

Progress on that issue is displayed in item 7.

### **4.7. Further Countryside For All leaflets**

With the current workload it has been decided to wait until 2018 to see whether we will produce further leaflets in 2018.

### **4.8. Coastal Country Park**

Over the next few months we will be examining how we can improve access for the disabled in the coastal country park.

## **5. ACCESSIBILITY AMBASSADORS**

The Choice Unlimited events in Leicester April 26<sup>th</sup> and the Rutland event in the Autumn will be used to gauge the level of interest in this role.

## **6. LINCOLNSHIRE HEALTH RELATED WALKS FROM APRIL 2017**

We have not had any success in securing funding. Our aim now is to investigate the opportunities of sourcing funding for a day per week in each of the districts and the City for a coordinator to grow dementia friendly strolls.

## **7. SENSORY TRAILS AND GREEN SPACES**

Due to workload this project has not progressed any further.

## **8. DISABILITY SUB GROUP CHANGE OF NAME & LOGO**

We are now using “Countryside For All” as our name. We are still trying to find time to create a logo. We are keen to see the new LAF logos, if we get agreement early enough we will be able to get them printed on our five new route leaflets.

***Action: Chris – Please circulate when the new logo is available.***

## **9. GRUFFALO SPOTTERS TRAIL**

The Gruffalo spotters trail has been introduced by the Forestry Commission into a number of forests/woods countrywide. It is a downloadable app, for downloading at home. This enables clues to be followed along an interactive trail. Unfortunately there are not any trails in Lincolnshire and Rutland. We have asked the Forestry Commission if we can work with them to see how we can get these in place with our Countryside For All routes in Chambers Farm Wood, Willingham Woods and Bourne Woods.

**North East Lincolnshire ROWIP Objectives**

| NELC ROWIP Key Action | Project Details                       | Comments                                                                                                                                                                                                                   | Update                                                                                                                                                                                                         |
|-----------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KA08, KA11 & KA13     | Safer Road Crossings                  | Joint partnership project with road safety team to improve exit points onto busy A road and installation of information promotional boards.                                                                                | Closure of FP 21 at Stallingborough and there are other PRow which are being looked at to be diverted to make crossings safer, such as a number that cross the A18.                                            |
| KA5,KA9, KA11 & KA13  | Strategic Urban Path Improvement Plan | Project to deliver surface upgrades to existing well used paths in the urban area.                                                                                                                                         | Path surface improvements to Stallingborough FP21. East Ravendale BW168 to be addressed in due course.                                                                                                         |
| KA01 & KA03           | Reinstatement of FP72                 | Ongoing legal issues to determine accurate line of FP72 requiring amendment to Definitive Map and reinstatement of path on the ground.                                                                                     | Line of the path currently being reinstated, may be open in April, but a dead end route.                                                                                                                       |
| KA1, KA2, KA3 & KA4   | Definitive Map Issues                 | Address legal deficiencies with a view to eventually producing an up to date Consolidation Map.                                                                                                                            | Process to produce new Consolidated Definitive Map for the North East Lincolnshire area is currently underway. Current Definitive Map has a relevant date of June 1953.<br><br>Research is currently on going. |
| KA4 & KA5             | Policy Development                    | Produce & develop policies under which the Authority will deal with specific issues.                                                                                                                                       | 'Gaps, gates and stiles' protocol has now been approved and adopted to address unnecessary limitations upon the network and formalise the application process for landowners for new furniture.                |
| KA6                   | Crime prevention                      | A number of land owners have recently commented that poachers / lampers have been using the Public Bridleways to gain entry to land to shoot anything that moves. Also motorbikes using the Bridleways to ride motorbikes. |                                                                                                                                                                                                                |

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

Report to: **Mid Lincolnshire Local Access Forum**  
Date: **4 April 2017**  
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 and 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**

n/a

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

n/a

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

n/a

#### 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 15 <sup>th</sup> March 2017      |
| Appendix B                                                    | Appeals against prioritisation – Q4 2016-17 (None this period)                                |
| Appendix C                                                    | <a href="#">Definitive Map Case Prioritisation</a> (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 - <a href="#">HAT 33/3/11</a> |
|--------------------------------------------------------------------------------------------------------------------------|

This report was written by Catherine Beeby, Senior Definitive Map Officer, 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                                                                                                                                                           |
|------------------------------------------------------|----------|----|-----------------------------------------------------------------------------------------------------------------------------------------|-------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Ormsby                                         | 379      | PF | Alleged PF between north end of PF 357 and highway in centre of North Ormsby                                                            | Yes         | 14/11/2014 | DMMO seeking to record a PF made 25.01.2017. Objection period to 23/03/2017. No objections received at 15/03/2017.                                               |
| Hogsthorpe                                           | 49       | PF | Sea Lane to Maiden Lane                                                                                                                 | Yes         | 11/12/1986 | Reviewing evidence.                                                                                                                                              |
| Castle Bytham                                        | 136      | RB | Reclassification of RB 3                                                                                                                | No          | 03/08/19   | To be submitted to the Planning Inspectorate – currently with Legal Services for review.                                                                         |
| Ancaster                                             | 2        | RB | Regrade from RB to BOAT                                                                                                                 | Yes         | 13/11/1991 | Reviewing evidence.                                                                                                                                              |
| Coningsby                                            | 182      | PF | School Lane to Dogdyke Road                                                                                                             | Yes         | 06/11/1997 | Ready for submission to Planning Inspectorate.                                                                                                                   |
| Colsterworth/<br>Gunby & Stainby                     | 259      | PF | Realignment of Colsterworth PF 14 & part of Stainby PF 1                                                                                | No          | 19/05/2004 | DMMO confirmed by Planning Inspectorate 22/02/2017.                                                                                                              |
| Tetford                                              | 365      | PF | Addition of "missing link" North Road to PF 33                                                                                          | No          | 30/09/2013 | Reviewing evidence.                                                                                                                                              |
| Long Bennington/Wes<br>borough and Dry<br>Doddington | 377      | PF | Alleged PF Westborough Lane-bridge on Church St. along east bank of River Witham. Also access to route from Winters Lane & Sparrow Lane | Yes         | 19/09/2014 | Schedule 14 Appeal of decision not to make an Order made to Planning Inspectorate. Council's Statement on Appeal to be sent to Planning Inspectorate 16/03/2017. |
| Ludborough                                           | 378      | PF | Alleged PF along track running to and from PF 107                                                                                       | Yes         | 06/10/2014 | Reviewing evidence.                                                                                                                                              |
| Navenby                                              | 384      | PB | Alleged PB Grantham Road-Doncaster Gardens                                                                                              | Yes         | 16/04/2015 | Council directed to make a DMMO seeking to record a PF along the Application route following the submission of additional evidence with Schedule 14 Appeal.      |
| South Willingham                                     | 97       | PF | Hainton Road-High Street                                                                                                                | Yes         | 30/04/1986 | DMMOs with Planning Inspectorate for determination by written representations procedure – last date for Council comments was 08/03/2017.                         |
| South Willingham                                     | 98       | PF | Moors Lane to A157                                                                                                                      | Yes         | 30/04/1986 | As above.                                                                                                                                                        |
| South Willingham                                     | 99       | PF | Moors Lane to Poplar Farm                                                                                                               | Yes         | 30/04/1986 | As above.                                                                                                                                                        |
| Woodhall Spa                                         | 193      | PF | Mill Lane to river Witham                                                                                                               | Yes         | 12/05/1998 | Public inquiry 22/02/2017: awaiting Planning Inspectorate decision.                                                                                              |
| Heydour                                              | 48       | PF | PF to be diverted                                                                                                                       | No          | 01/01/1985 | Reviewing evidence.                                                                                                                                              |
| Aunsby &<br>Dembleby                                 | 5        |    | Aunsby RB 6 plus section to Manor House Farm, Aunsby PB 9, Heydour RB 18                                                                | No          | 11/07/1985 | Reviewing evidence.                                                                                                                                              |
| Mablethorpe &<br>Sutton                              | 106      | PF | High Street to Broadway                                                                                                                 | Yes         | 16/09/1985 | Reviewing evidence.                                                                                                                                              |
| Grimoldby                                            | 43       | PF | From Mill Lane                                                                                                                          | Yes         | 23/10/1985 | Writing Statement of Grounds.                                                                                                                                    |
| Burgh-le-Marsh                                       | 18       | PF | Faulkers Lane                                                                                                                           | Yes         | 10/02/1987 | Statement of Grounds almost complete.                                                                                                                            |
| Stamford                                             | 101      | PF | Cherry Holt Lane to Priory Road                                                                                                         | Yes         | 03/04/1987 | Reviewing evidence.                                                                                                                                              |

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

BOAT – Byway Open to All Traffic

RB – Restricted Byway

PB – Public Bridleway

PF – Public Footpath

- **Total Number of cases (Formal application or Self-initiated) – 148 outstanding inclusive of those awaiting determination by the Secretary of State (5 including 1 Schedule 14 Appeal) at 15<sup>th</sup> March 2017**

Appendix C – Outstanding Modification Order Cases

Appendix B - No DMMO prioritisation appeals were submitted or heard over the period since the last forum meeting.

## Appendix C – Outstanding Modification Order Cases

| Parish                                         | File | Status | Further details                                                                                                                                          | Application/Acceptance | Active | Priority Ranking |
|------------------------------------------------|------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------|------------------|
| North Ormsby                                   | 379  | PF     | Claimed footpath between north end of PF 357 and metalled highway in centre of North Ormsby                                                              | 14/11/2014             | Yes    | 1                |
| Hogsthorpe                                     | 49   | PF     | Sea Lane to Maiden Lane                                                                                                                                  | 11/12/1986             | Yes    | 2                |
| Castle Bytham                                  | 136  | RB     | RB 3                                                                                                                                                     | 03/08/1994             | Yes    | 3                |
| Ancaster                                       | 2    | RB     | to BOAT                                                                                                                                                  | 13/11/1991             | Yes    | 4                |
| Coningsby                                      | 182  | PF     | School Lane to Dogdyke Road                                                                                                                              | 06/11/1997             | Yes    | 5                |
| Colsterworth / Gunby & Stainby                 | 259  | PF     | Colsterworth FP14 & Stainby FP 1(pt)                                                                                                                     | 19/05/2004             | Yes    | 6                |
| Tetford                                        | 365  | PF     | Addition of missing link to PF 33                                                                                                                        | 30/09/2013             | Yes    | 7                |
| Long Bennington / Westborough & Dry Doddington | 377  | PF     | Claimed footpath between Westborough Lane & bridge on Church St. along east bank of River Witham. Also access to route from Winters Lane & Sparrow Lane. | 19/09/2014             | Yes    | 8                |
| Ludborough                                     | 378  | PF     | Claimed footpath along track running to and from PF107                                                                                                   | 06/10/2014             | Yes    | 9                |
| Navenby                                        | 384  | PB     | Claimed bridleway from Grantham Road to Doncaster Gardens                                                                                                | 16/04/2015             | Yes    | 10               |
| South Willingham                               | 97   | PF     | Hainton Rd to High St                                                                                                                                    | 30/04/1986             | Yes    | 11               |
| South Willingham / Hainton                     | 98   | PF     | Moors Lane to A157                                                                                                                                       | 30/04/1986             | Yes    | 12               |
| South Willingham                               | 99   | PF     | Moors lane to Poplar Fm                                                                                                                                  | 30/04/1986             | Yes    | 13               |
| Woodhall Spa                                   | 193  | PF     | Mill Lane to R.Witham Bank                                                                                                                               | 12/05/1998             | Yes    | 14               |
| Heydour                                        | 48   | PF     | PF to be diverted - from Southern end of PF 3 to church Lees                                                                                             | 01/01/1985             | No     | 15               |
| Aunsby & Dembleby                              | 5    | PROW   | see file                                                                                                                                                 | 11/07/1985             | No     | 16               |
| Mablethorpe and Sutton                         | 106  | PF     | High St to Broadway                                                                                                                                      | 16/09/1985             | No     | 17               |
| Grimoldby                                      | 43   | PF     | from Mill Lane                                                                                                                                           | 23/10/1985             | No     | 18               |
| Burgh-le-Marsh                                 | 18   | PF     | Faulkers Lane                                                                                                                                            | 10/02/1987             | No     | 19               |
| Stamford                                       | 101  | PF     | Cherry Holt Lane to Priory Rd                                                                                                                            | 03/04/1987             | No     | 20               |

ACTIVE CASEWORK

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**North East Lincolnshire DMMO's (Definitive Map Modification Orders)**

| Ref Number    | Parish  | Location                                  | Effect of Application | Date of Application | Progress Notes                                                                                                                                                                                                                                                                                                                                                 |
|---------------|---------|-------------------------------------------|-----------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DMMO 7</b> | Grimsby | Vicarage Gardens/Compton Drive to Bargate | Claimed Footpath      | 18/03/2008          | Original claim submitted after landowner planned to lock Kissing Gate at centre of path to restrict access and improve security of Vicarage Gardens. Elderly Vicarage Gardens residents objected due to length of alternative route. Have written to certain providers of evidence forms to arrange meeting to take witness statements. No responses received. |
| <b>DMMO 8</b> | Grimsby | Macaulay Lane to Newhaven Terrace         | Claimed Footpath      | 17/04/2008          | Development of the Country Park has almost completed, which includes the provision of a footpath along claimed line. Legal dedication of the path will be arranged in due course to legalise path as Public Footpath which will resolve claim.<br><b>Country Park expected to open in summer 2017</b>                                                          |
| <b>DMMO 9</b> | Grimsby | Ferriby Lane to Bradley                   | Claimed Bridleway     | 17/05/2008          | The remaining part of the route requires public consultation.                                                                                                                                                                                                                                                                                                  |

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

|            |                                            |
|------------|--------------------------------------------|
| Report to: | <b>Mid Lincolnshire Local Access Forum</b> |
| Date:      | <b>4 April 2017</b>                        |
| Subject:   | <b>Progress of Public Path Orders</b>      |

### Summary:

A report on the progress of Public Path Orders

### Recommendation(s):

That the report is noted and formal written advice given where required

## 1. Background

The County Council has a power to divert, extinguish or create public rights of way either of its own volition or following an application to do so from the public. The Council may also enter into agreements with landowners regarding the dedication of public rights.

## 2. Summary of ongoing cases

The County Council is currently working on a number of cases most notably as follows:

- A package of 8 diversions to realign routes in the Coastal Country Park area including the potential dedication of a bridleway over a current footpath. Plans are currently with the Environment and Community Projects Team for review and a site visit is required shortly.
- Level crossing diversion orders at Tallington to reduce risks at two level crossings
- Orders to realign a number of PROW affected by a level crossing at Claypole which will also resolve "missing link" and path status change issues. The routes are awaiting certification, which will happen in the coming months.
- A diversion of part of Public Footpath No. 124 and extinguishment of a non-definitive footpath at North Wold Farm in Tealby.

- Extinguishment and creation orders in Market Deeping and Deeping St James parishes seeking to provide an improved route for a well-used public footpath in a developed area.
- An extinguishment proposal in respect of an obstructed public footpath in Ruskington which lies close to a convenient alternative route: an Order was made 15<sup>th</sup> March.

These public path orders have been undertaken as they fall within one of three of the following strategic areas:

- Applications from members of the public where public benefit in the proposal can be demonstrated in line with the Council's Rights of Way Improvement Plan.
- Cases that form part of wider green infrastructure schemes (Coastal Country Park, Witham Valley Country Park etc.)
- Cases forming part of wider Council strategies (Road / Rail Partnerships, Environmental strategies)

The County Council is developing a provisional Public Path Order Policy, which will eventually determine the order in which proposals are processed. This will need to be ratified before it can be implemented, and is subject to any changes necessary once regulations in respect of the Deregulation Act 2015 are issued.

### **3. Consultation**

#### **a) Has Local Member Been Consulted?**

n/a

#### **b) Has Executive Councillor Been Consulted?**

n/a

#### **c) Scrutiny Comments**

n/a

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

n/a

### **4. Background Papers**

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

This report was written by Catherine Beeby, Senior Definitive Map Officer, who can be contacted on 01522 782070 or [countryside\\_access@lincolnshire.gov.uk](mailto:countryside_access@lincolnshire.gov.uk).

**North East Lincolnshire Public Path Orders**

| Ref No. | Location & Path No.     | Type of Order | Self Initiated or Application    | Progress Notes                                                                                                                                                                                                          |
|---------|-------------------------|---------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PPO 4   | Waltham FP72            | HA s119       | Self initiated                   | All the infrastructure has been built to accomodate the path. The path will be a deadend route until the substation is relocated. Northern Powergrid have given a time scale of 1 year time scale.                      |
| PPO 15  | Stallingborough FP21    | HA s118 & s26 | Self initiated                   | Meeting with a representative of one of the landowners awaiting there comments as they need to meet with tenants and trustees. A meeting with Wanderlust Ramblers has also taken place and options discussed with them. |
| PPO16   | Humberston FP52         | HA s119       | Self initiated                   | Diversion order to be made to relocate and reinstate this path which has been unavailable for some time.                                                                                                                |
| PPO17   | South Killingholme FP94 | HA s119       | Initiated by North Lincs Council | Signage to be installed.                                                                                                                                                                                                |
| PPO 19  | Stallingborough FP 37   | HA118A        | Initiated by Network Rail        | Application for extinguishment                                                                                                                                                                                          |
| PPO 20  | New Waltham             | TCPA 1990     | Initiated by developer           | Order approved at Planning Committee subject to the Section 106 being signed.                                                                                                                                           |

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