



APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 DEFINITIVE MAP MODIFICATION ORDERS

(This form to be completed by the applicant and returned to Lincolnshire County Council)

To: **Definitive Map Officer, Public Rights of Way & Countryside Access, Communities,
Lincolnshire County Council, City Hall, Lincoln, LN1 1DN**

APPLICATION

I/We BG SOLICITORS LLP.....
of 25A NORTHGATE, LOUTH, LINCOLNSHIRE..... Postcode LN11 0LT.....
hereby apply for an order under Section 53 of the Wildlife and Countryside Act, 1981, to modify the
Definitive Map and Statement for the area by:
**(Delete any of the following sections which do not apply)*

*Deleting the footpath / bridleway / restricted byway/byway open to all traffic (delete as appropriate)
From.....To.....
Parish of.....Parish of.....

OR

*Adding the ~~footpath / bridleway / restricted byway~~ / byway open to all traffic (delete as appropriate) ^(SPOUT YARD)
From NORTHGATE.....To SPOUT YARD CAB PARK / STORE.....
Parish of LOUTH.....Parish of LOUTH.....
(COLOURED BLUE ON THE ATTACHED MAP)

OR

*Upgrading / Downgrading the footpath / bridleway / restricted byway / byway open to all traffic **to a**
footpath / bridleway / restricted byway / byway open to all traffic (delete as appropriate)
From.....To.....
Parish of.....Parish of.....

OR


*Varying the particulars of the footpath / bridleway / restricted byway/byway open to all traffic (delete as
appropriate)
From.....To.....
Parish of.....Parish of.....
By amending to.....
.....

(in all cases) and shown on the map annexed hereto.

IMPORTANT: PLEASE READ


Legislation requires the County Council to keep a register of Definitive Map Modification Order ("DMMO") applications, and to make this available for inspection by the public on its website and at its offices. For each application the register must contain, amongst other details, a copy of the Application Form and details of the Applicant's name and address. The County Council will redact the signature of the Applicant on all DMMO documents published on its website. However, should the Applicant believe that the inclusion or retention of their name and address on the register would, or would be likely to, cause substantial unwarranted damage or distress to the Applicant or to another person, and has satisfied the Council that this is the case, the Council will exclude (or remove) their name and address from any documents contained, or to be contained, on the register.

I / We attach the following documentary and / or user evidence in support of this application, as listed below.

Signed  (or BG solicitors) Date 20 Feb 15

SUPPORTING EVIDENCE

User E

I enclose  in support of this application. (more to follow)

AND / OR (delete as appropriate)

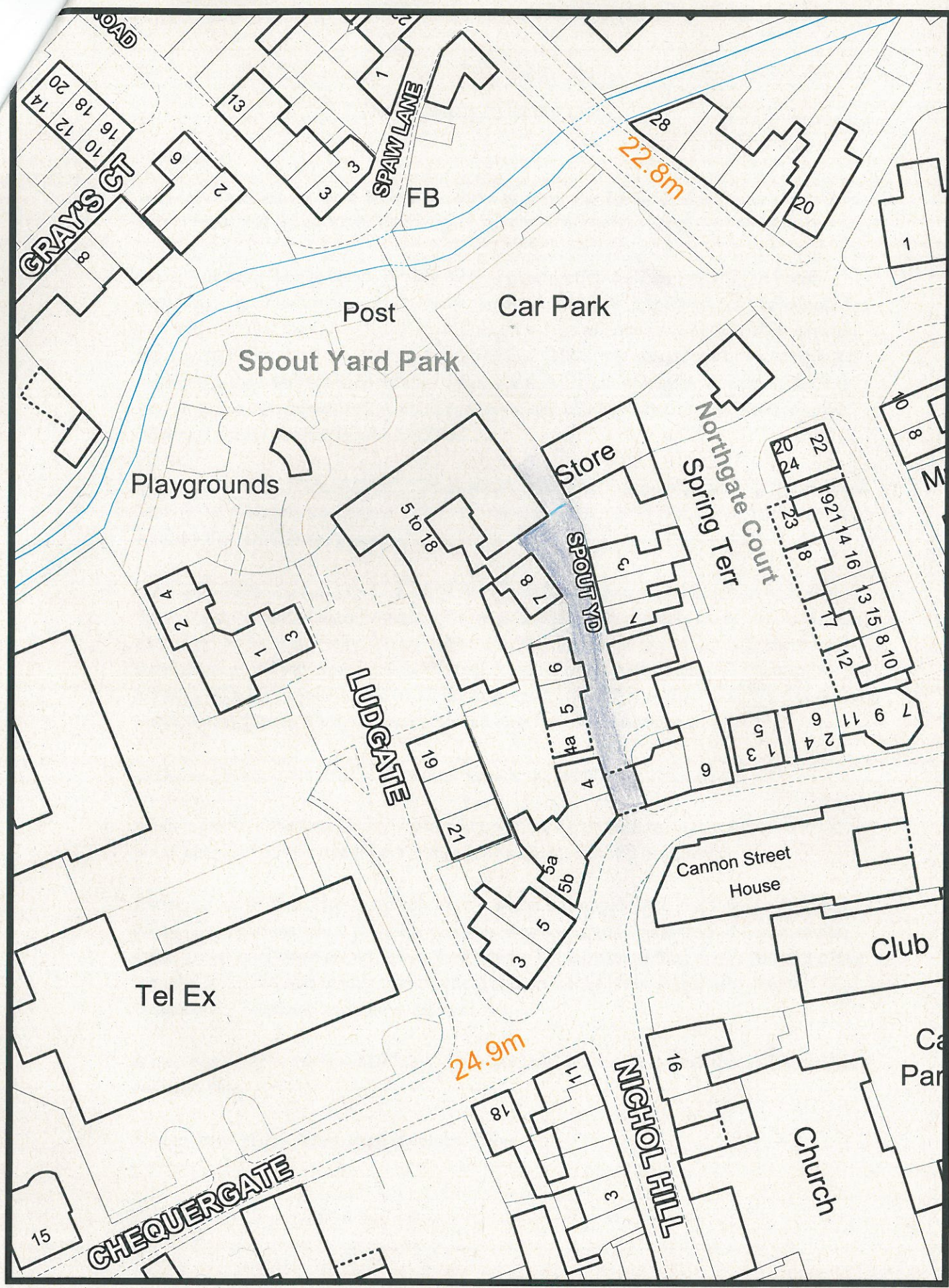
Documentary Evidence (please list below)

PLEASE SEE ATTACHED LIST.

Documentary Evidence List

Document Number

1. Statutory Declaration dated 28 March 1995 - in particular I would refer you to points 3 and 4 which states that Spout Yard is a through road which has served properties for over 100 years
2. Local Authority Search dated 26 July 1996 - in the section 3.1 Enquiries of the Local Authority, 'are roadways maintainable at the public expense' it is stated yes 'coloured blue' you will note that the road either side of Spout Yard are maintainable at the public expense. In the case of *Folkstone Corp v Brockman* [1914] AC 338 it was stated 'one obvious area for evidence is the nature of the way over which the public right of way is claimed. If the way lead from one recognised way to another or from one inhabited settlement to another, the inference may be relatively easy to draw.'
3. Conveyance dated 13 June 1970 – please see attached map this highlights the fact that Spout Yard remains largely unchanged. Please also note that the just beyond Spout Yard was East Lindsey District Council property.
4. Tax Map 1906 tax map (96-TAX MAP/48/13) and accompanying records showing that Spout Yard was not privately owned.(Please note that all other 'white roads' are in fact now owned by the local authority. You will also note that due to the age of the map, there has been some damage and therefore it has been stuck together again. Unfortunately , the map has been put back together disjointed and on closer inspection you will note that Spout Yard is in fact a through road, (Spout Yard has been coloured blue for your assistance.)
5. Archived photograph (1960's) showing a vehicle on Spout Yard and a garage.
6. A photograph of the street today – you will note that the properties on the street are visibly old in character old and the property seen in Document 6 is still in existence.
7. Extract of the William Brown Sketch 1846 – whilst it is appreciated that this is a drawing rather than a photograph, it is widely recognised as an accurate panorama of Louth, at that time. The extract taken shows Spout Yard (please see the dashed blue mark) you will please note that it is a through road, past the School and across the river. Please also note the presence of a horse and cart down this road.
8. A map depicting Louth flood 29 May 1920 – you will again note the existence of Spout Yard coloured blue.
9. A Map dated 1805 - Spout Yard is coloured blue.



Rights of Way & Countryside Access,
 R A Wills,
 Executive Director for Communities,
 City Hall, Orchard Street, Lincoln LN1 1DN

LOUTH
 Ref:DMMO APPLICATION
 Date:13.05.2014
 Scale:1:750