

WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 DEFINITIVE MAP MODIFICATION ORDER
APPLICATION: DMMO 12 – BUTT LANE, LACEBY

Witness statement taken from Mr. Iain John MacFarlane of [REDACTED] Laceby [REDACTED]
[REDACTED] regarding the alleged public footpath running from Butt Lane to Footpath No. 110 Laceby.
Taken on the 09/08/2018 by Anthony Wilson, Public Paths Officer.

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that this statement will be used as evidence and could be used at a public inquiry.

I am aware that a copy of my statement will be made available on request if an order is made or in the event of a public inquiry being held to determine whether the order should be confirmed.

Signature.. [REDACTED]

Date

16/8/18

I am 38 years old and I was born and bred in the village of Laceby. I moved to Cleethorpes briefly from 1997 – 1999 but then returned to Laceby where I continue to live.

As far back as I can remember there has always been a pathway running from Butt Lane across some waste land and out into open fields which I have always called 'Harecrops'. I have drawn the route of this path on a map which I have signed and dated and now refer to as item IJM / 1.

The path starts as a surfaced track before leading onto a natural surface about half way into the wasteland and continuing into Harecrops.

I have used this path since I was about 7 years old and as a child I would often use it to access the waste land and the open fields where I used to play and go camping with my friends. We would often access the waste land directly from the rear of my friend's house at 58a Butt Lane. These days I still use the path, at least once per week for walking my dog or for walking myself. It forms a good circular route as it links up with an existing public right of way on 'Harecrops'.

I never knew the path by any name but I understand that the wasteland was originally allotments which fell into disuse and were later abandoned. I know that the Laceby cub scouts group used to use this path and the wasteland as at one point they planted some fruit trees on there.

I think that the path was just an open 8 foot, although there may have been a timber gate at the Butt Lane end before the kissing gate which has now been installed.

Signature.. [REDACTED]

1

Date.....

16/8/18

Wildlife and Countryside Act 1981, Section 53 Proposed Definitive Map Modification
Order: North East Lincolnshire County Council DMMO Ref. 12
Witness Statement of Mr. Iain John McFarlane of [REDACTED] Laceby [REDACTED]
continued

I have always thought that the public had a right of access to use this path, everyone in the village seems to have been using it for years without hindrance.

However, the only time I have ever been officially told that I have permission to use the path was quite recently after I had been challenged by Mr. Jagger, the occupant of one of the properties on Butt Lane which is adjacent this path. Mr. Jagger approached me one day whilst out walking the path and told me that it was private and that I shouldn't be using it. I then enquired with Laceby Parish Council and was told by Dave Marshall that I did have permission to use the path and that I had a right of access to the area.

No-one else has ever told me that I should not be using this path.

I have never seen any signage along the path prohibiting my using the path.

The only physical obstructions I have come across is when the existing kissing gate was welded shut. It had also on several occasions been chained and locked to prevent access. I suspect that this had been done illegally by Mr. Jagger, as he once admitted to me that he it was his intention to stop people using the path. I have never come across any other obstructions along this path.

I fully support this path being formally made a public right of way. It is historical and has been well used by all the villagers for many years. It would be a shame to see it gone.

[REDACTED]
Mr. I.J. McFarlane.

Signature..... [REDACTED]

Date..... 16/8/17



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WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 DEFINITIVE MAP MODIFICATION ORDER

APPLICATION: DMMO 12 – BUTT LANE, LACEBY

Witness statement taken from Ms. Carol Housley of [REDACTED], Laceby [REDACTED] regarding the alleged public footpath running from Butt Lane to Footpath No. 110 Laceby. Taken on the 09/08/2018 by Anthony Wilson, Public Paths Officer.

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that this statement will be used as evidence and could be used at a public inquiry.

I am aware that a copy of my statement will be made available on request if an order is made or in the event of a public inquiry being held to determine whether the order should be confirmed.

Signature: [REDACTED] Date: 16.8.18

I am 59 years old and I have resided in the village of Laceby since 1985.

As far back as I can recall I have always known a dog walking route, off Butt Lane across the 'Old Allotments', and out on to another public right of way which runs through open fields known as 'Aircrops'.

This route I have drawn using a red solid line on a map which I have signed and dated and now refer to as Item CH / 1.

I started using this path not long after moving to Laceby, I would say since around 1988. I have used and to this day continue to use this path every day to walk my dogs. This is a regular route for villagers wishing to access the fields.

The Butt Lane end of the path used to have a wooden gate, but there was a gap at the side which I used to nip through with my dog. This gate fell into disrepair and has been replaced with a metal kissing gate, but access is still possible.

The path is well trodden and a good portion of the path is surfaced. The line of the path is clear on the ground.

No-one has ever told me that I should not be using this path. When the kissing gate was installed a few years ago I was told by Dave Marshall from Laceby Parish Council that the villagers could use the path.

Last year a sign was placed on the kissing gate stating; 'Private Path Do Not Use'. I understand that Mr. Jagger one of the occupants of the houses adjacent the path had illegally erected this

Signature: [REDACTED]
Date: 16.8.18

Wildlife and Countryside Act 1981, Section 53 Proposed Definitive Map Modification
Order: North East Lincolnshire County Council DMMO Ref. 12
Witness Statement of Ms. Carol Housley of [REDACTED] Laceby [REDACTED]
continued

sign and it soon got taken down. Other than this I have never seen any other signage prohibiting use of this path.

I am aware that the occupiers of the properties in Butt Lane, either side of the path do not like people using it. However it is Mr. Jagger who appears to be the most vocal about it. On one occasion I was stood talking to someone along the path when Mr. Jagger sounded an air-horn and shouted abuse at us.

The wooden gate which used to be at the Butt Lane end of the path I think was kept locked. However people used to climb over it or use the gap to nip through as I previously mentioned. I know that the metal kissing gate which is now in place has been chained and padlocked on several occasions. I heard on the grape vine that it was Mr. Jagger who was responsible for doing this. The chains got removed and eventually the Parish Council removed the swinging arm of the kissing gate to prevent any further obstructions.


One night I saw Mr. Jagger and his son carrying a dog waste bin which had been placed at the entrance to the path. They carried the bin along Butt Lane and into the car park at Butt Lane playing fields. I challenged Mr. Jagger about this a few days later and he just laughed.

I would fully support this path being formally made a public right of way. I have always considered it as such and the installation of the kissing gate and the dog waste bin just reinforced my belief that the path was for public use. Many of the villagers walk this route every day and it is an asset to us all.

[REDACTED]..... Ms. C. Housley.

Signature.....
Date..... 16.8.18.....



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Lat Howard 12-5-18



WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 DEFINITIVE MAP MODIFICATION ORDER
APPLICATION: DMMO 12 – BUTT LANE, LACEBY

Witness statement taken from Mr. John Anthony McNamara of [REDACTED] Laceby, [REDACTED], regarding the alleged public footpath running from Butt Lane to Footpath No. 110 Laceby. Taken on the 03/08/2018 by Anthony Wilson, Public Paths Officer.

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that this statement will be used as evidence and could be used at a public inquiry.

I am aware that a copy of my statement will be made available on request if an order is made or in the event of a public inquiry being held to determine whether the order should be confirmed.

Signature [REDACTED] Date 9/8/18

I and 75 years old have lived in Laceby for 47 years, where I continue to live with my wife and son. Although originally from Grimsby I have known Laceby since I was a young boy having played in the area as a child and worked on local farms.

There is a pathway which runs from Butt Lane, Laceby between the houses of No. 56 and 58 Butt Lane, through some waste land and out on to the open fields at the rear which I have always known as 'Aircrobs'. I have marked the route of this path on a map using a red dotted line which I have signed and dated and now refer to as Item JAM / 1.

Some 47 years ago when I moved into [REDACTED] the land over which this path passed was a Council Tip or dump, and dustbin lorries used to access it from Butt Lane. This was filled in and covered over with soil and access to the land was gated. No-one used it at this time and it grew into a weed patch, but it was later turned into allotments when more topsoil was added onto the land. Many people used it to access the allotments which were still gated at this time. However, the soil was poor and nothing grew and the allotments fell into disuse and it became a waste area. Villagers continued to use the path through the disused allotments by climbing the gate.

Later the Parish Council planted trees and turned it into a walkway and wildlife area. The original wooded gate rotted away and was later replaced by a metal kissing gate.

Personally, my wife and I started using this path in 2000. We used the path to walk our dog and to access the public rights of way at the rear of this land which lead from Austin Garth, Laceby and on through to Aylesby.

Signature [REDACTED]

Date 9/8/18

Journal of Management Inquiry 16(4) 409–427

• *Staphylococcus aureus* (100%)

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..... 660

Wildlife and Countryside Act 1981, Section 53 Proposed Definitive Map Modification
Order: North East Lincolnshire County Council DMMO Ref. 12
Witness Statement of Mr. John Anthony McNamara of [REDACTED]
[REDACTED] continued

A good portion of this path is surfaced which I believe was done to allow Council lorries to access the tip. The rest of the path being well trodden is clearly defined on the ground. There is a little section at the Aircrobs end of the path which occasionally gets a little boggy, but the path is always walkable.

All the time that my wife and I have been using the path no-one has ever approached us and told us that we should not be using it. We have never seen any signs prohibiting use of this path. The land has always been owned /managed by the Parish Council as far as I am aware, and they have never objected to us using it, in fact they appear to be encouraging use of this path by the installation of a kissing gate and a dog waste bin.

I am aware however that the occupants of the properties in Butt Lane either side of this path (Nos. 56 & 58) object to the public using it. The most vocal of these is Mr. Jagger. They are both relative newcomers having only become occupants of those properties in the last 10 years. I am aware that Mr. Jagger has caused some problems with users of this path and consequently I don't use it any more. I use an alternative route on to Aircrobs via a friend's private property.

Recently a small section of timber fencing has been erected at the Aircrobs end of the path. This fencing doesn't prevent access from this path and out on to Aircrobs and I can't really see that it serves any purpose.

I fully support the making of this path into a public right of way and included on the Definitive Map. It is and always has been used by sensible people in the village, dog walkers and the like. I have never been aware of any trouble or anti-social behaviour being caused on that route and neither have I ever seen any evidence of it. I believe that everyone respects the fact that people live adjacent the path and act accordingly. It is also a lovely and convenient route through to the existing rights of way along Aircrobs at the rear of this land.


[REDACTED] Mr. J.A. McNamara

Signature.....

Date..... 9/8/18

1. The first step is to identify the problem. This involves understanding the current situation, the goals, and the constraints.



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