



County Offices
Newland
Lincoln
LN1 1YL

1 December 2020

In accordance with the powers granted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 this will be a virtual meeting.

Definitive Map and Statement of Public Rights of Way Sub-Committee

A meeting of the Definitive Map and Statement of Public Rights of Way Sub-Committee will be held on **Wednesday, 9 December 2020 at 9.00 am as a Virtual - Online Meeting via Microsoft Teams** for the transaction of the business set out on the attached Agenda.

Access to the meeting is as follows:

Members of the Definitive Map and Statement of Public Rights of Way Sub-Committee and officers of the County Council supporting the meeting will access the meeting via Microsoft Teams.

Members of the public and the press may access the meeting via the following link: <https://lincolnshireintranet.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=6065> where a live feed will be made available on the day of the meeting

Yours sincerely

Debbie Barnes OBE
Chief Executive

Membership of the Definitive Map and Statement of Public Rights of Way Sub-Committee
(7 Members of the Council)

Councillors C Matthews (Chairman), H Spratt (Vice-Chairman), T R Ashton, D Brailsford, L A Cawrey, I G Fleetwood and R A Renshaw

**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB-
COMMITTEE AGENDA
WEDNESDAY, 9 DECEMBER 2020**

Item	Title	Pages
1	Apologies for Absence/Replacement Members	
2	Declarations of Members' Interests	
3	Minutes of the previous meeting of the Definitive Map and Statement of Public Rights of Way Sub Committee held on 28 August 2020	5 - 6
4	Appeal against Priority given to DMMO Case No 410, Mumby - Addition of Claimed Public Footpath from A52, Mill Lane southwards then East to A52	7 - 30

Democratic Services Officer Contact Details

Name: **Steve Blagg**
Direct Dial **01522 553788**
E Mail Address steve.blagg@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:
<https://www.lincolnshire.gov.uk/council-business/search-committee-records>

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**DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY SUB-
COMMITTEE
28 AUGUST 2020**

PRESENT: COUNCILLOR C MATTHEWS (CHAIRMAN)

Councillors T R Ashton, K J Clarke, L A Cawrey and I G Fleetwood

Officers in attendance:-

Karen Barke (Definitive Map Officer), Steve Blagg (Democratic Services Officer) and Chris Miller (Environmental Services Team Leader (Countryside Services))

17 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors S R Parkin and H Spratt.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, she had appointed Councillor K C Clarke to the Sub Committee for this meeting only.

18 DECLARATIONS OF MEMBERS' INTERESTS

There were not any declarations of interests made at this stage of the meeting.

19 MINUTES OF THE PREVIOUS MEETING OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB COMMITTEE HELD ON 21 JULY 2020

RESOLVED

That the minutes of the previous meeting held on 21 July 2020, be agreed as a correct record and signed by the Chairman.

20 CONSIDERATION OF CONFIDENTIAL INFORMATION

RESOLVED

That the press and public be excluded from the meeting as the report contains confidential information the disclosure of which to the public is prohibited by an enactment namely the disclosure of special category information relating to an individual in breach of the Council's obligations under Data Protection legislation.

2

**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB-COMMITTEE
28 AUGUST 2020**

21 APPEAL AGAINST THE PRIORITISATION OF DMMO 334 - LINCOLN, CLAIMED PUBLIC FOOTPATH BETWEEN BOSWELL DRIVE AND DODDINGTON ROAD

Application	Current Priority	Decision	Reason for Decision
Appeal Against the Prioritisation of DMMO 334 - Lincoln, Claimed Public Footpath Between Boswell Drive and Doddington Road	Because of the issues involved this case is amongst the 31 cases being examined by officers	Noted that this case is currently being examined	Meets "exception criteria" 1 and 2 of the Highways and Traffic Guidance Note HAT33/3/11 which sets out how such cases will be considered.

The meeting closed at 10.35 am



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

Report to:	Definitive Map and Statement of Public rights of Way Sub-Committee
Date:	9 December 2020
Subject:	Appeal against Priority given to DMMO Case No 410, Mumby – Addition of Claimed Public Footpath from A52, Mill Lane southwards then East to A52

Summary: An appeal against the priority given to DMMO case no. 410 – Mumby, claimed public footpath from Mill Lane southwards then east to A52

Recommendation(s):

That consideration is given to the appeal to upgrade the priority of the DMMO case.

Alternatives Considered: N/A

Reasons for Recommendation:

Request for the reprioritisation of DMMO cases are considered by the Definitive Map and Statement of Public rights of Way Sub-Committee

1. Background

As Surveying Authority the County Council has a statutory duty under section 53 (2) (b) of the Wildlife and Countryside Act 1981 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 HAT33/4/18 sets out that such cases will be dealt with in order of receipt/initiation unless one or more of the eight “exception criteria” apply and recognises that other exceptional criteria may 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.

NB 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.

An appeal has been made against the current priority of DMMO 410 being an application made by Mumby Parish Council to add a public footpath in Mumby

from the A52 southwards from Mill Lane then eastwards to the A52. The appeal requires consideration by the sub-committee.

Appendix B to this report provides a synopsis of the case and the appeal.

This report was written by the Senior Definitive Map Officer, Karen Barke who will provide a verbal report at the meeting.

The report cannot be viewed in person due to the working restrictions imposed as result of Covid-19 but can be made available by email or post by contacting Karen Barke whose contact details are:

Telephone number: 07760 803969

Email: karen.barke@lincolnshire.gov.uk.

2. Legal Issues:

Equality

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

No positive or adverse impact on the above groups or persons have been identified by or brought to the attention of the author of this report.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

Public rights of way can contribute to the physical and mental well-being of users by offering opportunities for exercise and enjoyment and can potentially provide safer routes for travel at no cost to the participant. The claimed route may contribute to this by providing an alternative inter-village route rather than walking alongside the A52.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Section 53 of the Wildlife and Countryside Act does not enable crime and disorder to be taken into account. However, section 17 of the Crime and disorder is taken into account by the County Council through the provision of Criteria No 1 as one of the criteria whereby an application for a modification order can be prioritised.

3. Conclusion

Officers consider that the appeal does not meet the agreed policy criteria and that no other extenuating circumstances have been identified which would suggest that

the priority of the application be raised. The appeal requires consideration by the sub-committee.

4. Legal Comments:

There are no legal comments associated with this report.

5. Resource Comments:

There are no financial implications associated with this report.

6. Consultation

a) Has Local Member Been Consulted?

The local member was advised of the applications receipt on 20th January 2020

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Risks and Impact Analysis

No adverse impacts have been identified

7. Appendices

These are listed below and included in this report.

Appendix A	Case Synopsis – Mumby claimed Public Footpath, DMMO Case No.410
Appendix B	Letter of Appeal by Mumby Parish Council
Appendix C	Priority List of Cases

8. Background papers

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

These are listed below

Highways & Traffic Guidance Note 33 – Prioritisation of Definitive Map Modification Orders – HAT/33/4/18
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Document title	Due to working restrictions imposed as result of Covid-19 the Guidance Note cannot be viewed in person but can be made available by email or post by contacting Karen Barke whose contact details are provided above.
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**Wildlife & Countryside Act 1981, Section 53
Definitive Map Modification Order**

MUMBY – CLAIMED PUBLIC FOOTPATH FROM A52 SOUTHWARDS THEN EASTWARDS TO A52.

1. Application

A valid application under the Wildlife & Countryside Act 1981, section 53(5) from Jean P Bradley (Chairman) on behalf of Mumby Parish Council has been received by Lincolnshire County Council and is dated 7th January 2020. Figures 1, and 2 are copies of the completed application form, and application plan marked to show the claimed footpath. The plan shows the claimed route coloured pink. It can be noted that Public Footpath numbers 64 and 67 are shown on the plan. They terminate at the claimed route and do not continue to the public highway (A52) to which both ends of the claimed route join.

2. Evidence in support of the application

The following documents have been submitted in support of the application :

A map showing access by the Red Lion Public house
Names of the original purchasers of the Old vicarage
A letter from Jonathan Stockdale (the County Council's Senior Countryside Officer for the area.)
A letter from Batemans's regarding the footpath
An old document dated 1932
An old document dated 1932 regarding the sale of part of the vicarage land.
10 public user evidence forms

As the application is not currently being processed a full assessment of these documents has not been carried out.

3. The Definitive Map and Statement

Figure 3 is a copy extract from the Definitive Map for the former Skegness Urban District and Spilsby Rural District Councils. The claimed route is not recorded. Nor is it recorded on the Statement which accompanies the Definitive Map.

4. Photographs of the Claimed Route

A site visit has not been carried out as the claimed route is known to be obstructed and overgrown. Figures 4 - 8 provide images (extracts from Google Maps) of the northern and southern ends of the route and an aerial view of the site. It can be noted that the claimed route is not accurately plotted by Google on the images of the site i.e. it does not accord with Ordnance Survey base mapping, which can be viewed in figure 2.

5. Current Priority & Original Officer Assessment

Following receipt of the application officer opinion was that none of the exception criteria applied to the application. The case is currently ordered at number 150 of 156 outstanding cases, of which the first 31 are being actively progressed.

6. The Appeal

6.1 The appeal has been made by Cllr. Jean Bradley, Chair of Mumby Parish Council. The Parish Council wish to pursue a change of their application's priority and are relying on Criteria 1 and 2 of the prioritisation policy

6.2 The letter of appeal (see Appendix B) was received by the County Council in January 2020. Regrettably it was misfiled resulting in a response not being provided until further contact was made by the Parish Council in November 2020. The author of this report then telephoned Cllr. Bradley on 18th November 2020 to apologise for the fact that the County Council had not responded to the appeal. During the call, Cllr Bradley provided further information as background to the appeal, in addition to the information provided in their letter. Both the letter and the additional verbal information are considered as follows:

6.3 The Parish Council have appealed under criteria numbers 1 and 2 which allow applications to be processed than in date order of receipt:

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).

The appeal letter does not differentiate between the above two categories in describing the issues that are having an effect on public access over the claimed route.

6.4 The letter describes how the route provides access to allotments and also provides access to the two public footpaths that terminate at the claimed routes mid-section. The reasons for the footpaths terminating at the claimed route are not known to the parish Council. It is noted that the northern section of the claimed route is depicted on the Ordnance Survey base

mapping used for the Definitive Map as a path forming a continuation of public footpath No. 64 which is depicted on the base mapping in the same way.

- 6.5** The telephone call revealed that the north – south section of the claimed route is owned by the Church who sold off neighbouring land for development.
- 6.6** The letter describes how this section is obstructed by several vehicles which have been parked by the occupier of an adjacent property, 'The Glebe'. The property is not known as it is not named on Ordnance Survey Mapping. Both The owner of the property and the occupier have declined the Parish Council's request that the vehicles be removed.
- 6.7** Several of the properties in 'The Parklands' development adjacent to this section of the route have encroached upon it by extending their garden fencing, including one property where a brick structure has partially obstructed the route.
- 6.8** This section is not available from its northern end as it has become overgrown but the Parish Council has resolved that contactors will be used to clear the path in the spring of 2021 irrespective of adjacent house holders objections to a previous attempt to clear the path. This decision has been taken as allotment holders are not currently able to access the allotments in a vehicle, which makes it difficult for them to take heavier items to their plots.
- 6.9** Whilst the Parish Council would like the claimed footpath's northern end to be passable by vehicle, which would presumably be achieved by the County Council taking enforcement action to make the route fully available to its recorded width if it is added to the Definitive Map, no public vehicular right of way could be recorded on the Definitive Map. This is because Part 6, section 67, of the Natural Environment and Rural Communities Act, 2006 extinguished un-recorded public vehicular rights (subject to certain exceptions which do not apply in this case). Figure 9 provides a list of the exceptions described in section 67 sub-section 2 of the Act. To enable authorised vehicular use, the Parish Council would need to either prove the existence of private rights or obtain the consent of the landowner. Modification of the Definite Map cannot be used to enable authorised vehicular use of the claimed route therefore the appeal process cannot help the Parish Council in this regard.

6.10 Cllr Bradley has verbally explained that the most appropriate route to the allotments is from the southern end as that is where most of the allotment holders live.

6.11 The Red Lion public house at the southern end is owned by Bateman's brewery and occupied by a tenant who is allowing an alternative to the claimed route through the pub car park and grassed area as the route is obstructed by a residential caravan which is lived in by a relative. ELDC granted planning permission for the caravan. This appears to have been granted prior to the Parish Council making the application for the claimed route as there is no record of the County Council's Countryside Services having been consulted on the planning application. The position of the caravan can be seen in the aerial photograph included as Figure 8.

The Parish Council are concerned that consent for the alternative route could be withdrawn. They have contacted Bateman's who have said that it is for the tenant to decide on this matter. The Parish Council would, not object to a diversion of the claimed route to avoid the obstructions.

As the caravan is an occupied dwelling the County Council would not be able to enforce its removal, should the Parish Council's application result in the claimed route being recorded on the definitive Map but in that event, Countryside Services would be sympathetic to a proposal to divert the path to an alternative route through the pub grounds.

6.12 Whilst Countryside Services understands the concerns of the Parish Council, an alternative to the claimed route's southern end is in use, and as the Parish Council plans to clear the northern end of vegetation in the spring, delay in processing their application will disadvantage neither users of the recorded footpaths nor the allotment holders (as described above it is not possible, in this case, to record public vehicular rights on the definitive map and the parish).

6.13 Conclusion

Concerning prioritisation policy criteria 1, although the adjacent householder has refused to remove the vehicles that are blocking full access over the claimed route, the Parish Council has not demonstrated that '*there is sustained aggression, hostility and ill feeling within the community that is causing severe disruption to the life of that community....*' Thus there are currently no implications that the County Council would be in breach of its obligations in respect of section 17 of the Crime and Disorder Act 1998 by a delay in processing the Parish Council's application.

Concerning prioritisation policy criteria 2, for cases '*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)' the claimed route is already obstructed by the residential caravan therefore this criteria does not apply.

The County Council is unlikely to require the caravan's removal whilst it is occupied as a dwelling. If public rights are proved to exist over the claimed route and the caravan remains occupied, the County Council would seek to divert the claimed route to either the alternative route already provided or to another alignment if that proved more appropriate.

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

FORM A

Lincolnshire
COUNTY COUNCIL
Working for a better future

APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP MODIFICATION ORDERS

(This form to be completed by the applicant and returned to Lincolnshire County Council)

**To: Definitive Map Officer, Lincolnshire County Council, Countryside Services, Lancaster House,
36 Orchard Street, Lincoln, LN1 1XX**

APPLICATION

I/We JOAN PATRICIA BRADLEY (CHAIRMAN) MUMBY PARISH ^{COUNCIL}
of "SOUTHLANDS" COOTS LANE, MUMBY, ALFORD ^{LN13 9JZ} Postcode LN13 9JZ
hereby apply for an order under Section 53 of the Wildlife and Countryside Act, 1981, to modify the
Definitive Map and Statement for the area by:
*(Delete any of the following sections which do not apply)

*Deleting the footpath / bridleway / restricted byway / byway open to all traffic (delete as appropriate)
From..... To.....
Parish of..... Parish of.....

OR

*Adding the footpath / ~~bridleway / restricted byway / byway open to all traffic~~ (delete as appropriate)
From A52 at MILL LANE JUNCTION ^{SOUTHWARDS} To A52 EASTWARDS TO PUB & CHURCH
Parish of MUMBY ^(AS SHOWN ON MAP) Parish of MUMBY ^(AS SHOWN ON MAP)

OR

*Upgrading / Downgrading the footpath / bridleway / restricted byway / byway open to all traffic to a
footpath / bridleway / restricted byway / byway open to all traffic (delete as appropriate)
From..... To.....
Parish of..... Parish of.....

OR

*Varying the particulars of the footpath / bridleway / restricted byway / byway open to all traffic (delete as appropriate)
From..... To.....
Parish of..... Parish of.....
By amending to.....

AND shown on the map attached to this form.

Figure 1(1): The application

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

IMPORTANT: PLEASE READ
 Legislation requires the County Council to keep a register of Definitive Map Modification Order ("DMMO") applications, and to make this available for inspection by the public on its website and at its offices. For each application the register must contain, amongst other details, a copy of the Application Form and details of the Applicant's name and address. The County Council will redact the signature of the Applicant on all DMMO documents published on its website. However, should the Applicant believe that the inclusion or retention of their name and address on the register would, or would be likely to, cause substantial unwarranted damage or distress to the Applicant or to another person, and has satisfied the Council that this is the case, the Council will exclude (or remove) their name and address from any documents contained, or to be contained, on the register.

PERSONAL DATA
 Please refer to the Place Directorate's Privacy Notice (available at www.lincolnshire.gov.uk/privacy-notices/privacy-notice-environment-and-economy/132503.article) for information on how the County Council processes your personal data. If you need this information in an alternative format, please contact the section on 01522 782070 or countryside_access@lincolnshire.gov.uk.

SUPPORTING EVIDENCE

I / ~~We~~ attach copies of the documentary and / or user evidence in support of this application, as listed below.

Signed Jean Bradley Date Jan 7th 2020

User Evidence

I enclose 10 User Evidence Forms in support of this application.

AND / ~~OR~~ (delete as appropriate)

Documentary Evidence (please list below)

(A) MAP OF AREA CLEARLY SHOWING ACCESS BY RED LION
 (B) NAMES OF ORIGINAL PURCHASERS OF THE OLD VICARAGE
 (C) LETTER (JULY '13) FROM JONATHAN STOCKDALE RE. PATH
 (D) LETTER FROM BATEMANS (JULY 2002) RE. THE FOOTPATH
 (E) OLD DOCUMENT RE. THE PATHS (DATED 20/7/32)
 (F) OLD DOCUMENT (1931) RE. SALE OF PART VICARAGE LAND

Lincolnshire County Council
 08 JAN 2020
 Lancaster House

Figure 1 (2): The application

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

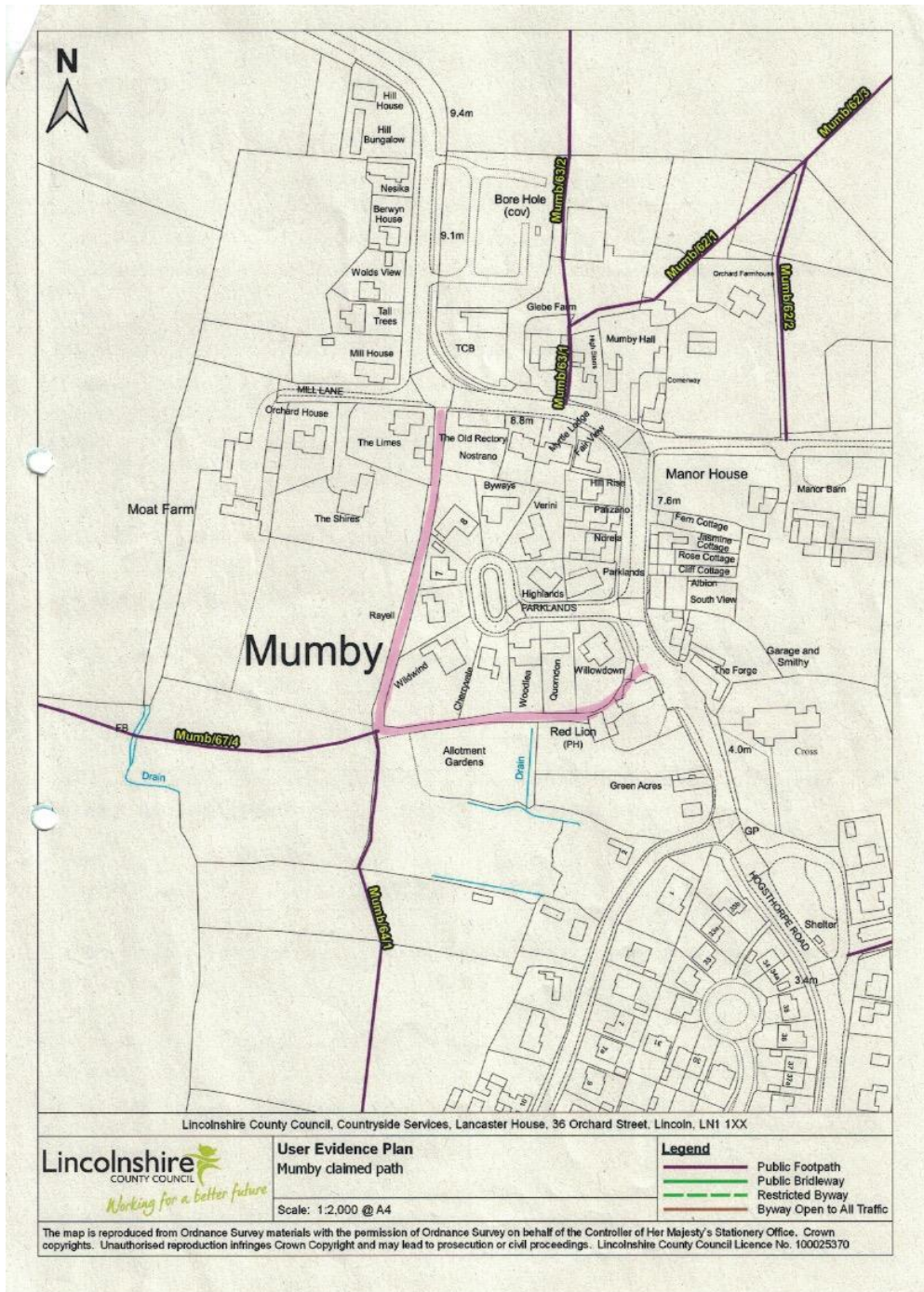


Figure 2: Plan showing the claimed route

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

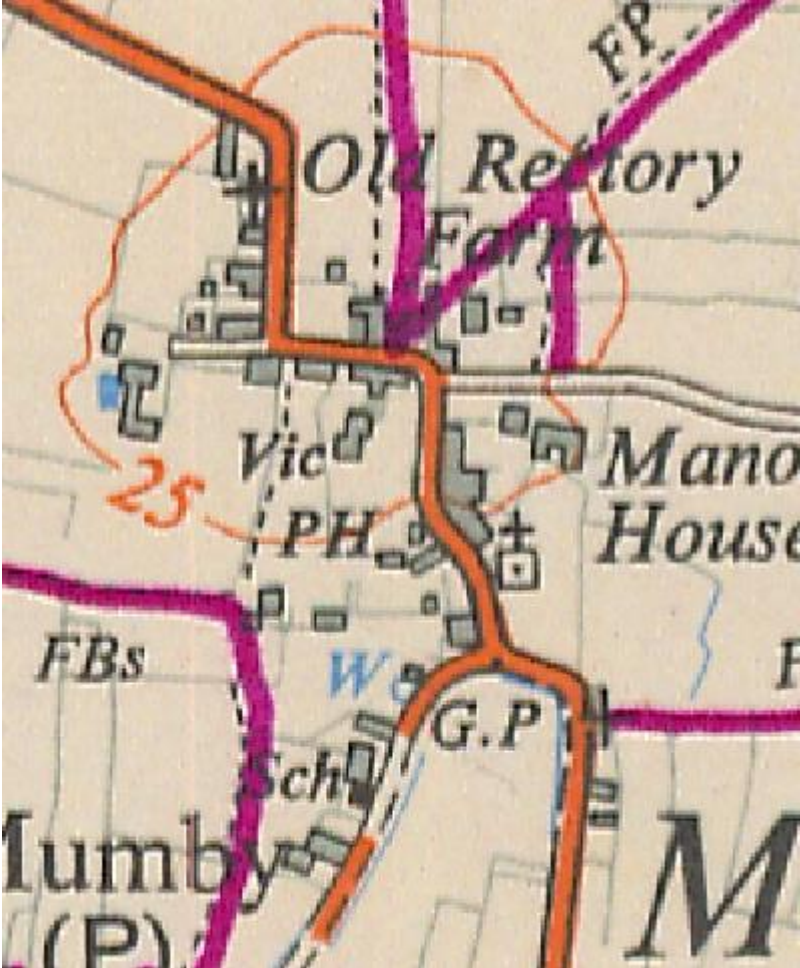


Figure 3: Copy extract from the Definitive Map

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52



Figure 4: Northern end of claimed route from A52

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52



Figure 5: Eastern end of claimed route from A52

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52



Figure 6: Alternative route through car park

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52



Figure 7: Aerial view of claimed route

Appendix B - Case Synopsis. Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52



Figure 8: Aerial view of residential caravan at eastern end of claimed route

Figure 9 - NERC Act 2006 List of Exceptions in Subsection 67(2) to the Extinguishment of Unrecorded Public Vehicular Rights

Subsection 67(2)(a) – excepts ways that have been lawfully used more by motor vehicles than by other users, e.g. walkers, cyclists, horse riders and horse-drawn vehicles, in the five years preceding commencement. The intention here is to except highways that are part of the ‘ordinary roads network’.

Subsection 67(2)(b) – excepts ways that are both recorded on the “list of streets” as being maintainable at public expense and are not recorded on the definitive map and statement as rights of way. This is to exempt roads that do not have clear motor vehicular rights by virtue of official classification but are generally regarded as being part of the ‘ordinary roads network’.

23. *Subsection 67(2)(c)* – excepts ways that have been expressly created or constructed for motor vehicles

24. *Subsection 67(2)(d)* – excepts ways that have been created by the construction of a road intended to be used by mechanically propelled vehicles.

25. *Subsection 67(2)(e)* –excepts from extinguishment ways that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive ‘off-road’.

Appendix C –Appeal Letter - Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

Page 1 of 2

Acc KB

22nd January 2020

Jean Bradley
"Southlands"
Coots Lane
Mumby, Alford
LN13 9JZ

Executive Director for Place
F.A.O. Senior Definitive Map Officer -
Countryside Services
Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

F.A.O. Mr Chris. Miller

Dear Sir

Re Your Reference: - Mumby/DMMO/TJ

On behalf of Mumby Parish Council I wish to appeal the priority ranking of 154 given to our footpath application on the grounds of criteria I and II as shown in the paperwork which I sent to you.

These are the routes to the village allotments as well as exit routes for the public footpaths marked on your map.

We have no idea why these routes were not included on your map, perhaps the then Parish Council felt that they were too obvious to mention as they were the accesses to the village allotments.

Criteria I & II

The track to the north is being blocked by the resident who is living in "The Old Glebe" by up to 4 vehicles, which he advertises for sale. This track is not in his ownership, but there is a right of access into the glebe property.

He and the property owner have been asked in writing to remove the vehicles which are obstructing the track, the neighbour on the opposite side of the track is demanding that the PC "DO" something about it, but, until this track is recognised as a footpath we seem to have no power to do so.

The PC also needs to clear the track for easier access to the village allotments, but it is constantly blocked.

This track has been allowed to become overgrown in recent years – the allotment holders using the separate allowed access through the Red Lion yard. Some of the adjacent residents in parklands have extended their boundaries into the track and one has even built a brick structure which slightly encroaches into the track.

Appendix B –Appeal Letter - Mumby – Claimed Public Footpath from A52 southwards then eastwards to A52

The PC urgently needs to have this stopped.

The PC has been awarded a grant through Triton Knoll to clear this track and bring it back into its rightful use.

Criteria I & ii

The footpath to the east, which exits between the Red Lion and a brick building onto the A52 opposite the church

Batemans, the public house owners deny this is a public footpath despite much evidence to the contrary, they are happy for the allotment holders to cross the grassed area through the pub yard to access the village allotments, but only by verbal permission of the public house tenant.

Recently the tenant has applied for and been granted permission to place a mobile home behind the pub blocking the historic footpath. The mobile home has been fenced round and a gate has been erected to close the foot path between the pub and brick building to the north.

ELDC gave permission despite parish council protests; presumably as there is no marked footpath on your map.

The PC feels that a sensible compromise here would be if the footpath on exiting the allotments could cross the grassed area of the Red Lion field directly through the pub yard onto the A52 opposite the church approximately 30m south of the original exit.

The PC has no wish to alienate the Red Lion tenants, this is a much needed amenity for the village, but we must not lose our right of way. We also fear that more development in this grassed area may be requested, so there is a great sense of urgency to have this matter settled

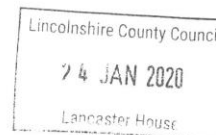
We hope we have interpreted the details of the criteria's listed correctly and that the application can be processed as matter of urgency.

We look forward to hearing from you soon.

Yours Sincerely,



Jean Bradley
Chairman
Mumby Parish Council



Appendix D – Priority List of Cases

	Parish	File	Formal application?	Format of application	Applicant's name and address	Date of Application (or Acceptance)
1						
2	Ingoldsby	405	Yes	Paper	Mr P Harden, Millfield, Grantham Road, Ingoldsby, NG33 4EQ	05/06/19
3	Middle Rasen	72	Yes	Paper	Middle Rasen P.C.	05/08/87
4	Holbeach/Fleet	392	Yes	Paper	Mrs V Gemmell, 56 Swallows Court, Pool Close, Spalding, PE11 1GZ	01/09/17
5	Lincoln	401	Yes	Paper	Mr T Wass, 54 Albion Crescent, Lincoln, LN1 1EB	14/09/18
6	Heighington	323	Yes	Paper	Mr C Padley, Hambleton Cottage, Walesby Rd Market Rasen. LN8 3EY	04/10/07
7	Aslackby & Laughton	277	Yes	Paper	Mr A T Hill Plas Bryn, 17 Burton Rd Heckington, Sleaford, Lincs. NG34 9QR	22/02/05
8	Lenton Keisby and Osgodby	292	Yes	Paper	Mr A T Hill Plas Bryn, 17 Burton Rd Heckington, Sleaford, Lincs. NG34 9QR	06/11/05
9	Lenton Keisby and Osgodby / Irnham	293	Yes	Paper	Mr A T Hill Plas Bryn, 17 Burton Rd Heckington, Sleaford, Lincs. NG34 9QR	06/11/05
10	Lenton Keisby and Osgodby / Irnham	295	Yes	Paper	Mr A T Hill Plas Bryn, 17 Burton Rd Heckington, Sleaford, Lincs. NG34 9QR	09/11/05
11	Chapel St Leonards	404	Yes	Paper	Mr P Wojna, 7 Roman Bank, Chapel St Leonards, Skegness, PE24 5QX	31/05/19
12	Woodhall Spa	389	Yes	Paper	Mr S Munday, 20 King Edward Road, Woodhall Spa, LN10 6RL	26/05/17
13	Lincoln	334	Yes	Paper	Julie Y Parker, 5 Eastbrook Road, Lincoln, LN6 7ER	29/09/08
14	Ancaster	2	Yes	Paper	C. Padley & Lincolnshire Fieldpaths Association	13/11/91
15	Westborough and Dry Doddington / Stutton	306	Yes	Paper	Mr A Childs, 12 Lord Drive, Great Gonerby, Grantham, Lincs. NG31 8PN	22/02/06
16	Westborough and Dry Doddington / Stutton / Claypole	307	Yes	Paper	Mr A T Hill Plas Bryn, 17 Burton Rd Heckington, Sleaford, Lincs. NG34 9QR	22/03/06
17	Tetford	365	No	N/A	LCC	30/09/13
18	Cranwell & Byard's Leap	375	No	N/A	LCC	27/08/14
19	Cranwell & Byard's Leap	376	No	N/A	LCC	27/08/14
20	Ludborough	378	Yes	Paper	Mrs J Dixon, Ludborough Parish Council, Ludborough Manor, Livesey Road, Ludborough, Grimsby, DN	06/10/14
21	Lincoln	390	Yes	Paper	Mr G Hewson, 152 Boultham Park Road, Lincoln, LN6 7TF	29/06/17
22	Heapham/Springthorpe	394	No	N/A	LCC	07/09/17
23	Mablethorpe and Sutton	399	Yes	Paper	Mr C Flanagan, 24A Marian Avenue, Mablethorpe, LN12 2DZ	27/11/17
24	Walesby	416	No	N/A	LCC	09/08/20
25	Brant Broughton and Stragglethorpe	417	No	N/A	LCC	09/08/20
26	Bourne	420	No	N/A	LCC	02/11/20
27	Benniworth	357	Yes	Paper	Roberta Heneage, Hainton Hall, Church Lane, Hainton, Market Rasen, LN8 6LS	25/07/12
28	Irnham	408	Yes	Paper	Mr R Favell, 2 Pendlebury Drive, Deeping St James, Lincs, PE6 8QF	14/10/19
29	Heydour	48	No	N/A	LCC	01/01/85
30	Aunsby & Dembleby	5	No	N/A	LCC	11/07/85
31	East Stockwith / Morton (WL) / Walkerith	27	Yes	Paper	East Stockwith PC	04/06/87
32	Greetham with Somersby	403	Yes	Paper	Greetham with Somersby Parish Meeting	12/07/12

Figure: 1