



Report Reference:

**Open Report on behalf of Richard Wills - Executive Director for Communities**

Report to:	<b>Mid Lincolnshire Local Access Forum &amp; South Lincolnshire &amp; Rutland Local Access Forum</b>
Date:	<b>02 July 2013</b>
Subject:	<b>Definitive Map Modification Order Progress - October 2006 to 24th June 2013</b>

**Summary:**

A report on the progress of Definitive Map Modification Order work since the inception of the current prioritisation policy.

**Recommendation(s):**

That the report is noted

## 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.

Appendices A, B and C to this report outline the progress that has been made over since the inception of the revised Schedule of Priorities and 1<sup>st</sup> October 2012.

## **2. Conclusion**

That the Rights of Way & Countryside Access Section has continued to make progress against casework backlogs.

## **3. Consultation**

### **a) Has Local Member Been Consulted?**

n/a

### **b) Has Executive Councillor Been Consulted?**

n/a

**c) Scrutiny Comments**

n/a

**d) Policy Proofing Actions Required**

n/a

**6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Schedule of Progress of Cases completed
Appendix B	Active Caseload for Officers

**7. Background Papers**

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Highways & Traffic Guidance Note 33 - Prioritisation of Definitive Map Modification Orders	Highways & Traffic Guidance Notes Manual - Countryside - City Hall, Lincoln

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Appendix A - Schedule of Modification Order Cases Completed October 2006 to 1<sup>st</sup> October 2012

<b>CASES WHERE AN ORDER WAS NOT MADE</b>				
Parish	Further details	Formal Application?	Decision Date	Reason not made
Careby, Aunby & Holywell	Reclassification of RB1	No 24/10/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 5	No 13/1/1998	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Bassingham	Reclassification of RB 4	No 12/06/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Billingham	Reclassification of RB 10	No 02/05/1996	22/11/2006	Unable to reclassify Restricted Byway to Footpath or Bridleway Status
Ruskington	Downgrading of RB 127	Yes 02/02/1987	23/01/2007	Insufficient evidence
Horncastle	Claimed Public Footpath	Yes 01/10/1991	06/06/2007	Insufficient evidence
Wrangle	Claimed Public Footpath	Yes 17/09/1994	04/07/2007	Claimed path dedicated by landowner instead (PF987)
Osgodby / Owersby	Claimed Public Footpath & BOAT- Washdyke Lane	Yes 05/12/1990	03/07/2007	Decision not to make, no appeal by applicant
Old Somerby	Upgrade to BOAT status	Yes 07/11/2002	02/10/2007	DEFRA upheld decision, insufficient evidence
Ropsley & Humby	Re-alignment/diversion of PF1	No 25/08/2005	18/03/2008	Realignment not necessary - requires diversion order
Hffington	Realignment of PF 10 (Main Rd to Turnpike Rd)	No 31/01/2007	01/08/2008	Insufficient evidence
Ingham	Claimed BOAT across Ingham village green	Yes 14/07/2003	09/10/2008	Legal Issue regarding Village Green status
Sleaford	Claimed Public Footpath from Millfield Terrace to Eastgate through the cemetery	Yes 30/10/2007	10/11/2010	DEFRA upheld decision, insufficient evidence
Lincoln	Claimed Public Bridleway from Wragby Rd to Greetwell Rd	Yes 22/06/2002	15/02/2011	Insufficient Evidence
Timberland	Claimed Public Footpath from Church Lane	No 05/08/2010	10/12/2010	Insufficient Evidence
Cherry Willingham	Claimed Public Footpath from Fiskerton Road to the River Witham	Yes 19/01/2005	14/6/2011	Insufficient Evidence – DEFRA Dismissed applicants appeal
Stamford	Claimed Footpath from Walcot Way over the former quarry	Yes 23/04/2003	2/6/2011	Insufficient Evidence
Anderby	Sea Road to Creek Outfall	Yes 25/7/1983	10/9/2012	Not confirmed by Inspector

Appendix A - Schedule of Progress of Cases completed

<b>CASES WHERE AN ORDER HAS BEEN SUCCESSFULLY CONFIRMED</b>				
Parish	Further details	Formal Application?	Date of Confirmation	Notes
Hough on the Hill (Gelston)	Realignment of Public Footpath 9	Yes 12/02/2002	17/01/2007	
Halton Holegate	Claimed Public Footpath from PF160 to Highfield Lane	Yes 03/07/2002	05/03/2007	
Sleaford	Public Footpath 12 to Boston Rd and Recreation Ground	Yes 21/06/1999	16/03/2007	
Sleaford	Deletion of Public Footpath 11	No 12/10/2006	18/04/2007	
Waddingham	Claimed Public Footpath from Joshua Way to The Green	Yes 15/05/2000	20/04/2007	
Anderby Creek/Huttoft	Claimed Public Footpath Anderby creek and Moggs Eye	No 21/08/1996	23/04/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Black Dyke	Yes 15/11/1997	02/05/2007	
Snitterby & Waddingham	Claimed Public Footpath from Carr Lane to Green Lane	Yes 15/11/1997	02/05/2007	
Uffington	Claimed Public Footpath from Casewick Lane to School Lane, across school playing field	Yes 06/09/1999	05/06/2007	
Billingham	Claimed Public Footpath from St Michaels Close to Playing Field	Yes 04/06/1998	08/06/2007	
Bulletby	Realignment of Public Bridleway 58	No 11/06/2007	11/06/2007	
West Keal	Claimed Public Footpath to Old Bolingbroke ( Hall Hill - the Point)	Yes 20/08/2007	20/08/2007	
Bucknall	Claimed Public Footpath from church to Road	Yes 20/07/1992	21/08/2007	
Burton	Claimed Public Bridleway from A 57 to PF 229	Yes 27/08/1987	21/09/2007	
Mablethorpe and Sutton	Claimed Public Footpath from Station Rd to Camelot Gdns	Yes 15/11/1993	12/11/2007	
Heighington	Claimed Public Footpath from Bardney Road to Brinkle Springs Lane	Yes 20/08/2000	15/11/2007	Confirmed by Secretary of State
Torksey/Brampton	Claimed Public Footpath from West Station Road to Brampton village	Yes 08/03/1999	30/10/2007	Confirmed by Secretary of State
Sleaford	Claimed Public Bridleway from Bullock Pasture Lane to Mareham Lane	Yes 27/06/1991	07/01/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Jacksons Lane	Yes 10/02/1987	15/01/2008	
Belton & Manthorpe	Claimed Public Footpath from Low Rd to High Rd (known as "The Steps")	Yes 25/10/2001	07/02/2008	Confirmed by Secretary of State
Burgh-le-Marsh	Claimed Public Footpath from Gravel pits to PF 240/241	No 02/02/1987	30/05/2008	
Corby Glen	Deletion of part of Public Footpath 7 in Corby Glen	No 02/03/2007	05/06/2008	
Washingborough	Claimed BOAT - North Dales Road	Yes 22/05/1989	09/06/2008	
Skellingthorpe / Lincoln	Claimed Public Footpath alongside Catchwater Drain	Yes 17/11/1989	27/06/2008	
Castle Bytham	Deletion of Public Footpath No. 12	Yes 31/10/2005	28/07/2008	

Appendix A - Schedule of Progress of Cases completed

North Somercotes	Claimed Public Footpath from Keeling St to Rd	Yes 02/02/1991	27/11/2009	Secretary of State confirmation as Public Bridleway
Spilsby	Claimed Public Footpath from Halton Rd to PF 160	Yes 22/02/1989	12/01/2010	
East Barkwith	Claimed Public Footpath from Village Green on Torrington Lane to church yard	Yes 24/07/1992	06/05/2010	
Newton & Haceby	Upgrade of Restricted Byway 11 to BOAT Newton to A15	Yes 27/05/2004	10/08/2010	Sch. 14 appeal - Directed to make Order
Newton & Haceby / Walcot	Upgrade of Restricted Byway 2 and Public Bridleway 3 "Green Lane"	Yes 27/05/2004	10/08/2010	
Dogdyke (Chapel Hill)	Realignment of Public Footpath from Crown Inn to River Witham	Yes 14/10/2002	17/08/2010	
Lea	Addition of PB from Lea Plantation to New Plantation	Yes 28/07/2006	07/10/2010	Confirmed as PF only
Carlton Scroop	Addition of Public Bridleway (upgrading from PF in part)	Yes 17/05/2000	11/11/2010	Secretary of State confirmation as Restricted Byway
Waddingham	Realignment of Public Footpath No. 73	No 29/01/1993	02/02/2011	
Bardney	Addition of Public Bridleway	Yes 20/04/1987	09/03/2011	Secretary of State confirmation as Public Bridleway
Wellingore	Claimed BOATS – North Hill Foot Lane and North Hill	Yes 16/08/1999	23/03/2011	Confirmed as Restricted Byway by Sec. of State following objections to modification to RB Status not being upheld
Pumby	Realignment of Public Footpath No. 59	Yes 29/09/2007	15/04/2011	Realignment Confirmed
Woodhall Spa	Claimed Footpath from Tattershall Rd to Abbey Lane	Yes 20/05/1989	08/08/2011	Confirmed (in part Abbey Lane to Church only) following written representations procedure by the Secretary of State
Grantham	Addition of claimed PF from Coleby PF2 to Grantham Rd.	No 07/12/2009	06/10/2011	Confirmed by Secretary of State
Horncastle	Claimed Public Footpath – Holt Lane to Banovallum Gardens	Yes 18/03/2003	23/07/2012	Confirmed with modifications by Secretary of State
Orby	Realignment of PF 328	Yes 1/11/2010	4/12/2012	Realignment Confirmed
Wrangle	Claimed BOAT – Cockleshell Alley	Yes 5/9/2005	21/6/2013	Evidence supported PB rights only – Sole objection withdrawn

Appendix A - Schedule of Progress of Cases completed

<b>CASES WHERE AN ORDER WAS NOT CONFIRMED</b>				
Parish	Further details	Formal application?	Decision Date	Notes
Sutton St Edmund	Claimed BOAT - Hallgate Road	No 31/10/1988	19/09/2008	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from County boundary to Brewer's Grave	Yes 25/03/1999	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Village Street to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Church to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
Woolsthorpe by Belvoir	Claimed Public Footpath from Chequers Inn to Brewer's Grave	Yes 23/12/2001	23/01/2009	Not confirmed by Inspector
East Stockwith	Realignment of Public Footpath No. 37	Yes 23/12/2001	03/06/2009	Order incapable of being confirmed, owing to drafting error
Kirkby Underwood	Deletion of Public Footpath 7	Yes 18/04/1983	14/09/2009	Not confirmed by Inspector
Temple Bruer with Temple High Grange	2 Claimed BOATs - Cocked Hat Plantation	No 06/02/1985	28/09/2010	Not confirmed by Inspector
Mablethorpe	Claimed Public Footpath from Queensway to King Georges Field	Yes 15/08/2005	19/05/2011	Not confirmed by Inspector – Insufficient evidence to prove a specific route
Newton & Haceby	Upgrade of Restricted Byway 11 to BOAT Newton to A15	Yes 27/05/2004	15/06/2011	Not confirmed by Inspector – Insufficient Evidence (LCC objected after having been made to make the order on appeal by the applicant)
Canby	Claimed Public Footpath between Chapel Lane and Public Footpath 218	Yes 27/04/1984	30/03/2012	Not confirmed by Inspector
Louth	Claimed Public Footpath from Kiln Lane to High Holme Road	Yes 25/04/2007	20/04/2012	Not confirmed by Inspector
Langrville	Leagate Rd to Mere Booth Rd.	Yes 26/07/1983	19/06/2012	Not confirmed by Inspector
North Hykeham / Lincoln	Station Road to Clarke Road	No	25/01/2013	Not confirmed by Inspector

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<b>CASES CURRENTLY SUBMITTED TO THE SECRETARY OF STATE</b>				
<b>Parish</b>	<b>Further details</b>	<b>Formal application?</b>	<b>Date Submitted</b>	<b>Notes</b>
Holbeach	Claimed Public Footpath from Woodhouse Lane to Hurn Bank	Yes 14/6/1983	25/4/2012	Submitted 25/4/2012
Stamford	Welland Mews to Water Meadows	Yes 8/2/2007	02/8/2012	Public Inquiry 30/4/2013 Decision awaited
Waddington	Reclassification of Restricted Byway No.10	No – LCC	19/4/2013	Submitted 19/4/2013
Wickenby	Claimed BOAT from Railway Bridge to Wickenby Wood Corner	Yes – 11/12/1990	23/4/2013	Submitted 23/4/2013

The current Schedule of Priorities policy is now six years old (albeit with some minor alterations since the original of 2006). In that time Lincolnshire County Council has resolved the following:

- Cases resolved by determining that insufficient evidence exists to warrant the making of an order **18**
- Cases resolved following the confirmation of an order **42**(11 by Secretary of State)
- Cases resolved following the non-confirmation of an order **14**
- Cases currently outstanding with the Planning Inspectorate on behalf of the SoS **4**
  
- Total cases **78**
  
- New Cases received since October 2006 **52**
- New Cases received since 1st April 2013 **1**



Appendix B – Active caseload for Officers

Parish	File	Status	Further details	Application/Acceptance	Active	Priority Ranking
Waddington	128	RB	RB 10	01/01/1990	Yes	1
Ancaster	2	RB	to BOAT	13/11/1991	Yes	2
Holbeach	236	PF	Langwith Gardens to Stukeley Hall Drive	18/01/2002	Yes	3
Colsterworth	259	PF 14	PF 14	06/05/2004	Yes	4
Carlton Scroop/Ancaster	308	BOAT	Upgrade of PF 11 & PB 11 in Carlton Scroop and RB 13 in Ancaster to BOAT	20/03/2006	Yes	5
Ancaster	309	BOAT	Addition of a BOAT along Heath Lane in the parish of Ancaster	23/03/2006	Yes	6
Stamford	315	PF	From Welland Mews to Lower Stamford meadows	08/02/2007	Yes	7
Caistor	340	PF	Claimed Footpath (Buttermarket) South St to Plough Hill	18/09/2009	Yes	8
Utterby	354	PF	Claimed Footpath from Grange Lane to Holy Well Lane	08/05/2012	Yes	9
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	08/05/2012	Yes	10
New Leake	353	PF	Claimed Footpath from Spilsby Rd to Spilsby Rd	30/05/2012	Yes	11
Holbeach	50	PF	Woodhouse Lane to Hum Bank	14/06/1983	Yes	12
South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	30/04/1986	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
Wickenby	121	BOAT	Wickenby R/way Bdge - Wickenby Wood corner	11/12/1990	Yes	17
Saltfleetby St Clement/Skidbrooke with Saltfleet Haven	82	PB	PB from Sea View to Gowts Farm	06/08/1991	Yes	18
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	12/05/1998	Yes	19

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