

NO: HAT 33/03/10

SUBJECT: PRIORITISATION OF DEFINITIVE MAP MODIFICATION ORDERS

AUTHOR: PRINCIPAL RIGHTS OF WAY & COUNTRYSIDE ACCESS OFFICER

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## 1. Introduction

- 1.1 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 and/or Statement 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
- 1.2 This Highways & Traffic Guidance Note indicates the processes required for the prioritisation of Definitive Map Modification Orders (DMMOs) ensuring that it is carried out within a transparent and consistently applied priority system.

## 2. Scope

- 2.1 This Highways & Traffic Guidance Note applies to all DMMOs, either following an application by a member of the public or initiation by Lincolnshire County Council following the discovery of evidence which may require a Modification Order to be made.
- 2.2 The revised priority system will come into force with immediate effect although officers will complete any outstanding cases currently being processed by them. These are the cases highlighted in Appendix 2.

## 3. Process

- 3.1 An application to modify the Definitive Map is made by a member of the public or alternatively evidence is discovered by Lincolnshire County Council which may require the making of a Modification Order.
- 3.2 The application/initiation (“the case”) is dealt with on a date order of receipt basis unless it can be demonstrated that it ought to be considered at an earlier opportunity because it fulfils one or more of the following “exceptions” criteria.

- 3.2.1 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.
- 3.2.2 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).
- 3.2.3 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.
- 3.2.4 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.
- 3.2.5 Where there is a risk to children on County Council owned property and land is where the claimed route would provide for a safer alternative route to a school, play area or other amenity for children.
- 3.2.6 Where there is a significant financial saving to the County Council (and therefore taxpayer) through the processing of an Order.
- 3.2.7 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.
- 3.2.8 Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action.
- 3.3 The priority of the case will be set by the Principal Rights of Way Officer and/or the Senior Definitive Map Officer. The applicant will then be notified of the decision by letter. (Appendix X)
- 3.4 The applicant will be issued with a current list of outstanding cases indicating the level of priority (Appendix Y is a sample).
- 3.5 In the case of an appeal to the Authority by ~~an applicant~~ **any interested party** that their application has been prioritised incorrectly, adjudication upon any decision to re-prioritise will be made by the Definitive Map and Statement of Public Rights of Way Sub-Committee comprising of seven Councillors who are members of the Planning and Regulation Committee and who shall represent the political balance of the Council overall in terms of the Local Government and Housing Act 1989.

**3.6 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.**

3.7 Once opened cases will be dealt with to completion within the constraints of staff resourcing and the legislative processes involved..

4. Review

4.1 This Priority System will require review as and when legislation regarding rights of way alters or comes into force.

5. Appendices

5.1 Appendix A – Notes for all new applicants regarding the prioritisation of cases.

5.2 Appendix B – Sample spreadsheet for outstanding cases to be issued to applicants.

~~5.3 Appendix C – Sample letter to existing applicants regarding change to criteria~~

APPENDIX A

Our Ref: xxxxxx/DMMO/xxxxxx

To: The Applicant.

*[date]*

WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 MODIFICATION TO THE  
DEFINITIVE RIGHTS OF WAY MAP  
*[PARISH – TITLE OF CASE FILE]*

Thank you for your application to modify the County Council's Definitive Map and Statement for Public Rights of Way including *[list of received documents to be inserted here]*. A case file has been set up and allocated to *[Name of case officer]*.

Due to the number of applications the Authority has received in the past it has been necessary to prioritise each case. This is carried out on a 'date received' basis unless it is felt that the case fulfils one or more of the criteria as listed below.

Please find attached the Schedule of Priorities as at the date of this letter indicating the standing of your application within the Schedule.

Should you feel that the County Council has not correctly prioritised your application you may appeal in writing to:

The Executive Director  
Highways & Traffic  
4<sup>th</sup> Floor, City Hall  
Lincoln  
LN1 1DN

An adjudication on your appeal will be made by the Definitive Map and Statement of Public Rights of Way Sub-Committee consisting of seven Councillors who are members of the Planning and Regulation Committee.

CRITERIA:

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 taxpayer) 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.***

Please be aware that the standing of your application within the schedule may alter as new applications are received. It is therefore important that you inform the County Council, in writing, of any changes in circumstance which may alter the priority of your application.

Once a case is being dealt with further background research will be undertaken including routine public consultation to allow all those affected or interested to express their views on the proposal. The decision as to whether or not to make an order in respect of your application will take into account this research.

For further information on these matters please contact the Definitive Map Team on 01522 782070

Yours sincerely

For Executive Director

Enc.

## APPENDIX B

## SAMPLE

NB: Shading indicates cases being dealt with at the inception of the priority policy

PF: Public Footpath, PB: Public Bridleway, RB: Restricted Byway, BOAT: Byway Open to All Traffic, PROW: Public Right Of Way

Date: xx/xx/xxxx

Parish	File	Status	Further details	Date of Application	Active	Priority Ranking
Waddington	128	RB	RB 10	01/01/90	Yes	1
Ancaster	2	RB	to BOAT	13/11/91	Yes	2
Woolsthorpe by Belvoir	205	PB	County boundary to Brewer's Grave	25/03/99	Yes	3
Woolsthorpe by Belvoir	233	PF	Village Street to Brewer's Grave	23/12/01	Yes	4
Woolsthorpe by Belvoir	234	PF	Church to Brewer's Grave	23/12/01	Yes	5
Woolsthorpe by Belvoir	235	PF	Chequers Inn to Brewer's Grave	23/12/01	Yes	6
Newton & Haceby	260	BOAT	Upgrade of RB 11 Claim BOAT Newton to A15	27/05/04	Yes	7
Newton & Haceby / Walcot	261	BOAT	Upgrade of RB 2 and PB 3 "Green Lane"	27/05/04	Yes	8
Newton & Haceby / Walcot	262	BOAT	Upgrade of RB 10 and PB 2 "Gettons Lane"	27/05/04	Yes	9
Eagle & Swinethorpe / Swinderby	264	PB	Claimed PB at Eagle Barnsdale to PB 12	18/06/04	Yes	10
Mablethorpe	284	PF	PF from Queensway to King Georges Field	15/08/05	Yes	11
Carlton Scroop/Ancaster	308	BOAT	Upgrade of PF 11 & PB 11 in Carlton Scroop and RB 13 in Ancaster to BOAT's	20/03/06	Yes	12
Ancaster	309	BOAT	Addition of a BOAT along Heath Lane in the parish of Ancaster	23/03/06	Yes	13
Uffington	314	FP	Realignment of PF 10 (Main Rd to Turnpike Rd)	31/01/07	Yes	14
Louth	318	PF	Claimed footpath from Kiln Lane to High Holme Road, Louth	25/04/07	Yes	15
Sleaford	324	PF	Claimed footpath from Millfield Terrace to Eastgate through the cemetery	30/10/07	Yes	16
Harmston / Coleby	326	PF	Proposed re-alignment of PF No.3	12/03/08	Yes	17
Kirkby Underwood	135	PF	PF 7	01/01/83	Yes	18
Leasingham	199	RB	Proposed downgrading of RB 13 to PF	27/07/83	Yes	19
East Stockwith	198	PF	Realignment PF 37 (application dated 1984 - found in path file)	02/11/84	Yes	20
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to church Lees	01/01/85	Yes	21
Temple Bruer with Temple High Grange	110	PROW	PB & BOAT - Cocked Hat Plantation	06/02/85	Yes	22
South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	30/04/86	Yes	23
South Willingham / Hainton	98	PF	Moors Lane to A157	30/04/86	Yes	24

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Bardney	6	PB	from Scotgrove PB 214	20/04/87	Yes	25
East Stockwith/ Morton	27	PF	PF from Willowbank Lane to Walkerith Road	04/06/87	Yes	26
Middle Rasen	72	PF	Caistor Rd to Gatehouse Lane	05/08/87	Yes	27
Sutton St Edmund	107	BOAT	Hallgate Rd	31/10/88	Yes	28
Spilsby	100	PF	from Halton Rd to PF 160	22/02/89	Yes	29
Friesthorpe/Buslingthorpe/Lissington etc	32	PB	BW from Lissingley Lane to Shortwood Lane	08/05/89	Yes	30
Woodhall Spa	123	PF	Tattershall Rd to Abbey Lane	20/05/89	Yes	31
Linwood/Legsby	59	PF	Linwood Church to Bleasby	11/07/89	Yes	32
Great Gonerby/Marston	41	PF	Cliff Lane	01/01/90	Yes	33
Sutton St James	108	BOAT	Badgate	01/02/90	Yes	34
Market Rasen/Tealby	68	PF	from PF163	15/03/90	Yes	35
Welbourn (etc..)	117	BOAT	Ermine St	04/04/90	Yes	36
Wellingore	118	BOAT	North Hill Foot Lane & North Lane	16/08/90	Yes	37
Wickenby	121	BOAT	Wickenby R/way Bdge - Wickenby Wood corner	11/12/90	Yes	38
North Somercotes	76	PF	Keeling St to Rd	02/02/91	Yes	39
Glentham	38	PF	From church gates	07/04/91	Yes	40
Saltfleetby St Clement	82	PB	PF55 to Public Bridleway	06/08/91	Yes	41
Fulletby	35	BOAT	Mill Street	22/05/92	Yes	42
Rothwell / Cabourne	81	BOAT	PB24 to BOAT	15/06/92	Yes	43
East Barkwith	26	PF	From village green to churchyard	24/07/92	Yes	44
Great Gonerby	40	PF	PF6 to join RB 5	21/12/92	Yes	45
Waddingham	114	PF	PF73	29/01/93	Yes	46
Navenby	154	PF	'The Smoots'	22/05/96	Yes	47
Fulletby	162	PF	School Lane	10/10/96	Yes	48
Beckingham/Brant Broughton	167	PF	PF 5 to BW and missing link	12/12/96	Yes	49
Coningsby	182	PF	School Lane to Dogdyke Road	06/11/97	Yes	50
Little Carlton/Legbourne	185	PB	'Blind Lane' from PB 624 ( Manby)	22/01/98	Yes	51
Louth	186	PB	Grimsby/Louth Railway Line ( part from Keddington Rd crossing to Little Grimsby bridge)	03/02/98	Yes	52
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	12/05/98	Yes	53
Horncastle	195	PF	Boston Road to the Wong	23/05/98	Yes	54
Grantham	194	PF	Denton Ave to PF 16	28/05/98	Yes	55
Carlton Scroop	216	PB	PF 4 to BW & missing link, Howdale Lane	17/05/00	Yes	56
Rothwell / Swallow	220	PF 23	Realignment of Footpath 23	02/01/01	Yes	57
Hundleby	224	PF	PF366	26/02/01	Yes	58
Holbeach	236	PF	Langwith Gardens to Stukeley Hall Drive	18/01/02	Yes	59
Skillington	240	BOAT	Claimed BOAT from Skillington village to "The	05/06/02	Yes	60

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			Drift" along Buckminster Lane			
Skillington & Stoke Rochford	239	BOAT	BOAT from Crabtree Rd to parish boundary between Stoke Rochford & Easton and Wyville Cum Hungerton	05/06/02	Yes	61
Woolsthorpe by Belvoir	242	BOAT	Claimed upgrade from PB to BOAT "Longmoor Lane"	03/07/02	Yes	62
Horncastle	250	PF	Claimed PF from Holt Lane to Banovallum Gardens	18/03/03	Yes	63
Ingham	251	BOAT	Claimed BOAT across Ingham village green	14/07/03	Yes	64
Spilsby	254	BOAT	Claimed BOAT along Pooles Lane	24/11/03	Yes	65
South Somercotes	257	PF	Claimed PF Southfiels Lane / Town street of the Church	02/03/04	Yes	66
Norton Disney	263	PB	Claimed PB at Norton Disney Newark Rd to Swinderby Rd	13/05/04	Yes	67
Manby	67	PF	Diversion of claimed Footpath from Chapel Lane to PF 218 Hunter Road	27/04/83	No	68
Holbeach	50	PF	Woodhouse Lane to Hurn Bank	14/06/83	No	69
North Hykeham / Lincoln	75	PF	station Rd to Clarke Rd	16/07/83	No	70
Anderby	3	PF	Sea road to Creek out fall	25/07/83	No	71
Langrville	57	PF	Leagate Rd to Meer Booth Rd.	26/07/83	No	72
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby (Gads Lane)	01/11/83	No	73
Aunsby & Dembleby	5	PROW	see file	11/07/85	No	74
Mablethorpe and Sutton	106	PF	High St to Broadway	16/09/85	No	75
Grimoldby	43	PF	from Mill Lane	23/10/85	No	76
South Willingham	97	PF	Hainton Rd to High St	30/04/86	No	77
South Willingham	99	PF	Moors lane to Poplar Fm	30/04/86	No	78
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	11/12/86	No	79
Burgh-le-Marsh	18	PF	Faulkners Lane	10/02/87	No	80
Stamford	101	PF	Cherry Holt Lane to Priory Rd	03/04/87	No	81
Linwood / Market Rasen	60	PF	Buslingthorpe R/way Bdge	18/06/87	No	82
Gainsborough	36	PF	Whites Wood	07/09/87	No	83
Belchford	11	PB	Ings Lane	25/01/88	No	84
Skidbrooke with Salthaven	85	PF	The Haven	30/03/88	No	85
Leasingham	272	PF	Claimed PF from PF2 to PF3 in the Parish of Leasingham	21/10/88	No	86
Castle Bytham	136	RB	RB 3	22/10/90	No	87
Middle Rasen	69	PB	PB514 to BOAT	22/05/91	No	88
Kettlethorpe	55	BOAT	Know as Westmoor Lane	19/08/91	No	89



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Bassingham	9	PF	Claimed PF from Brocklebank Close to playing field	27/10/93	No	90
Halton Hologate	201	PF	Northorpe Road to Ashby Road	17/08/98	No	91
Anderby Creek	203	PF	Occupation Road to Beach (via Rowan Court)	10/10/98	No	92
Barrowby	237	PF	PF13 to PB, Casthorpe Rd to parish boundary	08/05/02	No	93
Lincoln	241	PF	Claimed PF from Wragby Rd to Greetwell Rd	22/06/02	No	94
Tealby	238	PF	Claimed footpath from footpath 132 through Thorpe Mill to The Road	25/06/02	No	95
Barrowby/Grantham	245	BOAT	Upgrade of RBs 10 and 922	10/10/02	No	96
Dogdyke (Chapel Hill)	244	PF	From Crown Inn to river Witham	14/10/02	No	97
Osournby/Aunsby & Dembleby	248	BOAT	Upgrade from RB (Mickling Meadow Rd)	02/04/03	No	98
Harlaxton/Grantham	247	BOAT	Claimed BOAT from Gorse Lane to Great North Road)	23/04/03	No	99
Stamford	249	PF	PF leading over quarry from Walcot Way	23/04/03	No	100
Branston & Mere	253	PF	Claimed PF along bank of river Witham from Bardney bridge to Bardney Lock	29/10/03	No	101
Colsterworth	259	PF 14	PF 14	06/05/04	No	102
Holton Le Clay	266	BOAT	Claimed BOAT "The Smooting" Holton Le Clay	21/09/04	No	103
Leasingham	267	BOAT	Upgrade of PB 10 Moor Lane to Leasingham Parish Boundary	16/11/04	No	104
Leasingham / Sleaford	268	BOAT	Upgrade of PB 6 New Lane Claim from Leasingham Parish Boundary	16/11/04	No	105
Heckington	269	BOAT	Upgrade of PF 3 Heckington Claim from A17 to PF 3 Heckington	15/12/04	No	106
Snitterby	270	PF	PF from High St to Bridle Walk and PF 70	04/01/05	No	107
Cherry Willingham	273	PF	Claimed PF from Fikerton Rd to the River Witham	19/01/05	No	108
Aslackby & Laughton	277	BOAT	Upgrade of RB 12 to BOAT	22/02/05	No	109
Pointon & Sempringham / Aslackby & Laughton	276	BOAT	Upgrade RB 9 & 13 to BOAT ( Pethley Lane)	24/02/05	No	110
Threkingham / Billingborough	275	BOAT	Upgrade PB 4 Claim from Parish boundary to Folkingham Road	25/02/05	No	111
Allington/Foston	271	BOAT	Upgrade of RB 5 and RB 7 (Marston Lane)	14/03/05	No	112
Kirkby La Thorpe	274	PF	Claimed PF from The Hoplands to PF 1	17/03/05	No	113
Belton & Manthorpe / Syston	278	BOAT	Claimed BOAT from Heath Lane to High Dike "Beggars Lane"	13/06/05	No	114
Asterby	279	PF	Claimed Public Footpath from Goulceby Lane to Public Footpath No.18	18/07/05	No	115
Ingoldsby/Bitchfield & Bassingthorpe	282	BOAT	Upgrade of PB 16 to BOAT and Claimed BOAT	27/08/05	No	116
Ropsley & Humby / Ingoldsby	281	BOAT	Upgrade of PB 30 & PB 14 to BOAT	27/08/05	No	117

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Wrangle	283	BOAT	Claimed BOAT from Church Lane to Church End "Cockle/Cocleshell Alley"	05/09/05	No	118
Osgodby / Owersby	285	PF 91	PF 91 Osgodby realignment	30/09/05	No	119
Helpringham	286	BOAT	Upgrade of RB 17 to Boat	23/10/05	No	120
Pointon & Sempringham/Billingborough	290	BOAT	Upgrade of RB 15 to BOAT & Realign " Primrose Lane"	25/10/05	No	121
Ropsley & Humby/Boothby Pagnell	287	BOAT	Upgrade of PF27 Ropsley & Humby to BOAT and claimed BOAT in Boothby Pagnell	26/10/05	No	122
Boothby Pagnell/Old Somerby	291	BOAT	Upgrade of PF 7 to BOAT Claimed BOAT from PF7 to BW7 Upgrade of BW7	29/10/05	No	123
Pointon & Sempringham	289	BOAT	Claimed BOAT from West Road to Pethley Lane	30/10/05	No	124
Irnham/Edenham	294	BOAT	Claimed BOAT from Irnham Lane to Bulby Lane, Irnham	05/11/05	No	125
Lenton Keisby and Osgodby	292	BOAT	Upgrade of PB 3 to BOAT	06/11/05	No	126
Lenton Keisby and Osgodby / Irnham	293	BOAT	Claimed BOAT from RB 12 to PB 9 and Upgrade of PB 9 to BOAT	06/11/05	No	127
Lenton Keisby and Osgodby / Irnham	295	BOAT	Claimed BoAT from Irnham BR9 to Elsthorpe Road	09/11/05	No	128
Burton Coggles / Corby Glen	297	BOAT	Upgrade of BC BW1, RB2 & CG RB9	05/12/05	No	129
Great Sturton/Ranby/Hemingby/Belchford	296	BOAT	Upgrade of RB61 to BOAT	12/12/05	No	130
Aunsby & Dembleby	298	BOAT	Upgrade of RB5	06/01/06	No	131
Folkingham	299	BOAT	Upgrade of PF 8 to BOAT	27/01/06	No	132
Hough on the Hill	300	BOAT	Upgrade of RB22 to BOAT	27/01/06	No	133
Kirkby Underwood	301	PB	Claimed bridleway from Rippingale Br16 to Stainfield Road	30/01/06	No	134
Great Gonerby/Barrowby	302	BOAT	Upgrade of RB 7 and PF6 in Great Gonerby and PF 11 in Barrowby to BOATS	07/02/06	No	135
Lissington/Holton Cum Beckering	303	BOAT	Upgrade of PB 904 in Lissington and PB 904 in Holton Cum Beckering to a BOAT	14/02/06	No	136
Long Bennington	304	BOAT	Upgrade of RB 12 to BOAT	14/02/06	No	137
Foston	305	BOAT	Upgrade of PB 3 and RB 5 to a BOAT	16/02/06	No	138
Westborough and Dry Doddington/Stubton	306	BOAT	Upgrade of PB 12 (W&DD) and PF 3 & RB 7 (Stubton) to a BOAT	22/02/06	No	139
Westborough and Dry Doddington/ Stubton / Claypole	307	BOAT	Addition of a BOAT in Westborough and DD, upgrade of RB 5 & 6 in Stubton and upgrade of BW 8 in Claypole	22/03/06	No	140
Lea	310	PB	Addition of a PB from Lea Park to New Plantation off Willingham Road	28/07/06	No	141
Searby	311	PB	Addition of a bridleway from Owmbly Road to Howsham Lane	03/08/06	No	142

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Lincoln	313	PF	Claimed footpath from Church Drive to Tritton Road, Lincoln	27/12/06	No	143
Stamford	315	PF	Claimed footpath from Welland Mews to Lower Stamford meadows	08/02/07	No	144
Skegness	317	PF	Claimed footpath from Albany Close to Albany Road, Skegness	15/03/07	No	145
Lutton	325	PF	Claimed footpath from School Lane to Blazegate	17/07/07	No	146
Gainsborough	319	PF	Claimed footpath from Bowling Green Rd to Bayard StY	20/08/07	No	147
Lincoln	320	PF	Claimed footpath from Dunkirk Road to Breedon Drive	21/09/07	No	148
East Ferry	321	PF	Claimed footpath from East Ferry High St. to River Trent (county boundary)	24/09/07	No	149
Mumby	322	PF	Claimed re-alignment of footpath No.59	29/09/07	No	150
Heighington	323	PF	Claimed footpath along Bracken Hill Lane and Third Hill Road	04/10/07	No	151
West Ashby/Fulletby	327	PB	Upgrade of PB No. 57 to RB	28/03/08	No	152
Sturton by Stow	328	PF	Claimed footpath from Bonniwells Lane (PF82) to Tillbridge Lane	10/04/08	No	153