



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

Report to: **Mid Lincolnshire Local Access Forum**
Date: **18 October 2016**
Subject: **Definitive Map Modification Orders - Ongoing**

Summary:

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

Recommendation(s):

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

1. Background

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

Highways & Traffic Guidance Note HAT33/3/11 sets out that such cases will be dealt with in order of receipt/initiation unless one or more of the eight "exception criteria" apply.

The criteria are as follows:

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

processing the case the County Council will discharge its duty to the Ombudsman's decision.

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

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

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

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

2. Consultation

- a) Scrutiny Comments**
- b) Executive Councillor Comments**
- c) Local Member Comments**
- d) Policy Proofing Actions Required**

n/a

3. Appendices

These are listed below and attached at the back of the report	
Appendix A	Outline summaries of "active" modification order cases as at 14 October 2016
Appendix B	Appeals against prioritisation – Q2 2016-17
Appendix C	Definitive Map Case Prioritisation (LINK) – Paper copies available on request

4. Background papers

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

Highways & Traffic Guidance Note 33 – Prioritisation of Definitive Map Modification Orders - HAT 33/3/11

This report was written by Chris Miller, Team Leader – Countryside Services, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk.

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

PARISH	CASE No.		CASE TITLE	FORMAL APP?	Date	UPDATE
Ancaster	2	BOAT	Regrade from RB to BOAT	Yes	13/11/91	Currently revisiting extensive file work from long-standing case.
Colsterworth / Gunby & Stainby	259	PF	Colsterworth FP14 & Stainby PF 1(pt)	No	19/05/04	Confirmed with modifications (Deletion of PF 14 accepted but realignment of PF1 wqas not) – Objections received to the modified order. Determination still awaited.
Utterby	354	PF	Claimed Footpath from Grange Lane to Holy Well Lane	Yes	08/05/12	Submitted to the Secretary of State 8/12/2015 – Public Inquiry set to 15/11/2016
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	Yes	08/05/12	Submitted to the Secretary of State 8/12/2015 – Public Inquiry set to 15/11/2016
New Leake	353	PF	Claimed Footpath from Spilsby Rd to Spilsby Rd	Yes	30/05/12	COMPLETE - Submitted to the Secretary of State 18/11/2015 - Not Confirmed SoS found that there was insufficient evidence for Common Law dedication
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby (Gads Lane)	Yes	01/11/83	Submitted to Secretary of State – Hearing to be held 29/11/2016
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyholme Lane, Marshchapel	Yes	4/8/2014	LCC Decision not to make an Order. W&CA81, Schedule 14 appeal made by applicant to Secretary of State
South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	Yes	30/04/86	COMPLETE Submitted to the Secretary of State – Not Confirmed – Insufficient evidence
South Willingham	97	PF	Hainton Rd to High St	Yes	30/04/86	Statement of Reasons prepared. submitted to Secretary of State 22 July 2016 – Awaiting notification of Start Date
South Willingham / Hainton	98	PF	Moors Lane to A157	Yes	30/04/86	Statement of Reasons prepared. submitted to Secretary of State 22 July 2016 – Awaiting notification of Start Date
South Willingham	99	PF	Moors lane to Poplar Fm	Yes	30/04/86	Statement of Reasons prepared. submitted to Secretary of State 22 July 2016 – Awaiting notification of Start Date
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	Yes	12/05/98	Order made and a number of objections received - Statement of Grounds prepared and submitted to Secretary of State – Public Inquiry 22 February 2017
Coningsby	182	PF	School Lane to Dogdyke Road	Yes	06/11/97	Order made and a number of objections received. Statement of Reasons being prepared.
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	Yes	16/04/15	LCC Decision not to make an Order. W&CA81, Schedule 14 appeal made by applicant to Secretary of State
North Ormsby	379	PF	Claimed footpath between north end of PF 357 and metalled highway in centre of North Ormsby	Yes	14/11/14	Investigations ongoing

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

Castle Bytham	136	RB	Reclassification of RB	No	22/10//90	Investigation Ongoing
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BOAT – Byway Open to All Traffic

RB – Restricted Byway

PB – Public Bridleway

PF – Public Footpath

- **Total Number of cases (Formal application or Self-initiated) – 152 still outstanding inclusive of those awaiting determination by the Secretary of State (10 including 2 Sch 14 Appeal) at 14th October 2016**

APPENDIX B – Appeals against prioritisation Q2 2015-16

There have been no appeals determined in this quarter although one appeal (Ludborough) has been submitted but is yet to be heard.

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
Castle Bytham	136	RB	RB 3	22/10/1990	Yes	2
Ancaster	2	RB	to BOAT	13/11/1991	Yes	3
Coningsby	182	PF	School Lane to Dogdyke Road	06/11/1997	Yes	4
Colsterworth / Gunby & Stainby	259	PF	Colsterworth FP14 & Stainby FP 1(pt)	19/05/2004	Yes	5
Utterby	354	PF	Claimed Footpath from Grange Lane to Holy Well Lane	08/05/2012	Yes	6
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	08/05/2012	Yes	7
Tetford	365	PF	Addition of missing link to PF 33	30/09/2013	Yes	8
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyholme Lane, Marshchapel	04/08/2014	Yes	9
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	10
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	16/04/2015	Yes	11
Navenby	385	PF	Deletion of PF13	14/04/2016	Yes	12
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby via Gonerby Grange (Gadds Lane)	01/11/1983	Yes	13
South Willingham	97	PF	Hainton Rd to High St	30/04/1986	Yes	14
South Willingham / Hainton	98	PF	Moors Lane to A157	30/04/1986	Yes	15
South Willingham	99	PF	Moors lane to Poplar Fm	30/04/1986	Yes	16
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	12/05/1998	Yes	17

ACTIVE CASEWORK

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