

Open Report on behalf of Andy Gutherson - Interim Executive Director of Place

Report to: **Mid-Lincolnshire Local Access Forum**
Date: **23 April 2019**
Subject: **Definitive Map Modification Orders - On-going**

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. Appendices

These are listed below and attached at the back of the report	
Appendix A	Outline summaries of "active" modification order cases as at 5 April 2019
Appendix B	Appeals against prioritisation – 2018-19
Appendix C	Definitive Map Case Prioritisation (LINK) – Paper copies available on request

3. 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
Middle Rasen	72	PF	Caistor Rd to Gatehouse Lane	Yes	5/8/1987	Submitted to the Secretary of State 24/8/2018
Ancaster	2	BOAT	Regrade from RB to BOAT	Yes	13/11/91	Order to be made imminently once plans have been produced.
Coningsby	182	PF	School Lane to Dogdyke Road	Yes	06/11/97	Order confirmed with modifications after Public Inquiry. New objections received and case remains with Plns
Westborough & Dry Doddington	306	BOAT	Reclassification of PB12, PF3 and RB 7	Yes	22/2/06	Initial research being undertaken
Westborough & Dry Doddington	307	BOAT	Addition of claimed BOAT and reclassification of RB 5 & 6	Yes	22/3/06	Initial research being undertaken
Heaptham & Upton	350	PB	Claimed PB from Common Lane to Cow Lane	Yes	2/12/11	Archival research being undertaken
Long Bennington	351	PF	Claimed PF from Back Lane to PF 17	Yes	29/2/12	Initial research being undertaken
Long Bennington	352		Claimed Footpath from Wheatsheaf Lane to PF17	Yes	11/4/12	Initial research being undertaken
Tetford	365	PF	Addition of missing link to PF 33	No	30/09/13	Order to be made imminently
Cranwell & Byard's Leap	375	PF	Addition of PF between PF754 and PB1	No	27/08/14	Initial research being undertaken
Ludborough	378	PF	Claimed footpath along track running to and from PF107	Yes	06/10/14	Initial research being undertaken
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	Yes	16/04/15	Directed to make order by Secretary of State – Order submitted 14/12/2018
Lincoln	390	PB	Claimed bridleway between riverside cycle path and Hall Drive	Yes	29/06/17	Initial research being undertaken
Springthorpe	393	PROW	Enclosure Award investigation: Bratt Field Middle Road	No	07/09/17	Linked to DMMOs 350, 394, 397, 398, Initial archival investigations ongoing
Heaptham / Springthorpe	394	PROW	Enclosure Award investigation: Green La/Kirton Gate Lane/Bratt Field South Road	No	07/09/17	Linked to DMMOs 350, 393, 397, 398, Initial archival investigations ongoing
Springthorpe	397	BOAT	Between Bratt Field Road and Heaptham Restricted Byway 1117	Yes	23/11/17	Linked to DMMOs 350, 393, 394, 398, Initial archival investigations ongoing
Springthorpe	398	BOAT	Between Bratt Field Road and Green Lane	23/11/17	Yes	Linked to DMMOs 350, 393, 394, 397 Initial archival investigations ongoing

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Mablethorpe and Sutton	399	PROW	Claimed bridleway and footpath between the ends of 2 sections of Marian Avenue	27/11/17	Yes	Initial investigation into user evidence ongoing
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to Church Lees	01/01/85	No	Historic Case – Review of objections to order being undertaken
Aunsby & Dembleby	5	PROW	Reclassification RB / BOAT	11/07/85	No	Historic Case – Review of archival documents ongoing
Burgh-le-Marsh	18	PF	Faulkers Lane	10/02/87	Yes	Historic order submitted to the Secretary of State 15/3/19
Stamford	101	PF	Cherry Holt Lane to Priory Road	3/4/87	Yes	Historic order submitted to the Secretary of State 12/2/18

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 still outstanding inclusive of those awaiting determination by the Secretary of State**

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
Wodhall Spa	193	PF	Mill Lane to R.Witham Bank	12/05/1998	Yes	17

ACTIVE CASEWORK

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