

Planning Committee

DATE	12/06/2024
REPORT OF	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
SUBJECT	Application to add a Public Footpath from Church Lane, Waltham to Public Footpath 66, Waltham.
STATUS	Open

CONTRIBUTION TO OUR AIM

The maintenance and review of the Definitive Map and Statement is identified as a key action in the Council's Rights of Way Improvement Plan (ROWIP) 2021.

The proposal will contribute to the Council's Stronger Economy objective by recording a path on the Definitive Map and will not be deleted in the future.

The ROWIP is identified as a key policy document within the Council's Local Transport Plan, which seeks to provide an opportunity for healthy lifestyle choices and supports the Council's strategic aims to Improve Health & Wellbeing within the Borough.

EXECUTIVE SUMMARY

The purpose of this report is to consider an application to modify the Definitive Map and Statement to add a Public Footpath from Church Lane to Public Footpath 67. A Definitive Map Modification Order application was received from Waltham Parish Council and this report looks at the evidence found in support of the application.

RECOMMENDATIONS

- a) That an Order be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a Public Footpath in Waltham shown in Appendix 1.
- b) That the Order be confirmed by North East Lincolnshire Council as an unopposed Order if no objections or representations are received to the Order within the statutory timescales, or, if objections or representations to the Order are received that they be submitted to the Secretary of State with a request that the Order be confirmed.

REASONS FOR DECISION

1. BACKGROUND AND ISSUES

- 1.1 This Definitive Map Modification Order (DMMO) was raised after an Extinguishment Order was deferred at Planning Committee in December 2019. It was decided at Planning Committee that this claimed Public Footpath needed verification before the extinguishment of part of Public Footpath 67 is undertaken. Waltham Parish Council submitted the DMMO application on 2 December 2019. Public Footpath 67 is shown further south than the claimed path and is shown in Appendix 1 as the path running from Church Lane to the cross roads of Public Rights of Way on the plan.

- 1.2 Photos of the claimed route are shown in Appendix 2.
- 1.3 The current Definitive Map and Statement are shown in Appendix 3. The Definitive Statement was signed on 9 June 1976.
- 1.4 Twenty-two user evidence forms were received from people who claimed to have used the route. Four responses said they hadn't used the route but were aware of it, these were discarded as they were not users. Two of the users had submitted two sets of evidence forms. Eleven of the users had used the path for more than 20 years. Two of the users had used the path for 59 years. Seven user statements were subsequently taken recording a detailed use of the path.
- 1.5 As part of the DMMO process documentary evidence was reviewed and this is recorded in Appendix 4. The evidence includes aerial photographs, Ordnance Survey Maps from 1887 to 1953 and the 1910 Finance Act. Included with each piece of evidence is a brief description of the evidence and in some instances a copy of the archive document.
- 1.6 As part of the evidence review process the Parish Survey Notes relating to the drawing up of the Definitive Map were inspected and these are shown in Appendix 4. In Appendix 4 paragraph 4.5.1, a description of a way is given in the notes as *"Commences Church Lane passes across grass paddock in front of Mr Rawlings House to Gravel Pit Gardens...surface very rough only one stile that is fairly good condition"*.
- 1.7 A letter was discovered in the Waltham Public Rights of Way Parish dated 10 April 1977 from Waltham Parish Council regarding the sign post of Public Footpath 67. The letter includes the following: *"The present footpath by the side of Porters Factory is on the correct position and it ends where it enters the allotments. Will you please make the necessary arrangements for this footpath to be correctly sited on the map. At no time did this path continue to Ings Lane. It is not thought that a signpost is necessary for this footpath as it only leads to the allotments"*.
- 1.8 Another letter dated 2 May 1977 records Footpath 67 as: *"It is now obvious that this oath (path) was shown in the wrong position on both the draft and provisional maps by the former Lindsey County Council and because of this was perpetuated on the Definitive Map. Part 1 of Schedule 3 of the Countryside Act enables mistakes which have been made in the preparation of the definitive map to be corrected on a review of the map and the map will be corrected therefore when the next Review map is published"*. No review of the Definitive Map has occurred since it was drawn up subsequently this error has never been rectified.
- 1.9 A chart summarising the twenty-two users, how they have used the route, and how often, is set out in Appendix 5. Seventeen users had used the route for pleasure purposes, one to get to school and one other to get to the shops.
- 1.10 Appendix 6 details the length of time the route has been used from the user evidence forms. A vertical line has been added to show the 20 years period.

Twelve of the users had used the path for over 20 years.

- 1.11 Seven user evidence statements were taken regarding the claimed route, the summaries of which are shown in Appendix 7.
- 1.12 A pre-Order making consultation was undertaken for 42 days from 13 July 2023 in line with legislation. Consultees included user groups, Ramblers Association, British Horse Society, Lincolnshire Fieldpaths Association, Waltham Parish Council, utility groups and Ward Councillors. During this period there were two responses, one from a utility company providing plans and the other from Waltham Parish Council who supported the proposal.

2. RISKS AND OPPORTUNITIES

There is a risk that there will be objections from members of the public or stakeholder groups to the proposed diversion of the path. As mentioned above the pre-Order making consultations have been carried out and no objections were received. If there are any objections to the Order than it will be referred to the Planning Inspectorate.

3. OTHER OPTIONS CONSIDERED

The options have been considered and the recommended proposals are:-

- Make an Order to record the route as shown on the attached plan in Appendix 1, as a Public Footpath.
- If the authority decides not to make the order, the applicant may, within 42 days of the service of the notice of that decision, appeal to the Secretary of State under Schedule 14 to the Wildlife and Countryside Act.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 The Council has a duty to keep the Definitive Map up to date which includes any new evidence that comes to light and to evaluate it.

5. FINANCIAL CONSIDERATIONS

- 5.1 The making of the DMMO Order would not result in additional costs to the Council as it will be met by the Regeneration Partnership.
- 5.2 There will be no call on Council reserves.
- 5.3 The proposal adds a Public Footpath to the Definitive Map and legally creates the path for future use.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

6.1 No implications foreseen.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

7.1 The creation of a Public Footpath would be a convenient link from Church Lane to Public Footpath 66. Seventeen users said they had used the path to get to the allotments, for pleasure purposes or to get to school thus encouraging sustainable use.

8. FINANCIAL IMPLICATIONS

8.1 In the event that an Order were to be made and is then opposed, there may be financial implications for the authority in covering any cost associated with any subsequent public inquiry. Such costs cannot be avoided where the Planning Inspectorate decides if a public inquiry should be held to resolve this application.

9. LEGAL IMPLICATIONS

9.1 Under Section 53 of the Wildlife and Countryside Act 1981 the Council has a duty to keep the Definitive Map and Statement under continuous review and can make a Modification Order to modify the Definitive Map and Statement where there has been evidence to support the addition of a Public Footpath.

9.2 Section 53 of the Wildlife and Countryside Act 1981 requires the Highway Authority to “make” an Order where an application is supported by evidence showing that “a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist”. For an Order to then be confirmed it is necessary to demonstrate that the alleged public right exists “on the balance of probabilities” given the evidence available.

9.3 When considering whether to make an Order under Wildlife and Countryside Act 1981 Section 53 (2)(b) the Council has to be satisfied that an event under section 53(3)(c)(i) of the Act had occurred. The Council has to decide whether the available evidence shows that a right of way subsists or is reasonably alleged to subsist the “reasonable alleged to substitute” test.

9.4 Under Section 31 of the Highways Act 1980, a statutory presumption arises that a way has been dedicated as a highway where the way that has actually been enjoyed by the public, as of right, and without interruption for a full period of 20 years, unless there is sufficient evidence that there was no intention during that period to dedicate it. That period of 20 years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question.

9.5 At common law a route can be held to have been dedicated as a Public Right of Way based on evidential use. There is no prescribed period over which it must be shown that use has occurred but an inference of dedication by a landowner must be capable of being drawn. The use relied on must have been exercised “as of right”, which is to say without force, without secrecy and without permission. The onus of proof lies with a claimant. The claimant has provided this evidence with seventeen user evidence forms.

10. HUMAN RESOURCES IMPLICATIONS

There are no HR implications.

11. WARD IMPLICATIONS

The claim is in the Wolds Ward and there are no ward implications.

12. BACKGROUND PAPERS

None

13. CONTACT OFFICER(S)

- Paul Evans, Assistant Director for Infrastructure
- Brian Fitzpatrick, Head of Highways and Transport, EQUANS
- Matthew Chaplin, Public Rights of Way Mapping Officer, EQUANS, Tel: 01472 324789

Carolina Borgstrom

Director for Economy, Environment and Infrastructure

Appendix 1.

Definitive Map Modification Order, Claimed Public Footpath



Not to scale

Appendix 2.

Photographs of the claimed path



Photograph 1. Photograph of an old finger post on Church Lane, Waltham



Photograph 2. Photograph of the claimed route from Church Lane, Waltham



Photograph 3. Photograph of an old finger post on Church Lane, Waltham



Photograph 4. Access Road to Ashlea Court Care Home



Photograph 5. Continuation of the path.



Photograph 6. Path towards the allotments.



Photograph 7. Small bridge to the Allotments.



Photograph 8. View of small bridge from Public Footpath 66.

Appendix 3. Definitive Map and Statement



Figure 1. Extract from the Definitive Map

STATEMENT accompanying the Definitive Map showing all the footpaths, bridleways and roads used as public paths along which in the opinion of the County Council of Humberside, a public right of way subsisted or is reasonably alleged to have subsisted on the 2nd November, 1953, in the Rural District of Grimsby now the Borough of Cleethorpes.

No. of right of way on Map	Documents creating or modifying the right of way taken into account in preparing the Map	Particulars as to the position and width or as to any limitations or conditions affecting the public right of way which it has been considered expedient to record
5	Habrough Inclosure Award dated 2nd March, 1820	Awarded width 4 feet
40)	Healing Inclosure Award dated	
42)	20th January, 1853	
44)		
63)		
66)		
67)	Waltham Inclosure Award dated 17th April, 1721.	
69)		
71)		
72)		
77)		
93)	Barnoldby le Beek Inclosure Award dated	
94)	20th October, 1770.	
139	East Ravendale Inclosure Award dated	Awarded width 10 feet
	27th August, 1841.	

The public right of way over any public path or other way shown on the map along the bank of a river or drain is subject to any right which a River Authority or Drainage Board may have to carry out drainage works in or in connection with any river or drain or to, through, across, or in connection with the bank or banks thereof.

NOTE: Entries have only been made in this Statement in the case of rights of way clearly created or modified by documents. The existence of a right of way or the fact that the County Council allege that a right of way exists does not depend on an entry in this Statement. All rights of way shown on the map are alleged to be public rights of ways.

This is the Statement approved by the County Council of Humberside at their meeting on the 9th JUNE, 1976, as the Statement accompanying the Definitive Rights of Way Map for the Rural District of Grimsby, now the Borough of Cleethorpes.

F. Hall
Chairman

Figure 2. Definitive Statement

Appendix 4.

4.1 Evidence Report

- 4.1.1 There were twenty-two user evidence forms submitted, four were duplications and there were another four who had never walked the path. Subsequently the evidence forms were reduced to seventeen. Seven witnesses were interviewed, and their statements taken on how they have used the path. Each user evidence has been signed by each witness to the effect that *"I hereby certify that to the best of my knowledge and belief the facts that I have stated are true"* accompanied by annexed maps detailing the precise routes, which have also been signed. A break down on use and length of time of the witnesses are shown in Appendix 5, 6 and 7. In Appendix 7 there is a summary of evidence given from the user evidence statements.

4.2 Aerial Photographs

- 4.2.1 Aerial Photograph dated 1940.
This document shows the claimed route as a dark shadow, probably from a tall hedgerow or wall, it is unclear whether there is a path there due to the scale of the photograph. A public footpath just south of the claimed route is shown as a worn line and lies on a similar alignment as 6-inch OS Maps from 1842 to 1947.



Figure 3. Aerial Photograph dated 1940.

- 4.2.2 Aerial Photograph dated 2000.
This aerial photograph shows a grey line to Ashlea Court Care Home. It is unclear whether it joins the allotments. The Public Footpath shown south of the claimed route has been built around and now runs between the houses.



Figure 4. Aerial Photograph dated 2000.

4.2.3 Aerial Photograph dated 2001.

Again, this photograph shows the claimed route along the access road to Ashlea Court Care Home. It's not clear whether there is access onto the allotments from the access road.



Figure 5. Aerial Photograph dated 2001.

4.2.4 Aerial Photograph dated 2006.

This photograph shows the claimed route along the access road to Ashlea Court Care Home. It's not clear whether there is access onto the allotments.



Figure 6. Aerial Photograph dated 2006.

4.2.5 Aerial Photograph dated 2022.

This photograph shows the claimed route along the access road to Ashlea Court Care Home. It's not clear whether there is access onto the allotments.



Figure 7. Aerial Photograph dated 2022.

4.3 Documentary Evidence Ordnance Survey Maps

4.3.1 6-inch Ordnance Survey Map Published 1887

The path starts as a double dashed line within a narrow strip of land. The path runs up to the end of this possible boundary line and changes to and then runs

up to a solid line which appears to intersect the path. Then it changes to a single dashed line running alongside a solid line of the field boundary. A current Public Footpath that runs through the allotments is shown as the same illustration and this path further south turns in to a double dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.

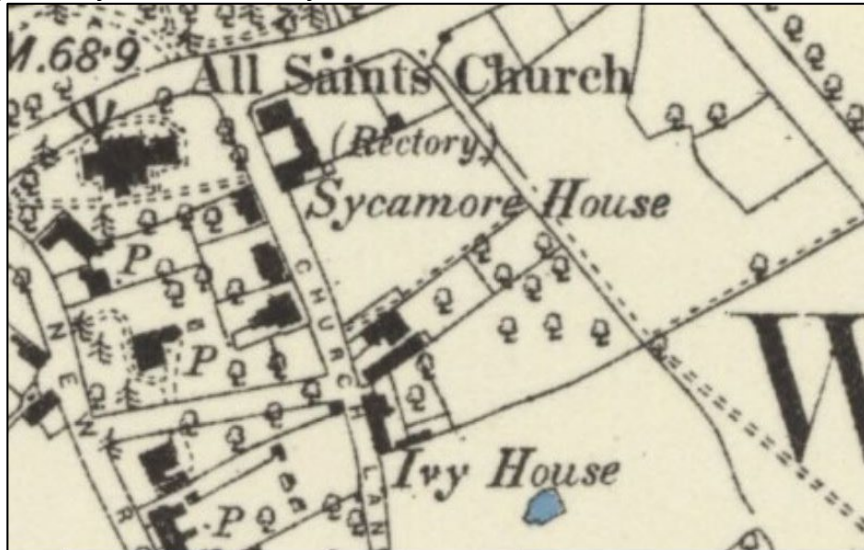


Figure 8. 6-inch Ordnance Survey Map Published 1887

4.3.2 25-inch Ordnance Survey Map Published 1888

From Church Lane the path is shown as a double dashed line which turns to a single dashed line running alongside a solid line. The solid line could be a field boundary. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.

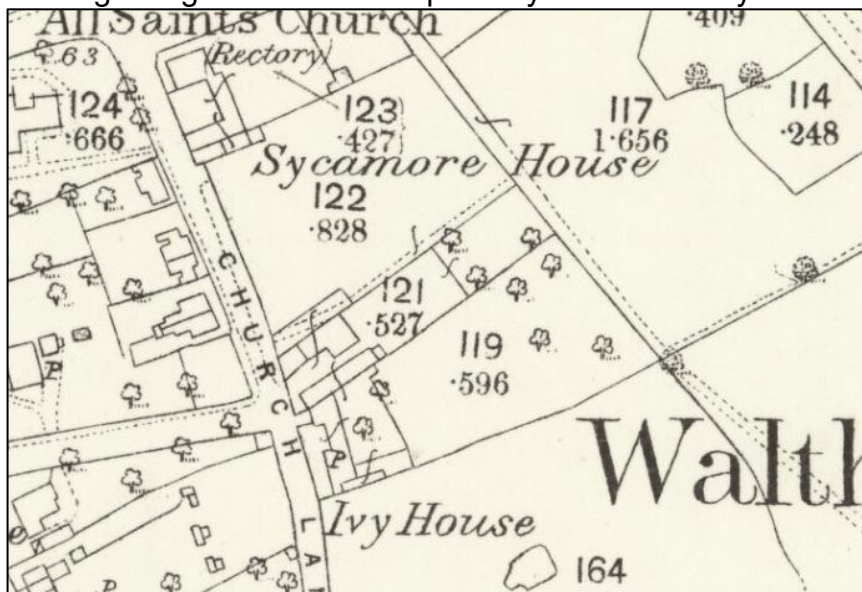


Figure 9. 25-inch Ordnance Survey Map Published 1888

4.3.3 25-inch Ordnance Survey Map Published 1907

The path from Church Lane is shown as a single dashed line next to a solid

dashed line which is believed to be the field boundary. The F.P. in the allotments is shown as a single solid line which changes to a double dashed line, this is a current Public Footpath. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.



Figure 10. 25-inch Ordnance Survey Map Published 1907

4.3.4 6-inch Ordnance Survey Map Published in 1908

The path from Church Lane is shown as a solid line from Church Lane on and a dashed line towards the allotments. The F.P. through the allotments is shown as a single solid line adjacent to a solid line denoting the field boundary. Further south the Footpath (F.P.) is shown as a double dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.



Figure 11. 6-inch Ordnance Survey Map Published in 1908

4.3.5 25-inch Ordnance Survey Map Published 1933

The path from Church Lane is shown as a single dashed line next to a solid

dashed line which is believed to be the field boundary. The F.P in the allotments is shown as a single solid line which changes to a double dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.



Figure 12. 25-inch Ordnance Survey Map Published 1933

4.3.6 6-inch Ordnance Survey Map Published 1934

Path is shown as a single solid line running alongside the possible field boundary. The F.P shown in the allotments is shown as a double solid line. Further south this F.P is shown as a double dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.

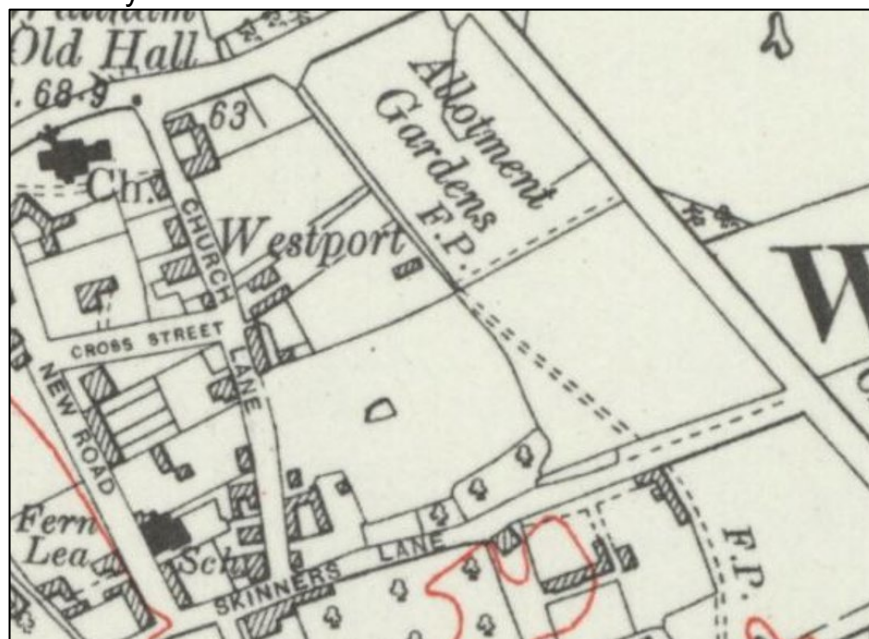


Figure 13. 6-inch Ordnance Survey Map Published 1934

4.3.7 6-inch Ordnance Survey Map Published 1947

Path again shown as a single solid line, the F.P in the now allotments is also shown as a single solid line. The path further south is shown as a double dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.



Figure 14. 6-inch Ordnance Survey Map Published 1947

4.3.8 6-inch Ordnance Survey Map Published 1951

Path shown as a double solid line which is the same as the now Public Footpath in the allotments which then turns to a double dashed line further south. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.



Figure 15. 6-inch Ordnance Survey Map Published 1951

4.3.9 1:25,000 Ordnance Survey Map Published 1953

Path is not shown; however, the Public Footpath in the allotments is shown as a double solid line then changing to a single dashed line. The Public Footpath that runs along the south eastern boundary of the allotments to Ings Lane is shown as a single dashed line running alongside a solid line possibly field boundary.

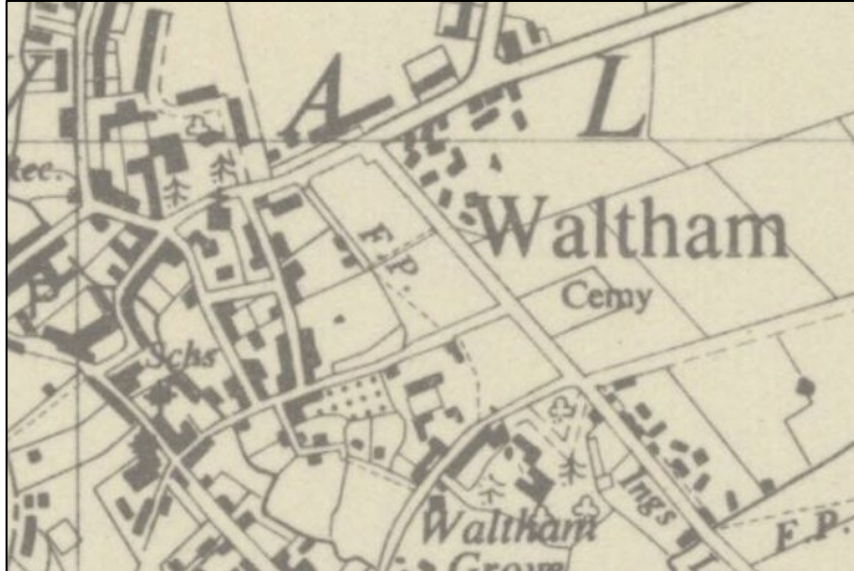


Figure 16. 1:25,000 Ordnance Survey Map Published 1953

4.4 Finance Act 1910

- 4.4.1 The Finance Act 1910 provided the levy and collection of a duty on the increment value of all land in the United Kingdom. The value of the site for taxation purposes was established via a survey undertaken by the Valuation Office. The findings of these surveys can be found in valuation field books supported by printed and annotated Ordnance Map Sheets (Second Edition) at a scale of 1:2500 (25 inches: 1 mile). The proposed modification route passes through or is adjacent to hereditaments 296, 430 and 431. The annotated Ordnance Survey Map is shown below.

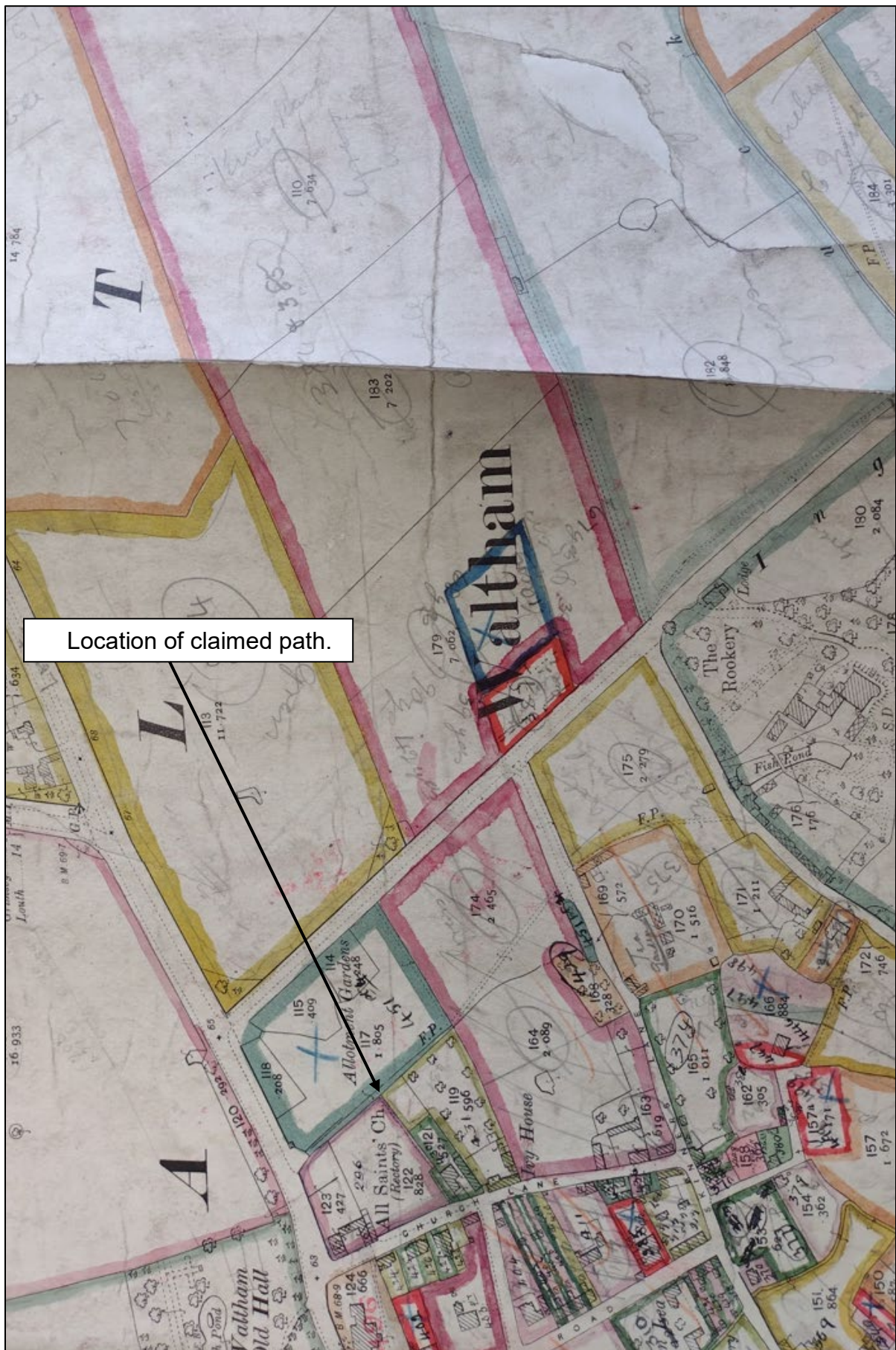


Figure 17. Photo of the annotated Ordnance Map Sheets

- 4.4.2 The Field Book entry for Hereditament 430 and 431 forms Appendix 11. It shows that a deduction of £50 was made in respect of acknowledged public rights of way. This assumption is made on the basis 5 of the pencil annotations. Both the definitive and proposed modified routes of Footpath 48 cross Ordnance Survey parcels numbered 273 and 245. 5.4 The Field Book entry for Hereditaments 296, 430 and 431 forms are shown below in Figure 1. No deductions for public rights of way were granted for these hereditaments.
- 4.4.3 The Field Book entry for “*Public Rights of Way or User*” for the Parish of Waltham only records two deductions. These being for hereditament 384 where there is a deduction of £5. Definitive Map Public Footpath 66 runs through this hereditament. The second being for a deduction of £10 for “*Public Rights of Way and User*”. There is Definitive Map Public Footpath 71 crossing this hereditament which runs between Barnoldby Road and Bradley Road.

Parrish of *Waltham*

No. of Assessment.	No. of Year Date.	Christian Names and Surnames of Owners.	Christian Names and Surnames of Owners, with their Residences.	Description of Property—If in fee, &c., the name or sign by which known.	No. of Acres.	Street, Place, Name, and Precise Situation of Property.	Estimated Extent.	Gross Annual Value.	Reliable Value.	Reference to Map.	Extent as determined by Value.	Original Gross Value.	Deductions for	Determination of	Original Fall Rate Value.	Fixed Charges.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	Public Rights of Way or Easement.	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4.5 Highway Authority Records

- 4.5.1 When the Definitive Map was drawn up each Parish surveyed their Public Rights of Way and recorded them on Parish Survey Notes. This path was surveyed in March 1951 by a P.Croft. The survey plan shown below shows the path annotated with "10". The survey details for this path records the path as a F.P. (Footpath) the local name of path and description for the path is recorded as: "Easy access to Gravel Pit Gardens". The description of each end is described as "Church Lane" and "Gravel Pit". The description of the way is given as "Commences Church Lane passes across grass paddock in front of Mr Rawlings House to Gravel Pit Gardens...surface very rough only one stile that is fairly good condition". It is unclear from the notes where the stile is located. There was also no mention of how the ditch, if it was present was bridged.



Figure 19. Parish Survey Notes plan

COUNTY OF LINCOLN - PARTS OF LINDEY	
SURVEY OF PUBLIC RIGHTS OF WAY	
National Parks and Access to the Countryside Act, 1949	
PARISH <u>Waltham - Lincs.</u>	
1) Number of path on map <u>10</u>	(2) Symbol distinguishing status of path <u>F.P.</u>
3) Local name (if any) of path and description of the purpose which the path serves to the public <u>easy access to gravel pits gardens</u>	
4) Description of each end of path : One end is described as follows:- <u>Church Lane</u> The other end is described as follows:- <u>Gravel Pit</u>	
5) Description of the course, condition and usefulness of the path, including such explanation as may be necessary of symbols (e.g. F.B., S., marked on map, and including any information of the width of the path, nature of surface, obstructions etc., and any suggested extinguishment or diversion of the right of way <u>Commences Church Lane passes across grass paddock in front of Mr Rawlings House to Gravel Pit gardens</u> <u>Surface very rough only one stile that is fairly good condition</u>	

Figure 20. Parish Survey Notes

- 4.5.2 The grounds for believing the path to be public is recorded as *“shown on map accompanying Parish Award and mentioned in Award. In general use throughout living memory”*.
- 4.5.3 Locations of some of these descriptions was asked from Waltham Parish Council. They were able to give the locations as follows:
- Mr Rawlings House – it’s boundary wall is alongside the footpath – large corner house on the corner of Church Lane and Cross Street, number 15 Church Lane.
 - Gravel Pit Gardens – another name for the Ings Lane Allotments – villagers know the allotments as Gravel Pit. The allotments at this location date back to 1896.



Figure 21. Locations of descriptions given in Parish Survey Notes.

- 4.5.4 A possible error happened between surveying this path and drawing up the Definitive Map. The survey notes show a thick line where this DMMO application is located, whether this is the line intended it is unknown. The Definitive Map line was drawn where the yellow highlighted line is shown in the plan below. The purple shading is where this claimed path is located. Whether the draftsman of the Definitive Map thought the line of the field boundary was the surveyed path and that the dark line was part of the circle for 10 it is unknown and possible a reason why the Definitive Map was drawn up in error at this location.



Figure 22. Parish Survey note plan showing possible discrepancy.

- 4.5.5 The Public Rights of Way Parish Survey Notes includes an extract dated the 17th April 1771 Inclosure Award for the Parish of Waltham. Inscribed on the left-hand side there is the note: “No 10 & 11”. The Inclosure Award reads: *“Foot Roads ‘We do Award set out and appoint one foot road in the east field of Waltham aforesaid leading westwards from a private road over lands herein allotted to the said John Beatcliffe on the Northside of the ancient Inclosure of the said Thomas Hewson and a private Road on the North side of the antient Inclosure of the said Henry Best and on the South West corner of Lands herein allotted for digging and getting of gravel through lands herein allotted to the said Thomas Hewson to a private Road leading to the said Turnpike Road”.*
- 4.5.6 The documents held by the Highway Authority include several letters in relation to this path. One letter was dated 8th April 1977 from Waltham Parish Council mentioning the Footpath Committee and their recent meeting on the 5th April 1977. Attached to this letter there were additional notes headed “Waltham Footpath Queries” which related to path 67 which read: *“It would appear that there has been a discrepancy between that path as submitted by the Parish Council and the publication of the Draft Map. This is path 10 as submitted by the Parish and is shown along the road to factory. Wrongly interpreted on the Draft Map and perpetuated on Provisional and Definitive Map. Solution Owners of land on line of present path to submit application to divert. Costs no doubt borne by Humberside C.C to correct mistakes on map”.*
- 4.5.7 Another letter dated 10th April 1977 from Waltham Parish Council regarding the sign post of Public Footpath 67 reads as follows: *“The present footpath by the side of Porters Factory is on the correct position and it ends where it enters the allotments. Will you please make the necessary arrangements for this footpath to be correctly sited on the map. At no time did this path continue to Ings Lane. It is not thought that a signpost is necessary for this footpath as it only leads to the allotments”.* The continuation of Public Footpath 67 currently runs to Ings Lane. The part of the Footpath along the south-eastern part of the allotments to Ings Lane isn’t being considered. This Public Footpath is shown on OS Maps at this location.

- 4.5.8 The location of Porters Factory given by the Parish Council is as: *“Porters Factory in the 1960s made nuts and bolts but closed and is now the care home (Ashlea Court)”*.
- 4.5.9 Another letter dated 2nd May 1977 and records Footpath 67 as:
“It is now obvious that this oath (path) was shown in the wrong position on both the draft and provisional maps by the former Lindsey County Council and because of this was perpetuated on the Definitive Map. Part 1 of Schedule 3 of the Countryside Act enables mistakes which have been made in the preparation of the definitive map to be corrected on a review of the map and the map will be corrected therefore when the next Review map is published”.
Part 1 of Schedule 3 of the Countryside Act 1968 was repealed by the Water Act 1989. No review of the Definitive Map has occurred since it was drawn up subsequently this error has never been rectified.
- 4.5.10 The claimed DMMO route has been surveyed and recorded by the Public Rights of Way team since 2013 along with photos of the bridge. Humberside County Council had placed a finger post on Church Lane indicating the claimed route, this finger post is shown in Appendix 2 Photograph 1. The post is inspected as part of the routine Public Rights of Way inspections.
- 4.5.11 On the Highway Authority digital records for Public Footpath 67 they include records for the bridge and finger post and have included the bridge and access road as part of the records. On the bridge asset record there is a note which reads: *“Two planks and a hand rail. Hand rail repaired Feb 2005”*. It is also noted that: *“Not on definitive line. Suspect error with definitive map”*.
- 4.5.12 There is also a note from 24th August 2016 that says: *“Def line not available on the ground at the western end from Church Lane to the junction with FP66. Buildings across the line. Alternative route is available approx. 50m north of def line. THIS PATH WILL FAIL INSPECTION UNTIL THIS ANOMALY IS RESOLVED”*.

Appendix 5.

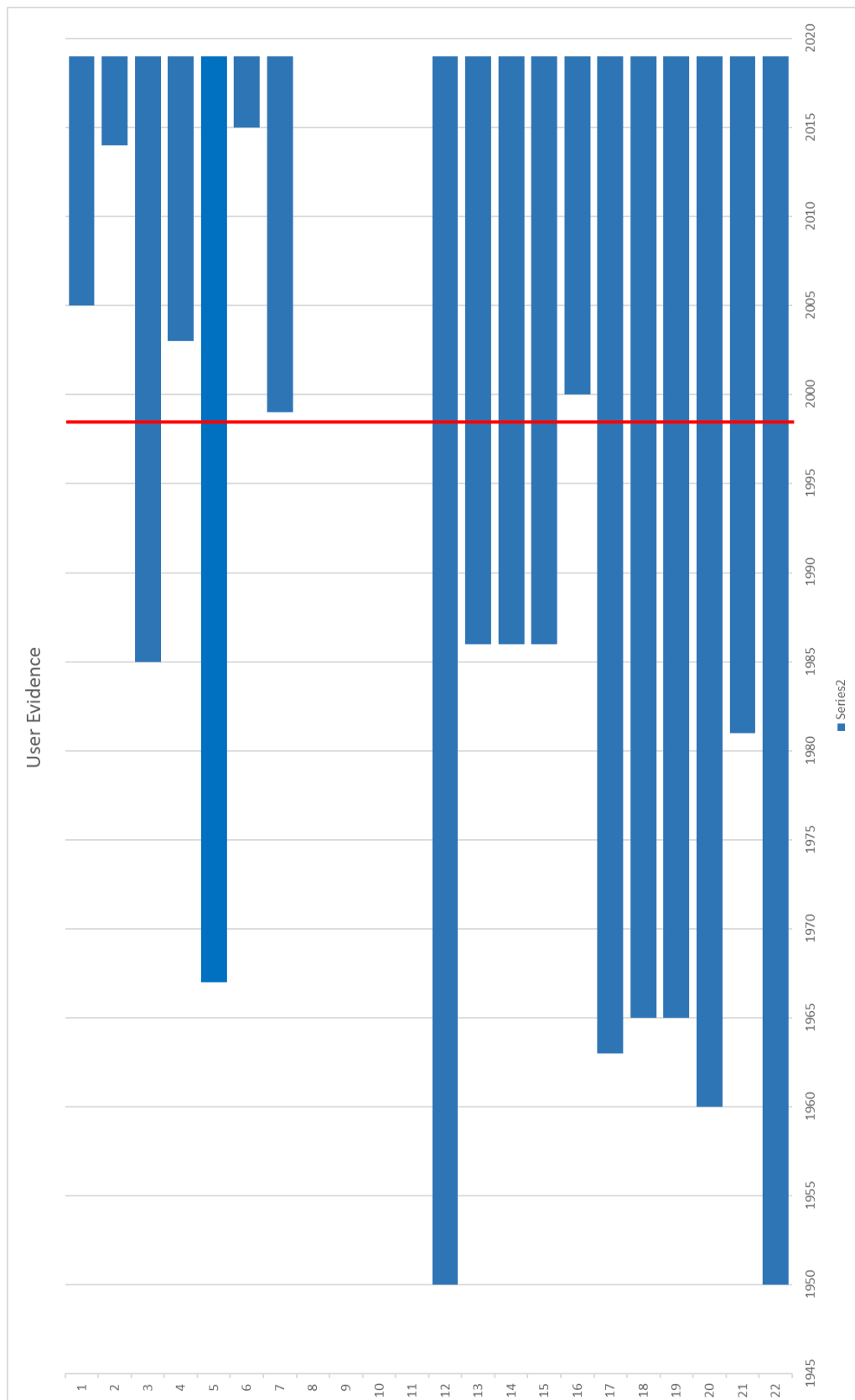
Graph showing the users, how the route has been used and how often.

User:	How did you use the application route and how often?					Has route always followed same course.	For what purpose			Notes:
	How did you use the route						Pleasure	School	Shops	
	Foot				Motor vehicle					
	daily	weekly	monthly	Every few months	daily					
1		yes				yes	yes			
2	yes	yes	yes			yes	allotment			To get to allotment
3		yes				yes	yes		yes	To get to shops
4	yes				yes	yes	yes			To get to allotment
5		yes				yes	yes			To get to allotment
6	yes					yes	yes			
7			yes			yes	yes			OS Map attached unknown date
8	No further information has been added									
9	No further information has been added									
10	No further information has been added									
11	No further information has been added									
12	No further information has been added									
13	yes			yes		yes	yes	yes		
14				yes		yes	yes			
15		yes				yes	yes			
16		yes				yes	yes			
17		yes				yes	yes			
18				yes		yes	yes			
19		yes	yes			yes	yes			
20			yes			yes	yes			part of the village system
21			yes			yes	yes			
22			yes			yes	yes			

Appendix 6.

Visual representation of the users that have submitted user evidence forms.

The vertical red line shows the 20-year use from 1997-2017 (the relevant period).



Appendix 7.

Summary of User Evidence Statements.

- 7.1 User 1 has resided in the village many years and has used the path on a monthly basis since 1999. They have never seen any signs prohibiting the use and has never been closed. They have believed it to be a Public Right of Way and said it's a convenient link from Church Lane to the allotments and other footpaths.
- 7.2 User 2 has used the path on a weekly basis since 1963 on foot to access the allotments. They said no signs have been seen prohibiting the use.
- 7.3 User 3, they have used the path since 1986 as a child they used the route to get to school and would either walk or cycle along the path on a weekly basis. They have moved away however still occasionally use the route for recreational use.
- 7.4 User 4 had used the path since 1986 for dog walking and visiting friends on a weekly basis and on foot.
- 7.5 User 5 used the path since 1981, they had used the path monthly to visit Grove Park and the cemetery.
- 7.6 User 6 has lived in the village for many years and has used the path since 1965. They have used the path on foot to visit the allotment.
- 7.7 User 7 said they have used the path since 1965 on foot to get to their allotment. No one has ever told them not to use the path.