

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH NUMBER 1145 WOODHALL SPA

DEFINITIVE MAP MODIFICATION ORDER 2025

The above named Order made on 23 October 2025 if confirmed as made, will modify the definitive map and statement for the area by adding Public Footpath 1145 in the Parish of Woodhall Spa with a width varying between 2.7 and 5.9 metres running from The Broadway at Ordnance Survey Grid Reference (OSGR) 520187,363410 north north west for 130 metres and then north west for 117 metres to Woodhall Spa Public Footpath 154 and Manor Estate at OSGR 520043,363599 as shown between points A-B-C in Order Drawing Number 2025/024/DMMO623/A4.

A copy of the Order and drawing have been placed and may be seen during office hours at Main Reception, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL . Copies of the Order and drawing may be requested free of charge from Sally Ironmonger, tel: 01522 552117/e-mail: sally.ironmonger@lincolnshire.gov.uk ref: SXI.75456.WOODHALL. A copy of the Order and drawing is also available online at <https://www.lincolnshire.gov.uk/council-business/public-notices/1> (12 November 2025 until 24 December 2025)

In addition Drawing Number 2025/024/DMMO623/A4 is displayed with this Notice.

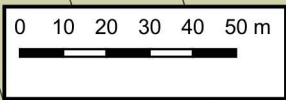
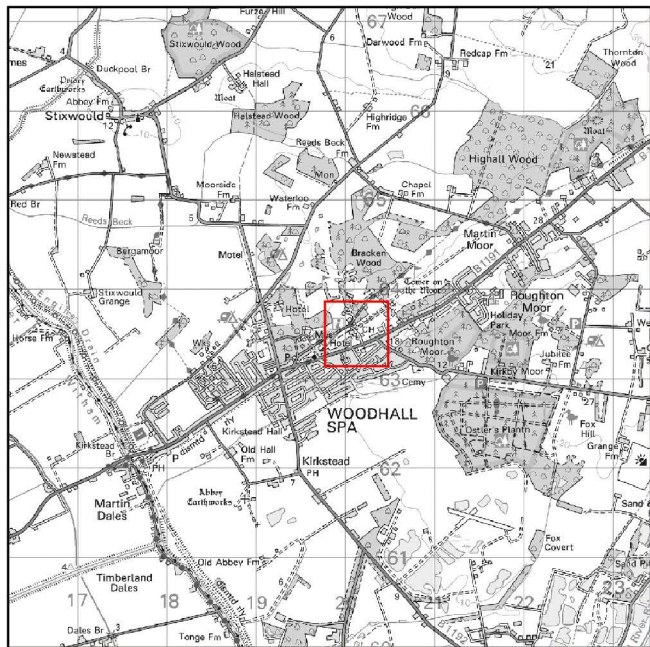
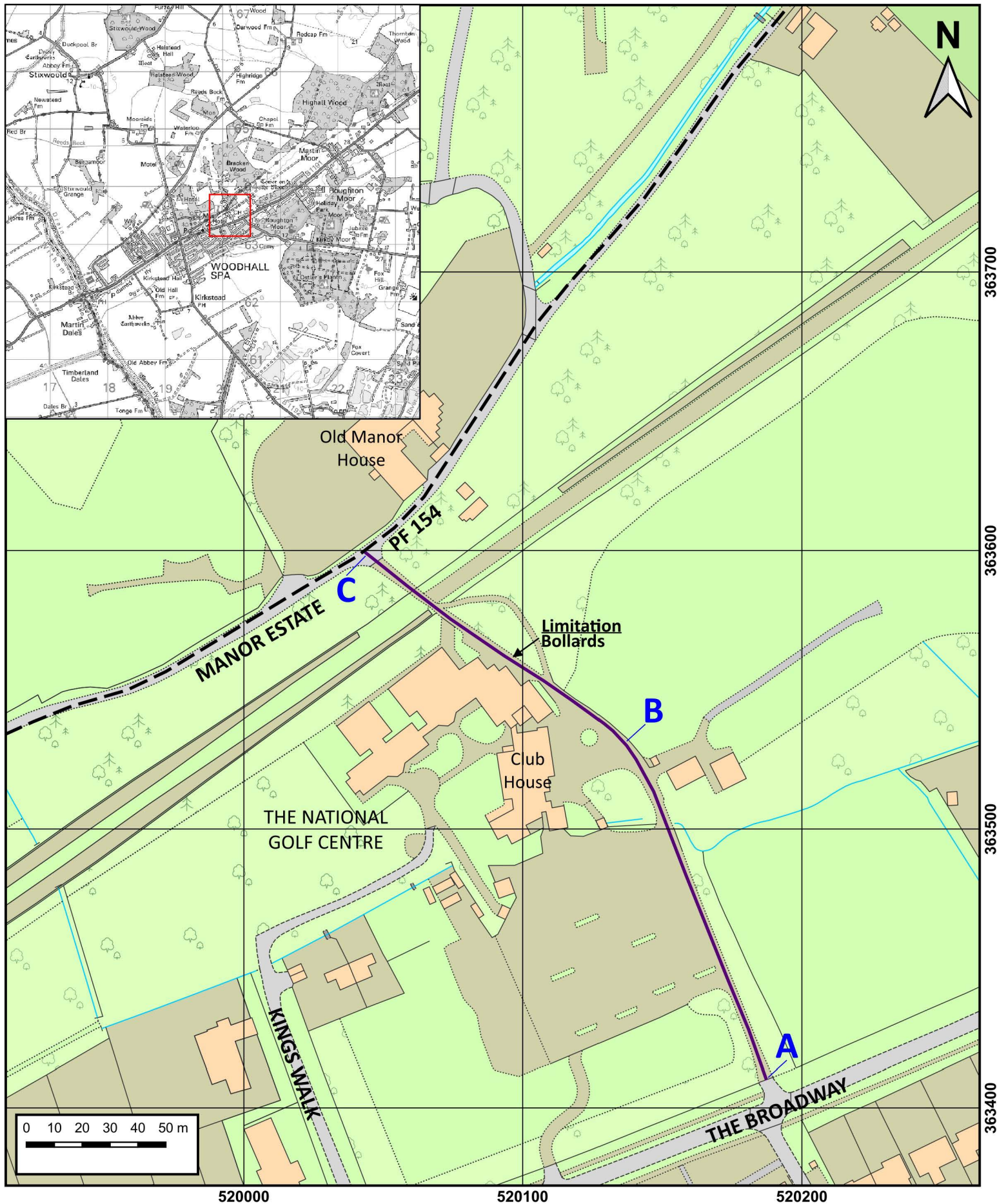
Any representation or objection relating to the Order must be sent in writing, quoting reference SXI.75456.WOODHALL, to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL (or e-mail sally.ironmonger@lincolnshire.gov.uk) not later than 24 December 2025 and applicants are requested to state the grounds on which it is made. If no representation or objections are duly made to the Order or to any part of it or if any so made are withdrawn Lincolnshire County Council instead of submitting the Order to the Secretary of State for the Environment may themselves confirm the Order. If the Order is submitted to the Secretary of State any representations or objections which have been duly made and not withdrawn will be transmitted with the Order.

Dated 6 November 2025



ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE

LINCOLNSHIRE COUNTY COUNCIL



WOODHALL SPA
Definitive Map Modification Order
Addition of Public Footpath No. 1145 between
The Broadway and Manor Estate / Public
Footpath 154

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 AC0000850004



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

Drn. JK Date 04.09.2025

Legend

- Public Footpath No. 1145
- Unaffected Public Footpath

Drawing No.: 2025/024/DMMO623/A4

Scale: 1:1,750 @ A4

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH NUMBER 1145 WOODHALL SPA

DEFINITIVE MAP MODIFICATION ORDER 2025

This Order is made by Lincolnshire County Council ("the Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Authority that the Definitive Map and Statement for the area of the County of Lincoln - Parts of Lindsey (former Rural District of Horncastle) require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) of the Act namely the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public footpath.

The Authority has consulted with every local authority whose area includes the land to which the Order relates

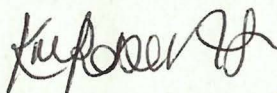
1. For the purposes of this Order the relevant date is 23 October 2025

2. The Lincolnshire County Council Definitive Map and Statement for the area of the County of Lincoln – Parts of Lindsey (former Rural District of Horncastle) shall be modified as described in Part I and Part II of the Schedule and shown on the Drawing attached to this Order

3. This Order shall take effect on the date it is confirmed and may be cited as the
Lincolnshire County Council, Addition of Public Footpath 1145 Woodhall Spa,
Definitive Map Modification Order 2025

Given under the Common Seal of Lincolnshire County Council this 23rd day of
October Two thousand and Two thousand and Twenty five

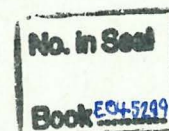
THE COMMON SEAL of)
LINCOLNSHIRE COUNTY COUNCIL)
was hereunto affixed in the)
presence of :-)



Authorised Officer

KIM ROBERTSON

Printed Name of Authorised Officer
who is authorised under the Council's Constitution to
execute documents on behalf of Lincolnshire County Council



SCHEDULE

PART I

Modification of the Definitive Map

Description of path to be added

In the Parish of Woodhall Spa

Public Footpath Number 1145 with a width of 3.0 metres running from The Broadway at Ordnance Survey Grid Reference (OSGR) 520187,363410 (A) in a north north westerly direction for approximately 130 metres to OSGR 520136,363530 (B) then continuing in a generally north westerly direction for approximately 40 metres at OSGR 520105,363554 where the width reduces to 2.7 metres then over a distance of approximately 12 metres the width gradually widens to 3.4 metres at OSGR 520095,363560 then over a distance of approximately 30 metres the width gradually increases to 4.1 metres at OSGR 520070,363577 then over approximately 4 metres the width decreases to 3.1 metres at OSGR 520067,363580 then continues for approximately 24 metres gradually increasing in width to 5.9 metres at OSGR 520048,363595 then continues for approximately 7 metres to meet with Public Footpath Number 154 and Manor Estate at OSGR 520043,363599 (C). The total length of the public footpath to be added to be approximately 247 metres as shown between points A-B-C in annexed Drawing Number 2025/024/DMMO623/A4.

PART II

Modification of the Definitive Statement

Variation of particulars of paths or ways

The following details shall be added

<u>No. of right of way on Map</u>	<u>Documents creating or modifying the right of way taken into account in preparing the Map</u>	<u>Particulars as to the position and width or as to any limitations or conditions affecting the public right of way which it has been considered expedient to record</u>
PF 1145 (Woodhall Spa)	N/A	The public footpath runs from The Broadway at Ordnance Survey Grid Reference (OSGR) 520187,363410 with a width of 3.0 metres in a north north westerly direction for approximately 130 metres to OSGR 520136,363530 and it then continues in a north westerly direction then continues for approximately 40 metres where the width reduces to 2.7 metres at OSGR 520105,363554. The footpath then continues in a north north westerly direction for approximately 12 metres with a width widening to 3.4 metres in width

		<p>at OSGR 520095,363560 and then runs for approximately 30 metres with a width gradually increasing to 4.1 metres at OSGR 520070,363577. It then continues for approximately 4 metres with a width decreasing to 3.1 metres at OSGR 520067,363580 and then it then runs for approximately 24 metres with a width gradually increasing to 5.9 metres at OSGR 520048,363595 before it continues for approximately 7 metres to meet with Woodhall Spa Public Footpath Number 154 and Manor Estate at OSGR 520043,363599. The total length of the footpath is 247 metres.</p> <p><u>Limitations:</u></p> <ul style="list-style-type: none"> • Bollards at OSGR 520095,363560 spanning the width of the footpath with 1 metre gap between each bollard
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DATED 23 October 2025

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH 1145 WOODHALL SPA

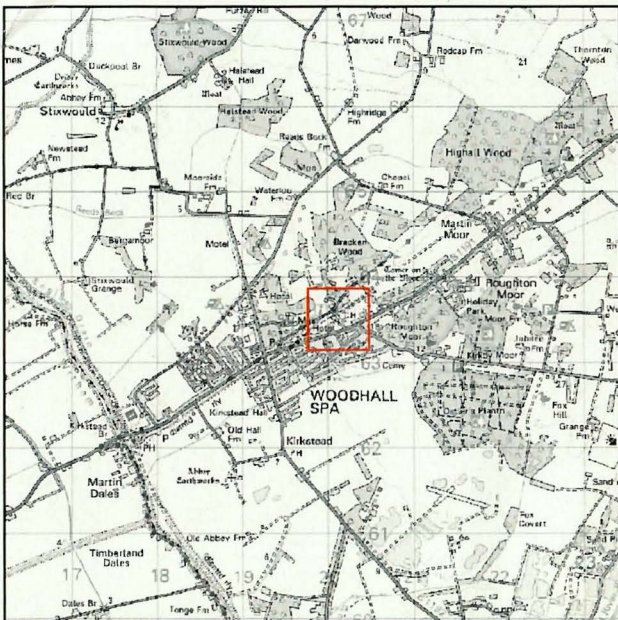
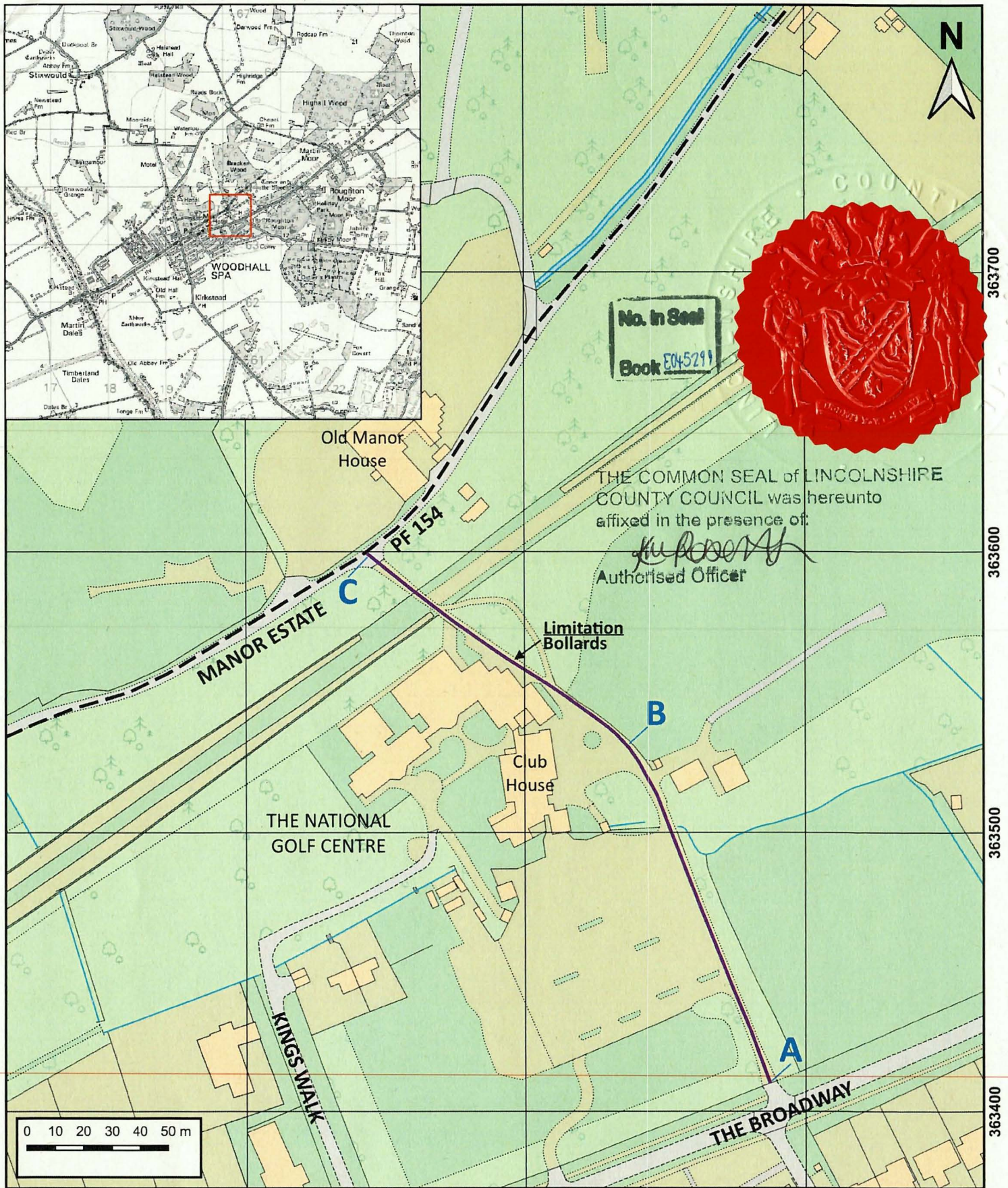
DEFINITIVE MAP MODIFICATION ORDER 2025

Legal Services Lincolnshire

County Offices

Newland

Lincoln



No. in Seal
Book **E045291**



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

[Signature]
Authorised Officer

WOODHALL SPA
Definitive Map Modification Order
Addition of Public Footpath No. 1145 between
The Broadway and Manor Estate / Public
Footpath 154

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Lincolnshire
COUNTY COUNCIL
Working for a better future

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

Drn. JK Date 04.09.2025

Legend

— Public Footpath No. 1145
--- Unaffected Public Footpath

Drawing No.: 2025/024/DMMO623/A4

Scale: 1:1,750 @ A4

Wildlife and Countryside Act 1981, section 53
Lincolnshire County Council
Addition of Public Footpath No. 1145 Woodhall Spa
Definitive Map Modification Order 2025

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public rights of way are recorded in definitive maps and statements. These documents provide conclusive evidence of the existence of public rights of way. Lincolnshire County Council has a duty to keep the maps and statements for its administrative area under continuous review and to modify them when evidence is discovered which suggests that they are inaccurate or incomplete. This is achieved by the making of definitive map modification orders under section 53 of the Wildlife and Countryside Act 1981.

An application to modify the Definitive Map and Statement for the area that includes Woodhall Spa was received by the County Council in January 2023. The application sought to add to the definitive record a footpath between The Broadway and Manor Estate / Woodhall Spa Public Footpath 154. The application was supported by evidence contained in user evidence forms and documentary evidence.

The County Council, having investigated the matters contained in the application and the relevant evidence available to it, made a decision that a definitive map modification order (DMMO) should be made under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a public footpath running between The Broadway and Manor Estate through the grounds of The National Golf Centre on the basis that there was sufficient evidence to *reasonably allege* that public footpath rights have arisen over the route. This route is referred to as Public Footpath No. 1145 in the Order and is shown by a purple line between points A-B-C in the plan referenced 2025/024/DMMO623/A4 in the Order. The route is referred to hereafter as “the Order route”.

Relevant evidence considered

In total, whilst 51 user evidence forms had been received, representative of 53 users, 4 of these users’ evidence has been discounted as they had not recorded use of the Order route, therefore, in total there were 49 users recording use of the whole or part of the Order route. However, the evidence of use of the route by 5 people was wholly discounted and a further 7 people were partially discounted as their use was not deemed to have been *as of right* (i.e., without force, without secrecy and without permission), or because of omissions in

their evidence which meant it was not possible to ascertain when or how frequently they had used the route. The Applicant provided a number of historical documents in support of the application. The landowner's legal representatives submitted a Landowner Evidence Form and also provided evidence supporting their view that they did not recognise the route as a public right of way. The County Council has also examined old maps and documents held at the Local Public Records Office (Lincolnshire Archives) as well as other documents and records in its possession or had access to, as part of the research of the route.

A list of the evidence and documents considered by the County Council is provided below:-

- 51 user evidence forms
- Landowner's evidence
- 1767 Inclosure Award for Langton & Woodhall
- 1779 Armstrong's Map of Lincolnshire
- 1787 Cary's Map of Lincolnshire
- Various maps and plans dated 1820-1938
- 1828 Bryant's Map of Lincolnshire
- 1830 Greenwood's Map of Lincolnshire
- Ordnance Survey drawings from the period 1818-1819
- Various Ordnance Survey maps covering the period 1825-2006
- Various deposited railway plans over the period 1845-1903
- Quarter Sessions minutes spanning the period 1884-1887
- Miscellaneous documents relating to Woodhall Spa spanning 1888-1906
- Woodhall Spa Urban District Council records, to include correspondence and minute books, from the period 1898-1931
- Valuation lists covering the period 1903-1920
- 1910 Finance (1909/10) Act draft plans and valuation books
- 1920 Woodhall Spa Walks by Rev. James Alpass Penny
- 1936 Parish path survey notes
- 1951 Petwood Estate sales plan
- Draft Definitive Maps (provisional and modified)
- 1955 Definitive Map and Statement
- Aerial photographs from 1971-2006
- 1977 The News newspaper article
- Parish Council minutes and correspondence covering the period 1984-1990
- 1984 Booklet titled "Woodhall Spa Walks"
- Google StreetView photographs spanning 2008-2022
- 2012 Letter from Solicitors to Mrs Hotchkin together with copy of the Deed of Variation of Easement
- Online photographs dated 2019-2020
- 2020 Landowner deposits register (Highways Act 1980, section 31(6))
- Rights of Way Horncastle Area map
- Highway Liability for Maintenance Records (Map and List of Streets)
- Lincolnshire County Council Public Rights of Way maintenance enquiries

- Various undated / historic photographs of Woodhall Spa
- Satellite images (undated)
- Explanatory notes for documentary evidence provided by the Applicant
- Undated photographs provided by the Landowner's Legal Representatives
- Land Registry Title Numbers LL120999 (1995), LL271390 (2006), LL321074 (2010), LL358959 (2015)

Reasons for making the Modification Order

Whilst the documentary and map evidence consistently showed the physical existence of the Order route, these do not demonstrate the existence of a historical public right of way as most sources implied the route was a private occupation road or explicitly disclaimed public rights.

The Land Registry Title LL271390 includes a Deed of Grant and a Deed of Variation that shows rights of passage over parts of the Order route, with a plan showing the route supporting the existence of rights over the land, however, it does not record the existence of a public right of way.

Section 31 of the Highways Act 1980 allows for a public right of way to arise over a route if it has been subject to sufficient use and enjoyment by the public, as of right and without interruption for a period of 20 years unless there is sufficient evidence to show that the landowners had no intention to dedicate the route as a public right of way during that period. A public right of way arising in this manner is often referred to by the term "deemed dedication".

An earlier date of bringing into question was identified as being 1988 following the erection of signs to deter public use of the Order route and a "Gentleman's Agreement" was subsequently agreed. However, a railway line crossed the Order route which was not fully discontinued until 1971, therefore encroaching into this potential earlier statutory period. The public's use of the route had been interrupted by the statutory protection of the railway and therefore prevented the establishment of a public right of way. The "Gentleman's Agreement" ceased to exist following the sale of the Golf Club to The National Golf Centre.

The National Golf Centre later installed electronic barriers along the Order route, near to The Broadway in late-2021 to early-2022 preventing pedestrian access, along with the erection of several "private property" signs, prompting the Application.

A highways statement and map were made by Robert Bell & Company, Horncastle, on behalf of Woodhall Spa Land Holdings Co Ltd, on 13 October 2020 which was deposited with Lincolnshire County Council on 14 October 2020 under Section 31(6) of the 1980 Act. This was followed by a highways declaration made on 20 October 2020, and this was lodged with the County Council on 22 October 2020 in compliance with the 1980 Act. The statement and map show a public footpath to the east of the Order route, which had been dedicated over the land, together with a statement confirming that no other ways had been dedicated

over their land. No routes were marked on the map in the location of the Order route therefore Woodhall Spa Land Holdings Co Ltd have not expressly dedicated the Order route as a public right of way or highway within the deposit. It only shows that there was no intention to dedicate over the 8-day period between the statement and declaration. As the map has not been marked to show the route as a public right of way, the statement confirms that no other ways (including the Order route) have been dedicated over Woodhall Spa Land Holdings Co Ltd's land, and that the notice of the making of the map and statement was posted on the County Council's website for public inspection in compliance with the regulations, the date for bringing into question would therefore be 14 October 2020 as this was the date on which the statement and map were deposited. The established 20-year statutory term is therefore 14 October 2000 to 14 October 2020.

The user evidence suggests that there has been sufficient use and enjoyment by the public on foot, as of right and without interruption for a period of 20 years between 14 October 2000 to 14 October 2020 to *reasonably allege* that public footpath rights have arisen by deemed dedication, and there was insufficient evidence to show that there was no intention to dedicate it as a public right of way by the landowners during this period.

The evidence also suggests that some people had used the Order route on a bicycle, however, the level of use of the route on bicycles during the 20-year period had been too low to *reasonably allege* that a public right of way of a higher classification than public footpath has arisen either by statutory dedication over the relevant statutory term, or by common law dedication over the period 1995 to 2020, or any part of this period.

Consideration of the application and all the available relevant evidence has led the County Council to conclude that a modification order should be made to add a public footpath (to be recorded as Woodhall Spa Public Footpath No. 1145) to the Definitive Map and Statement for the area on the grounds that public footpath rights are *reasonably alleged* to have arisen by deemed dedication over the Order route.

Important Information

The making and confirmation of definitive map modification orders is an evidence-led process simply about establishing whether a public right of way already exists or not. Issues such as the desire for a public right of way, the nuisance that it may cause, the effects it might have upon privacy, or whether the public right of way is needed for example, cannot be taken into consideration in this evidence-led statutory process. To be relevant, any representations or objections against the making of a definitive map modification order should relate to or challenge the evidence supporting the addition of the public footpath rights to the Definitive Map and Statement over the route described in the Order. Details of how and when representations or objections may be lodged against the Order are given in the notice accompanying this statement. If you wish to discuss a representation or objection to the Order, please contact the Definitive Map Office of Lincolnshire County Council's Public Rights of Way and Access Service, the contact details for which are given below.

Lincolnshire County Council Definitive Map Modification Order Case 623: Background Statement

The Order does not come into effect unless it is confirmed. If any representations or objections are lodged against the making of the Order and are not subsequently withdrawn, the County Council must send these, with the Order and the requisite documents, to the Secretary of State (Planning Inspectorate), who will appoint an independent inspector to consider the Order and the representations and objections. An inspector may decide to hold a hearing or a public inquiry to determine if the Order should be confirmed, but they could also decide to determine the confirmation of the Order through a process of written representations. Following the hearing, inquiry or written representations, the inspector would then make a decision based on the available relevant evidence on whether the Order should be confirmed (with or without modifications) or not. For the Order to be confirmed with or without modifications, the evidence must demonstrate *on the balance of probability* that a public right of way exists over the route described in the Order.

To discuss a representation or objection to the order contact:

Jennifer Kelly, Definitive Map Officer
Lincolnshire County Council, Public Rights of Way & Access, County Offices, Newland,
LINCOLN, LN1 1YL.

Telephone: 01522 782070

Email: countryside_access@lincolnshire.gov.uk

(Quote Case Reference: DMMO/623/Woodhall Spa)

N.B. Any objections or representations must be sent to Legal Services Lincolnshire at the address provided in the attached notice and not to Public Rights of Way and Access.