



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

Report to: **Mid Lincolnshire Local Access Forum**
Date: **24 October 2017**
Subject: **Definitive Map Modification Orders - Ongoing**

Summary:

A report on the progress of Definitive Map Modification Orders currently being progressed

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 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 on a case's priority in response to such an appeal.

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 30 th September 2017
Appendix B	Appeals against prioritisation – Quarter 2 2017-2018
Appendix C	<u>Definitive Map Case Prioritisation</u> (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 - <u>HAT 33/3/11</u>
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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
Middle Rasen	72	PF	Caistor Rd to Gatehouse Lane	Yes	05/08/87	DMMO seeking to record PF 1147 made 12/06/17 – objection period ended 10/08/17 – objections received. Submission to Planning Inspectorate (PINS) in progress.
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	Yes	11/12/1986	Submitted to PINS 03/08/17.
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	Submitted to PINS 27.04.2017 – Public Inquiry scheduled for 21.02.18 & 22.02.18 at Coronation Hall, Spa Rd, Woodhall Spa LN10 6PZ. Path number PF 1124.
Tetford	365	PF	Addition of "missing link" North Road to PF 33	No	30/09/2013	Summary for decision under way.
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	DMMO made seeking to record PF 1146 along the Application route on 23.06.2017: objection period 06.07.2017-18.08.2017. Objections received. Awaiting final response from objectors.
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	Submitted to PINS 24/06/17.
Burgh-le-Marsh	18	PF	Faulkers Lane	Yes	10/02/1987	Draft Statement of Grounds complete.
Stamford	101	PF	Cherry Holt Lane to Priory Road	Yes	03/04/1987	Reviewing evidence.

BOAT: Byway Open to All Traffic

RB: Restricted Byway

PB: Public Bridleway

PF: Public Footpath

- **Total Number of cases (formal application or self-initiated): 149 outstanding inclusive of 3 Orders awaiting determination by the Secretary of State at 30th September 2017)**

APPENDIX B – Appeals against prioritisation – Q2 2017-2018

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

APPENDIX C – Definitive Map Case Prioritisation

ACTIVE CASEWORK

Parish	File	Status	Further details	Application/Acceptance	Active	Priority Ranking
Middle Rasen	72	PF	Caistor Rd to Gatehouse Lane	05/08/1987	Yes	1
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	11/12/1986	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
Tetford	365	PF	Addition of missing link to PF 33	30/09/2013	Yes	5
Ludborough	378	PF	Claimed footpath along track running to and from PF107	06/10/2014	Yes	6
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	16/04/2015	Yes	7
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to church Lees	01/01/1985	Yes	8
Aunsby & Dembleby	5	PROW	see file	11/07/1985	Yes	9
Mablethorpe and Sutton	106	PF	High St to Broadway	16/09/1985	Yes	10
Grimoldby	43	PF	from Mill Lane	23/10/1985	Yes	11
Burgh-le-Marsh	18	PF	Faulkers Lane	10/02/1987	Yes	12
Stamford	101	PF	Cherry Holt Lane to Priory Rd	03/04/1987	Yes	13