



County Offices
Newland
Lincoln
LN1 1YL

23 June 2023

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 **Monday, 3 July 2023 at 12.30 pm in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'DBarnes'.

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 P A Skinner (Chairman), N Sear (Vice-Chairman), I D Carrington, K J Clarke, I G Fleetwood, R A Gibson and C Matthews

**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB-COMMITTEE AGENDA
MONDAY, 3 JULY 2023**

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 9 December 2020	5 - 8
4	Appeal against the prioritisation of Definitive Map Modification Order (DMMO) Case 580: Well - Proposed addition of a byway open to all traffic ("BOAT") between Low Lane and Public Footpath 79 at St Margaret's Church	9 - 22
5	Appeal against the prioritisation of Definitive Map Modification Order (DMMO) Case 623: Woodhall Spa - Proposed Addition of a footpath between The Broadway and Manor Drive	23 - 40

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

Direct Dial **07796 994874**

E Mail Address democraticservices@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

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by visiting [Agenda for Definitive Map and Statement of Public Rights of Way Sub-Committee on Monday, 3rd July, 2023, 12.30 pm \(modern.gov.co.uk\)](https://www.lincolnshire.gov.uk/agenda-for-definitive-map-and-statement-of-public-rights-of-way-sub-committee-on-monday-3rd-july-2023-12.30-pm)

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
9 DECEMBER 2020**

PRESENT: COUNCILLOR C MATTHEWS (CHAIRMAN)

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

Officers in attendance:-

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

22 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, she had appointed Councillor R A Renshaw, in place of Councillor S R Parkin, to the Sub Committee until further notice.

23 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interests were made at this stage of the meeting.

24 MINUTES OF THE PREVIOUS MEETING OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB COMMITTEE HELD ON 28 AUGUST 2020

RESOLVED

That the minutes of the previous meeting held on 28 August 2020, be approved as a correct record and signed by the Chairman.

25 APPEAL AGAINST PRIORITY GIVEN TO DMMO CASE NO 410, MUMBY - ADDITION OF CLAIMED PUBLIC FOOTPATH FROM A52, MILL LANE SOUTHWARDS THEN EAST TO A52

RESOLVED (unanimous)

Application	Current Priority	Decision	Reasons for Decision
Appeal against Priority given to DMMO Case No 410, Mumby -	150	Appeal not upheld and application retained at current level on the priority list (150).	The Committee noted that users were not prevented from using the route.

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB-COMMITTEE
9 DECEMBER 2020

<p>Addition of Claimed Public Footpath from A52, Mill Lane southwards then East to A52</p>		<p>The Committee requested that the following should be drawn to the attention of the Parish Council:</p> <ul style="list-style-type: none"> (a) Cars being sold on a section of the footpath (it was not clear whether this was a car sales business, to which planning permission was required from the District Council, or a private business, which might be a Trading Standards enforcement issue). The Parish Council was requested to bring this matter to the attention of the local authorities. (b) The encroachment of gardens onto the footpath from residential properties. The Parish Council was requested to take this matter up with the Church as the previous land owner. (c) Obstruction of the footpath at the southern end of the route, near to the public house by a caravan. (It was noted that an alternative route through the car park had been provided by the pub tenant). (d) Action by the Parish Council to clear overgrown vegetation from the northern route of the footpath. 	
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**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY SUB-
COMMITTEE
9 DECEMBER 2020**

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The meeting closed at 10.10 am

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

Report to:	Definitive Map and Statement of Public Rights of Way Sub-Committee
Date:	3 July 2023
Subject:	Appeal against the prioritisation of Definitive Map Modification Order (DMMO) Case 580: Well - Proposed addition of a byway open to all traffic ("BOAT") between Low Lane and Public Footpath 79 at St Margaret's Church

Summary:

An appeal against the prioritisation of DMMO Case 580 which seeks to record a BOAT between Low Lane and Public Footpath 79 at St Margaret's Church in Well.

Recommendation(s):

That consideration is given to the appeal to upgrade the priority of the DMMO Case 580

1. Background

As the Surveying Authority for the area, the County Council has a statutory duty to keep under continuous review the Definitive Map and Statement of Public Rights of Way for Lincolnshire and to make orders to take account of events requiring the map and 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. Highways Guidance Note 9.2, Prioritisation of Definitive Map Modification Orders, 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 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.

Carol Jackson has appealed the current priority of DMMO 580 being an application seeking to record a byway open to all traffic ("BOAT") between Low Lane and Public Footpath 79 at St. Margaret's Church in Well. Appendix A is a brief case synopsis including the reasons for the appeal.

2. Conclusion

That Carol Jackson has made a valid appeal against the current prioritisation of the case which requires consideration by the sub-committee.

3. Consultation

a) Has Local Member Been Consulted?

Yes. In an email of 9 June 2023, Councillor Colin Davie stated, 'I am fully aware of the situation at Well that has caused so much anguish and distress to residents in the community. I fully support the appeal that is coming before members and urge them to support the wishes of the Parish meeting and residents that are detailed in the submission to the council.'

b) Has Executive Councillor Been Consulted?

Not required.

c) Scrutiny Comments

Not required.

d) Risks and Impact Analysis

None carried out.

4. Appendices

These are listed below and attached at the end of the report	
Appendix A	Case Synopsis – DMMO 580 Well
Appendix B	Plan showing the location of the BOAT in context to the wider local area
Appendix C	Carol Jackson’s appeal letter of 21 April 2023
Appendix D	Definitive Map Modification Order Case Priority Schedule

5. Background Papers

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

Highways Guidance Note 9.2, Prioritisation of Definitive Map Modification Orders (HGN 9.2)
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This report was written by Andrew Pickwell, Senior Definitive Map Officer, who can be contacted on 01522 553083 or andrew.pickwell@lincolnshire.gov.uk.

Wildlife and Countryside Act 1981, section 53
Definitive Map Modification Order Case 580
Well – Alleged BOAT between Low Lane and Public Footpath 79 at St Margaret’s Church

1. Application

An application made by Carol Jackson in September 2022 under section 53(5) of the Wildlife and Countryside Act 1981 seeks a definitive map modification order to record a BOAT between Low Lane and Public Footpath 79 at St. Margaret’s Church, Well.

2. Location plan of route



See Appendix B for a plan showing the alleged BOAT in context to the wider local area.

3. Evidence in support of the application

68 user evidence testimonies have been submitted in support of the proposal indicating usage over a period between the 1950s and 2022. Documentary evidence has also been submitted in support of the application. These include several historical maps, records of services held at St Margaret’s Church, and title deeds, among other documents.

4. Background

The alleged BOAT appears to be the principal access to St. Margaret's Church. The majority of the user testimonies suggest that they had used the route for access to the church for services, concerts, to visit graves and to maintain the church and graveyard. Several user testimonies suggest that they have used the route as an alternative access to Public Footpath 79 at St Margaret's Church. The evidence and documents submitted in support of the application suggests that it was made in consequence the erection of electronic gates on the route by the new owners of Well Vale Hall which obstruct access to St. Margaret's Church and the public footpath.

5. Current Priority & Original Officer Assessment

Officer opinion following the initiation of the proposal was that none of the exception criteria applied to it. The case is currently ranked number 299 out of 403 cases (at 14 June 2023), with the first 13 cases actively being progressed. It should be noted that there are currently 12 cases that have been given higher priority and are awaiting officer availability for progression.

6. Appeal

An appeal request for a change of priority relying on criterion 1 of the Policy has been received from Carol Jackson (Appendix C). Criterion 1 is 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.

The appellant contends that the blocking of the route has meant that the community are unable to use St. Margaret's Church for private worship, weddings, baptisms, burials and ashes interments, and for tending the graves of loved ones. Evidence cited in support includes:

- Two families who have been awaiting the fixing of memorial headstones to the graves of loved ones since the closure of the route, with requests for access made by the Church Parish office to the owners of Well Vale Hall for fixing of the headstones having been ignored.
- A family have been waiting over a year to have their mother's/wife's ashes interred next to a relative in the churchyard as per her final wishes. The appellant states that the deceased's spouse is elderly, infirm and unable to walk beyond a short distance, so vehicular access is needed to lay his wife to rest and that he wants to abide by his late wife's wishes within his lifetime.

- Relatives of villagers of Well are buried in the churchyard, and that at least two elderly residents have been prevented from visiting the graves of the loved ones since the barring of the route.
- Numerous people from outside of the village have sought to gain access to the churchyard via the church Office without success due to the owners of Well Vale Hall refusing to cooperate.
- The long-standing annual Candlelight Coral Service that is usually attended by large number of people and which fill the church could not be held in 2022 due to the unavailability of vehicular access along the route.
- The statutory fire annual fire inspection has not been conducted at the church since November 2021, as the company that carries out the servicing and inspections are unable get the equipment and tools to the church to facilitate this.

The appellant acknowledges that St. Margaret’s Church could be reached via Public Footpath 79, but states that it cannot be used by the elderly, families with young children in prams/pushchairs, or by people with disabilities or mobility issues as there are stiles on the public footpath and the final section of the path is steep. They also state that it is impractical for the clergy and guests to access the church via the public footpath for services, or for essential equipment or items such as headstones or fire extinguishers to be carried to the church or churchyard via the public footpath.

The appellant states that owners of Well Vale Hall have caused further hostility and ill feeling in the community by reporting to the Police anyone who has defied their closure of the route. Evidence cited in support includes one person being reported to the Police for antisocial behaviour by knocking on the door to enquiry if the owners of the Hall had been granted planning permission for the installation of the gates on the alleged BOAT, and the Police being call when two other locals expressed their “distain” to the owners which has led to the Police submitting a case to the Crown Prosecution Service for consideration.

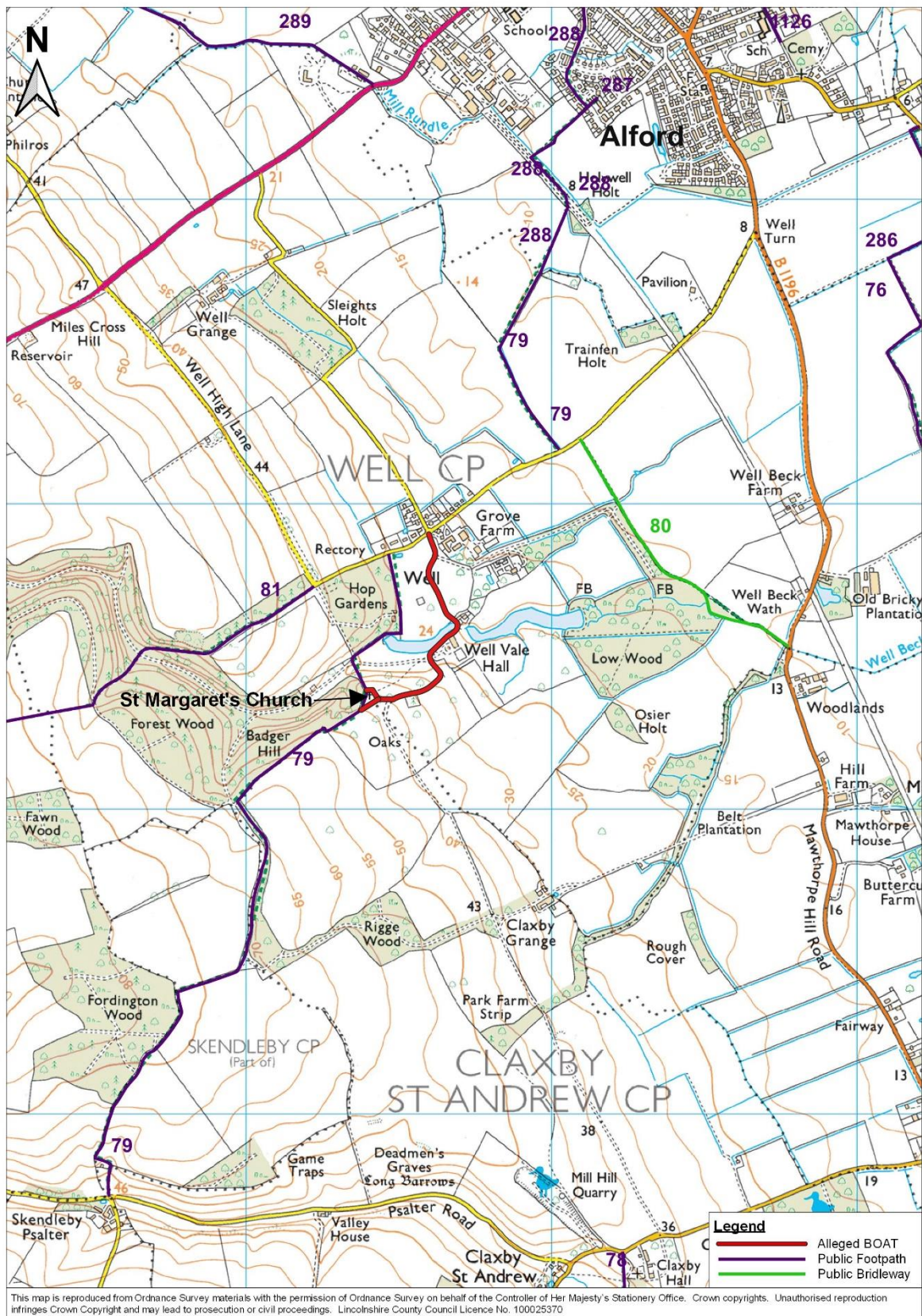
The appellant suggests if the case were to be given higher priority and progressed as soon as possible, this would provide a resolution for all involved and would ease the distress, tension and hostility suffered by the local community. It should be noted that the route would only be recorded as a public right of way should the evidence support the making and confirmation of a definitive map modification order. Should the evidence fall short of demonstrating the existence of a public right of way to warrant the making or confirmation of a definitive map modification order, then this would not resolve the issues the local community have with access to St Margaret’s Church or Public Footpath 79. The appellant informs that a private legal claim is

being sought on behalf of the Parochial Church Council of Alford Group of Parishes to establish access to St Margaret's Church, and that the progression of the claim is ongoing.

7. Mapping and photographs

The Senior Definitive Map Officer, Andrew Pickwell, will provide a verbal report with photographs at the meeting.

Appendix B – Location plan showing the alleged BOAT in context to the wider local area



Campion
Low Lane
Well
Alford
Lincs
LN13 0ET

Executive Director for Place
FAO Karen BARKE, Senior Definitive Map Officer
Countryside Services
County Offices
Newland
Lincoln
LN1 1YL

21st April 2023

Dear Sir/Madam,

DMMO application no 580 - Well, claimed Byway Open to All Traffic

I write with reference to the above DMMO application which was submitted for consideration on 22.09.22.

The application has since been registered on the basis of the date that it was received. I wish to appeal the prioritisation of the application on the basis that it meets with one of your set criteria, as detailed below.

Where there is sustained aggression, hostility and will 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.

Whilst access to our Parish Church is denied by the blocking of the claimed route, the Church cannot be utilised by the community for any services, for private worship, for weddings, baptisms, burials and ashes interments, tending graves of loved ones, etc. The claimed route is the only vehicular access route to the church. Without this, the church can only be accessed by public footpath. Even in the best of weathers, the footpath can be challenging and cannot be used by the elderly, families with young children in prams/pushchairs, those with disabilities and/or

their grandchildren at the church because of the claimed route being barred and it being impracticable for the clergy and guests to reach the church without the vehicular route.

Furthermore, the statutory annual fire inspection has not been conducted at the Church since November 2021. The company that undertakes this for us have been informed of the current access issue and have stated that due to the engineer equipment and tools required it is not possible for them to walk up to the Church on the public footpath to conduct the servicing and inspection. They suggested that the only possible way to have the inspection carried out is for the extinguishers to be brought to an address in the village, or to the Company premises, for the engineer to service in situ. Given the weight of the extinguishers and the challenging route via the public footpath, this is clearly not a feasible option.

The owners of Well Vale Hall who have barred access via the claimed route have further caused strong hostility and ill feeling in the community through their reporting to Lincolnshire Police of anyone who has openly challenged their decision. I refer you to user evidence form number 39 on the summary provided within the application of Dr Sharon BRALEY, which includes a statement about her being reported to the Police for anti social behaviour as a result of simply knocking on the owners door to query if planning permission had been granted for the gates. More recently the Police have been called again in relation to two other locals who have expressed their disdain to the owners for the situation we find ourselves in. This criminal allegation has led to Police submitting the case to the Crown Prosecution Service for consideration, the outcome of which is unknown. Such experiences are long lasting and extremely disruptive to all involved. The level of ill feeling within the community is unlike anything I, or others, have ever experienced before during our residency in Well.

Furthermore, a legal claim on behalf of the the Parochial Church Council of Alford Group of Parishes has commenced since the submission of the DMMO application. Progression of the claim is protracted but ongoing.

I reiterate that the claimed route has been used freely and openly for over 40 years as set out in the DMMO application. The depth of feeling within the community about the claimed route is clearly demonstrated by the high number of user evidence forms included (65), particularly given the small size of the village itself.

mobility issues due to the required traversing over grassland (with cattle between Spring and Autumn periods), stiles and the steep gradient involved at the final section.

There are currently two known families who have been awaiting the fixing of memorial headstones to loved ones graves throughout the period that the claimed route has been closed (now over a year). The stonemasons have attended the site and have assessed that whilst an alternative route (the public footpath) is available, this was too unsafe to carry equipment and a memorial both safely and with dignity. Use of the 'steep embankment' was deemed to carry a risk of both compromising the memorial and the health and safety of the persons employed. The stonemasons have stated that access needs to be granted through 'the official entrance' to facilitate the fixing of the memorial. They have also referred to the distress being suffered by their clients due to the time that has elapsed and the situation impasse. Requests for access made to the owners of Well Vale Hall by the Church Parish office in Alford for the specific purpose of fixing headstones have all consistently been ignored.

A further family have been waiting over a year to have their mother's/ wife's ashes buried next to a relative in Well church yard as per her final wishes. The deceased's spouse is elderly, infirm and unable to walk beyond a short distance, hence vehicular access is essential for this family to lay their mother/wife to rest. Nor is time on the side of the husband who wants to abide by his wife's last wishes within his lifetime.


Relatives of villagers from Well are buried in the church yard. There are at least two elderly residents who have been prevented from visiting their wife's graves since the claimed route was barred. The footpath is simply not an option for them. This is not to mention numerous others from outside of the village itself who have sought to gain access to the church via the church office without success as a result of the Hall owners refusal to cooperate. These families deep distress is something that no-one should have to endure.

The long standing Candlelight Carol Service could not be held in 2022, an annual event usually attended by large numbers which fill the church to capacity year on year. Any notion of holding this event on an afternoon in deepest December with access to the church only via the public footpath instead of the claimed route with vehicles is clearly impossible.

Village residents who have traditionally held family weddings and baptisms, etc at the church have been refused access to hold baptisms for

On behalf of our community I request that you re-consider the prioritisation of the application. If the case can be processed as early as possible, this will provide a resolution for all involved and will without doubt ease the current distress, tension and hostility we are suffering.

Yours faithfully

A solid black rectangular box used to redact the signature of Carol Jackson.

Carol Jackson

Appendix D – Definitive Map Modification Order Case Priority Schedule

Key: Green – Cases currently being progressed. Yellow – Cases given higher priority and are awaiting officer availability.

Parish	File	Further details	Application / Acceptance	Priority Ranking
Mumby	410	Claimed footpath from A52, Mill Lane south then east to A52, public house	08/01/2020	1
Glentworth/Harpswell	371	Claimed footpath between Homeyard Farm & Hermitage Farm	20/05/2014	2
Belchford	421	Claimed footpath from Ford at Ings Lane to Public Footpath 27	17/11/2020	3
Ingoldsby	405	Claimed footpath known as Ascoughy Lane running from Lenton Road to Public Footpath 13	05/06/2019	4
Cranwell & Byard's Leap	375	Addition of PF between PF754 and PB1	27/08/2014	5
Heighington	323	Claimed footpath along Bracken Hill Lane and Third Hill Road	04/10/2007	6
Chapel St Leonards	404	Claimed footpath from Ancaster Avenue & St Leonards Drive to Roman Bank & the beach	31/05/2019	7
Lincoln	334	Claimed Public Bridleway from Boswell Drive to Doddington Road	29/09/2008	8
Belchford	11	Ings Lane	25/01/1988	9
Bucknall	579	Claimed footpath from Chestnut Avenue to Platts Lane	21/09/2022	10
Belchford	620	Claimed bridleway from Ings Lane to the Bluestone Heath Road	19/12/2022	11
Westborough and Dry Doddington / Stubton / Claypole	307	Addition of a BOAT in Westborough and DD, upgrade of RB 5 & 6 in Stubton and upgrade of BW 8 in Claypole	22/03/2006	12
Greetham with Somersby	403	Upgrade of part of Public Footpath 53 to bridleway	12/07/2012	13
Lincoln	390	Claimed bridleway between riverside cycle path and Hall Drive	29/06/2017	14
Holbeach/Fleet	392	Claimed footpath between Damgate Road and Branches Lane	01/09/2017	15
Aslackby & Laughton	277	Upgrade of RB 12 to BOAT	22/02/2005	16
Lenton Keisby and Osgodby	292	Upgrade of PB 3 to BOAT	06/11/2005	17
Lenton Keisby and Osgodby / Irnham	293	Claimed BOAT from RB 12 to PB 9 and Upgrade of PB 9 to BOAT	06/11/2005	18
Lenton Keisby and Osgodby / Irnham	295	Claimed BOAT from Irnham BR9 to Elsthorpe Road	09/11/2005	19
Bourne	420	Addition of public footpath from Public Footpath 3 to South Street	02/11/2020	20
Lissington / Holton Cum Beckering	303	Upgrade of PB 904 in Lissington and PB 904 in Holton Cum Beckering to a BOAT	06/02/2006	21
Colsterworth	426	Claimed footpath from Newton Way to Water Lane (Giles Hill)	04/05/2021	22

Appendix D – Definitive Map Modification Order Case Priority Schedule

Wragby	435	Claimed footpath from Cemetery Road along the field edges to the A158 Horncastle Road	16/07/2021	23
Ludford	470	Claimed bridleway along Thorpe Road from PB123 to the highway	08/02/2022	24
Lincoln	635	Claimed footpath from Grosvenor Avenue to Pig Lane	16/01/2023	25
..... 272 Definitive Map Modification Order cases				26-298
Well	580	Claimed BOAT from Low Lane to PF79 at St. Margaret's Church	22/09/2022	299
..... 103 Definitive Map Modification Order cases				300-403

Note: Definitive Map Modification Order Case Priority Schedule at 15 June 2023.

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

Report to:	Definitive Map and Statement of Public Rights of Way Subcommittee
Date:	3 July 2023
Subject:	Appeal against the prioritisation of Definitive Map Modification Order (DMMO) Case 623: Woodhall Spa - Proposed addition of a footpath between The Broadway and Manor Drive

Summary:

An appeal against the prioritisation of DMMO Case 623 which seeks to record a footpath between The Broadway and Manor Drive in Woodhall Spa.

Recommendation(s):

That consideration is given to the appeal to upgrade the priority of the DMMO Case 623

1. Background

As the Surveying Authority for the area, the County Council has a statutory duty to keep under continuous review the Definitive Map and Statement of Public Rights of Way for Lincolnshire and to make orders to take account of events requiring the map and 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. Highways Guidance Note 9.2, Prioritisation of Definitive Map Modification Orders, 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 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.

Amarylis Midgley has appealed the current priority of DMMO Case 623 being an application seeking to record a public footpath between Manor Road and The Broadway in Woodhall Spa. Appendix A provides a brief case synopsis including the reasons for the appeal.

2. Conclusion

That Amarylis Midgley has made a valid appeal against the current prioritisation of the case which requires consideration by the sub-committee.

3. Consultation

a) Has Local Member Been Consulted?

Yes, but no comments were made in response to the consultation.

b) Has Executive Councillor Been Consulted?

Not required.

c) Scrutiny Comments

Not required.

d) Risks and Impact Analysis

None carried out.

4. Appendices

These are listed below and attached at the end of the report	
Appendix A	Case Synopsis – DMMO 623 Woodhall Spa
Appendix B	Plan showing the location of the alleged footpath in context to the wider local area
Appendix C	Amarylis Midgley’s appeal letter of 20 April 2023
Appendix D	Definitive Map Modification Order Case Priority Schedule

5. Background Papers

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

Highways Guidance Note 9.2, Prioritisation of Definitive Map Modification Orders (HGN 9.2)
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This report was written by Andrew Pickwell, Senior Definitive Map Officer, who can be contacted on 01522 553083 or andrew.pickwell@lincolnshire.gov.uk.

Wildlife and Countryside Act 1981, section 53

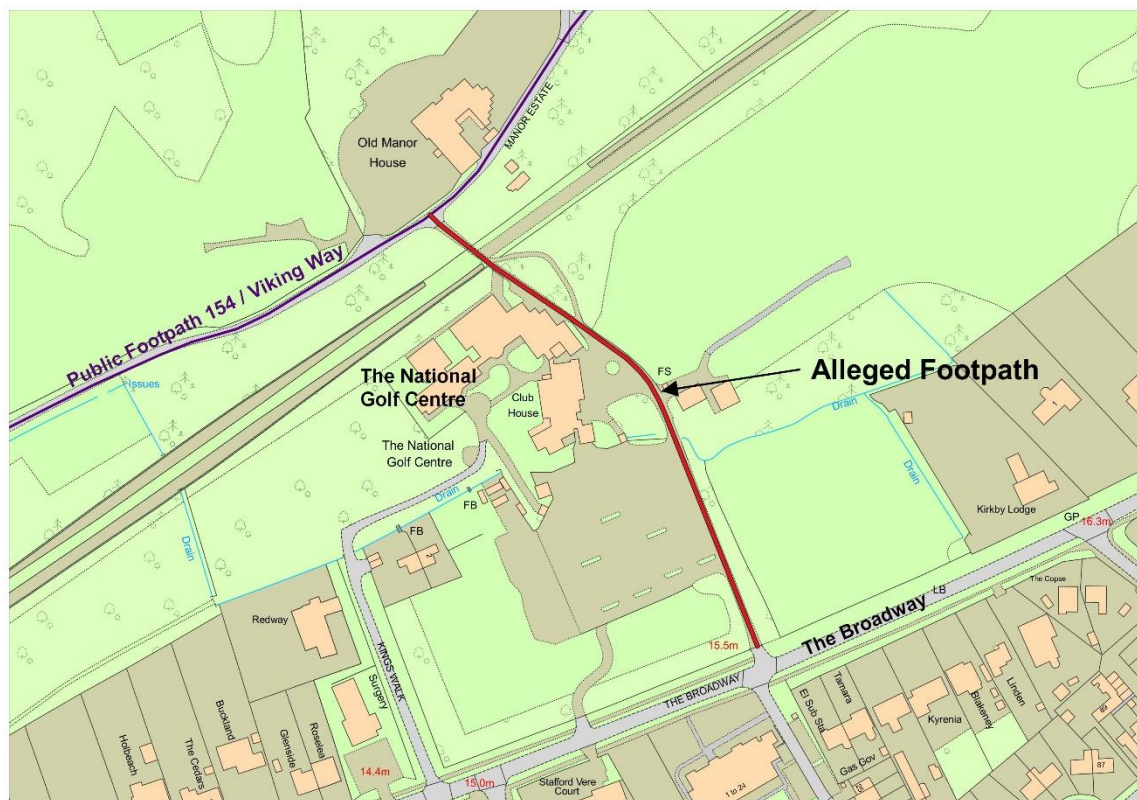
Definitive Map Modification Order Case 623

Woodhall Spa – Alleged footpath between Manor Road and The Broadway

1. Application

An application made by Amarylis Midgley in January 2023 under section 53(5) of the Wildlife and Countryside Act 1981 seeks a definitive map modification order to record a public footpath between Manor Road and The Broadway, Woodhall Spa.

2. Location plan of route



See Appendix B for a plan showing the alleged footpath in context to the wider local area.

3. Evidence in support of the application

51 user testimonies have been submitted in support of the proposal indicating usage over a period between the early 1950s and 2022. Some documentary evidence has also been submitted in support of the application. This includes copies of the minutes of a meeting of Woodhall Spa Parish Council on 3 April 1984, walk booklet dated 1984, correspondence between Woodhall Spa Parish Council and local residents and the Golf Club dating 1988-1990, and a plan of the Petwood Estate Agricultural Holding dated 1951.

4. Background

The alleged footpath connects Woodhall Spa Public Footpath 154 and the Viking Way along Manor Road to The Broadway (B1191). The majority of the user testimonies suggest that they had used the route for pleasure, exercise, dog walking, and to visit the local amenities. The evidence and documents submitted in support of the application suggests that it was made in response to the closure of the route by the Golf Club. Photographs submitted with the application show the installation of an electronic barrier and a notice stating, ‘*Polite Notice. Private Property. NO Public Right of Way*’. The barrier and notice are located at the southernmost end of the alleged footpath which serves as the main vehicular exit from the Golf Club’s car park.

5. Current Priority & Original Officer Assessment

Officer opinion following the initiation of the proposal was that none of the exception criteria applied to it. The case is currently ranked 343 out of 403 cases (at 14 June 2023), with the first 13 cases actively being progressed (see Appendix D). It should be noted that there are currently 12 cases that have previously been given higher priority that are awaiting officer availability for progression.

6. Appeal

An appeal request for a change of priority relying on criterions 1,2 and 8 of the Definitive Map Modification Order Case Priority Policy has been received from Amarylis Midgley (Appendix C). These are as follow:

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.

The appellant submits that the alleged footpath was a well used shortcut by the local community and visiting walkers for accessing amenities in the village and the local area. These include Jubilee Park, Kinema, Tea House, Cottage Museum, Jubilee Park, Ostlers community woods, the village cemetery, nature reserves owned by the Lincolnshire Wildlife Trust, scout camping site, and the three caravan sites. The appellant states that route provided a convenient link between The Broadway (B1191) and Kirkby Lane to the Viking Way along Woodhall Spa Public Footpath 154 (the Viking Way is a long-distance walk between Burton upon Humber and Oakham that is promoted by Lincolnshire County Council), and that it is at the heart of a popular and well used footpath network. As a result, the appellant submits that the closure of the route has “stoked local indignation” and caused a “simmering resentment” and “considerable and sustained ill feeling” in the community, and that

the disabled, pram and pushchair users have been the most affected as the route has a hard surface unlike Woodhall Spa Public Footpath 158 - Woodhall Spa Public Footpath 158 is approximately 520 metres to the northeast of the alleged footpath and links Horncastle Road (The Broadway's continuation) to the Viking Way along Woodhall Spa Public Footpath 154. Evidence cited in support includes the number of user testimonies that have been submitted in support of the Modification Order Application (51 to date) and that the issue was raised at the last two annual general meetings of Woodhall Spa Parish Council.

The appellant has not provided a specific appraisal against the sustained aggression and hostility elements of the priority criterion. It should be noted, however, that the appellant has stated that since the closure of the route people have attempted to find ways around the obstruction which has caused issues and tensions several landowners and that there have been several altercations between walkers attempting to use the route and members of the Golf Club. The appellant suggests that the Golf Club has also challenged people seeking to use the route with the reasons given for its closure being health and safety, vandalism on the course, and the fear that travellers will use route to camp on the golf course. No details have been given by the appellant about the number of people who were challenged, what was said or the manner in which the challenges were made.

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 appellant contends that the installation of the electronic barrier (which can only be opened by a keycode) to be a permanent feature as it blocks pedestrian access to the alleged footpath and cannot be circumnavigated. The appellant claims that closure of the route was put in place when major development plans to the golf club buildings were being proposed to prevent the public from walking past the new complex.

It is not uncommon for modification order applications to be made where routes have been subject to long use by the public but suddenly blocked off by the landowner for one reason or another. It is questionable whether the gate amounts to a permanent obstruction, as the electronic barrier may be no different to a locked gate and it could be left open or removed should the route be proven to be a public right of way. A planning application search on East Lindsey District Council's website on 5 June 2023 revealed that there are no planning applications pending for the Golf Club.

8) Where the route will significantly assist in achieving a Countryside and Rights of Way Improvement Plan Objective or Statement of Action (SOA).

- SOA1 – Identify and improve off-road routes linking communities with schools, employment centres and local services

The appellant states that the closure of the alleged footpath has '*disrupted the natural pedestrian flow from one part of the community to another*'. In addition to this, the appellant details the amenities and communities that were served by the alleged footpath prior to its closure elsewhere in their appeal. However, it should be noted that the southern half of the alleged footpath coincides with the vehicular exit from the car park of the Golf Club. So, whilst the alleged footpath may be an off-road route, it is subject to a certain amount of private vehicular usage for visitors to and members of the Golf Club. This would likely remain the case should the route be recorded as a public right of way.

- SOA7 – Improve infrastructure on paths for health walk initiatives

The appellant states that health walks are regularly held in Woodhall Spa and that the alleged footpath has been used by health walking groups in the past. However, the appellant has not provided details of the health walk initiatives which incorporated the route or the health walking groups that have used it.

- SOA12 – Develop a range of key routes in conjunction with disability groups

The appellant contends that the alleged footpath has a hard surface compared to other alternative routes in the immediate area (i.e., Woodhall Spa Public Footpath 158), and this would make it ideal for people with disabilities and mobility issues to access the amenities in the parish. She also suggests that it would provide the disabled with a circular route as the alleged footpath could be coupled with other hard surfaced routes in the area.

- SOA14 – Promote benefits of using rights of way to a wider range of potential users

No explanation has been provided by the appellant as to how the alleged footpath would meet this SOA.

- SOA18 – Identify and develop circular and linear recreational routes to and from countryside/tourism sites

The appellant submits that the alleged footpath would link the amenities on Kirkby Lane, namely Ostlers community wood, Lincolnshire Wildlife Trust Nature Reserves and caravan parks to the pines woods and Jubilee Park areas or Woodhall Spa. The

alleged footpath would undoubtedly provide a shortcut or an alternative route link amenities in the different parts of local area. In addition, the alleged footpath would also provide an additional and a more direct link between the tourism and amenity sites on Kirkby Lane and the Viking Way, and from there the wider countryside.

- SOA19 - Improve the maintenance and management of routes close to popular areas of the county and key tourist attractions

No explanation has been provided by the appellant why they believe the alleged footpath would meet this SOA. The route is not currently maintained or managed by the County Council as it is not currently recorded as a public right of way or a highway. The route would only be maintainable at public expense by the County Council if a public right of way is shown to have come into existence prior to the commencement of the National Parks and Access to the Countryside Act 1949 (i.e., before 16 December 1949).

- SOA40 – Review the current Definitive Map Modification Order Priority System to give higher priority to key cases that will improve connectivity of the existing network for users

It is intended for the Definitive Map Modification Order Case Priority Policy to be reviewed in preparation of the commencement of new legislation which aims to change the way in which modification order applications are processed. It is possible that a new policy might give higher priority to cases that will improve connectivity of the existing public rights of way network for users in line with this SOA. However, this SOA is not relevant to the appeal as it can only be considered against the criteria that currently comprises the present Priority Policy.

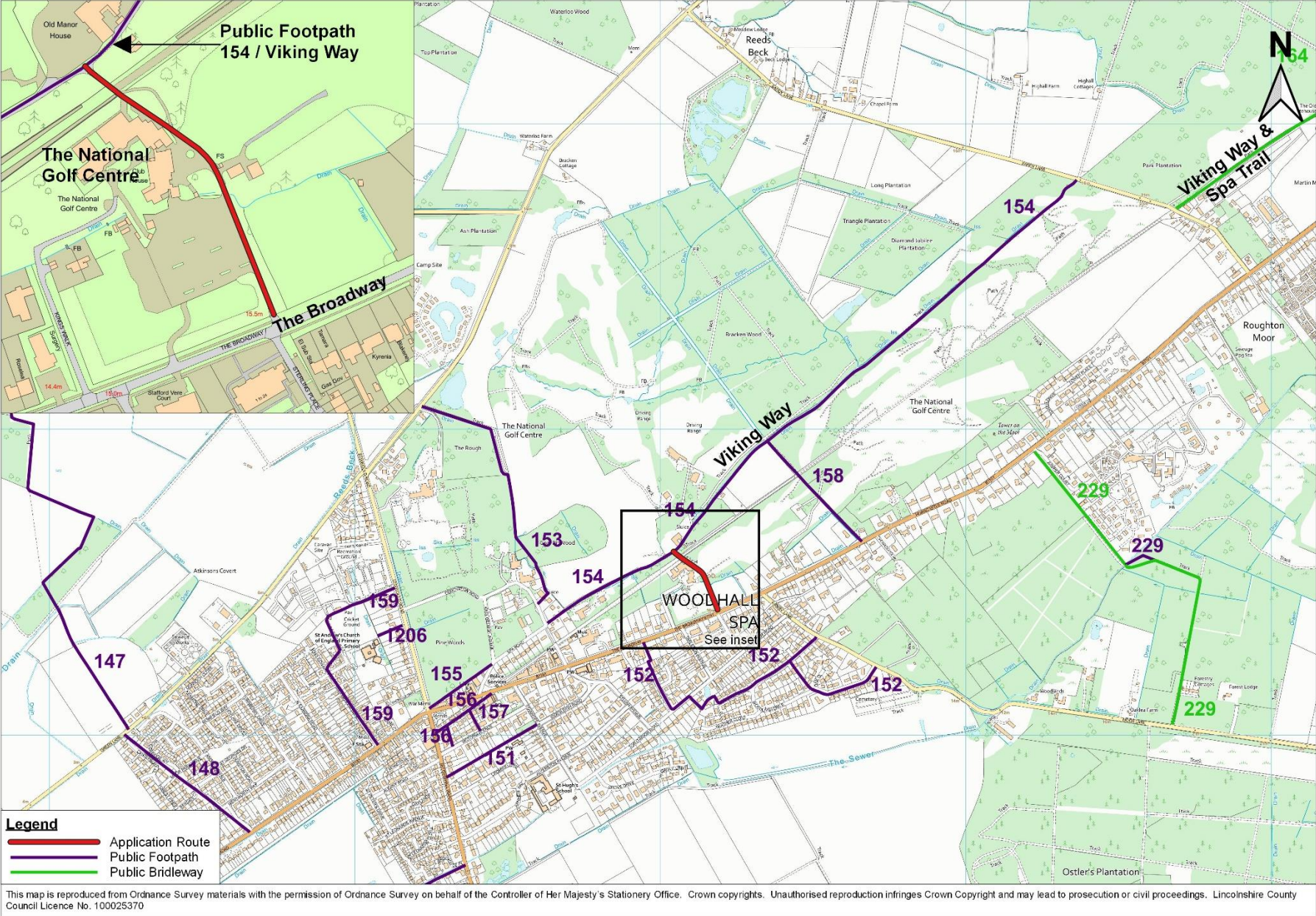
- SOA43 – Identify existing routes that meet the needs of restricted mobility users and publicise

No explanation has been provided by the appellant on how they believe the alleged footpath would meet this SOA, but the appellant has suggested elsewhere in their appeal that the alleged footpath was subject to and suitable for use by people with disabilities as it has a hard surface. However, the term “existing routes” in this SOA could imply routes that are currently recorded as public right of way or highways as opposed to route where the public rights are just alleged.

7. Mappings and photographs

The Senior Definitive Map Officer, Andrew Pickwell, will provide a verbal report with slides at the meeting.

Appendix B – Location plan showing the alleged footpath in context to the wider local area



Mrs Amarylis Midgley
19 Stixwould Road, Woodhall Spa, Lincs. LN10 6QH

20.4.2023

To: Executive Director for Place
FAO Karen Barke, Senior Definitive Map Officer
Countryside Services
County Offices
Newland
LINCOLN, LN1 1YL

Re DMMO 623, Woodhall Spa- Manor Road to the Broadway

Dear Ms Barke

As the initiating applicant for the above, I am writing to appeal that this footpath be put higher in the schedule than its current position of 623, which was allocated by date received order.

Looking at the listed criteria for moving up in the list of priorities, the route clearly meets numbers 1, 2 and 8 of the criteria.

Priority 1. There is considerable and sustained ill feeling in the community as this historic route has been used for generations and the evidence submitted with the application includes maps that shows the route has been there for more than 100 years and was part of the original road network of Woodhall Spa, even pre-dating the construction of the golf club and railway line. People continue to try finding ways around the obstructions placed across the footpath- even after 18 months of obstruction- which causes issues and tension with the various land owners. The matter was raised at the last two AGMs of the Parish Council. The number of evidence forms completed (around 50) is also an indication of the strong feeling. The forms are not just from Woodhall Spa but a wide area and include submissions from current and former parish and district councillors. I am continually being asked about progress.

As a former parish councillor and parish council chairman myself, I dealt with issues in the early 1990s when there was once before a fear this historic path would be obstructed- though then it was only a temporary blockage. Feeling about the path ran high at the time until an informal agreement was reached with the then owner and Parish Council to ensure it remained – as it always had been- open to all (details submitted in my evidence form). There have been numerous altercations over the past 18 months between walkers and members of the Golf Club as people try to find a way through the path they have used all their lives.

The obstructed path was a favoured and much used route for both visiting walkers and residents linking the Spa's wooded and amenity centre – Kinema, Tea House,

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refurbished Spa Baths etc with the increasingly busy amenity areas and housing developments along Kirkby Lane which include :

- Ostlers community woods, a large and busy recreational area
- the Wildlife Trust woods and walks and the Trust's heath nature reserves
- the scout camping site
- the village cemetery
- Three visitor caravan sites
- the Woodland Drive housing estate

It was also a much used short cut from the east side of Woodhall Spa to Jubilee Park which is a hub for leisure and recreation for the whole community. **(see map 1 attached)**

The route also conveniently linked the Broadway and Kirkby Lane to the long distance Viking Way footpath (footpath 154) and the local Spa Trail. It allows, access midway between the Public right of way across the golf course further away from the village centre (footpath 158) and the access point near the Tea House and Cottage Museum in the centre of Woodhall Spa.

Among those most affected are the disabled and those reliant on wheeled transport such as disability scooters as well as pram and pushchair users..**(See appendix 1)** The blocked footpath has a hard surface, unlike public footpath 158 and the section of the Viking Way that leads to it. The blocked path enabled these groups to more quickly and safely access services and amenities in different parts of the village via Manor Road without either having a long diversion onto unsurfaced, often muddy, paths or having to take a longer route along main roads.

Walking Woodhall Spa's footpaths is a popular pastime for both residents and visitors and many come to the village because of the accessible circular routes that make walking here such a pleasure for people of all ages and abilities. Since Covid, this has become even more popular. This disputed route is at the heart of Woodhall Spa's popular and well used footpath network. It has been featured in past editions of printed walking routes prepared for visitors by the parish and district council (Ref: Woodhall Spa Walks, edition 1, 1984, as submitted in the evidence). Its obstruction materially affects the connectivity of the footpath network and has disrupted the normal access routes from one part of the Spa to another, as well as detracting from the historic character of the community. After an initial period of disbelief, all of these issues have stoked local indignation and a simmering resentment at the manner of the path's sudden and complete closure.

There is also widespread disbelief in the seemingly spurious reasons given by the Golf Club when challenged:

1. **Health and safety** following an unspecified incident in the car park- the route does **not** touch the car park
2. **Vandalism on the course.** The Viking way runs through the middles of the course and there is open access from Sandy Lane, Manor Road and a vehicular access (right of way 158) from Horncastle Rd. The blocked path only passes the end of the course in full sight of all the club offices

3. **Fear that travellers will use the access provided by the footpath to camp on the course.** See above open vehicular access right of way 158. A much more likely point of entry. No attempt has ever been made to my knowledge.

Priority 2. The current obstructions – metal gates (see below) that can only be opened by the input of codes- are a permanent feature that cannot be avoided. They are designed to permanently prevent any attempts by pedestrians to circumvent the blockage and have now been in place for more than 18 months

Such is the determination of regular walkers that they have even tried climbing through the bushes and over fencing in the adjoining car park, which is similarly blocked by the same type of barrier system. This has caused frustration and tensions, as can be imagined. All pleas to the Golf Club to create a narrow pedestrian access have come to nothing. There's a



growing conviction that the closure was put in place when new major development plans for the golf club buildings were first mooted simply to prevent the general public walking past the new complex, regardless of its historical use. In view of the length of time needed to process a right of way issue, it's also widely believed the club adopted this tactic to create a fait accompli that was unlikely to ever be reversed.

Unfortunately the co-ordination of the village response lost momentum for a variety of reasons during the first few months, partly because people hoped the Golf Club would 'see sense' in view of the reaction it created and be prepared to compromise in some way. Sadly this was not to be

Priority 8. Countryside Access & Rights of Way Improvement Plan (ROWIP) for Lincolnshire.

Quote: Our Vision for the Rights of Way Improvement Plan in Lincolnshire...To have an integrated network of rights of way that is relevant for today's needs, bringing added benefits to residents and

visitors by supporting wider interests including sustainable transport, rural economy & tourism, health benefits and quality of life issues.

The disputed route meets 3 of the **County Council's 4 themes in the ROWIP:**

1, **Health and Well-being** - a Strategic Aim is to make it easier for people to incorporate exercise into their daily lives and lead healthier lifestyles.

This theme identifies the most frequent trips taken using rights of way are short circular walks close to home. This route was part of a popular circular walk, particularly for those with mobility issues- see SOA12 below.

The blocked route was a convenient and popular short cut encouraging people to walk a safe, quiet, surfaced off road route from one part of the Spa and its amenities to another

2. **Rural Economy and Tourism** - Strategic Aim to support local businesses and tourism through access improvements. Walking is an important part of the county's tourism action plan 2021-25. See **Appendix 2** Woodhall Spa relies heavily on its visitor economy and has arguably one the most well developed route of integrated public footpaths in the county, of which the blocked route is an integral part. Many visitors come specifically to enjoy these walks.

Quote: Local routes to and from existing tourist attractions should be improved

3. **Social Issues** - Strategic Aim - to enable more people to enjoy walking and riding. The proposed route has been in existence as a thoroughfare for more than 100 years and until it was blocked so suddenly, was used daily by people as part of their walking, running and sometimes cycling routes. Undoubtedly, the blocking of this route for the past 18 months has had a severe detrimental effect on many people, especially the disabled or elderly.

As a public footpath, this route would **significantly** assist in meeting the following Strategic Aims:

SOA1 – Identify and improve off-road routes linking communities with schools, employment centres and local services. Much is made in the council's footpaths policies of the importance of linking walking routes, promoting circular walks and connectivity and maintaining footpaths that link different parts of the community. The closure of this route has disrupted the natural pedestrian flow from one part of the community to another.

SOA7 – Improve infrastructure on paths for health walk initiatives. Health walks are regularly held in Woodhall Spa, this route has been used by some in the past, until blocked.

SOA12 – Develop a range of key routes in conjunction with disability groups. ROWIP p35. States that poor surface conditions are one of the barriers for people with restricted mobility using footpath networks. The disputed route is surfaced and ideal for connecting amenity areas with different parts of the parish for those with physical impairments or using mobility scooters. It also enables them to take a circular footpath

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route on hard surfaces, Alternative circular routes (footpath 158 and Spa trail- see map) are unsurfaced.

SOA14 - Promote benefits of using rights of way to wider range of potential users

SOA18 Identify and develop circular and linear recreational routes to and from countryside/tourism sites This route links the major amenities area on Kirkby Lane- Ostlers community woods, Lincs Wildlife Trust sites, caravan parks etc- (see above) to the central pinewoods and Jubilee Park

SOA19 Improve the maintenance and management of routes close to popular areas of the county and key tourist attractions

SOA40 Review current DMMO system to give higher priority to key cases that will improve connectivity of the existing network for users

SOA43 - Identify existing routes that meet the needs of restricted mobility users

I hope that in view of this submission, the council will give a much higher priority to this footpath so that a route that has been free for all for over 100 years can once more be part of Woodhall Spa. The issue is into its second year and there is no other way it can be resolved.

Yours sincerely



Mrs Amarylis Midgley

Appendix 1. The healthcare profile of Woodhall Spa and East Lindsey shows that while the district has a higher than average number of older people, Woodhall Spa has the highest proportion of older people within it, many of whom suffer from mobility problems. Source- Lincolnshire Primary Care Network Alliance.

Woodhall Spa is a popular local destination for visitors from across the district. Older residents with mobility issues are attracted by its safe, maintained footpath network with interconnected footpath routes and circular walks.

Appendix 2 Greater Lincolnshire and Rutland Tourism Action Plan 2021-25

Quote: The SWOT analysis shows that one strength is: Existing cycleways, walking routes and waterways, including the National Cycle Network, Viking Way, England Coast Path and Marinas are one of the county's strengths.

The blocked route was not only part of a valued and popular circular walking route, it also connected to- and improved access to - the Viking Way.

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Quote: An **Opportunity** is: Promote and expand active outdoor tourism eg walking, cycling, horse riding, carriage driving, waterway-based activities, heritage and nature tourism.

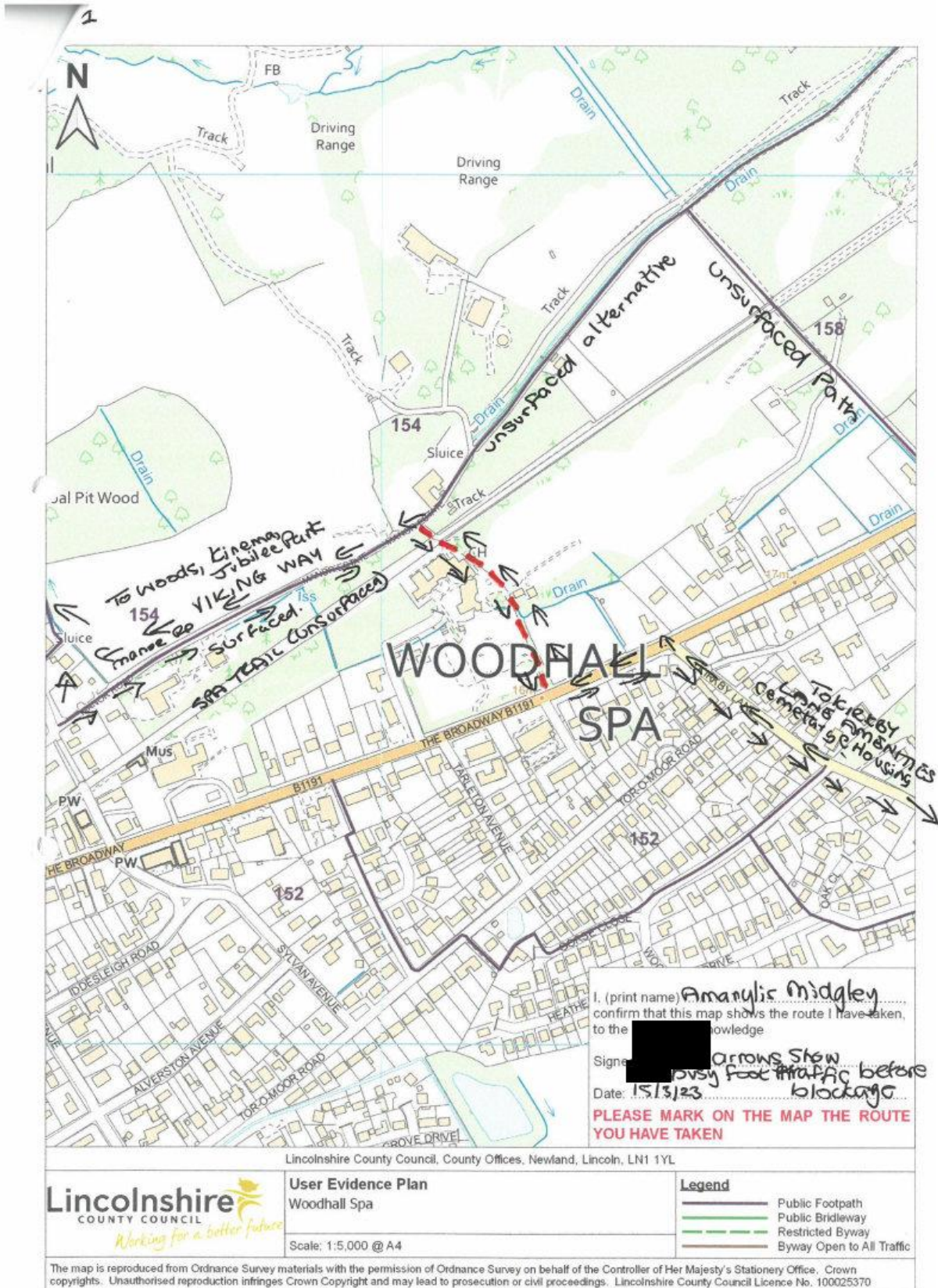
This route is part of historic Woodhall Spa and has been a component of its distinct historic character since the Spa was founded, pre-dating the Golf Course and Club.

VISITOR THEME 1: SUSTAINABLE TOURISM: Develop sustainable transport modes to reduce dependence on car travel, including improved rail and bus connections, promoting cycling, walking and horse riding across GLR to both visitors and residents, including the development of new offroad routes.

ENHANCING THE PRODUCT: The area has a number of waymarked and promoted cycle routes. On road routes include the North Sea Cycle Route, the coastal path and a number of cycle routes in the Lincolnshire Wolds, and off-road routes include the Water Rail Way, Spa Trail (Horncastle to Woodhall Spa) and Lincoln to Saxilby. There is a need for greater promotion of these routes.

VISITOR THEME 5: IMPROVING LOCAL INFRASTRUCTURE Ensure that tourism infrastructure and environmental enhancement policies are incorporated into future Local Transport Plans, Public Rights of Way Improvement Plans and Local Plans by working with local authorities.

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Appendix D – Definitive Map Modification Order Case Priority Schedule

Key: Green – Cases currently being progressed. Yellow – Cases given higher priority and are awaiting officer availability.

Parish	File	Further details	Application / Acceptance	Priority Ranking
Mumby	410	Claimed footpath from A52, Mill Lane south then east to A52, public house	08/01/2020	1
Glentworth/Harpswell	371	Claimed footpath between Homeyard Farm & Hermitage Farm	20/05/2014	2
Belchford	421	Claimed footpath from Ford at Ings Lane to Public Footpath 27	17/11/2020	3
Ingoldsby	405	Claimed footpath known as Ascoughy Lane running from Lenton Road to Public Footpath 13	05/06/2019	4
Cranwell & Byard's Leap	375	Addition of PF between PF754 and PB1	27/08/2014	5
Heighington	323	Claimed footpath along Bracken Hill Lane and Third Hill Road	04/10/2007	6
Chapel St Leonards	404	Claimed footpath from Ancaster Avenue & St Leonards Drive to Roman Bank & the beach	31/05/2019	7
Lincoln	334	Claimed Public Bridleway from Boswell Drive to Doddington Road	29/09/2008	8
Belchford	11	Ings Lane	25/01/1988	9
Bucknall	579	Claimed footpath from Chestnut Avenue to Platts Lane	21/09/2022	10
Belchford	620	Claimed bridleway from Ings Lane to the Bluestone Heath Road	19/12/2022	11
Westborough and Dry Doddington / Stubton / Claypole	307	Addition of a BOAT in Westborough and DD, upgrade of RB 5 & 6 in Stubton and upgrade of BW 8 in Claypole	22/03/2006	12
Greetham with Somersby	403	Upgrade of part of Public Footpath 53 to bridleway	12/07/2012	13
Lincoln	390	Claimed bridleway between riverside cycle path and Hall Drive	29/06/2017	14
Holbeach/Fleet	392	Claimed footpath between Damgate Road and Branches Lane	01/09/2017	15
Aslackby & Laughton	277	Upgrade of RB 12 to BOAT	22/02/2005	16
Lenton Keisby and Osgodby	292	Upgrade of PB 3 to BOAT	06/11/2005	17
Lenton Keisby and Osgodby / Irnham	293	Claimed BOAT from RB 12 to PB 9 and Upgrade of PB 9 to BOAT	06/11/2005	18
Lenton Keisby and Osgodby / Irnham	295	Claimed BOAT from Irnham BR9 to Elsthorpe Road	09/11/2005	19
Bourne	420	Addition of public footpath from Public Footpath 3 to South Street	02/11/2020	20
Lissington / Holton Cum Beckering	303	Upgrade of PB 904 in Lissington and PB 904 in Holton Cum Beckering to a BOAT	06/02/2006	21
Colsterworth	426	Claimed footpath from Newton Way to Water Lane (Giles Hill)	04/05/2021	22

Appendix D – Definitive Map Modification Order Case Priority Schedule

Wragby	435	Claimed footpath from Cemetery Road along the field edges to the A158 Horncastle Road	16/07/2021	23
Ludford	470	Claimed bridleway along Thorpe Road from PB123 to the highway	08/02/2022	24
Lincoln	635	Claimed footpath from Grosvenor Avenue to Pig Lane	16/01/2023	25
..... 317 Definitive Map Modification Order cases				26-342
Woodhall Spa	623	Claimed footpath from Manor Road to The Broadway	16/01/2023	343
..... 60 Definitive Map Modification Order cases				344-403

Note: Definitive Map Modification Order Case Priority Schedule at 15 June 2023