

# Case Decision

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## **Definitive Map Modification Order Case 565**

### **Claimed footpath from easternmost end of Public Footpath 3 at Ferry Farm, North Kyme to Ferry Lane**

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**Summary of Decision:** To not to make a definitive map modification order for the route between Public Footpath 3 and Ferry Farm.

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## **The Modification Order Application**

1. The Modification Order Application (“the application”) was made by Councillor Mervyn Head on 03 August 2022 seeking the addition to the Definitive Map and Statement for the area, the legal record of public rights of way, a footpath between the easternmost end of public footpath 3 at Ferry Farm, North Kyme to Ferry Lane, South Kyme. This route will be referred to hereafter as “the Application Route”. A copy of the application and plan can be viewed at [North Kyme DMMO 565 application and map](#), and the plan attached (Appendix 1) shows the application route by a broken black line.
2. Appendix 2 to this reports lists the documents submitted in support of the Application and all other documents the County Council had consulted and taken into consideration in this decision.

## **Requirements and tests of the legislation**

3. Section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”) requires the County Council as the Surveying Authority for Lincolnshire to keep the Definitive Map and Statement under continuous review. This is achieved through the making of definitive map modification orders.
4. The main issue which is relevant here is whether the evidence demonstrates that a public right of way subsists or is reasonably alleged to subsist over the route applied for to warrant the making of a definitive map modification order under section 53(3)(c)(i) of the 1981 Act for it to be added to the Definitive Map and Statement. It should be noted that the combined effect of sections 53(3)(c) and 53(5) is that the County Council may reach a different conclusion other than simply to make or not

make a definitive map modification order for the route applied for. This means that the decision of the Surveying Authority must be reached on the basis of all the evidence available to us and not just on the application itself.

## **Documentary Evidence**

5. Historical documents may provide evidence supporting that a public right of way had been created or dedicated in the past. If a public right of way is shown to have been dedicated or created, then the public right of way will continue to exist indefinitely<sup>1</sup> unless it is shown to have been stopped up, extinguished or diverted by virtue of a statutory provision such as a public path diversion or extinguishment order made under the Highways Act 1980 or the Town and Country Planning Act 1990, for example.
6. A track or towpath on the north side of the River Slea, switching to the southern side of the river at Ferry Bridge, can be seen on the early Ordnance Survey and historical maps spanning 1815 to 1830, to include the 1824 Ordnance Survey one-inch to the mile old series map, 1824 Ordnance Survey first edition map, 1828 Bryant's Map of Lincolnshire, and 1830 Greenwood's Map of Lincolnshire. These maps also show a triangular track visible around Ferry Farm suggestive of a historic access route, however, they do not confirm public status.
7. The late 19<sup>th</sup> century to early 20<sup>th</sup> century Ordnance Survey maps spanning the 1880s to 1910s, which include the 1888 first edition map, one inch maps spanning 1891-1907, 1905 25-inch map and the 1906 6-inch map, show a track or minor road along the north bank of the River Slea, often stopping at the western edge of Ferry Farm. A towpath is visible but often ends before reaching the road with no clear route through to Ferry Lane.
8. The Finance Act 1910 records, which include the North Kyme Finance Act valuation book and tax map (annotated Lincolnshire Sheet XCVIII.10) show parcel 49 on the tax map which includes the location of the Application Route, however, no deductions were recorded in the valuation book suggesting that either no public rights were acknowledged at the time, or that simply none were recorded in this specific book held at Lincolnshire Archives.
9. Looking at the Ordnance Survey maps from the 1910s to the 1940s, including the one inch maps spanning 1922-1947, half inch maps spanning 1923-1931, and the circa 1949 scale 1:25000 map, a track or towpath is depicted along the northern bank of the River Slea leading toward Ferry Farm. This track consistently stops short of connecting to Ferry Lane at Ferry Bridge. The maps often show the track terminating at the edge of the farm grounds, with no continuation at location of the Application Route. This consistent depiction of a physical break or lack of connection suggests that, during this

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<sup>1</sup> The judgement *Dawes v Hawkins* (1860) held that '*it is also an established maxim, once a highway always a highway: for the public cannot release their rights, and there is no extinctive presumption or prescription'*

period, there was no clearly defined or recognised through-route along the Application Route.

10. The North Kyme parish path survey notes from the 1950s show markings and annotations near the Application Route but they do not confirm a continuous path through Ferry Farm. Some red lines and annotations suggest possible historic awareness of the towpath. The Ewerby & Evedon parish path survey notes mention Halfpenny Hatch but these are inconclusive and there were incomplete maps to accompany the notes.
11. North Kyme Public Footpath 3 is shown on the 1954 Definitive Map and Statement ending at the edge of Ferry Farm and does not continue to Ferry Lane. The statement simply describes the route as a towpath to Halfpenny Hatch, with no mention of a through route.
12. The mid-to-late 20<sup>th</sup> century Ordnance Survey maps which span the 1940s to 1970s, including the one inch maps spanning 1942-1963, scale 1:25,000 maps spanning 1949-1959, 1951 six inch map, 1956 National Grid map, and the 1974 scale 1:50,000 map, consistently show a track or path along the northern bank of the River Slea, which stops short of the road at Ferry Farm. Some of these maps do show a gap in the location of the Application Route where it would meet Ferry Lane, although this is not indicative of a public right of way.
13. The modern Ordnance Survey maps spanning the 1980s to 2000s, including the 1987 Pathfinder 798 map, 1989 Landranger 121 map, 1999 Explorer 261 map, 2002 Landranger 121 map and 2006 Explorer 261 map, show on some maps a public footpath line in the location of the Application Route, however, this is likely based on Ordnance Survey's misinterpretation of definitive map data. These maps all include disclaimers that map features are not evidence of a public right of way.
14. Aerial photographs taken in 1999 and 2003, along with an undated aerial photograph, show a track or grassy line along the riverbank, however, the view is often obstructed by hedges or fences at Ferry Farm. There is no consistent visible route through to the road and some images appear to show fencing across access to the Application Route.
15. The Google Maps Streetviewer images and Geograph photographs spanning 2005 to 2021 give a clear view of either end of the Application Route. The Google Maps Streetviewer images from 2009 and 2021 do not show any signage indicating a public right of way, although they do show a gap in the hedge on Ferry Lane. The Geograph photographs from 2005 and 2015 show fencing which appears to block access to the Application Route from North Kyme Public Footpath 3.
16. A search on [findmystreet.co.uk](http://findmystreet.co.uk) shows North Kyme Public Footpath 3 as maintainable at public expense as set out on the Definitive Map and does not continue to the road. Ferry Lane is also shown as maintainable at public expense. There is nothing in the location of the Application Route.

17. In summary, the historical evidence consistently shows the presence of a track or towpath along the north bank of the River Slea, often terminating at Ferry Farm and not continuing through to Ferry Lane including in the location of the Application Route. The Finance Act 1910 records do not indicate any deductions for public rights, and the Definitive Map and Statement clearly show North Kyme Public Footpath 3 ending at Ferry Farm without extending to the road. The parish path survey notes and modern mapping sources (to include [findmystreet.co.uk](http://findmystreet.co.uk)) also fail to confirm a continuous right of way along the Application Route.
18. Whilst the more recent Ordnance Survey maps depict a public footpath in the location of the Application Route, this is as a result of misinterpretation by Ordnance Survey of the Definitive Map data, and in any event, these maps include disclaimers that representations on the maps are not evidence of public rights of way.

## **Other evidence which might be relevant to the matter**

19. The Sleaford Navigation Act 1792 required the creation and maintenance of a gravelled towing path, fences, gates and bridges for public and private use along the navigation, including in North and South Kyme and at Ferry Farm. The Act specifically set out that a tow path was required to be established on the north side of the Kyme Eau from the River Witham to South Kyme Ferry Bridge.
20. The Sleaford Navigation Abandonment Act 1878 set out requirements that company to needed to repair banks, public bridges and roads before relinquishing responsibility. This was therefore suggestive that following the Abandonment Act, any public or permissive rights ceased as the land was handed back to the Landowner.
21. Monmouthshire Canal Company v Hill (1859) 4 H & N 421 concluded that a towpath is legally part of a canal and held that the tow path was not a public right of way. Only the canal company and those with specific rights (for example, adjoining landowners) could use the towpath; it was not for general public passage.
22. As referenced in Riddall, J. and Trevelyan, J (2007)<sup>2</sup> and by the Planning Inspectorate (2022)<sup>3</sup>, the case of Grand Junction Canal Company v Petty (1881) 21 QBD 273 also addressed whether the tow path along the Grand Junction Canal was considered a public right of way. It concluded that, "*The public must be taken to accept it as a limited dedication and cannot set up a right to prevent or limit the user of the towing-path.*" Any dedication to the public along the towpath was therefore a limited dedication and intended for the specific use of towing boats along the canal; it was not open for

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<sup>2</sup> Riddall, J. and Trevelyan, J. (2007) '2.7.3' in *Rights of Way A Guide to Law and Practice*. 4<sup>th</sup> edn. Rambler's Association and Open Spaces Society.

<sup>3</sup> Planning Inspectorate. (2022) *Wildlife and Countryside Act 1981: Definitive Map Orders – Consistency Guidelines*. [online] GOV.UK. Section 10.1. Available at: <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines> [Accessed 08 May 2025].

general public use. Therefore, there still has to be evidence that a public right of way has been dedicated by evidence of public use over time.

23. Furthermore, in the appeal case of *Grand Junction Canal Company v Petty* (1888) 21 QBD 273, it was concluded that a towpath was not inherently a public right of way but a canal company could dedicate it as such as long as it did not conflict with the statutory purpose (i.e. towing). Therefore, for a towpath to be a public right of way there had to be evidence of qualifying use by the public as no documents have been discovered supporting that a public right of way has been expressly dedicated over the route
24. The Secretary of State's Decision from 2010<sup>4</sup> concluded that an order not be confirmed along a towpath due to insufficient user evidence and lack of implied dedication. The relevant 20-year statutory term ran from 1961 to 1981 with the Inspector concluding that statutory dedication was not proven due to insufficient, interrupted and non "as of right" use (to include ignoring "no public right of way" signs that the Inspector deemed as a clear indication of the landowners' lack of intention to dedicate the route for public use). Additionally, common law dedication was rejected due to a lack of implied dedication. The Inspector took into account any statutory rights under the 1793 Canal Act, whereby they concluded that there were no rights to imply a public right of way and that the use of the towpath for fishing was considered private, not public.
25. In an Appeal Decision from 2017<sup>5</sup>, the Secretary of State dismissed the appeal to record a public footpath for a number of reasons to include a number of obstructions, contentious use, lack of intention to dedicate and use by force. This Appeal Decision provides insight into some of the issues faced in the Application of DMMO 565 which are outlined below.

Multiple fences were present along the claimed route with some having no stiles or gates, requiring users to climb over, swing around or step over them. Additionally, there was a barbed wire fence which was obstructive and prevented access. The Secretary of State concluded these fences were deliberately maintained to discourage public access.

The use of the route was not peaceful or unchallenged. The Secretary of State interpreted that explicit signs and physical barriers were as a clear indication that the landowner did not intend to allow public access and they further noted that contentious use included use that continues in defiance of barriers and not just physical confrontation.

The Secretary of State found that the presence and maintenance of barriers were evidence of the landowner's lack of intention to dedicate the route as a public right of

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<sup>4</sup> Order ref: FPS/F4410/7/25. Decision date 07 September 2010. Doncaster Borough Council.

<sup>5</sup> Appeal ref: FPS/Q2500/14A/4: Decision date 12 June 2017. Lincolnshire County Council.

way and they found this sufficient to defeat any presumption of dedication under section 31 of the Highways Act 1980.

Although there was no evidence of forcible access, the Secretary of State concluded that climbing over or bypassing fences constituted use by force. This therefore undermined the requirement that use must be “as of right”.

Correspondence received by the Surveying Authority

26. The Surveying Authority has had sight of extensive correspondence in relation to North Kyme Public Footpath 3 and the obstruction at Ferry Farm dating as far back as 1981.
27. The correspondence shows that there have been persistent physical obstructions, by way of fences, barbed wire and hedges, which have been documented from as early as 1981 through to 2024. The initial report of a barbed wire obstruction at Halfpenny Hatch Farm [Ferry Farm] was dated 18 March 1981. Between 1994 and 1996, the Surveying Authority has seen a number of photographs and reports of new fences that prevented the public from continuing from North Kyme Public Footpath 3 through to Ferry Lane. Between 1998 and 2011, there were reports of barbed wire fences, a lack of stiles and continued blocked access at Ferry Farm. Reports of fences, barbed wire and overgrowth blocking the route continued between 2014 and 2024.
28. A consistent issue also found within the correspondence seen is that of a “missing link” on the Definitive Map in that North Kyme Public Footpath 3 ended short of the public highway (Ferry Lane). This gap has prevented enforcement action, and the Surveying Authority has acknowledged this multiple times to complainants. The first instance of this was in 1981 when the Surveying Authority confirmed that the path ended at the fence and they could not request the removal of the obstruction. In 1998, the Surveying Authority further acknowledged that the short section of the route was not shown on the working copy of the Definitive Map. Between 2000 and 2024 there have been numerous internal memorandums and public responses confirming the anomaly and lack of statutory power to enforce access.
29. Within the correspondence it is noted that the Landowner at Ferry Farm had extended their garden over the Application Route and actively blocked access. A report from May 2000 mentioned that Ferry Farm had extended its garden to the riverbank and erected fencing. Between 2005 and 2018, there are reports of walkers being told by the Landowner that they were trespassing, and that fences and hedges had been used to create garden boundaries. The Surveying Authority had advised complainants between 2020 and 2024 that the Landowner was aware of the legal gap and that they were actively blocking access.
30. Throughout the correspondence there have been repeated complaints and frustration at the lack of resolution and dead-end nature of the path noted by walkers, including members of the Ramblers Association and Towpath Action Group. These complaints date as far back as 1985 when the Ramblers Association had raised concerns about the obstructed towpath and historical use. Between 1997 and 2024, dozens of complaints

had been received by the Surveying Authority from members of the public and walking groups regarding the dead-end to North Kyme Public Footpath 3 (stopping up at Ferry Farm), lack of signage, aggressive dogs and there being no alternative route.

31. Some of the correspondence seen documents usage without obstruction, the first of which was noted in March 1981 whereby the complainant stated, "*I and others have used [illegible] since 1968 without challenge*". The Ramblers Associated wrote a letter to the Surveying Authority dated March 1985 regarding the route who stated, "*Our Association has used the path once or twice a year since 1969 without challenges*". Later, a Public Rights of Way Condition Survey, carried out by the Surveying Authority in June 2005, noted that the gardener at Ferry Farm said the Landowner "*doesn't mind people walking the bank top although they don't get many*". More recently, in July 2018, a walker advised that they had been allowed to pass through Ferry Farm after explaining that he had been following a public footpath.

## **User Evidence**

32. Under section 31(1) of the Highways Act 1980, a route may be deemed to have been dedicated as a public right of way if it has been subject to sufficient public use and enjoyment, as of right and without interruption for a full period of 20 years immediately prior to the date when the status of the way was brought into question, unless there is sufficient evidence on the part of the landowner to showing a lack of intention to dedicate it as such during this period. A public right of way arising by this manner is known as "statutory dedication".
33. Should the case for statutory dedication fail, then common law dedication may be considered. There is no fixed period of use required for common law dedication, but it is generally accepted that the level of public use of a route should be greater where shorter periods are relied on. The evidence must demonstrate that there has been sufficient use of the route by the public at large and as of right to show that it has been accepted by the public and that the landowner had intended to dedicate it as a public right of way either expressly or impliedly. The person or people who had owned the land throughout the period of use relied on must have had the legal capacity to dedicate the route as a public right of way, and their actions or inaction towards people using the way are important in establishing if a public right of way has arisen by common law dedication.

### **Statutory dedication – section 31(1) of the 1980 Act**

34. It is important to identify when the public's right to use the route was brought into question so that the 20-year statutory term can be calculated retrospectively from that date. For the right of the public to use the application route to have been brought into question, the landowner must have challenged it by some means sufficient to have brought home to the public that their right to use the way is being challenged, so that

they are informed of the challenge and have a reasonable opportunity of meeting it<sup>6</sup>. The landowner can challenge the public's right to use the route by putting a barrier across it, locking a gate or by putting up a notice forbidding the public to use the path, for example. Not every user needs to be aware of the challenge, but by whatever means are employed it must be sufficient to make it likely that some of the users of the application route are made aware that the landowner has challenged their right to use it.<sup>7</sup>

35. As outlined in paragraphs 26 to 31 above, a large number of enquiries and correspondence had been reviewed by the Surveying Authority. In summary, enquiries reporting the Application Route being blocked by a low barbed wire fence at Ferry Farm (at the western end of the Application Route) date back as early as March 1981. A significantly large proportion of these enquiries come from members of the public who have simply attempted to use the route and had been met by the obstruction rather than people who have previously used the route and subsequently been met by a blockage. Additionally, there are a small number of users of the Application Route who stated that they either climbed the obstruction to gain access, or squeezed down the side of the fence at the hedge end. It is noted that the barbed wire fence extended from the edge of the River Slea across the bank and finished in the hedge. Historical inspections by Lincolnshire County Council also confirmed the obstruction. The first reference to a large wooden fence, replacing the lower fence with barbed wire, was in December 2020. A user in March 2022 suggested the height of this newer fence was 8ft. It is considered that the landowner erecting a barbed wire fence clearly indicates an intent to challenge the public's right to access and prohibits the use of the Application Route.
36. Calculating 20 years retrospectively from the first complaint of a low barbed wire fence blocking the Application Route on 18 March 1981 gives rise to the statutory term of March 1961 to March 1981. This period will be referred to hereafter as "the relevant statutory term".

#### Comments on the user evidence

37. A total of sixteen user evidence forms (UEFs) were provided by the Applicant in support of the application, however, several forms had incomplete or contradictory information.
38. A total of four UEFs were discounted either due to incomplete responses regarding their use as of right, or their acknowledgement that they used the route by force.

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<sup>6</sup> Lord Denning in *Fairey v Southampton CC (CA)* [1956] 2 All ER 843

<sup>7</sup> Mr Justice Dyson in *R v Secretary of State for the Environment, Transport and the Regions ex parte Dorset CC* [1999] EWHC Admin 582, para.17

Use and enjoyment by the public at large during the statutory term

39. Only three users reported using the route during the statutory term, however, their usage did not span the entire statutory term and could not be combined to cover the term.
40. All three users reported that they used the route for pleasure only.

Use on foot during the statutory term

41. All relevant witnesses who used the route during the statutory term reported using it on foot only.

Interruptions and evidence of an intention not to dedicate the principal route as a public right of way by the landowners during the statutory term

42. In the judgment *Fairy v Southampton County Council* [1956] 2 All E.R., Lord Denning stated that for there to be sufficient evidence that there was no intention to dedicate the route as a public right of way, there must be evidence of some contemporaneous, overt and objective acts by the landowner such as to show the public at large, namely the people who used the path, that they had no intention to dedicate. This view was upheld by the judgment *R (Godmanchester Town Council and Drain) v Secretary of State for Environment, Food and Rural Affairs* [2007] UKHL 28.
43. No qualifying witnesses reported any obstructions or barriers during the statutory term.
44. One user recalled a 2ft gap in the hedge at Ferry Farm for access.
45. One user did not respond to the Surveying Authority's request for clarification on whether the route was blocked during his usage.
46. Section 31(6) of the Highways Act 1980 and the legislation it replaced, section 34(6) of the Highways Act 1959, suggests that where a landowner deposits a highways statement and map with the local highway authority detailing the public right of way or highways (if any) which exist over their land and then follows this up by a highways declaration lodged within the prescribed period stating that no additional highways or public rights of way have been dedicated to the public since the date of deposit of the statement and map, the highways declaration together with the highways statement and map may in the absence of proof of a contrary intention provide sufficient evidence demonstrating that the landowner had no intention of dedicating any highways or public rights of way across their land between the dates of deposit of the documents.<sup>8</sup> The landowner has not deposited any such documents.

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<sup>8</sup> Paragraph 13 of the Department for Environment, Food and Rural Affairs' [Guidance for the completion of the CA16 Form: Making a statement or declaration under section of 31\(6\) of the Highways Act 1980 or a statement under section 15A\(1\) of the Commons Act 2006](#) dated December 2013 and paragraph 3 of the Rights of Way Review

### **Dedication at Common Law**

47. Dedication may also be presumed to have taken place at common law. As under section 31(1) of the Highways Act 1980, use must be made as of right, by the public, however, under Common Law, the period of use is not fixed and, depending on the facts, can range from a few years to several decades. The burden of proof is on the person claiming the right to show that the owner of the land intended to dedicate a public right of way.
48. The process that should be employed to assess whether implied common law dedication of a public right of way has arisen is outlined by Mr Justice Ouseley at paragraph 10 of the judgment *Slough Borough Council v Secretary of State for Environment, Food and Rural Affairs* [2018] EWHC 1963 (Admin):

*'The dedication is found at or before the start of the period of use, as the more probable justification for the subsequent use, rather than trespass or tolerance. In effect, the decision-maker works back through the evidence of use to determine whether proper inference from it is that the use began with a dedication. But drawing that inference requires no set period of use to be examined, but rather the whole period of use has to be considered, to see if dedication is the more probable explanation for the use, than trespass or toleration.'*

49. The surveying authority has identified a 40-year period, extending from 1981 to 2019 for which implied common law dedication should be considered. This 38-year period will be referred to hereafter as 'the relevant common law term'.

### **Comments on the user evidence during the relevant common law term**

50. After excluding user evidence due to incomplete responses or admission that use was by force, ten qualifying instances of qualifying use remained.
51. There were no instances of use spanning the entire common law period, nor could any be amalgamated to create one.

### **Use by the public at large during the relevant common law term**

52. All ten qualifying users reported using the route for pleasure and their usage varied from once to twice yearly.

### **Use on foot during the common law term**

53. All qualifying users reported using the route on foot only.

*Evidence of an intention not to dedicate the Application Route as a public right of way by the landowners during the common law term*

54. As outlined at paragraph 46, the landowner has not deposited any documents under section 31(6) of the Highways Act 1980.
55. The evidence seen by the Surveying Authority shows that the landowner had erected a fence covered in barbed wire in or around early-1981 and therefore any use by the public after this date shows their use is by force. The erection of the barbed wire fence shows a clear lack of dedication by the landowner. Subsequent photographs of the fence seen by the Surveying Authority show that the fence has been maintained, and later replaced by a taller fence. Whilst all users reported using the route without force, secrecy or permission, there is strong evidence of an obstruction present since the start of the relevant common law term (1981) and the Surveying Authority therefore considers that any use over the common law term has been by force. It is not convinced that the users have successfully used the route due to the obstruction.
56. The landowner has not facilitated any public access along the route, i.e. by way of stile or gate across the barbed wire fence, further confirming a lack of intention to dedicate the route.

## Conclusion

57. **The evidence on the whole suggests that there has not been a sufficient level of qualifying public use of the Application Route on foot spanning the 20-year relevant statutory term March 1961 to March 1981, or under the 40-year common law term identified as spanning 1981 to 2021, to reasonably allege that a public footpath has arisen by statutory dedication under section 31(1) of the Highways Act 1980 or by implied common law dedication to warrant the making of a definitive map modification order under section 53(3)(c)(i) of the 1981 Act.**
58. Whilst the Application Route did appear on the earlier historical maps, these were around the time of, or predate, the Sleaford Navigation. Whilst a tow path was a highway, this was only for the purpose of towing barges or vessels, and is therefore not the type of highway over which the public had a right to pass and repass. The Sleaford Navigation was abandoned in 1878 and therefore, based on the case law set out above at paragraphs 19-2223, any permissive rights to use the towing path ceased at this time.
59. The land that the Application Route runs through appears to have been owned by the Lambley family for a significant period of time. In particular, the Lambley family were the landowners at the time of the Finance Act 1910 and they continue to be so to the present day.
60. Apart from the path being shown on Ordnance Survey maps from 1974, which the Surveying Authority have determined were based on the Ordnance Survey's

misinterpretation of definitive map data, there is no supporting evidence to show that public footpath rights exist over the Application Route. The case therefore relies on user evidence over the statutory term.

61. The landowner has shown clear lack of intent to dedicate the Application Route over a considerable number of years, with the barbed wire fence obstructing access dating back as early as 1981, and a taller fence being erected in or around 2022. Any use of the Application Route from 1981 is therefore considered by force.
62. Overall, there is insufficient user evidence to demonstrate use under the statutory term, and any use under the common law term is considered by force and therefore cannot be accepted.

## **Decision**

63. Based on the points raised within this report after reviewing the evidence available to the Surveying Authority, a definitive map modification order is *not to be made* for the reasons outlined in paragraphs 57-62 above.

**Signed:**



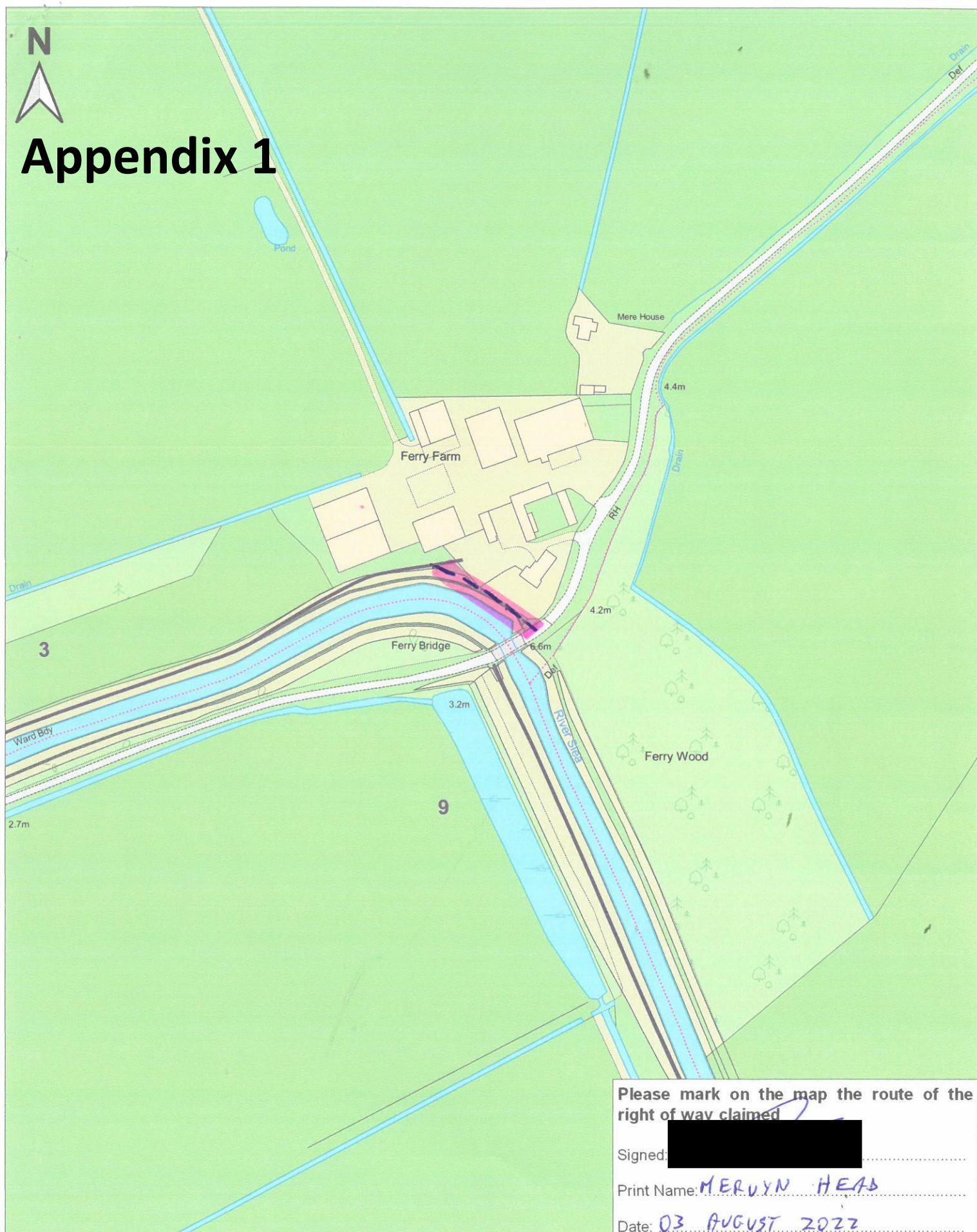
**Name:** Andrew Pickwell

**Position:** Senior Definitive Map Officer

**Dated:** 11 August 2025



# Appendix 1



Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL



## Application Plan

North Kyme

Scale: 1:2,500 @ A4

## Legend

- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

# Appendix 2

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## **Documents viewed that were taken into consideration on the decision of Definitive Map Modification Order**

### **Case 565**

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1773 Smith Plan of the Course of Kyme Eau with branches to Sleaford

1773 Creassy Map – A plan exhibiting the course of the River Kyme

1779 Cary's Map of Lincolnshire

1789 Dorrington Inclosure Award and plan

1792 Sleaford Navigation Act

1807 Kesteven Quarter Sessions

1824 Ordnance Survey of England and Wales one-inch (old series) map - Sheet LXX

1824 Ordnance Survey first edition map

1828 Bryant's Map of Lincolnshire

1830 Greenwood's Map of Lincolnshire

1831 Cary's Map of Lincolnshire

1836 North Kyme deposited parish records – Surveyor of the Highways (to include account book, names of labourers, weekly accounts, etc)

1839 Ruskington, Dorrington, North Kyme & South Kyme inclosure and drainage award and plan

1840 – North Kyme deposited parish records – Surveyor of the Highways (to include account book listing weekly expenditure)

1841

1848 South Kyme Tithe Award

1848 North Kyme Tithe Award

1850 Ewerby Tithe Award

1860 – North Kyme deposited parish records - Surveyor of the Highways (account book listing weekly expenditure)

1861

1864 North Kyme deposited parish records - Surveyor of the Highways (to include rate book listing occupiers of property and amount of rates that they owe)

1865 Lindsey Development Plan of Great Northern & Great Eastern Spalding and Lincoln Railway

1870 – North Kyme deposited parish records - Surveyor of the Highways

1871 (including account book listing weekly expenditure)

1878 The Sleaford Navigation Abandonment Act

1881 – North Kyme deposited parish records - Surveyor of the Highways (to include account books and rate books)

1888 Ordnance Survey of England and Wales first edition (without contours) 6-inch map - Lincolnshire Sheet XCIII.SW

1888 Ordnance Survey of England and Wales one-inch map - Sheet 128 Boston

1891 Ordnance Survey of England and Wales one-inch map - Sheet 128 Boston

1894 – Ewerby and Evedon parish council minute book

1948

1902 Ordnance Survey of England and Wales one-inch map - Sheet 128 Boston

1903 Ordnance Survey of England and Wales quarter inch to the mile first edition (coloured with hill shading) map - Sheet 12

1905 QGIS layer

1905 Ordnance Survey of England and Wales 25-inch map – Lincolnshire Sheet XCIII.10

1905 Ordnance Survey half inch to the mile, England, Scotland and Wales (hill shaded) map - Sheet 38 & part of Sheet 39

1906 Ordnance Survey of England and Wales first edition (without contours) 6-inch map - Lincolnshire Sheet XCIII.SW

1906 Lindsey Development Plan - Mid Lincolnshire Light Railway plans and sections

1907 Ordnance Survey of England and Wales third edition one-inch map - Sheet 128 Boston

1908 Ordnance Survey of England and Wales one-inch map - Sheet 128 Boston

1908 Ordnance Survey half inch to the mile map of England, Scotland and Wales (hill shaded) - Sheet 18 Spalding

1910 Ordnance Survey of England and Wales third edition large sheet one-inch map - Sheet 56 Boston

1910 Finance Act book and maps

1912 Ordnance Survey of England and Wales quarter inch to the mile map, 2nd edition (outline) - Sheet 12

1914 Ordnance Survey 6-inch Ireland map - Sheet 3

1920 Ordnance Survey of England and Wales quarter inch to the mile map, 3rd edition - Sheet 6 Eastern Counties (N)

1922 Ordnance Survey of England and Wales one-inch "popular" edition map - Sheet 55 Grantham

1923 Ordnance Survey Ministry of Transport road (large sheet series) map - Sheet 18 Peterborough and Boston

1923 Ordnance Survey of England and Wales quarter inch to the mile map, 3rd edition (outline) - Sheet 6 Eastern Counties (N)

1923 Lincolnshire County Council Highways Handover map

1929 Ordnance Survey of England and Wales quarter inch to the mile map, 3rd edition (civil air) - Sheet 6 Eastern Counties (N)

1929 Ordnance Survey of England and Wales quarter inch to the mile map, 3rd edition - Sheet 6A Northern Midlands and Lincolnshire

1931 Ordnance Survey of England and Wales half-inch to the mile outline edition map - Sheet 18 Peterborough and Boston

1933 Ordnance Survey of England and Wales quarter inch to the mile map 1st edition coloured with hill shading - Sheet 6A The Trent Basin

1935 (First) Land Utilisation Survey of Britain one-inch map - Sheet 55 Grantham

1935 Ordnance Survey of England and Wales quarter inch to the mile map, 4th edition (colour) - Sheet 6- North Midlands and Lincolnshire

1941 Ordnance Survey of England and Wales quarter inch to the mile map, 4th edition (outline) - Sheet 6 – North Midlands and Lincolnshire

1942 Ordnance Survey of England and Wales War Office one-inch popular edition map - Sheet 55 Grantham

1942 Ordnance Survey of England and Wales quarter inch to the mile map, 4th edition with war revision 1940 - Sheet 6 North Midlands and Lincolnshire

1946 Ordnance Survey of England and Wales quarter inch to the mile map, 4th edition with national grid - Sheet 6 North Midlands and Lincolnshire

1947 Ordnance Survey of England and Wales one-inch new popular edition map - Sheet 55 Grantham

c.1949 Ordnance Survey scale 1:25,000 map of Great Britain provisional edition - sheet 53/15 - A

1949 - Ewerby and Evedon parish council minutes (loose sheets)

1976

c.1950s North Kyme parish path survey notes

c.1950s Ewerby & evedon parish path survey notes

1951 Ordnance Survey of England and Wales 6-inch provisional edition map - Lincolnshire Sheet XCVIII.SW

1952 - North Kyme parish council minute book

1969

1954 East Kesteven Rural District Definitive Map - map 24

1954 East Kesteven Rural District Definitive Map Statement

1954 Ordnance Survey of Great Britain one-inch seventh series map - Lincoln and Grantham A Edition

1956 Ordnance Survey National Grid provisional edition map - TF15SE-A

1956 Ordnance Survey of England and Wales one-inch to one-mile, 7th series, map - Sheet 113 Lincoln and Grantham A Edition

1959 Ordnance Survey of Great Britain scale 1:25,000 outline series map - TF15-B

1959 Ordnance Survey of Great Britain scale 1:25,000 provisional edition map - TF15-B

1963 Ordnance Survey of Great Britain one-inch seventh series map - Sheet 113 Lincoln and Grantham B edition

c.1968 North Kesteven draft revised definitive map (process abandoned)

1968 Statements accompanying draft revised definitive map (process abandoned) for North Kyme

1968 Statements accompanying draft revised definitive map (process abandoned) for Ewerby & Evedon

1968 Ordnance Survey of England and Wales one-inch to the mile, 7th series, map - Sheet 113 Lincoln and Grantham B/\* Edition

1968 South Kyme - statement accompanying draft revised map

1968 Anwick - statement accompanying draft revised map

1969 – North Kyme parish council minute book

1989

1971 Aerial photograph - Run 19 (3963)

1974 Ordnance Survey scale 1:50,000 first series map - Sheet 121 Lincoln - A Edition

1977 The Canals of Eastern England by John Boyes and Ronald Russell

1977 - Ewerby and Evedon parish council minute book

1984

1979 Thesis by William Michael Hunt, *“A history of the Sleaford Navigation”*

1984 - Obsolete paper working copy map – TF15SE

2004

1984 Lincolnshire County Council highways handover map (Lindsey area only) - TF15SE

1987 Ordnance Survey map – Pathfinder 798 Ruskington & Billinghay

1989 Ordnance Survey map – Landranger 121 Lincoln & Newark-on-Trent

1991 LCC Countryside Work Order 2455– Anwick PF2

1991- South Kyme parish council minutes

2011

1999 Ordnance Survey map – Explorer 261 Boston (Tattershall, Billinghay & Heckington)

1999 Aerial photograph viewed on QGIS

2002 Ordnance Survey map – Landranger 121 Lincoln & Newark-on-Trent

2003 Aerial photograph viewed on QGIS

2005 Photograph by Richard Croft viewed on [www.geograph.org.uk](http://www.geograph.org.uk)

2006 Ordnance Survey map - Explorer 261 Boston (Tattershall, Billinghay & Heckington) West Sheet

2006 Photograph of Ferry Bridge by Jim Thornton viewed on [www.geograph.org.uk](http://www.geograph.org.uk)

2009 Google Maps Streetviewer images

2015 Photograph by Jonathan Thacker viewed on [www.geograph.org.uk](http://www.geograph.org.uk)

2016 Lincolnshire County Council archived List of Streets

2020 Lincolnshire County Council archived List of Streets

2021 Google Maps Streetviewer images

Undated Historic England aerial photograph

Undated Heritage Explorer information sheet regarding Ferry Farm

Undated Google Maps aerial photograph

Findmystreet search results

North Kyme parish path file held by Lincolnshire County Council

North Kyme Public Footpath 3 path file held by Lincolnshire County Council

Anwick Public Footpath 2 path file held by Lincolnshire County Council

16 User Evidence Forms

Archived Definitive Map Modification order case files

Public Path Orders, Evidential Event Modification Orders and Legal Event Modification Orders

Lincolnshire County Council Ewerby and Evedon footpath survey file

Lincolnshire County Council South Kyme footpath survey file

Definitive Map Draft Statement

Lincolnshire County Council Register of Landowner Deposits

Lincolnshire County Council permissive walks and access database

Lincolnshire County Council parish file for North Kyme

Lincolnshire County Council parish file for South Kyme

Lincolnshire County Council parish file for Ewerby

Various online photographs available for grid reference TF1550

Lincolnshire County Council old liability for maintenance maps

Lincolnshire County Council liability for maintenance QGIS layer

Common and open access land QGIS layer

Highways Maintenance Areas Atlas (LID) West - MTCE Area 13 Ewerby