



Open Report on behalf of Richard Wills - Executive Director for Environment & Economy
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Report to:	Mid Lincolnshire Local Access Forum
Date:	24 January 2017
Subject:	Definitive Map Modification Orders - Ongoing

Summary:

A report on the progress of Definitive Map Modification Order Currently being undertaken
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Recommendation(s):

That the report is noted & formal written advice provided as required.
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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 12 January 2017
Appendix B	Appeals against prioritisation – Q3 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
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This report was written by Chris Miller, Team Leader – Countryside Services, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk.

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

PARISH	CASE No.		CASE TITLE	FORMAL APP?	Date	UPDATE
Ancaster	2	BOAT	Regrade from RB to BOAT	Yes	13/11/91	Currently revisiting extensive file work from long-standing case.
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 was 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	COMPLETED -Public Inquiry 15/11/2016 – SoS deemed that user evidence was insufficient with usage demonstrated as being with permission or challenged
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	Yes	08/05/12	COMPLETE - Public Inquiry 15/11/2016 – SoS deemed that user evidence was insufficient with usage demonstrated as being with permission or challenged
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	COMPLETE - Public Hearing - 29/11/2016 - Not confirmed – Insufficient / poor user evidence from 1983
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyholme Lane, Marshchapel	Yes	4/8/2014	COMPLETE – Appeal against decision not to make an order was not upheld by the 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 – Start Date 30/11/2016 – Written Representations
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 – Start Date 30/11/2016 – Written Representations
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 – Start Date 30/11/2016 – Written Representations
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. This has been upheld following the submission of further evidence. Order yet to be made.

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

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
Castle Bytham	136	RB	Reclassification of RB	No	22/10//90	Investigation Ongoing
Long Bennington / Westborough & Dry Doddington	377	PF	Claimed footpath between Westborough Lane & nridge on Church St. Along east bank of river	Yes	19/9/14	COMPLETE - Decision not make order made
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	Yes	11/12/86	Investigation Ongoing
Tetford	365	PF	Addition of PF missing link to PF 33	No	30/9/13	Investigation Ongoing
Ludborough	378	PF	Claimed PF along farm track to PF 107	Yes	6/10/14	Investigation Ongoing
Navenby	385	PF	Deletion of PF 13	No	14/4/16	To be deleted due to erroneous inclusion on Definitive Map
Heydour	48	PF	Addition of missing link to PF 3 Church Leas	No	1/1/85	Investigation Ongoing
Aunsby & Dembleby	5	Various	Reclassifications of Restricted Byway	No	11/7/85	Investigations as to Natural Environment & Rural Communities Act effects.
Mablethorpe & Sutton	106	PF	High Street to Broadway	Yes	16/9/85	Investigation Ongoing
Grimoldby	43	PF	From Mill Lane	Yes	23/10/85	Investigation Ongoing
Burgh le Marsh	18	PF	Faulknors Lane	Yes	10/2/87	Order made with outstanding objections - Investigation Ongoing
Stamford	101	PF	Cherry Holt lane to Priory Rd	Yes	3/4/87	Investigation Ongoing

BOAT – Byway Open to All Traffic

RB – Restricted Byway

PB – Public Bridleway

PF – Public Footpath

- **Total Number of cases (Formal application or Self-initiated) – 145 still outstanding inclusive of those awaiting determination by the Secretary of State (5) at 12th January 2017**

One appeal for Ludborough was heard by the Definitive map & Statement of Public Rights of Way Sub-committee who upheld the appeal on the basis that the route would provide significant benefit to the local community and contribute to a Rights of Way Improvement Plan Scheme

The case has been allocated to an officer to process.

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	22/10/1990	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
Navenby	385	PF	Deletion of PF13	14/04/2016	Yes	11
Belton & Manthorpe / Gt. Gonerby	12	PF	Belton to Great Gonerby via Gonerby Grange (Gadds Lane)	01/11/1983	Yes	12
South Willingham	97	PF	Hainton Rd to High St	30/04/1986	Yes	13
South Willingham / Hainton	98	PF	Moors Lane to A157	30/04/1986	Yes	14
South Willingham	99	PF	Moors lane to Poplar Fm	30/04/1986	Yes	15
Woodhall Spa	193	PF	Mill Lane to R. Witham Bank	12/05/1998	Yes	16
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to church Lees	01/01/1985	No	17
Coningsby & Dembleby	5	PROW	see file	11/07/1985	No	18
Mablethorpe and Sutton	106	PF	High St to Broadway	16/09/1985	No	19
Grimoldby	43	PF	from Mill Lane	23/10/1985	No	20
Burgh-le-Marsh	18	PF	Faulkers Lane	10/02/1987	No	21
Stamford	101	PF	Cherry Holt Lane to Priory Rd	03/04/1987	No	22

ACTIVE CASEWORK

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