



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

Report to: **Mid Lincolnshire Local Access Forum**
Date: **3 July 2018**
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 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 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 18 th June 2018
Appendix B	Appeals against prioritisation – Quarter 1 2018-2019
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.
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 rescheduled: new dates 25 and 26.07.18 at Coronation Hall, Spa Rd, Woodhall Spa LN10 6PZ. Path number PF 1124.
Heapham & Upton	350	PB	Alleged PB between Common Lane & Cow Lane	Yes	02/12/2011	Reviewing evidence.
Tetford	365	PF	Addition of "missing link" North Road to PF 33	No	30/09/2013	Recommendation with Senior Officer for a decision.
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 and not withdrawn. To be submitted to PINS.
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	Submitted to PINS 06/11/17. To be determined by written representations.
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	Submitted to PINS 12/02/2018. To be determined by written representations. Accompanied site visit 01.10.2018.

BOAT: Byway Open to All Traffic

RB: Restricted Byway

PB: Public Bridleway

PF: Public Footpath

- **Total Number of cases (formal application or self-initiated): 151 outstanding inclusive of 3 Orders awaiting determination by the Secretary of State at 18th June 2018)**

APPENDIX B – Appeals against prioritisation – Q1 2018-2019

DMMO prioritisation appeals have been submitted over the quarter relating to the following three applications. These will be determined by the Definitive Map and Statement of Public Rights of Way Sub Committee on 16.07.2018.

Parish	File	Status	Location
Woodhall Spa	DMMO 389	PF	Alleged PF between Stixwould Rd and King Edward Crescent
Cranwell	DMMO 375	PF	Alleged PF between PF 754 and PB 1
Long Bennington	DMMO 352	PF	Alleged PF between Wheatsheaf Lane and PF 17

APPENDIX C – Definitive Map Case Prioritisation

ACTIVE CASEWORK

Parish	File	Status	Proposal	Further details	Applicant's name and address	Date of Application (or Acceptance)	Active	Priority Ranking
Middle Rasen	72	PF	Claim	Caistor Rd to Gatehouse Lane	Middle Rasen P.C.	05/08/87	Yes	1
Ancaster	2	RB	Claim	to BOAT	C. Padley & Lincolnshire Fieldpaths Association	13/11/91	Yes	2
Coningsby	182	PF	Claim	School Lane to Dogdyke Road	Coningsby Parish Council	06/11/97	Yes	3
Heapham & Upton	350	PB	Claim	Claimed Bridleway from Common Lane to Cow Lane	Mr P Watmough, Chestnut Farm, Heapham, DN21 5PT	02/12/11	Yes	4
Tetford	365	PF	Claim	Addition of missing link to PF 33	LCC	30/09/13	Yes	5
Ludborough	378	PF	Claim	Claimed footpath along track running to and from PF107	Mrs J Dixon, Ludborough Parish Council, Ludborough Manor, Livesey Road, Ludborough, Grimsby,	06/10/14	Yes	6
Navenby	384	PB	Claim	Claimed bridleway from Grantham Road to Doncaster Gardens	Tracey Audiss, Wellingworth, 17 Grantham Road, Navenby, LN5 0JJ	16/04/15	Yes	7
Heydour	48	PF	Claim	PF to be diverted - from Southern end of PF 3 to church Lees	LCC	01/01/85	Yes	8
Aunsby & Dembleby	5	PROW	Claim	see file	LCC	11/07/85	Yes	9
Mablethorpe and Sutton	106	PF	Claim	High St to Broadway	Mablethorpe and Sutton Town Council	16/09/85	Yes	10
Burgh-le-Marsh	18	PF	Claim	Faulkers Lane	Mr F A Skelton	10/02/87	Yes	11
Stamford	101	PF	Claim	Cherry Holt Lane to Priory Rd	Stamford Ramblers	03/04/87	Yes	12