

# Public Document Pack

**NOTE – At the commencement of the meeting there will be a public forum for up to 15 minutes which will offer members of the public the opportunity to make statements or ask questions.**



County Offices  
Newland  
Lincoln  
LN1 1YL

17 January 2017

## **South Lincolnshire and Rutland Local Access Forum Meeting**

A meeting of the South Lincolnshire and Rutland Local Access Forum will be held on **Wednesday, 25 January 2017 at 2.00 pm** in the **Council Chamber, South Kesteven District Council, St Peter's Hill, Grantham, Lincs NG31 6PZ** for the transaction of business set out on the attached Agenda.

Yours sincerely

Tony McArdle  
Chief Executive

## **Membership of the South Lincolnshire and Rutland Local Access Forum**

Councillor Ray Wootten, (Lincolnshire County Council) (Chairman)  
John Law, (Other Interests) (Vice-Chairman)  
Councillor David Brailsford, (Lincolnshire County Council)  
Councillor William Cross, (Rutland County Council)  
Rosemary Harris, (Landowners)  
Audrey Morley, (Landowners)  
Andrew Childs, (Users of Local Rights of Way)  
Alec Hill, (Users of Local Rights of Way)  
Sam Tate, (Users of Local Rights of Way)  
Peter Hinton JP MBA, (Users of Local Rights of Way)  
John Williams, (Users of Local Rights of Way)  
Ian Cox, (Other Interests)  
Barbara Smitheringale, (Other Interests)  
Roger Linford, (Other Interests)  
3 Vacancies (Land Owners)  
1 Vacancy (Other Interests)



**SOUTH LINCOLNSHIRE AND RUTLAND LOCAL ACCESS FORUM AGENDA  
WEDNESDAY, 25 JANUARY 2017**

<b>Item</b>	<b>Title</b>	<b>Report Reference</b>
<b>1</b>	<b>Apologies for Absence/Replacement Members</b>	
<b>2</b>	<b>Minutes of the previous meeting of the Local Access Forum held on 26 October 2016</b>	<b>2</b> (Pages 5 - 10)
<b>3</b>	<b>Actions Arising from the meeting held on 26 October 2016</b>	
<b>4</b>	<b>Countryside For All</b> <i>(To receive an update from John Law (Vice-Chairman of the Forum) in relation to Countryside For All)</i>	<b>4</b> (Pages 11 - 16)
<b>5</b>	<b>East Midlands Regional Local Access Forum Chairs Meeting</b> <i>(To receive a verbal update from John Law (Vice-Chairman) on the recent meeting of the East Midlands Regional Local Access Forum Chairs Meeting)</i>	(Verbal Report)
<b>6</b>	<b>Path by Skegness Golf Course</b> <i>(To receive a verbal update from John Law (Vice-Chairman) on the Path by Skegness Golf Course)</i>	(Verbal Report)
<b>7</b>	<b>Payment for Permissive Access</b> <i>(To receive a verbal update from John Law (Vice-Chairman) on the Payment for Permissive Access)</i>	(Verbal Report)
<b>8</b>	<b>Definitive Map Modification Orders</b>	
<b>8a</b>	<b>Rutland County Council</b> <i>(To receive a report by Stuart Crook (Public Rights of Way Officer, Rutland County Council))</i>	<b>8a</b> (Pages 17 - 18)
<b>8b</b>	<b>Lincolnshire County Council</b> <i>(To receive a report by Chris Miller (Team Leader for Countryside Services))</i>	<b>8b</b> (Pages 19 - 26)
<b>9</b>	<b>Public Path Orders and Progress Report</b>	
<b>9a</b>	<b>Rutland County Council</b> <i>(To receive a report by Stuart Crook (Public Rights of Way Officer, Rutland County Council))</i>	<b>9a</b> (Pages 27 - 28)
<b>9b</b>	<b>Lincolnshire County Council</b> <i>(To receive a report by Chris Miller (Team Leader for Countryside Services))</i>	<b>9b</b> (Pages 29 - 30)

## 10 Date and Time of Future Meetings

*(Future meetings are of the Local Access Forum are scheduled to be held on the following dates and times: -*

*5 April 2017 at 6.00 pm – Venue to be confirmed;*

*12 July 2017 at 6.00 pm – Venue to be confirmed;*

*25 October 2017 at 6.00 pm – Venue to be confirmed)*

### **Democratic Services Officer Contact Details**

Name: **Cheryl Hall**  
Direct Dial **01522 552113**  
E Mail Address [cheryl.hall@lincolnshire.gov.uk](mailto:cheryl.hall@lincolnshire.gov.uk)

**Please Note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:

[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)



## SOUTH LINCOLNSHIRE AND RUTLAND LOCAL ACCESS FORUM 26 OCTOBER 2016

### **PRESENT: COUNCILLOR R WOOTTEN (CHAIRMAN)**

Representing Lincolnshire County Council: Councillor D Brailsford.

Representing Independent Members: John Law, Rosemary Harris, Audrey Morley, Andrew Childs, Alec Hill, John Williams, Ian Cox and Barbara Smitheringale.

Officers: Stuart Crook (Public Rights of Way Officer), Cheryl Hall (Democratic Services Officer) and Chris Miller (Environmental Services Team Leader (Countryside Services)).

### 18 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor W Cross (Rutland County Council), Mr B Bowles, Mr P Marshall and Mr S Tate.

It was noted that Dr R Johnson had recently tendered her resignation, with immediate effect. The Forum wished its thanks be noted for Dr Johnson's contributions at each meeting. It was agreed that a letter of thanks be sent to Dr Johnson.

It was also noted that Mr Peter Hinton had recently been appointed to the Forum. The Chairman advised that Mr Hinton had submitted his apologies for absence for this meeting, as he was unable to attend owing to a prior commitment. It was agreed that a welcome letter be sent to Mr Hinton.

### 19 MINUTES OF THE PREVIOUS MEETING OF THE LOCAL ACCESS FORUM HELD ON 6 JULY 2016

During consideration of the minutes, it was noted that the resolution for Minute 6 – 'Statement/Questions from Members of the Public' should read: -

That the Vice-Chairman of the Local Access Forum, in consultation with Mr Paul Marshall (Member of the Local Access Forum), be requested to outline their concerns to Natural England.

It was also suggested that two minor amendments were made to Minute 10 – 'Unmade Roads – Failure to protect and assert the Public's Right of Use'.

### AGREED

That the minutes of the meeting held on 6 July 2016 be approved by the Chairman, subject to the above amendments being made.

20 ACTIONS ARISING FROM THE MEETING HELD ON 6 JULY 2016

Further to Minute 10 – 'Unmade Roads – Failure to protect and assert the Public's Right of Use', it was noted that the Chairman had not received a response to the Forum's letter to the County Council's Chief Executive. Further to this, it was agreed that the Forum's Secretary be requested to chase for a response to the letter.

21 COUNTRYSIDE FOR ALL - FEEDBACK RECEIVED

The Vice-Chairman advised that he had received a response from the relevant officer to the Forum's concerns relating to the Hubbard's Hill Trust and Ashing Lane.

It was noted that the parking area at Hubbard's Hill did not form part of the highway, and therefore it was believed to be managed by the Hubbard's Hill Trust. Any suggested alternations to the parking area should be passed to the Trust.

It was also noted that the local Highway Officer would inspect the access road at Ashing Lane and arrange for the filling of potholes in accordance with the Council's procedures. However the response stated that Ashing Lane was a Hierarchy 5 road, and its maintenance was prioritised accordingly.

## AGREED

That the response be noted.

22 COUNTRYSIDE FOR ALL

Consideration was given to a report from the Vice-Chairman of the Local Access Forum which provided an update on the work of the Countryside for All Sub-Group.

The report provided Members of the Forum with an update on the following areas: -

- Countryside for all routes;
- Dementia friendly walks;
- Choice unlimited event;
- Wolds walking festival;
- Funding bids; and
- Accessibility Ambassadors.

The Forum was directed to Appendix A of the report, a copy of an article on Countryside for all, which had recently appeared in County News. The Vice-Chairman thanked the work of Debby Braund (Countryside Access and Community Project Officer) on the article. The article also sought volunteers to become Accessibility Ambassadors.

During a discussion on the role of an Accessibility Ambassador it was agreed that officers would ascertain whether there was a need for the role to be covered by

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**26 OCTOBER 2016**

public liability insurance. The Team Leader for Countryside Services agreed to investigate this issue.

The Chairman advised that he had attended a Royal Visit where the Duke of Gloucester visited Belton House and Londonthorpe Woods on 29 September 2016. Further to this, the Chairman suggested that Charlotte Johnson of the Woodland Trust be invited to attend a future meeting of the Forum to discuss the work of the Trust.

The Team Leader for Countryside Services advised that he had recently attended a meeting which involved the Executive Director for Environment and Economy; the Executive Councillor for Highways, Transport and IT; relevant executive support councillors; and the Chief Executive of the Wildlife Trust, where Countryside Access Routes was given as an example of best practice.

AGREED

- (1) That the report be noted.
- (2) That Charlotte Johnson of the Woodland Trust be invited to attend a future meeting of the Forum to discuss the work of the Trust.

**23 ACCESSIBILITY AMBASSADORS REPORT**

Consideration was given to a report from the Vice-Chairman, which provided an update on the introduction of Accessibility Ambassadors for parks, green open spaces and the countryside in Lincolnshire, North East Lincolnshire, Leicester, Leicestershire and Rutland.

The Chairman thanked the Vice-Chairman for his comprehensive report.

AGREED

That the report be noted.

**24 ACCESSIBILITY AMBASSADORS APPLICATION PACK**

Consideration was given to an Application Pack for the role of Accessibility Ambassadors.

The Vice-Chairman presented the pack to the Forum and in doing so, highlighted that the person specification should be amended to include 'or previously a carer'. A minor amendment on page 39 of the Agenda Pack was made, where a reference to Lincolnshire County Council was changed to North East Lincolnshire Council. It was suggested that the Forum's Secretary be requested to circulate a revised version of the pack to Members of the Forum for circulation.

The Forum stressed the importance of the role working in collaboration with organisations, including local authorities. It was not intended that the role would be

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used to criticise the work of local authorities. It was also stressed that the training must be mandatory.

AGREED

- (1) That the application pack be approved, subject to the necessary amendments being made.
- (2) That the Forum's Secretary be requested to circulate a revised version of the Pack to all Members of the Forum for circulation.

25 HEALTH RELATED WALKS FROM APRIL 2017

The Vice-Chairman provided an update on health related walks after April 2017.

The Vice-Chairman advised that he aimed to secure three years' worth of funding and had asked the providers to provide targets and costs for year 1, 2 and 3.

It was noted that a number of local organisations had been approached to explore possible funding opportunities. It was suggested that Siemens and Flora (following its national advertising campaign at Rutland Waters) also be contacted. The Vice-Chairman requested that any further suggestions were emailed to him.

AGREED

That the report be noted.

26 EAST MIDLANDS REGIONAL LOCAL ACCESS FORUM CHAIRS MEETING

The Vice-Chairman advised that the minutes from the recent East Midlands Regional Local Access Forum Chairs Meeting would be circulated, via email, once they were available.

AGREED

That the Forum's Secretary be requested to email the minutes from the recent East Midlands Regional Local Access Forum Chairs Meeting, once they were available.

27 MAKING OUR NEEDS KNOWN AND PERMISSIVE ACCESS CONSULTATION RETURNS

The Vice-Chairman presented the responses from the Making our Needs Known and Permissive Access consultation.

It was suggested that the recommendations in relation to Making our Needs Known and to the proposals for future permissive access (Payment for Permissive Access) were not taken forward, owing to the lack of interest.

AGREED

That the recommendations in relation to Making our Needs Known and to the proposals for future permissive access (Payment for Permissive Access) not be taken forward, owing to the lack of interest.

28 ENGLISH COAST PATH – SUTTON BRIDGE TO SKEGNESS

Consideration was given to a report by the Team Leader for Countryside Services, which provided an update on the latest situation of the English Coast Path, Sutton Bridge to Skegness.

The Team Leader for Countryside Services advised that Lincolnshire County Council continued to work with Natural England on the provision of the English Coast Path with the sections from Sutton Bridge and from Skegness to Mablethorpe already progressing.

Officers stated that Natural England was confident in finding the necessary funding to build a bridge over the River Steeping, but the issue was the County Council finding the necessary funding to maintain any bridge. There were options for the County Council to find funding but there would be a need for the Council to find the first 25%.

AGREED

That the report be noted.

29 DEFINITIVE MAP MODIFICATION ORDERS

29a Rutland County Council

Consideration was given to a report from Rutland County Council.

The Public Rights of Way Officer provided an update on the latest position with regards to Brauston. It was noted that the landowner had made an agreement with the Parish Council not to re-submit the order, as the current path would continue.

AGREED

That the update be noted.

29b Lincolnshire County Council

Consideration was given to a report from Lincolnshire County Council.

The Team Leader for Countryside Services provided an update on Belton and Navenby. It was noted that with regards to Navenby, Lincolnshire County Council's had made a decision not to make an Order. This was owing to there being insufficient evidence to demonstrate the owner's knowledge that they were dedicating

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a route at Common Law. The applicant had since appealed and submitted further evidence.

AGREED

That the update be noted.

30 PUBLIC PATH ORDERS AND PROGRESS REPORT

30a Rutland County Council

Consideration was given to a report from Rutland County Council.

The Public Rights of Way Officer confirmed that with regards to Clipsham, the delay did not owe to the quarry as the application was made a number of years ago.

AGREED

That the report be noted.

30b Lincolnshire County Council

Consideration was given to a report from Lincolnshire County Council.

The ongoing issues with Network Rail over the Tallington Rail Crossing were discussed, where it was highlighted that although the order for the temporary closure had expired, it would be a health and safety concern to enforce Network Rail to reopen the route. However, Members were assured that Lincolnshire County Council was continuing to work with Network Rail in relation to a permanent diversion.

AGREED

That the report be noted.

31 DATE AND TIME OF FUTURE MEETINGS

AGREED

That the next meeting of the Forum be arranged for 25 January 2017 at 2.00pm at South Kesteven District Council.

The meeting closed at 3.50 pm.

# Agenda Item 4

## COUNTRYSIDE FOR ALL – Report

### Report for LAF meetings 24 & 25/01/17

#### **1. COUNTRYSIDE FOR ALL ROUTES**

##### **1.1. Lincolnshire**

Lincolnshire Wildlife Trust has agreed to fund the additional leaflet at Whisby. We are aiming to have the 5 route leaflet details with the designer/printer early February. This will make a total of 21 Countryside For All routes in Lincolnshire.

The Woodland Trust has asked for a letter of support for the improvements in accessibility at Owlet Woods. The letter should be sent prior to the LAFs meetings and should be available in hard copy form for information.

We are still investigating the lack of car park signage on the Water Rail Way at Southrey and Stixwold.

We attended the Activities For All event in Lincoln to promote our Countryside For All routes, advertise for expressions of interest for accessibility ambassadors and advertise the vacancies on the two LAFs. The event was very poorly attended. We estimate approximately 40 people. There was very little interest by the few visitors in all the stands.

##### **1.2. Rutland**

The Rutland Water Nature Reserve leaflets have been printed and received a great welcome from a number of organisations.

The Lodge Trust is also interested in improving the route in its grounds and creating a Countryside for All leaflet for the route. The route is open for public access 364 days of the year.

The Woodland Trust stated in 2015 they would be planning a Countryside For All route in Rutland in 2017. The sub group will be contacting the Trust to see how we can assist in this project.

A folder for Rutland Countryside for All walks is being developed. The Yew Tree Avenue “team” has been asked to confirm whether they will know the outcome of the Avenue issues by the end of January. If so, we will include photos of the Avenue on the folder. We will provide the designer/printer with the details for printing the first week of February.

#### **2. DEMENTIA FRIENDLY WALKS**

##### **2.1. Lincolnshire**

This information is displayed in item 7

## **2.2. Rutland**

2.2.1. The Rutland course was a success, even though we only had 7 people attend the course. Sensory strolls should start in the spring. Another course has been requested as we have now more people who wish to volunteer to lead the sensory strolls. Dementia Adventure has agreed to run another course, however we will need to find funding for the trainer's travel expenses, which was £23.40 for the last course.

***Action: Can the Rutland CC fund the travel expenses of £23.40?***

## **3. CHOICE UNLIMITED EVENT**

### **3.1. Rutland**

The planning of the next Choice Unlimited event has begun. There were 300 visitors at the event. We are aiming to attract more people to the next event. It is also important that we attract more sponsorship. The next planning meeting is the 19<sup>th</sup> January. A verbal update will be provided on the outcome of that meeting.

***Action: Provide a verbal update on the outcome of the 19<sup>th</sup> January meeting***

### **3.2. Lincolnshire**

We aim to hold another meeting with the LCIL (Choice Unlimited), Lincolnshire Sports and other potential partners re holding an event in Lincoln other areas in the County.

## **4. WOLDS WALKING FESTIVAL**

The Countryside for All walk which we are responsible for is Thursday 1<sup>st</sup> June 2pm at Chambers Farm Wood.

## **5. FUNDING BIDS**

The only outstanding funding bid at the moment is "Lincolnshire Health Related Walks from April 2017". Progress on that issue is displayed in item 7.

Areas that we have currently identified that we are going out for funding for this year are:

- a) Chapel Six Marshes from the East Coast Community Fund
- b) Ashing Lane Nature Reserve
- c) Inclusive Countryside Access Course
- d) I Spy books for the Choice Unlimited events etc.
- e) Larger folders for the Lincolnshire route leaflets, as we have outgrown the current folder capacity.
- f) Obtain funding for Yew Tree Avenue route improvement and Countryside For All, leaflet if we get the desired outcome.

- g) We feel that with our current workload we will not survey any further Countryside For All routes this year but will aim to produce a further 4 new route leaflets in 2018, so we may look to source the funding this year, for next year's leaflets design and production.

## **6. ACCESSIBILITY AMBASSADORS**

We have had only two expressions of interest for Lincolnshire so we will not pursue this at present. We will continue to pursue this in Rutland with Leicestershire. The two people who were interested in this role in Lincolnshire may want to join the LAF.

**Action: Chris – Whose email address should we provide for these two people if they wish to join the LAFs.**

## **7. LINCOLNSHIRE HEALTH RELATED WALKS FROM APRIL 2017**

We have submitted our application for funding to Bromhead Medical Charity (BMC). We discussed with the funding body the possibility of providing three options and they have agreed to this. Hopefully this gives us three chances of securing funding.

We have informed BMC that our preferred choice is for a Walk Coordinator in the City and each districts to grow and support Walking for Health and Dementia Friendly Walks, the exception being Boston. Boston will have a coordinator one day per week to grow and support the Dementia Friendly Walks only.

Our second preferred option is County wide to support a Walk Coordinator one day per week in the City and each of the districts, to grow and support Dementia Friendly Walks. In East Lindsey and South Holland, due to these districts being the second and third highest prescribing areas for diabetes in England, we have requested Walking for Health to be supported. For these two districts we have applied for both these district coordinators to be funded to grow and support Walking for Health.

Our third option, which is our least preferred, is just County wide to support for a Walk Coordinator one day per week in the City and each of the districts to grow and support Dementia Friendly Walks.

This application will go before the Bromhead Board 18<sup>th</sup> January. It is expected we will know the result of this application by the end of January.

If the outcome of the funding application is not option 1, we aim to have all letters out to other possible sponsors by 6<sup>th</sup> February. There is a Walks Forum meeting 7<sup>th</sup> February which Public Health and the Walk Coordinators will be attending. I will be providing them with an update at this meeting.

## **8. WALKING FOR HEALTH – RUTLAND**

Dannielle Adams, the Active Rutland Officer sent us this mail:

“As discussed yesterday, I am happy to meet to discuss future ideas. At current we are supporting our two main Walking for Health groups in Oakham and Ketton and we also support other walking groups where possible. We are currently in the process of rolling out dementia friendly walks in the new year and following this would like to start a new Walking for Health group in Uppingham.”

## **9. SENSORY TRAILS AND GREEN SPACES**

The sub group have been aware for some time that both Lincolnshire and Rutland have very little accessible countryside for the disabled. There is ample evidence that people with dementia, interacting with nature is of great benefit for them and their carers. One of our biggest challenges is to find places which are accessible in the natural environment which is close to the population centres. We can access parks and some green spaces which normally have suitable accessible paths. The issue we often have with parks and green spaces is most do not provide a sensory area which can be found in woodland, meadows and river banks.

We accept with funding being an issue it is unlikely that local authorities etc. will be able to invest in this area. To overcome this issue we are looking at submitting a report to the Royal Horticultural Society for them to consider. The report displays the opportunity the RHS has to aid communities, encourage future designers, educate gardeners and people starting in the hobby, improve people's health and general wellbeing. An outline of what we will be including in the report is displayed below:

a) As we have show gardens at the RHS shows, we could include a new category for sensory gardens. Whilst we would be struggling for space at Chelsea, the rest of the shows, including the new one at Chatsworth have the ground available to include this additional category. This category would also enable a different form of judging and also provide something different for some of our shows. Sensory gardens could be for people with dementia, the visually impaired, a sensory experience for children etc. Whilst we appreciate many of the shows over the years have displayed sensory planting, these sensory trails and spaces will provide different experiences and rewards.

Our thoughts are that the sensory garden category would have 3 sub categories based on the costs of the plants and other materials used. We recommend the budgets for the categories to be £4000, £8000 and £12000. Imported soil for the display are outside the category budget. The design should provide a sensory experience all year round. So some plants, bushes or trees may not be at their best during the show. We recommend the following process:

b) Organisations invited to apply for a sensory garden to be designed for them.

c) Applications assessed

d) Winning applications selected

e) Winning applications displayed on RHS web site

f) Designers invited to apply to design a garden for one of the winning applications. The designer to also display via a visual display unit a design of a sensory trail leading to the garden suitable for the site the designer designs the garden for. The cost of the planting in this virtual trail, should be the same as the garden budget. The cost of hard landscaping to be excluded from the cost of the virtual trail budget.

g) Designers applications assessed.

- h) Winning designer applications selected.
- i) Winning Designers work with the organisation they are designing the garden for.
- j) Three or four of each category on displayed at one of the RHS shows
- k) Each garden judged in conjunction with RHS methodology but with a bias towards suitable plants and planting layout. The quality of individual plants/flowers not being so important.
- l) Following exhibition at the RHS show the display to be dismantled and repositioned in the applicant's venue.
- m) RHS gardens countrywide to include a small selection of these designs after the show. The RHS partner gardens also be offered to include these designs
- n) The design of the gardens displayed on the RHS website also to include:
  - 1) Plant: name, height, spread, annual, bi annual, perennial, soil type, sunny or shady position, peak sensory months, hardiness, how to grow, how to look after, possible diseases/pests and how to treat them.
  - 2) Cost of the plants and where it was bought from.
  - 3) Plants that provide a similar sensory experience which grow in different conditions to that on the display. Details of the required growing conditions would be provided.

The above will enable other communities to bid for external funding to create a similar sensory space/trail. It is hoped that the original planting and ongoing maintenance of these sensory spaces/trails will be carried out by groups which will include people who will benefit from working with plants and green spaces e.g. people with learning difficulties, people with depression.

After the sub group has drafted the synopsis and report, it will circulate to LAF members for comments. We have already had discussions with other parties to see if they will be willing to provide letters of support to be included as appendices. Once the draft has been amended with relevant comments it will be passed to the supporting organisations in order for them to provide their letters of support. Our aim is to get the final document ready for the April Forum meetings to get approval for sending to the RHS.

## **10. DISABILITY SUB GROUP CHANGE OF NAME & LOGO**

We are requesting a change of name for our sub group to "Countryside For All". We have difficulty at events getting the message over to the public about what we do from our title. In the free events directory of Choice Unlimited we only have 25 free words. By entering "Mid Lincolnshire, South Lincolnshire and Rutland Local Access Forums Disability sub group" we only have 13 words left to explain what we do!!

The Logos of both LAFs are on the Countryside For All leaflets. The logos for both LAFs are very difficult to decipher due to the light green wording. It is even more difficult to read when on a VDU. Can we investigate changing the colour of the wording so it can be easily read.

When the disability sub group was first created some work was done on a logo. Unfortunately there is no record of what was created. With appearing at different events it would be helpful if we had a suitable logo so people could easily recognise what we do.

***Action: All – Vote on the name change for the sub group***

***All – Vote on investigating a colour change from light green on both LAF logos***

***All – Is a volunteer available to create options for the Countryside For All logo?***

Definitive Map Modification Orders update - Rutland County Council - Jan 2016

Location	Status	Path Ref	Legislation	File Date	Comments
Preston	Footpath	Barbers Lane	WCA s53(3)(b)	17/12/2003	Submitted to PINS 10th August 2016
Braunston	Footpath		WCA s53(3)(c)(i)	22/07/2011	Submitted to PINS 1st August 2016 & rejected
Thorpe-by-Water	Footpath		WCA s53(3)(c)(i)	08/11/2013	Determined 3rd October 2016.
Oakham	Footpath		WCA s53(3)(c)(i)	04/12/2013	
Wardley	Bridleway		WCA s53(3)(c)(i)	09/02/2014	Order made 6th October 2016. Objections received.
Clipsham	Footpath		WCA s53(3)(c)(i)	12/11/2014	Under investigation
Ketton	Footpath		WCA s53(3)(c)(i)	18/09/2015	
Langham	Bridleway	D85	WCA s53(3)(c)(iii)	16/11/2016	Under investigation
Lyddington	Footpath	E306	WCA s53(3)(c)(iii)		Order confirmed 24th November 2016

Since Oct 2016:

1 Orders confirmed  
 0 Case referred  
 1 New cases received  
 0 Order declined

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

Report to: **South Lincolnshire and Rutland Local Access Forum**  
Date: **25 January 2017**  
Subject: **Definitive Map Modification Orders - Ongoing**

**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. Consultation**

### **a) Scrutiny Comments**

n/a

### **b) Executive Councillor Comments**

n/a

### **c) Local Member Comments**

n/a

### **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 12 January 2017
Appendix B	Appeals against prioritisation – Q3 2016-17
Appendix C	<a href="#">Definitive Map Case Prioritisation</a> (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 - <a href="#">HAT 33/3/11</a>
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This report was written by Chris Miller, Team Leader – Countryside Services, who can be contacted on 01522 782070 or [countryside\\_access@lincolnshire.gov.uk](mailto:countryside_access@lincolnshire.gov.uk) .

## APPENDIX A - Outline Summaries of "active" modification order cases

PARISH	CASE No.		CASE TITLE	FORMAL APP?	Date	UPDATE
Ancaster	2	BOAT	Regrade from RB to BOAT	Yes	13/11/91	Currently revisiting extensive file work from long-standing case.
Colsterworth / Gunby & Stainby	259	PF	Colsterworth FP14 & Stainby PF 1(pt)	No	19/05/04	<b>Confirmed with modifications (Deletion of PF 14 accepted but realignment of PF1 was not) – Objections received to the modified order. Determination still awaited.</b>
Utterby	354	PF	Claimed Footpath from Grange Lane to Holy Well Lane	Yes	08/05/12	<b>COMPLETED -Public Inquiry 15/11/2016 – SoS deemed that user evidence was insufficient with usage demonstrated as being with permission or challenged</b>
Utterby	355	PF	Claimed Footpath from Grange Lane to former railway and beyond	Yes	08/05/12	<b>COMPLETE - Public Inquiry 15/11/2016 – SoS deemed that user evidence was insufficient with usage demonstrated as being with permission or challenged</b>
New Leake	353	PF	Claimed Footpath from Spilsby Rd to Spilsby Rd	Yes	30/05/12	<b>COMPLETE - Submitted to the Secretary of State 18/11/2015 - Not Confirmed SoS found that there was insufficient evidence for Common Law dedication</b>
Belton / Gt. Gonerby	12	PF	Belton to Great Gonerby (Gads Lane)	Yes	01/11/83	<b>COMPLETE - Public Hearing - 29/11/2016 - Not confirmed – Insufficient / poor user evidence from 1983</b>
North Somercotes / Marshchapel / Grainthorpe	374	PF	Upgrade of PF 18 to PB between Stonebridge Cottages, North Somercotes & Keyholme Lane, Marshchapel	Yes	4/8/2014	<b>COMPLETE – Appeal against decision not to make an order was not upheld by the Secretary of State</b>
South Willingham / Benniworth	96	PF	Claimed PF from Grange farm, Low Barns to road south of Skirbeck House	Yes	30/04/86	<b>COMPLETE</b> Submitted to the <b>Secretary of State – Not Confirmed – Insufficient evidence</b>
South Willingham	97	PF	Hainton Rd to High St	Yes	30/04/86	Statement of Reasons prepared. submitted to <b>Secretary of State 22 July 2016 – Start Date 30/11/2016 – Written Representations</b>
South Willingham / Hainton	98	PF	Moors Lane to A157	Yes	30/04/86	Statement of Reasons prepared. submitted to <b>Secretary of State 22 July 2016 – Start Date 30/11/2016 – Written Representations</b>
South Willingham	99	PF	Moors lane to Poplar Fm	Yes	30/04/86	Statement of Reasons prepared. submitted to <b>Secretary of State 22 July 2016 – Start Date 30/11/2016 – Written Representations</b>
Woodhall Spa	193	PF	Mill Lane to R.Witham Bank	Yes	12/05/98	Order made and a number of objections received - Statement of Grounds prepared and submitted to <b>Secretary of State – Public Inquiry 22 February 2017</b>
Coningsby	182	PF	School Lane to Dogdyke Road	Yes	06/11/97	Order made and a number of objections received. Statement of Reasons being prepared.
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	Yes	16/04/15	LCC Decision not to make an Order. W&CA81,Schedule 14 appeal made by applicant to <b>Secretary of State. This has been upheld following the submission of further evidence. Order yet to be made.</b>

## APPENDIX A - Outline Summaries of "active" modification order cases

North Ormsby	379	PF	Claimed footpath between north end of PF 357 and metalled highway in centre of North Ormsby	Yes	14/11/14	Investigations Ongoing
Castle Bytham	136	RB	Reclassification of RB	No	22/10/90	Investigation Ongoing
Long Bennington / Westborough & Dry Doddington	377	PF	Claimed footpath between Westborough Lane & nridge on Church St. Along east bank of river	Yes	19/9/14	<b>COMPLETE - Decision not make order made</b>
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	Yes	11/12/86	Investigation Ongoing
Tetford	365	PF	Addition of PF missing link to PF 33	No	30/9/13	Investigation Ongoing
Ludborough	378	PF	Claimed PF along farm track to PF 107	Yes	6/10/14	Investigation Ongoing
Navenby	385	PF	Deletion of PF 13	No	14/4/16	To be deleted due to erroneous inclusion on Definitive Map
Heydour	48	PF	Addition of missing link to PF 3 Church Leas	No	1/1/85	Investigation Ongoing
Aunsby & Dembleby	5	Various	Reclassifications of Restricted Byway	No	11/7/85	Investigations as to Natural Environment & Rural Communities Act effects.
Mablethorpe & Sutton	106	PF	High Street to Broadway	Yes	16/9/85	Investigation Ongoing
Grimoldby	43	PF	From Mill Lane	Yes	23/10/85	Investigation Ongoing
Burgh le Marsh	18	PF	Faulkners Lane	Yes	10/2/87	Order made with outstanding objections - Investigation Ongoing
Stamford	101	PF	Cherry Holt lane to Priory Rd	Yes	3/4/87	Investigation Ongoing

BOAT – Byway Open to All Traffic  
 RB – Restricted Byway  
 PB – Public Bridleway  
 PF – Public Footpath

- **Total Number of cases (Formal application or Self-initiated) – 145 still outstanding inclusive of those awaiting determination by the Secretary of State (5) at 12<sup>th</sup> January 2017**

## APPENDIX B – Appeals against prioritisation Q2 2015-16

One appeal for Ludborough was heard by the Definitive map & Statement of Public Rights of Way Sub-committee who upheld the appeal on the basis that the route would provide significant benefit to the local community and contribute to a Rights of Way Improvement Plan Scheme

The case has been allocated to an officer to process.

## 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
Hogsthorpe	49	PF	Sea Lane to Maiden Lane	11/12/1986	Yes	2
Castle Bytham	136	RB	RB 3	22/10/1990	Yes	3
Ancaster	2	RB	to BOAT	13/11/1991	Yes	4
Coningsby	182	PF	School Lane to Dogdyke Road	06/11/1997	Yes	5
Colsterworth / Gunby & Stainby	259	PF	Colsterworth FP14 & Stainby FP 1(pt)	19/05/2004	Yes	6
Tetford	365	PF	Addition of missing link to PF 33	30/09/2013	Yes	7
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	8
Ludborough	378	PF	Claimed footpath along track running to and from PF107	06/10/2014	Yes	9
Navenby	384	PB	Claimed bridleway from Grantham Road to Doncaster Gardens	16/04/2015	Yes	10
Navenby	385	PF	Deletion of PF13	14/04/2016	Yes	11
Belton & Manthorpe / Gt. Gonerby	12	PF	Belton to Great Gonerby via Gonerby Grange (Gadds Lane)	01/11/1983	Yes	12
South Willingham	97	PF	Hainton Rd to High St	30/04/1986	Yes	13
South Willingham / Hainton	98	PF	Moors Lane to A157	30/04/1986	Yes	14
South Willingham	99	PF	Moors lane to Poplar Fm	30/04/1986	Yes	15
Woodhall Spa	193	PF	Mill Lane to R. Witham Bank	12/05/1998	Yes	16
Heydour	48	PF	PF to be diverted - from Southern end of PF 3 to church Lees	01/01/1985	No	17
Wansby & Dembleby	5	PROW	see file	11/07/1985	No	18
Mablethorpe and Sutton	106	PF	High St to Broadway	16/09/1985	No	19
Grimoldby	43	PF	from Mill Lane	23/10/1985	No	20
Burgh-le-Marsh	18	PF	Faulkers Lane	10/02/1987	No	21
Stamford	101	PF	Cherry Holt Lane to Priory Rd	03/04/1987	No	22

ACTIVE CASEWORK

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Public Path Orders update - Rutland County Council - Jan 2016

Location	Status	Path Ref	Legislation	Application Date	Comments
Caldecott	Bridleway	E315	HA s119	N/A	Order to be drafted
Lyddington	Footpath	E314	HA s119	N/A	Order to be drafted
Clipsham	Bridleway	E135	TCPA s257/S261	N/A	Scoping for quarry extension now submitted!!
Clipsham	Bridleway	E134	HA s119	N/A	Legal in discussions with applicant.
Clipsham	Bridleway	E136A	HA s118	N/A	Legal in discussions with applicant.
Langham	Footpath	D85	HA s119	24/04/2015	Order published 24th June 2016. Objection received.
Hambleton	Footpath	E341	HA s119	07/05/2015	Legal agreement with Anglian Water drafted
Manton	Footpath	E195	HA s119	11/01/2017	

Since Oct 2016:

- 0 Orders made
- 0 Orders confirmed
- 0 Order came into operation
- 0 Orders abandoned
- 0 Cases referred
- 2 New case opened

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

Report to:	<b>South Lincolnshire and Rutland Local Access Forum</b>
Date:	<b>25 January 2017</b>
Subject:	<b>Progress of Public Path Orders</b>

### Summary:

A report on the progress of Public Path Orders.

### Recommendation(s):

That the report is noted and formal written advice given where required

## 1. Background

The County Council has a power to divert, extinguish or create public rights of way either of its own volition or following an application to do so from the public. The Council may also enter into agreements with landowners regarding the dedication of public rights.

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## 2. Summary of ongoing cases

The County Council is currently working on a number of cases most notably as follows.

- A package of 8 diversions to realign routes in the Coastal Country Park area including the potential dedication of a bridleway over a current footpath. The reports from the consultant reviewing this package has been received and progress will be imminent
- Level crossing diversion orders at Tallington to reduce risks at two level crossings
- Orders to realign a number of PROW affected by a level crossing at Claypole which will also resolve "missing link" and path status change issues.
- A diversion to enable the managed realignment of the coastal sea defence at North Somercotes
- Diversions affecting school/parish recreation fields in Claypole

- Diversion in Market Deeping to aid the improvement of a well used path to a supermarket and schools.

These public path orders have been undertaken as they fall within one of three of the following strategic areas

- Applications from members of the public where public benefit in the proposal can be demonstrated in line with Council's Rights of Way Improvement Plan.
- Cases that form part of wider green infrastructure schemes (Coastal Country Park, Witham Valley Country Park etc.)
- Cases forming part of wider Council strategies (Road / Rail Partnerships, Environmental strategies)

The County Council will be reviewing its position of public path orders when greater detail regarding the Deregulation Act 2015 regulations is known.

### **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

### **4. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Chris Miller, who can be contacted on 01522 782070 or [countryside\\_access@lincolnshire.gov.uk](mailto:countryside_access@lincolnshire.gov.uk) .