

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

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| Report to: | <b>Definitive Map and Statement of Public Rights of Way Sub-committee</b>   |
| Date:      | <b>12 February 2024</b>   |
| Subject:   | <b>Appeal against the prioritisation of Definitive Map Modification Order (DMMO) Case 430 Addlethorpe – Proposed addition of a public footpath between Rectory Lane and St Nicholas' Church</b> |

**Summary:**

An appeal against the prioritisation of DMMO Case 430 which seeks to record a public footpath between Rectory Lane and St Nicholas' Church, Addlethorpe.

**Recommendation(s):**

That consideration is given to the appeal to upgrade the priority of the DMMO Case 430.

## 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 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.
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.

Addlethorpe Parish Council has appealed the current priority of DMMO Case 430 being an application seeking to record a public footpath between Rectory Lane and St Nicholas' Church in Addlethorpe. **Appendix A** provides a brief synopsis including the reasons for the appeal.

## **2. Conclusion**

That Addlethorpe Parish Council has made a valid appeal against the current prioritisation of the DMMO case which requires consideration by the sub-committee.

## **3. Consultation**

### **a) Has the Local Member been consulted?**

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

### **b) Has the 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 to the end of the report.

|                   |   |
|-------------------|---|
| <b>Appendix A</b> | Case Synopsis – DMMO 430 Addlethorpe  |
| <b>Appendix B</b> | Plan showing the location of the alleged footpath in context of the wider local area              |
| <b>Appendix C</b> | Addlethorpe Parish Council’s appeal email of 31 October 2023                                      |
| <b>Appendix D</b> | Letter of 9 November 2020 from a parishioner to the Ramblers Association                          |
| <b>Appendix E</b> | Undated anonymous letter to Lincolnshire County Council   |
| <b>Appendix F</b> | Letter of 19 December 2022 from a parishioner to Addlethorpe Parish Council                       |
| <b>Appendix G</b> | Letter of 20 December 2022 from a parishioner to Addlethorpe Parish Council                       |
| <b>Appendix H</b> | Handwritten documents detailing challenges made towards people who sought to the alleged footpath |
| <b>Appendix I</b> | Definitive Map Modification Order Case Priority Schedule  |

Please note that personal details and any information which might identify a person have been redacted from the correspondence listed in the above appendices to comply with the data protection legislation. Some of these documents are of low quality, but this how they were provided by the appellant.

#### 5. Background Papers

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

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| Highways Guidance Note 9.2, Prioritisation of Definitive Map Modification Order <b>(HGN 9.2)</b> |
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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](mailto:andrew.pickwell@lincolnshire.gov.uk).

**Wildlife and Countryside Act 1981, section 53**

**Definitive Map Modification Order Case 430**

**Addlethorpe – Alleged footpath between Rectory Lane at St Nicholas' Church**

**1. Application**

An application made by Addlethorpe Parish Council in May 2021 under section 53(5) of the Wildlife and Countryside Act 1981 seeks a definitive map modification order to record a public footpath between Rectory Lane and St Nicholas' Church in Addlethorpe.

**2. Location plan of the 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**

11 user testimonies have been submitted in support of the proposal indicating usage over a period between 1953 and 2021. However, it should be noted that the route has changed course during this period of usage due to the construction of St Nicholas Close and 10-14 Rectory Lane in circa 2000, and the alleged footpath claimed is the one that has been used following the development. Several other documents were also submitted in support of the application include extracts from the minutes of several meetings of the Addlethorpe

Parochial Charity (also known as the Mottram Trust) over the period November 1983 to September 2002, correspondence and documents of 1986 relating to the sale of land owned by the Addlethorpe Parochial Trust that is now occupied by St Nicholas Close and 10-14 Rectory Lane, and correspondence of 2001 between Addlethorpe Parochial Charity, Addlethorpe Parish Council and Lincolnshire County Council.

The County Council's letter of 23 November 2001 suggests that efforts were made seeking the agreement from the developer of St Nicholas Close for a route across the site, but this came to no avail. As a result, Addlethorpe Parish Council were advised to apply for a modification order seeking to record the route as a public right of way, and they were provided with an application pack in December 2001 to facilitate this. However, 20 years passed before an application was made.

### 4. Background

The alleged footpath runs east from a point on Rectory Lane down a snicket between the properties West View and Balmar (9 and 10 Rectory Road respectively) and then north between 3 and 4 St Nicholas Close. It then continues along St Nicholas Close before turning east to run through the grounds of and to the entrance to St Nicholas' Church. Both Rectory Lane and St Nicholas Close are adopted highways. Evidence held on the file suggests that the application was made following the discovery by a parishioner that the passageway between Rectory Lane and St Nicholas Close it is not recorded as a public right of way and to prevent its close to the public.

### 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 158 out of 458 cases in the Priority Schedule (as of 18 January 2024), with the first 20 cases actively being progressed (see **Appendix I**). It should be noted that there are seven 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 Addlethorpe Parish Council (**Appendix C**). This criterion 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 the community, and that in processing the case early there is a strong likelihood that this will reduce.*

Addlethorpe provided in the following documents in support of their appeal:

- Letter of 9 November 2020 from a parishioner to the Ramblers (**Appendix D**)

- Undated anonymous letter Lincolnshire County Council (**Appendix E**)
- Letter of 19 December 2022 from a parishioner to Addlethorpe Parish Council (**Appendix F**)
- Letter of 20 December 2022 from a parishioner to Addlethorpe Parish Council (**Appendix G**)
- Handwritten documents detailing challenges made towards people using the route (**Appendix H**)

The letter of 9 November 2020 (**Appendix D**) and the undated anonymous letter (**Appendix E**) suggest that the path has been used for the last 50-100 years. They suggest that 15-20 years ago the builder of St Nicholas Close closed the path but then subsequently agreed to reopen it on a different alignment with a width of 1-1.5 metres and with a gate being provided at the point where there was a step to mitigate a trip hazard. They suggest that the path is in regular use, but the occupants of some of the adjacent properties wish to close the route and incorporate the land over which it runs into their gardens. One of the authors suggests that the occupants of one of the properties had blocked the path and someone had sawn down and removed the gate that was located on the route.

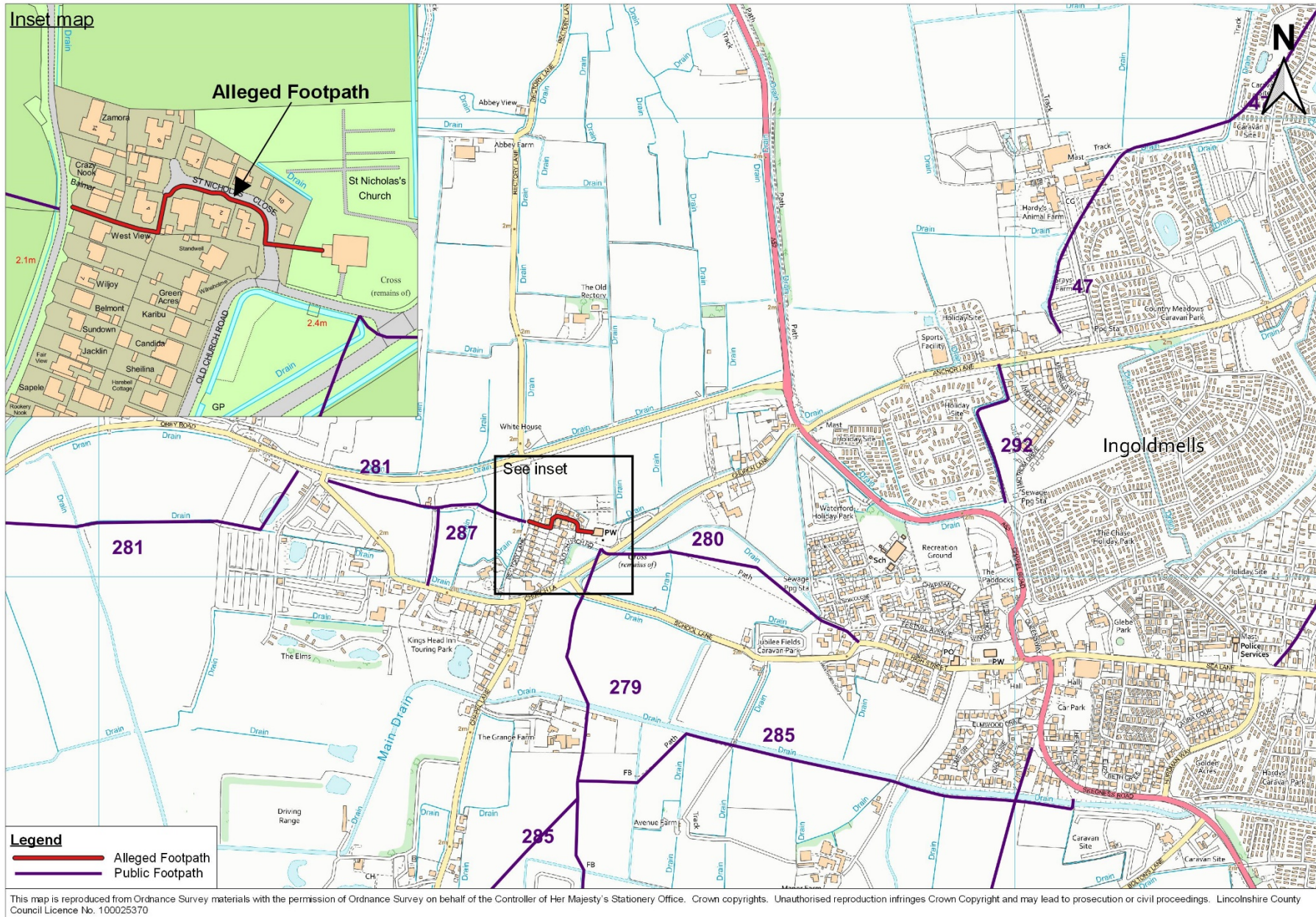
The letters of 19 December 2022 (**Appendix F**) and 20 December 2022 (**Appendix G**) do not provide evidence supporting sustain aggression, hostility, or ill feeling towards anyone who sought to use the path. However, one of the authors suggests that they may only seek to remove any of the fences and reopen the path should it be recorded as a public right of way. This suggests that the route was obstructed at the time when the letter was authored. It should be noted that it is typical for modification order applications supported by user witness testimony to be made for routes where access has been barred following long usage.

The handwritten documents suggests that the author was first told by a resident that they were closing the route. This was followed by the gate on the path being padlocked in April 2020, but the padlock was removed two days later. The documents detail five instances of alleged abuse towards people seeking to use the path during the remainder of 2020. The appellant's appeal email suggests that there was an alleged altercation between two parties in 2023 and that this is being investigated by the Police.

### 7. Maps 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



## Appendix C – Appeal submitted by Addlethorpe Parish Council

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**From:** addlethorpe parish council <[clerk@addlethorpeparishcouncil.gov.uk](mailto:clerk@addlethorpeparishcouncil.gov.uk)>

**Sent:** Friday, October 27, 2023 11:46 AM

**To:** Sharon James

**Subject:** Request For Priority Processing of DMMO Application

**Caution external:** This email originated from outside of the council. Do not click on links or open attachments unless you are confident the email is legitimate

Good morning Sharon

I am the new Clerk for Addlethorpe and I am told that you have been dealing with Kerry about a disputed footpath in Addlethorpe.

You may have already received this communication, an apologies if that is the case – I just did not want it to have been overlooked in the changeover.

Kind regards

Alan Vassar

Clerk to Addlethorpe Parish Council

----- Original Message -----

Subject: Request For Priority Processing of DMMO Application

Re: Addlethorpe Footpath DMMO Application

Thank you for your email dated August 15, 2023 addressed to Kerry Cullen, the former Clerk of Addlethorpe Parish Council concerning the above noted matter. Please note that Alan Vassar is the new Addlethorpe Parish Clerk.

We understand that, in order to satisfy the criteria for priority processing of our DMMO application, you have requested additional evidence of the sustained aggression, hostility and ill-feeling within the community resulting from the attempts by certain residents of Addlethorpe to take possession of the subject footpath.

We are now enclosing the following evidence:

1. Letter to Ramblers Association from resident Hilary Ashton in 2020 summarising the contentious history of this issue.
2. Letters from two disputants in December 2022 setting out their claims to be entitled to take possession of the footpath and their intention to take legal action.
3. Contemporaneous and other notes of Hilary Aston between 2019 and 2021 describing confrontations and threats by certain disputants.

In addition, a recent confrontation between a disputant and neighbouring resident in St. Nicholas Close resulted in the resident being physically assaulted. A video of the incident has been submitted to the police for review.



## **Appendix C – Appeal submitted by Addlethorpe Parish Council**

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Please advise if you require further information to support our request for priority processing of our application.

Yours truly,  
Roger Dawson  
Vice Chair of Addlethorpe Parish Council

TEL No

[REDACTED]

[REDACTED]

ADDLETHORPE

TO RAMBLER ASSOC

SEEGNESS

09. 11. 20

[REDACTED]

Dear Sir/MADAM

I am writing to you for any help you can give in trying to keep open a path in our village. Enclosed is an old map dated 1906 showing the path, it was in use up to the late 1990's when the land to the north of it was sold as building land, but the path was to remain in situ. In the late 90's the builder began to build 4 properties fronting on Rectory lane 10-13 & the path was left in position & the first owners of [REDACTED] were told they could use the path for maintenance etc but not block it, however further along the path the builder started putting waste & soil piles on the path making it impassable.

When no 1, 2, 3, St Nicholas Close were complete the path had been incorporated into their gardens, the builder stating he had run out of space. The [REDACTED] wrote to the Director of place at the council complaining about the closure & he met up with us & the builder, he said the path should be opened up & it was suggested that the builder should remove some garden space from No 4 St Nicholas. We [REDACTED] agreed to this. The council provided a gate

as the 'New path' was higher than the old & it was a trip hazard

This has been ok for 18 years now the occupiers on [REDACTED] Rectory lane & [REDACTED] St Nicholas have verbally stated they want to close the path & put the area into their properties

In June the occupiers to [REDACTED] blocked the path near the gate & in the last month someone has sawn down the gate & post & removed it.

[REDACTED]

I am in contact with the parish council but wheels turn very slowly. I have also included other maps that may be useful you will see that the path is between two 'public' footpaths that would enable our summer visitors to reach Ingoldmells without having to walk alongside busy roads

The path is well maintained being mown 2 weekly & trimmed when necessary.

MAP 1 Shows original path in Red  
& 'New' path in Blue.

MAP 2 Shows path in 1906 in  
allotment garden & area 259/266 is the  
building plots

MAP 3 Shows paths that used to link up to  
reach Ingoldmills:

also enclosed is a letter received from the  
Council.

Thank you for your time

FOOTPATH BETWEEN RECTORY HANE & ST NICH CHS  
PEZZLE WTH - PEZZLE WTH

15-20 YEARS AGO WE WROTE TO YOUR OFFICE  
RE THE ABOVE FOOTPATH WHICH THE BUILDERS OF ST. N. C.  
HAD BLOCKED OFF. A REPRESENTATIVE FROM YOUR OFFICE CAME  
TO MEET [REDACTED] & THE BUILDER  
[REDACTED] HE SAID THE PATH SHOULD BE REOPENED AS IT  
HAD BEEN IN EXISTENCE FOR OVER 100 YRS & HAD ORIGINALLY  
BEEN A PATH TO THE CHURCH. IT WAS AGREED THAT THE  
BUILDER WOULD USE GARDEN SPACE FROM [REDACTED] [THIS PROPERTY  
WAS UP FOR SALE & [REDACTED] BOUGHT THE PROPERTY & MOVED THE  
FENCE BACK BY 1-1/2 METERS & I BELIEVE THE COUNCIL PROVIDE  
A GATE TO BE ERECTED NEAR TO THE SPOT WHERE THERE  
WAS A STEP TO HELP TO PREVENT TRIPPING.

UPTO NOW THIS HAS BEEN FINE THE PATH IS WELL  
MAINTAINED, MOWN EVERY 2 WEEKS & STRIMMED WHEN NECESSARY,  
& IT IS IN REGULAR USE. NOW TWO PROPERTY OWNERS (ONE AT  
EACH END OF THE PATH WANT THE PATH CLOSED & AREAS  
ADJOINING THEIR PROPERTIES FENCED & ADDED TO THEIR PROPERTY  
THE OWNER IN ST N. CHURCH IS NOT THE OWNER OF THE  
PROPERTY THAT HAD THEIR GARDEN FENCE MOVED.

ALSO ALONG THE PATH IS THE INSPECTION MANHOLE  
TO MAIN SEWER, A EASY ACCESS WOULD BE LOST

IS THERE ANY ASSISTANCE YOU CAN GIVE OVER  
THIS SITUATION

[REDACTED]  
Addlethorpe

[REDACTED]  
19/12/2022

Dear Addlethorpe parish council

As you requested [REDACTED] sending you some facts regarding the land between number 3 and number 4 St Nicholas close.

When number 4 was bought back by the [REDACTED] and they moved the fence 1 meter into number 4's land, they did not register it with land registry and sold the bungalow as it was. I enclose a copy of [REDACTED] land registry plan dated the 19<sup>th</sup> of December 2022 which shows no spare land or footpath between number 3 and 4 therefore the land still belongs to [REDACTED]

I have also written an objection to the wildlife and countryside definitive map modification with our reasons on why this should not be opened as a footpath.

The total measurements from the fence to the curb edge is 3.5 meter's how can any persons obtain access on to St Nicholas close by illegally crossing over 1.71 meters of my land/ driveway this is taking into consideration the 1.8 meter service strip.

[REDACTED]

If the land does open as a footpath is the Addlethorpe parish council have purchased it are you the Addlethorpe parish council going to be responsible and liable for any damage caused to my property or any other surrounding properties that this issue concerns.

We will be willing to take this matter to court if necessary.

I await your response

[REDACTED]

## Appendix G – Letter of 20 December 2022 from a parishioner to Addlethorpe PC

*\* Enclosed it*

Addlethorpe

Skegness

20/12/2022

Dear Addlethorpe Parish council

As requested by yourselves, here is the report detailing how the land between 3 and 4 came about.

No body came to maintain it in 15 years other than [redacted] and [redacted] gardener, so I decided to investigate who owned it.

1, I went to [redacted] house the parish clerk and asked [redacted] if [redacted] knew, [redacted] had no knowledge of the land.

2, I then telephoned LCC they said it had nothing to do with them.

3, I then telephoned ELDC they said the same and advised me to telephone highways.

4, I telephoned highways who then checked on the ordnance survey map and told me it was not a public right of way or a footpath, they advised me to telephone land registry to see if I could find out who owns it.

5, I telephoned Land registry who told me there was nothing registered and had no knowledge of any spare land between 3 and 4 St Nicholas close.

6, I spent nearly 2 hours with [redacted] explaining what [redacted] planning to do, but if [redacted] would like the land back then [redacted] could apply for it, [redacted] said [redacted] was not bothered now, so I explained [redacted] would be looking into buying it

7, I then telephoned [redacted] as I was aware that they had bought [redacted] back and moved the fence before reselling it. I asked [redacted] if they would be willing to sell it to [redacted] [redacted] said [redacted] would have to speak to [redacted] and get back to me. [redacted] spoke to me after [redacted] conversation with [redacted] and agreed to sell the land to [redacted] and to contact [redacted] solicitor at [redacted] as [redacted] never wanted to have it there in the first place and the police had said it was a security issue.

A contract was drawn up and [redacted] signed our side of the contract. Time seemed to be going at a slow pace so [redacted] went to see [redacted] solicitor explaining [redacted] would like to start the work by removing the fence and making the land nice. He advised to go ahead as it will only take 5 minutes for the seller to sign.

[redacted] took the fence down and the next thing we received a letter from [redacted] s to say they had changed their minds and would not be selling the land.

Only to find out they were selling it to the Addlethorpe parish council.

[redacted] then received a letter from the wildlife and countryside act 1981 definitive map modification order saying [redacted] clerk had applied for a modification, I and other

members of the close signed to object against this and gave the reasons why. [redacted] now waiting their decision.

[redacted] who was on the Parish council at the time Knew [redacted] had applied to buy this land but obviously was good friends with the sellers and it seems strange the sale fell through, and the Parish council was purchasing it.

I am pleased [redacted] did not purchase the land as in looking into it, it still belongs to [redacted]

[redacted] bought [redacted] and on [redacted] deeds, there is 1 fence between the properties [redacted] bought [redacted] and on [redacted] deeds, it is the same one fence between the properties.

So, while the [redacted] bought back [redacted] and moved the fence it is obvious they did not register the new boundaries before selling it to [redacted].

[redacted] will not be removing any fences to open it back up before hearing from wildlife and country, also are you going to be liable as you own the land if it does get opened for any damage caused to my property that is caused by the public if it is opened.

[redacted] prepared to go to court to fight this.

I hope you find this information useful

From [redacted]

# Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath

AT THE SAME TIME WE WROTE TO PATHS JUST  
 [REDACTED] SENT A LETTER TO  
 ADDLETHORPE PC.

IN AUTUMN 2019 I WAS APPROACHED BY [REDACTED]  
 [REDACTED] & TOLD [REDACTED] WAS GOING TO CLOSE THE PATH  
 THEN [REDACTED] WOULD TELL COUNCIL IT WAS WASTE GROUND  
 & [REDACTED] WOULD CLAIM IT TO GO INTO HIS PROPERTY. I TOLD  
 [REDACTED] I WOULD OBJECT AS IT IS REGULARLY USED. A FEW  
 WEEKS LATER [REDACTED] CLAIMED TO HAVE FOUND DRUG ITEMS  
 ON THE PATH. [REDACTED] ALSO PUT A PADLOCK ON THE GATE  
 WHICH [REDACTED] WAS TOLD TO REMOVE OR IT WOULD BE  
 CUT OFF WITH BOLT CUTTERS [REDACTED] DID REMOVE IT.

THEN [REDACTED] WAS STOPPING PEOPLE  
 USING IT SAYING IT WAS ONLY A MAINTENANCE PATH  
 & COULD NOT BE USED BY ANYONE ELSE.

BOTH PARTIES AT [REDACTED]  
 & [REDACTED] HAVE TOLD ME  
 THEIR INTENTION IS TO TAKE THIS LAND INTO THEIR PROPERTY

WHEN [REDACTED] PURCHASED THE OLD ALLOTMENTS & CHURCH  
 COTTAGES & STARTED TO BUILD 10-13 REEDLEY LANE THEY  
 STARTED TO BLOCK THE ORIGINAL PATH BY PUTTING  
 HIGH PILES OF BRICK RANMUL & SOIL MAKING IT  
 IMPOSSIBLE TO USE THE ORIGINAL PATH. THEY DIDN'T  
 PUT IT ONTO THE ACTUAL BUILDING SITE.

[REDACTED]

[REDACTED]

- Apr 2019 [REDACTED] TOLD ME HE WAS CLOSING PATH
- 24 04 20 [REDACTED] PADLOCKED GATE
- 26 04 20 " REMOVED PADLOCK
- 29 05 20 ABUSE FROM [REDACTED] WHILE STEERING PATH
- 5 06 20 MORE ABUSE [REDACTED] SAID SHE HAD  
 PERMISSION FROM PARISH C&P COME TO CLOSE IT  
 LETTER FROM LAND REGISTRY TO SAY [REDACTED] HADN'T <sup>SENT</sup> AN APPLICATION
- 15 06 20 WE WERE IN [REDACTED] GARDEN & GOT MORE  
 ABUSE (FOUL LANGUAGE) [REDACTED]
- 21 06 20 [REDACTED] NEW OWNER OF [REDACTED] QUITE HAPPY  
 FOR PATH TO STAY OPEN
- 04 07 20 LETTER FROM COUNCIL - PLANNING NEEDED  
 TO MOVE BOUNDARY FENCES.
- 19 07 20 [REDACTED] ABUSED BY [REDACTED]
- 21 07 20 [REDACTED] BLOCKED CHAIRMAN [REDACTED]  
 ABUSED.
- 22 07 [REDACTED] COMMENCED FENCING PATH OFF  
 TO
- 28 07
- 02 08 20 [REDACTED] ABUSED
- 14 10 20 GATE & POST SAWN OFF & REMOVED  
 & SCEN IN [REDACTED] YARD
- 09 11 20 LETTER TO RAMBLEE!
- Jan 21 [REDACTED] CONTACTED COUNCIL GOT REPLY  
 FROM CHRIS MILLER
- 29 1 21 KAREN BARRE CONTACTED ME TO SAY  
 WE NEEDED TO APPLY FOR DEFINITIVE MAP  
 MODIFICATION.

**Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath**

JONATHAN STOCKDALE

SAID PLANNING PERMISSION NEEDED  
TO ~~INSTEAD~~ MOVE BOUNDARY FENCE

Mrs KAREN BARKER ADVISED IF PATH WAS CLOSED  
[REDACTED] & [REDACTED] WOULD ONLY BE ENTITLED TO 1/2  
THE WIDTH OF THE PATH

Mrs ANSON BEAN

COUNTRYSIDE SERVICES [REDACTED]

LAND REGISTRY

0844 892111  
0300 006411

Aug - Sept 2009 [REDACTED] TRIED ME HC  
[REDACTED] IN 11/09 [REDACTED] CLOSED CLAIM AS  
24 04 [REDACTED] GATE AND POST REMOVED [REDACTED] <sup>WASTEGROUND</sup>  
26 04 [REDACTED] Paddock Removed  
29 05 \* // ABUSE OVER STUMMING PATH  
05 06 \* // MORE ABUSE OVER PATH  
[REDACTED] SAID NEEDED PERMISSION <sup>FOR</sup> <sub>FORMAL</sub>  
22 06 [REDACTED] WENT TO COUNCIL <sup>FOR</sup> <sub>DECLARATION</sub>  
25 06 \* MORE ABUSE - <sup>ALSO</sup> FOR BEING IN [REDACTED] GARDEN  
27 06 [REDACTED] WANTED PATH OPEN  
[REDACTED] EACH SEASONS AND LEFT DEETS  
26 06 [REDACTED] PAINTED MESSY FENCE  
04 07 \* LETTER FROM COUNCIL PLANNING  
NEEDS TO HAVE BOUNDARY LINE  
19 07 \* [REDACTED] ABUSED  
21 07 \* GAIL BARKER [REDACTED] VISITED <sup>THREATS</sup> <sub>ABUSED</sub>  
22 07 [REDACTED] COMMENCED FENCING  
28 07 [REDACTED] phoned for postcodes re path  
02 08 \* [REDACTED] ABUSED  
14 10 GATE & POST SAID OFF & REMOVED  
[REDACTED] SAID HAD TO HAVE FENCE 100  
[REDACTED] NEED [REDACTED]  
17 12 [REDACTED] MAN WENT DOWN LANE - STOPPED BY HOUSE  
09 11 LETTERS DETAILS TO RAMBLEYS PTC



**Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath**

JAN 2021  
 [REDACTED] WRITTEN TO COUNCIL  
 Received reply from CHRIS MILLER  
 [REDACTED] checking with  
 [REDACTED] to see about forms  
 being completed  
 9.1.21 My copy of DEF MAP MODIFICATION  
 9.1.21 KAREN BARKS PHONED WE NEED AN  
 APPLICATION FOR DEFINITIVE MAP MODIFICATION  
 ORDER. [REDACTED] WAS SUPPOSED TO HAVE SENT  
 THIS IN ~~THE~~ MAY - JUNE

2021 A.P.C.  
 08.06 Parish Council Meeting.  
 7 PARISHIONERS  
 6 COMMISSIONERS + CLERK  
 THIS DISCUSSED  
 PATH A [REDACTED]  
 WE WERE ASKED WHAT EXACTLY WE WANTED  
 REGARDING THE PATH. THE PATH FULLY OPEN  
AS IT IS NOW OR BACK TO ORIGINAL PATH  
 IF ANY DIFFICULTIES. AND GATE & BARRIERS WERE TO  
 BE REMOVED OR NOT.  
 10.06 [REDACTED] (COUNCILLOR) SPOKE TO ME & TOLD ME  
 IT HAS BEEN FOUND OUT  
 WHEN THE ALTERNATIVE FENCING WERE  
 PUT UP FOR APPROX (145,000) A FEW DAYS  
 BEFORE [REDACTED] DIED AN OFFER OF  
 27,500 ACCEPTED [REDACTED]  
 OF COUNCIL. ALSO ON MORTGAGE STATE A  
 THE SELLER SHE WANTED FOR DEATH WITH THE  
 SALE HIGHLY INTERESTED  
 13.06 [REDACTED] (COUNCILLOR) FOUND IN SEP. IT WAS THIS WHEN NEX AT  
 15.06 TONY SMITH (COUNCILLOR) PHONED TO SAY  
 A.P.C. HAD AN OFFER FOR THE PATH  
 ACCEPTED BY [REDACTED] Awaiting completion  
 (THE MRS. EDE PARTNER'S QUESTIONS REFINANCING TO  
 BE AGRED) AND ALSO A GATE AT A HOLE  
 IN THE FENCING. [REDACTED] IS [REDACTED]  
 [REDACTED] IN 2020. GATE PATH NOT FENCING.  
 ALSO [REDACTED] HAS BEEN [REDACTED]  
 THIS HENRIETTA [REDACTED] [REDACTED] AS  
 I WAS QUITE FULL OF INFORMATION  
 BUILDING UP THE CASE  
 W/C 14/7/21 GATE AT RL EVIDENCE UNABLE TO

Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath

Path to be purchased by  
the Council from [redacted]  
Still awaiting final A: Nov 2001

July 2001 letter to  
APC for [redacted]  
Re Path - same time [redacted]

[redacted] & myself contacted  
Path Dept

ie removal of gate classed  
as damage to Council property  
or theft

Letter Post Mr. [redacted]  
10/1/20

Shown to Council [redacted] (19/4)

**Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath**

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Run out of space? 12-18 months before  
start building the house had soil delivered to site  
& piled it on Path (8-10ft high) - impossible to walk  
through at all.

Miss Benn said something about <sup>Householders</sup> claiming  
 $\frac{1}{2}$  the width of the path. what happens with  
other  $\frac{1}{2}$



LANDS GATE

cut the path from their garden.  
So opening up the path again  
about original path + DIVERSION

Yes 2000 - 2002 when site was  
sold to builders  
Soil & Builders rubbish

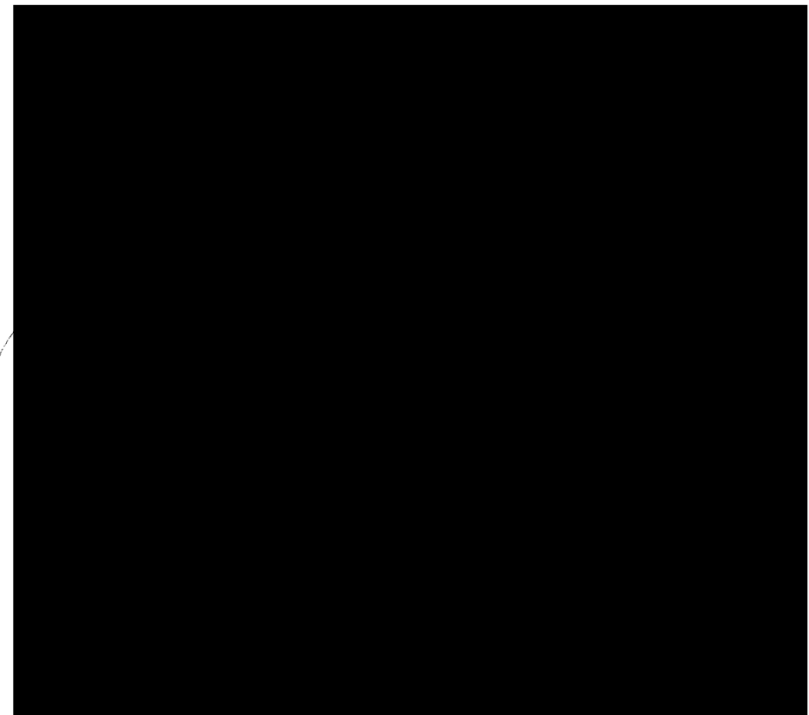
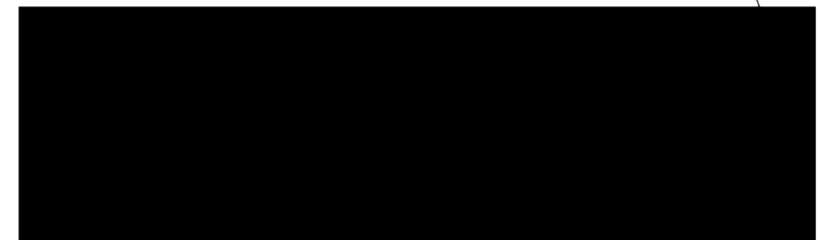
Dumped on the path route  
not on the building site.

July 2020  
occupier [redacted] have boarded  
up the gate unable to see if  
any other obstructions on

As completion of the Close we  
write to path Dept at ELDEA.  
Someone came to meet us along with  
the builder the Council Rep said the path  
should be repaired & builder agreed to  
direct path - [redacted] Resurfaces plot 104 &

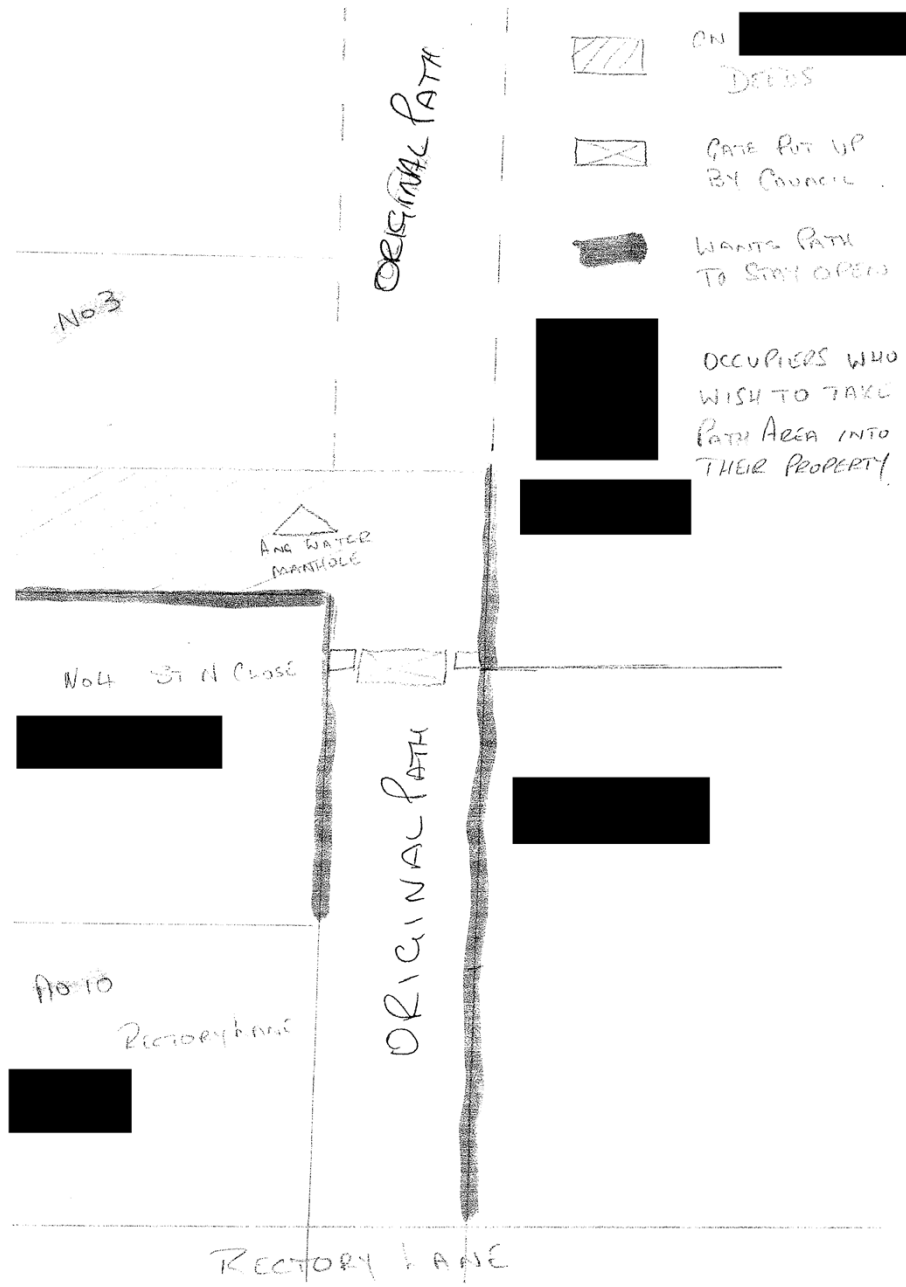
3




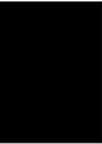
9



10

Appendix H – Handwritten documents detailing the challenges made towards people who sought to use the alleged footpath



-  ON [REDACTED] DEEDS
-  GATE PUT UP BY COUNCIL
-  WANTS PATH TO STAY OPEN
-  OCCUPIERS WHO WISH TO TAKE PATH AREA INTO THEIR PROPERTY

## Appendix I – Definitive Map Modification Order Case Priority Schedule

**Key:** Grey – Cases currently being progressed. Yellow – Cases given higher priority which are awaiting officer availability for progression.

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

## Appendix I – Definitive Map Modification Order Case Priority Schedule

|   |            |  |                   |            |
|---|------------|--|-------------------|------------|
| Well  | 580        | Claimed BOAT from Low Lane to PF79 at St. Margaret's Church            | 22/09/2022        | 26         |
| Woodhall Spa  | 623        | Claimed footpath from Manor Road to The Broadway                       | 16/01/2023        | 27         |
| ..... 130 Definitive Map Modification Order cases ..... |            |  |                   |            |
| <b>Addlethorpe</b>                                      | <b>430</b> | <b>Claimed footpath from Rectory Lane South to St. Nicholas Church</b> | <b>17/06/2021</b> | <b>158</b> |
| ..... 300 Definitive Map Modification Order cases ..... |            |  |                   |            |