

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PUBLIC FOOTPATH 256a (1), MELTON ROSS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider whether we should support the confirmation of an order when we refer it to the Secretary of State. The order seeks to add a footpath to the definitive map. We can, however, opt to take a neutral stance.

2. BACKGROUND INFORMATION

- 2.1 On 29 April 2013, we received an application to modify the definitive map. The application sought to add a public footpath along a route indicated at Appendix 1.
- 2.2 The Director for Places approved adding this footpath to the definitive map on 21 October 2014. This was on the basis of having received sufficient witness evidence. Historical mapping indicated the existence of a physical route. This though was not conclusive as to status. (see Appendix 2).
- 2.3 When the modification order was advertised, the council received 29 objections. An additional eleven signatories gave their support to a group objection. It was submitted that use of the route had been challenged. This was by the current and previous owners of Honeysuckle Cottage. Attempts were made to contact the previous owner. However, this proved unsuccessful.
- 2.4 Subsequently five witnesses failed to respond to confirm their support. A sixth witness indicated that he would not be interested in pursuing the matter if there was an overall lack of support.
- 2.5 This left five supporting witnesses. Only one remaining supporter claims to have used the route for the requisite 20 year period. The applicant has used it for three years. Use of the route by the other three witnesses only covers the preceding 11 years. All of their period of use falls within the years when the current and previous owners of Honeysuckle Cottage are said to have disputed access along the route.

- 2.6 We wrote to the applicant for two reasons: (1) to address these discrepancies and (2) to provide any counter evidence. The letter stated what could happen if we did not hear back. This was that we could take a neutral stance at confirmation. The applicant has not responded. A copy of these letters and confirmation of delivery can be seen at Appendix 3.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are two options available for consideration by the Planning Committee:

3.1.1 To forward the modification order to the Secretary of State supporting its confirmation (Option 1).

3.1.2 To forward the modification to the Secretary of State adopting a neutral position regarding confirmation due to the lack of supporting evidence (Option 2).

4. ANALYSIS OF OPTIONS

4.1 We can support confirmation of the order. In so doing, we are saying that we are confident that the supporting witness evidence outweighs the objections submitted. Also, that we remain confident that a presumption to dedicate existed.

4.2 By adopting a neutral position we neither support nor oppose confirmation. We can take this position if the evidence does not support the presumption to dedicate. The applicant would then present the case without our assistance.

4.3 In this case, officers recommend that we follow Option 2.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING)

5.1 Financial

5.1.1 The Secretary of State will determine the order by one of three means: written representations, hearing or inquiry. If we take a neutral stance, we should incur no more than the hire of a village hall in the event of the need to hold a hearing or inquiry. Regardless of the outcome, the existing Environment Team budget will be more than sufficient.

5.2 Staffing

5.2.1 If we support confirmation, we might call upon the help of Legal Services if an inquiry resulted.

6. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

6.1 Not applicable.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 Notice of the making of the order was sent to all statutory consultees. These include user groups, ward councillors, the parish council, utility companies and affected landowners.

8. **RECOMMENDATIONS**

8.1 That the Planning Committee authorises that we submit the order to the Secretary of State and adopt a neutral stance in so doing.

DIRECTOR OF PLACES

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Author: Naomi Boyd
Date: 5 January 2016

Background Papers used in the preparation of this report: Office file
PROW/Melton Ross/FP256A

APPENDIX 1

Enquiries to: Naomi Boyd
Email: naomi.boyd@northlincs.gov.uk
2nd December 2015



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Dear **Mr Leaning**

Re: Application to modify the Definitive Map, Shop Lane, Melton Ross

Further to my letter dated 26th October, I haven't received anything from you confirming whether you would wish to present your case to the Planning Inspectorate.

I have enclosed a copy of the letter to which I refer in case for some reason you didn't receive it.

I would be pleased to hear from you by Friday 18th December confirming this point. If I do not hear anything from you by that date, I shall prepare a report to our planning committee accordingly.

Please contact me should you have any queries about the content of either letter.

Yours sincerely

Naomi Boyd
Definitive Map Officer
Environment Team
Places Directorate
01724 297000



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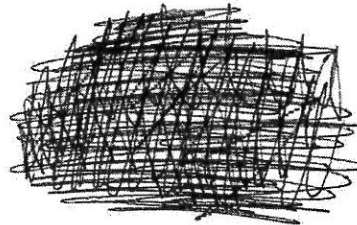
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Date: 05 December 2015, 09:56am

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