



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 th March 2017
Appendix B	Appeals against prioritisation – Q4 2016-17 (None this period)
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 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/ 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 borough and Dry 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 & Dembleby	5		Aunsby RB 6 plus section to Manor House Farm, Aunsby PB 9, Heydour RB 18	No	11/07/1985	Reviewing evidence.
Mablethorpe & 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 15th 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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