
Order Decisions

On papers on file.

by Barney Grimshaw BA DPA MRTPI(Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 25 September 2020

Order Ref: ROW/3245918

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the Lincolnshire County Council (Amendment of Lindsey County Council (Rural District of Gainsborough)) Definitive Map and Statement – Evidential Events (No. 1) Modification Order 1994.
- The Order is dated 18 March 1994 and proposes to modify the Definitive Map and Statement for the area by adding a Byway Open to All Traffic running from Trentport Road to the shore of the River Trent, as shown on the Order Map and described in the Order Schedule.
- There were no objections outstanding when Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is not confirmed.

Order Ref: ROW/3245920

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the Lincolnshire County Council (Amendment of Lindsey County Council (Rural District of Gainsborough)) Definitive Map and Statement – Evidential Events (No. 2) Modification Order 1994.
- The Order is dated 18 March 1994 and proposes to modify the Definitive Map and Statement for the area by adding a public footpath running along the bank of the River Trent between Footpath No. 66 and Trentport Road, as shown on the Order Map and described in the Order Schedule.
- There were no objections outstanding when Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is not confirmed.

Procedural Matters

1. I have not visited the site, but I am satisfied I can make my decisions without the need to do so.

The Main Issues

2. The requirement of Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 (the 1981 Act) is that the evidence discovered by the surveying authority, when considered with all other relevant evidence available, should show that a right of way that is not shown on the definitive map and statement subsists along the Order route.

Reasons

3. These orders were made in 1994 but it was subsequently discovered that they contained errors. Accordingly, new orders were made in respect of the same routes and these were confirmed after a public inquiry in 1996.
4. Unfortunately, it has recently come to light that the original orders were not forwarded to the Secretary of State for determination at the same time and still remain undetermined. Lincolnshire County Council, the Order Making Authority, has now requested that the orders be determined but not confirmed.
5. The effect of the current Orders would be to add routes to the definitive map that were in fact added over 20 years ago. The Orders therefore do not relate to rights of way that are not shown on the definitive map and statement and should not be confirmed. I therefore propose not to confirm the Orders.

Conclusions

6. Having regard to these and all other matters raised, I conclude that the Orders should not be confirmed.

Formal Decision

7. I do not confirm the Orders.

Barney Grimshaw

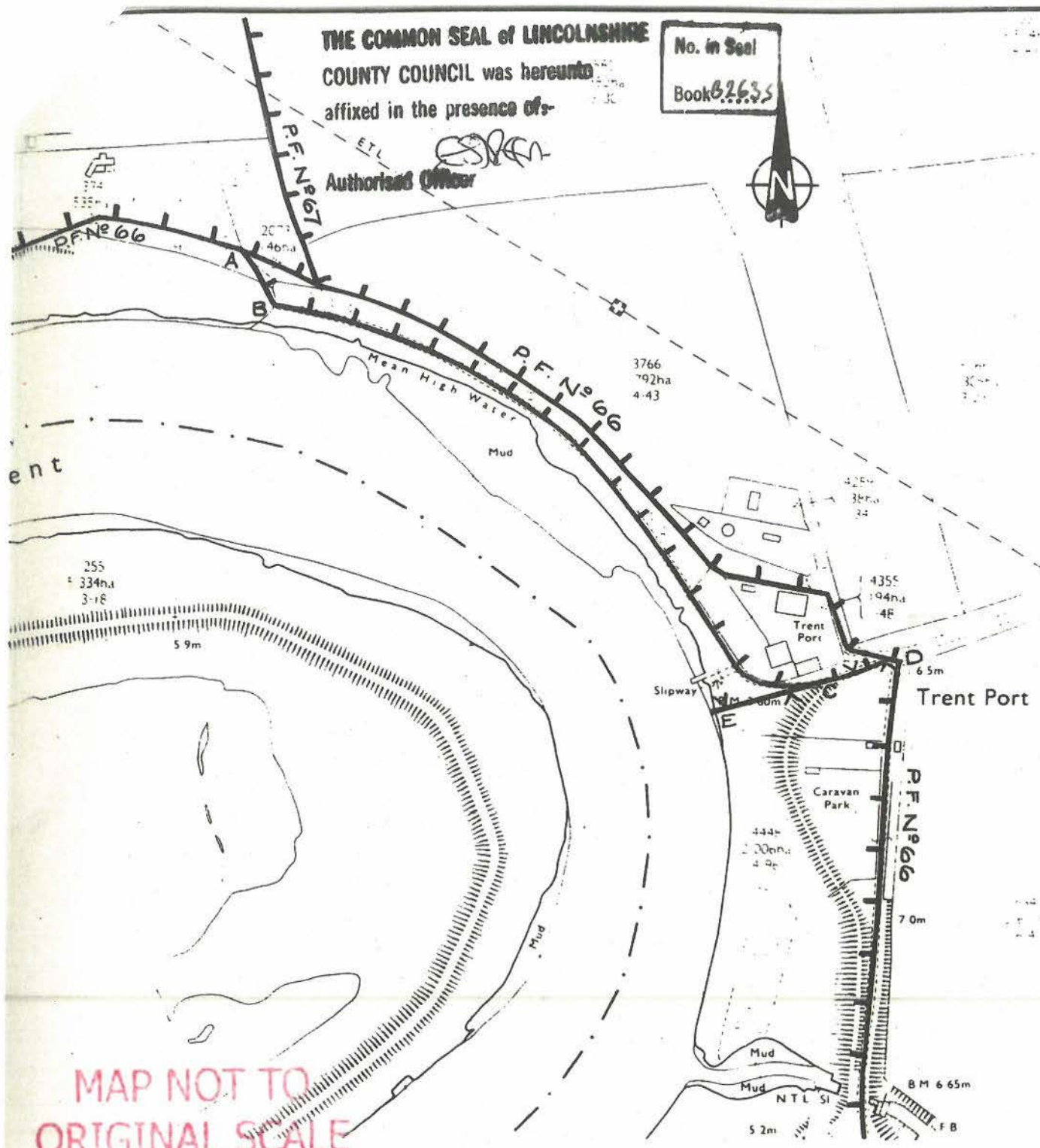
Inspector

THE COMMON SEAL of LINCOLNSHIRE
 COUNTY COUNCIL was hereunto
 affixed in the presence of-

No. in Seal

Book 2635

Authorised Officer



LEGEND

- Claimed byway open to all traffic (E-C-D)
- Claimed public footpath (A-B-C-D)
- Unaffected public footpath

MAP NOT TO ORIGINAL SCALE

G. N. KEIGHLEY MSc., Dip.PE., CertEd.
 DIRECTOR OF RECREATIONAL SERVICES

Lincolnshire

ENDED G.L.B. 7/93
 ENDED G.L.B. 11/93
 ENDED G.L.B. 3/94

Dr/Date
 G.L.B. 1/93

Scale
 1: 2500

MARTON:-
 Lincolnshire County Council
 (Definitive Map Modification Order)-
 addition of claimed byway open to
 all traffic and addition of claimed
 public footpath

Checked

Approved

Lincolnshire County Council
 County Offices, Lincoln

O.S. sheet reference
 SK 8281 - 8381

Produced from based upon the
 Map with the sanction of the
 Controller of H M Stationery Office

File/Holding No.
 PL/C/8/13

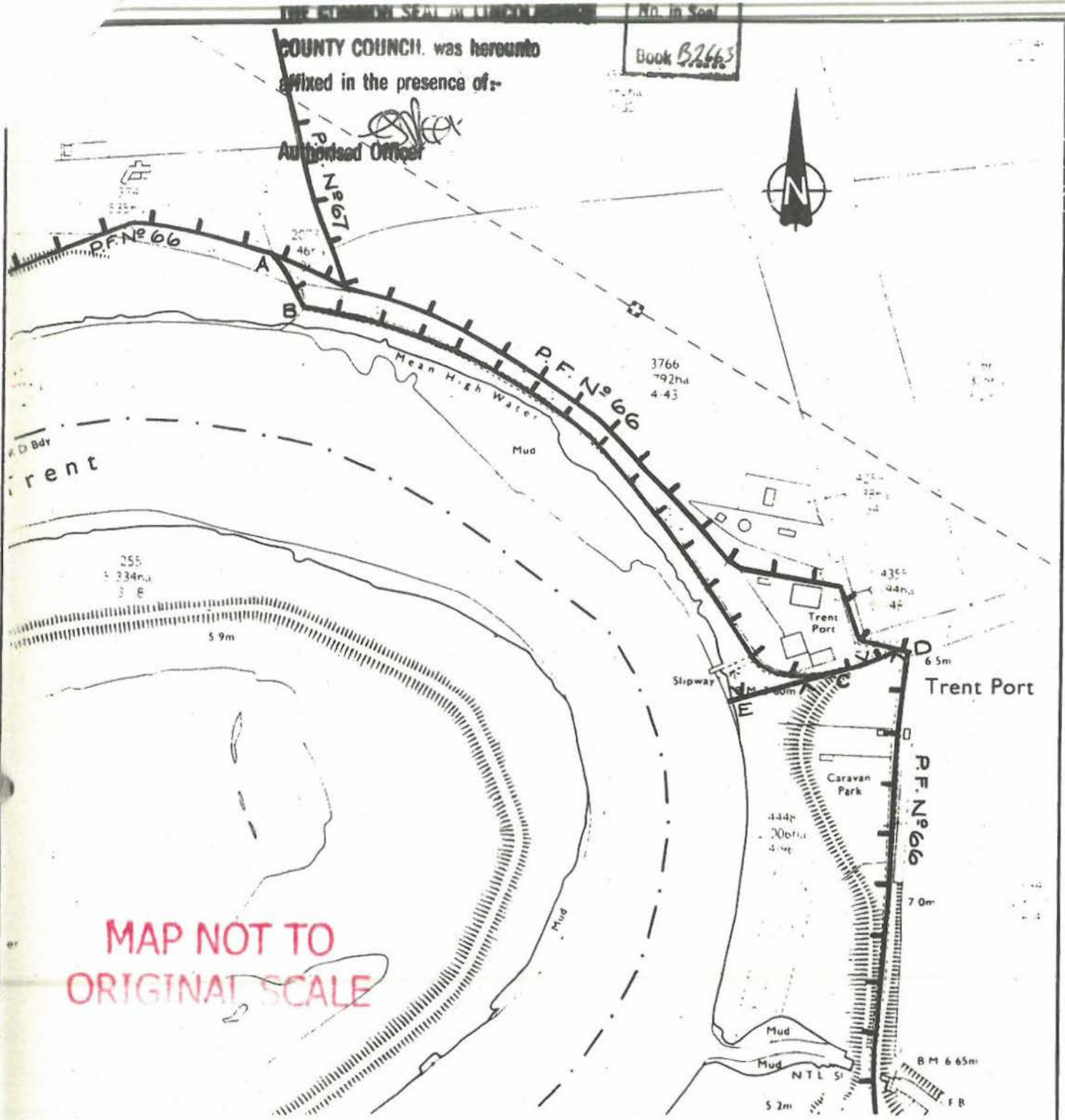
Drawing No.
 A4/1303/3

7 MAR 1994
 7 MAR 1994
 7 MAR 1994

Book B2663

COUNTY COUNCIL was herewith
affixed in the presence of:-

[Signature]
Authorised Officer



MAP NOT TO
ORIGINAL SCALE

LEGEND

- Claimed byway open to all traffic (E-C-D)
- Claimed public footpath (A-B-C-D)
- Unaffected public footpath

<p>G. N. KEIGHLEY MSc., Dip.PE., CertEd. DIRECTOR OF RECREATIONAL SERVICES</p>		<h1>Lincolnshire</h1>	
<p>AMENDED G.L.B. 7/93 AMENDED G.L.B. 11/93 AMENDED G.L.B. 3/94</p>	<p>Dr./Date G.L.B. 1/93</p>	<p>Scale 1: 2500</p>	<p>MARTON:- Lincolnshire County Council (Definitive Map Modification Order)- addition of claimed byway open to all traffic and addition of claimed public footpath</p>
<p>Lincolnshire County Council County Offices, Lincoln</p> <p>Reproduced from based upon the O.S. Map with the sanction of the Controller of H.M. Stationery Office</p> <p>CROWN COPYRIGHT RESERVED Date 7 MAR 1994 Licence No LA 07134X</p>		<p>Checked Approved</p>	
<p>O.S. sheet reference SK 8281- 8381</p>		<p>File/Holding No. PL/C/B/13</p>	<p>Drawing No. A4/1303/3</p>