

**Document Reference 2****Statement Containing the Authority's Comments on Objections to the Order**

Paragraph of objection	Authority's Comments on Objections
<b><u>1.0</u></b>	<b><u>Objection 1 Mr and Mrs Jagger</u></b>
1.1	The user evidence forms and statements say the gate was never locked.
1.2	The evidence was recorded in the planning agenda and was available for all to read. The DMMO process does not look at anti-social behaviour it looks at the evidence if public rights exist or not.
1.3	All photos that have been sent are in the objection.
1.4	No one has abused their power in the process of the DMMO application and decision.
1.5	The Authority can only consider whether or not public rights exist over the paths. Factors such as the impact on a landowner of having the routes recorded on the Definitive Map cannot be taken into consideration when considering whether or not to include the path in a Definitive Map Modification Order.
1.6	As 1.5
1.7	As 1.5
1.8	As 1.5
1.9	As 1.5
1.10	The claimed route has nothing to do with the new developments.
1.11	The history of the site has been explained in the Statement of Case 3.7.
1.12	A local resident locked the gate to prevent users walking to the former allotment site and through to Public Footpath 110.
1.13	No false evidence has been made up to open the allotment as a right of way. Evidence has been recorded on the user evidence forms and statements.
1.14	The objector hasn't submitted any evidence that shows the path was not being used a path.
1.15	Email objection mainly mentioning anti-social behaviour as 1.5 above. Which Wildlife and Countryside Act 1981 does not take into consideration.
1.16	Dark shadow across the gate which does not prove there's no gap or path.
1.17	As 1.5

1.18	Dark shadows across the gate.
1.19	Unclear what the photograph is showing.
1.20	The kissing gate shown is a new gate installed around 2016.
1.21	Email from Jack Fox Corporate Estate Manager at North East Lincolnshire Council to Mr Jagger. As the photos of this email were illegible, a copy of the email is shown in 1.22 to 1.26.
1.22	The email in response to Mr Jagger dated 3 <sup>rd</sup> February 2017.
1.23	This paragraph mentions the lease and cultivating and maintenance of vegetation on site.
1.24	Refers to Planning Permission. It goes on to say <i>"Mathew Chaplin has confirmed there are no public rights of way running through the site. There would need to be 20 years use of a route for an application to Modify the Definitive Map. On review of the information provided, such as gates being locked previously, this would not be possible during that period"</i> . At that time no claim for a Public Footpath or and rights had been identified running through the site, it was also unclear at the time when the gates had been locked.
1.25	This paragraph mentions the claim rubbish is surfacing near the property of the Mr Jagger. A site visit was undertaken on 11 <sup>th</sup> November 2017, <i>"the site is vert overgrown and largely inaccessible, apart from the main path (and a couple of trails that lead off) seem to lead through the site". and a main path was seen running through the site"</i> .
1.26	This paragraph mentions the historical use of the area.
<b><u>2.0</u></b>	<b><u>Objection 2 Mr and Mrs Pearson.</u></b>
2.1	Letter dated 11 <sup>th</sup> September 2023.
2.2	The letter of the pre-Order making consultation is shown in paragraph 2.7.
2.3	The objections that were raised were recorded in the Planning Committee report, which was an agenda item at the Planning Committee meeting.
2.4	Two users statements recorded using the path from the rear of their properties and these were excluded.
2.5	The photos shown at the June Planning Committee were taken when the path was being used.
2.6	The issues started when the kissing gate was installed and a neighbouring resident padlocked the gate, preventing people from using the path. The Committee member that is on the Planning Committee and Laceby Parish Council raised the

	issue at Chairs Briefing whether he had a conflict of interest and legal services decided there was no conflict.
2.7	Objection for the Pre-Order making consultation via solicitor.
2.8	Copies of evidence were made to the solicitor and all historical evidence is available.
2.9	The solicitor received copies of the redacted user evidence forms. When determining Definitive Map Modification Orders as well as considering the evidence submitted with the Application all other relevant evidence available must also be considered.
2.10	The claimed path runs alongside where the landfill would have been and obviously not in the landfill.
2.11	The claimed route dates from 1999 to 2019 outside the period when the land was used for landfill. Part of the claimed path is surfaced however there is a natural surface for around half the claimed path.
2.12	Again, the claimed route is between 1999 and 2019 the plan dated 1977 may not show the claimed path. The claimed path leads to Public Footpath 110.
2.13	The user evidence forms which were recorded from users' rear gardens were not taken into consideration.
2.14	The Public Footpath isn't mentioned as it isn't currently not recorded on the Definitive Map as a Public Footpath.
2.15	The access from Butt Lane was used to get to the allotments, however there are user evidence forms that say they continued along the path to Public Footpath 110 or Aircrops/Haycrops etc.
2.16	The lease does not record how the boundary treatment should be maintained.
2.17	It is unclear what the surveyor was trying to illustrate when drawing the plan and whether. Was path claimed then June 1989?
2.18	Check dates of claim.
2.19	Again check date
2.20	1995? A number of users said there was a gap besides the gate and the gate was not locked until the metal kissing gate was installed.
2.21	The landowners planted a hedgerow alongside the track.
2.23	A number of users said there was a gap besides the gate and the gate was not locked until the metal kissing gate was installed.
2.24	The Scout leader may have been given permission to access the site.

2.25	The user evidence forms which were recorded from users' rear gardens were not taken into consideration.
2.26	The gate was mentioned in the user evidence forms and that it was either open or a gap beside the gate was accessible. The Whatsapp message isn't proof that the landowner prevented access to users, this is hearsay evidence.
2.28	The Google Streetview photos are not clear to categorically say there is a padlock and chain present.
2.29	After the allotments failed the area was given over to a wildlife area.
2.30	No records have been found regarding the ;locak replacement.
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1.1 Following publication of the Order two objections were duly made.

1.2 The objections are made by Mr. and Mrs Jagger and Mr. and Mrs Pearson. Copies of the objections are included with this submission as Document Reference <<>>.

7.2.3 In an email chain dated 12<sup>th</sup> December 2018, Mr Jagger included an email from the Councils Corporate Property Manager it included an email dated 3<sup>rd</sup> February 2017. In this email it mentions *“with regards to rights of way issues, Matthew Chaplin has conformed there are no public rights of way running through the site. There would need to be 20 years use of a route for an application to Modify the Definitive Map. On review of the information provided, such as gates being locked previously, this would not be possible during that period”*.

7.3.1 aerial photographs is in the location due to a track laid out, however in the Landfill Survey the track didn't lead all the way to the eastern boundary where Public Footpath 110 is located.

1.63 The solicitor also argues that the worn route shown on the aerial photographs is in the location due to a track laid out.