

Appendix 6

From: john carney <johncarney1@btinternet.com>
To: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
cc: Mike Wood <mike.wood@northlincs.gov.uk>

Date: Monday, October 26, 2009 07:19PM
Subject: Re: Objection to Order

I have objected to DMMO orders being made on any part of the highway system that is record as unclassified roads.

you and tim allen know which these are , They are the ones that have been coloured on the definitive map as footpaths and bridleways by officers with no more authority than a packet of crayans and an ego that he can quite improperly change a unclassified carriageway to a Public right of way without the legal procedure of a Magistrates Order

for the last 12 years Tim allen and you have maintained that it is the appearance of highway that decides it status, That is wronge

Allen and you have also maintained that roads awarded as private in the Crowle Inclosure are still private maintained roads which is also untrue The records in LA are clear that since the 1835 highways Act, or soon after have been no retione tenurea highways in Crowle parish. They have been maintain by the highway rate set by the vestry

Michael Doherty nlc solicitor(retired) and Tim Allen were wrong, in their position on Crowle roads the 1835 HA allowed the Parish to take over roads maintained ratione tenurae or perscription

The highways Act 1835 section 82 enacted that highways maintainable rational tenurae perscription may be made a parish highway

The 1862 HA section 35 also enacted that ratione tenurae roads may be made repairable by the parish.

the 3 roads in the Eastoft warps road case were all ordered to be repaired by the Crowle Local Board

The evidence before the Quarter Sessions was that in living memory there had only been one highway rate for the whole of the Crowle highway authority area

section 35 of the 1835 enacts at section 33 that **Certain people are exempt from paying the highway rate,therefore Those who maintained the** Private roads set out in the Inclosure's Act and responsible for the rates set out to repair those roads included the Eastoft complainants were only responsible for the highway rate because Crowle highway Authority had made the roads repairable ratione tenurae maintainable by the parish soon after the 1835. Pratt and Mackenzie 19th Ed 'Law of Highways' 1952 at not(d) page 158 confirms that those liable to repair ratione tenurae a highways were exempt from the highway rate

Had the roads in Crowle award been strictly private roads as you Allen Doherty and wood say They would not have been repairable ratione tenurae and could not have been made parish roads, The highway Board would not have been Order to stone the roads

John carney

From: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
To: john carney <johncarney1@btinternet.com>
Sent: Monday, 26 October, 2009 15:54:27

Subject: Re: Objection to Order

Dear Mr Carney,

Am I to infer from what you state that you have not in fact objected to this order? There were no other objectors. If that is so, then North Lincolnshire Council can, of course, confirm orders that are unopposed. The order was advertised in the Scunthorpe Telegraph and on site. It was also advertised on the NLC web-site in the usual place.

Yours sincerely,

Colin Wilkinson
Senior Public Rights of Way Officer
North Lincolnshire Council
01724 297391

-----john carney <johncarney1@btinternet.com> wrote: -----

To: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
From: john carney <johncarney1@btinternet.com>
Date: 26/10/2009 03:18PM
Subject: Re: Objection to Order

Before any order is made there should be full public consultation As senior ROW officer i am sure i do not hve inform you of the rules, and i noticed that you now have a copy of the Blue Book.as ref.

there has been no publication of the maps you have to refet , it is not good enough. You are paid to obtain all the relivent information for public discussion, instead you are deliberately surpressing information and making Orders in pravate
John carney

From: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
To: john carney <johncarney1@btinternet.com>
Sent: Monday, 26 October, 2009 14:20:27
Subject: Re: Objection to Order

Dear Mr Carney,

I attach a copy of the order in question (i.e. "Definitive Map Modification (Public Bridleway 81, Wroot) Order 2009(1)". Have you objected to this order? The only correspondence I have from you in relation to it from which an objection might be construed is an email to Geoff Popple dated 1 October 2009. If you are objecting, it might be helpful if you were able to answer the queries in my email below - for the purposes of clarification, that is. Not just for me, but for the Secretary of State, if indeed the order has to be so referred.

Unfortunately - and I apologise if I am being slow on the uptake - I am unsure what you mean by "please confirm on copy of the 1947 and 1964 the position". Are you talking about OS maps of these years? And the position of what? Do you mean the bridleway?

Yours sincerely,

Colin Wilkinson
 Senior Public Rights of Way Officer
 North Lincolnshire Council
 01724 297391

-----john carney <johncarney1@btinternet.com> wrote: -----

To: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
 From: john carney <johncarney1@btinternet.com>
 Date: 26/10/2009 01:13PM
 Subject: Re: Objection to Order

As you know i have objected to 2 orders in wroot
 please confirm on copy of the 1947 and the 1964 the position
 E-mail a copy of the order, how do i know which order you are talking
 about it is not on public notice on NLC web site

From: Colin Wilkinson <Colin.Wilkinson@northlincs.gov.uk>
To: johncarney1@btinternet.com
Sent: Monday, 26 October, 2009 12:40:22
Subject: Objection to Order

Dear Mr Carney,

On 11 September 2009, North Lincolnshire Council advertised the making of "Definitive Map Modification (Public Bridleway 81, Wroot) Order 2009(1)". Although the deadline for lodging objections has now passed, would you please clarify for me whether your email to Geoff Popple of 1 October 2009 was intended to serve as an objection? Although on 9 October 2009 I responded on Mr Popple's behalf by stating that your email would be counted as an objection, I don't want to misrepresent you to the Secretary of State, albeit inadvertently, if that is not in fact the case.

You don't necessarily need to reply to this email if you do wish me to treat your 1 October email as an objection. If I don't hear back from you soon, I shall assume by default that you want me to interpret your email as an objection and refer it and the order to the Secretary of State accordingly. If you are objecting, though, it might be helpful if you were to state your interest in this order, what you think is wrong with it and what alternative course of action, if any, you think North Lincolnshire Council should be taking in this matter. Please remember, too, that objectors to orders made under the Wildlife and Countryside Act 1981 are required to state the grounds on which their objections are made.

Yours sincerely,

Colin Wilkinson
 Senior Public Rights of Way Officer
 North Lincolnshire Council
 01724 297391

This e-mail expresses the opinion of the author and is not necessarily the view of the Council. Please be aware that anything included in an e-mail may have to be disclosed

under the Freedom of Information Act and cannot be regarded as confidential. This communication is intended for the addressee(s) only. Please notify the sender if received in error. All Email is monitored and recorded.

Please think before you print- North Lincolnshire Council greening the workplace.

This e-mail expresses the opinion of the author and is not necessarily the view of the Council. Please be aware that anything included in an e-mail may have to be disclosed under the Freedom of Information Act and cannot be regarded as confidential. This communication is intended for the addressee(s) only. Please notify the sender if received in error. All Email is monitored and recorded.

Please think before you print- North Lincolnshire Council greening the workplace.

This e-mail expresses the opinion of the author and is not necessarily the view of the Council. Please be aware that anything included in an e-mail may have to be disclosed under the Freedom of Information Act and cannot be regarded as confidential. This communication is intended for the addressee(s) only. Please notify the sender if received in error. All Email is monitored and recorded.

Please think before you print- North Lincolnshire Council greening the workplace.