

Wildlife and Countryside Act 1981
Lincolnshire County Council
Addition of Public Footpath Number 1175 Wragby
Definitive Map Modification Order 2025

The above named Order made on 13 November 2025 if confirmed as made, will modify the definitive map and statement for the area by adding Public Footpath 1175 in the Parish of Wragby with a width varying between 0.9 and 2 metres running from Public Footpath 122 at Ordnance Survey Grid Reference (OSGR) 513574,377815 east south east for 386 metres to OSGR 513929,377661 then north for 213 metres to meet with the A158 Horncastle Road at OSGR 513936,377874 as shown between points A–B–C–D–E in Order Drawing Number 2025/026/DMMO435/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.75672.WRAGBY. A copy of the Order and drawing is also available online at www.lincolnshire.gov.uk/council-business/public-notices/1

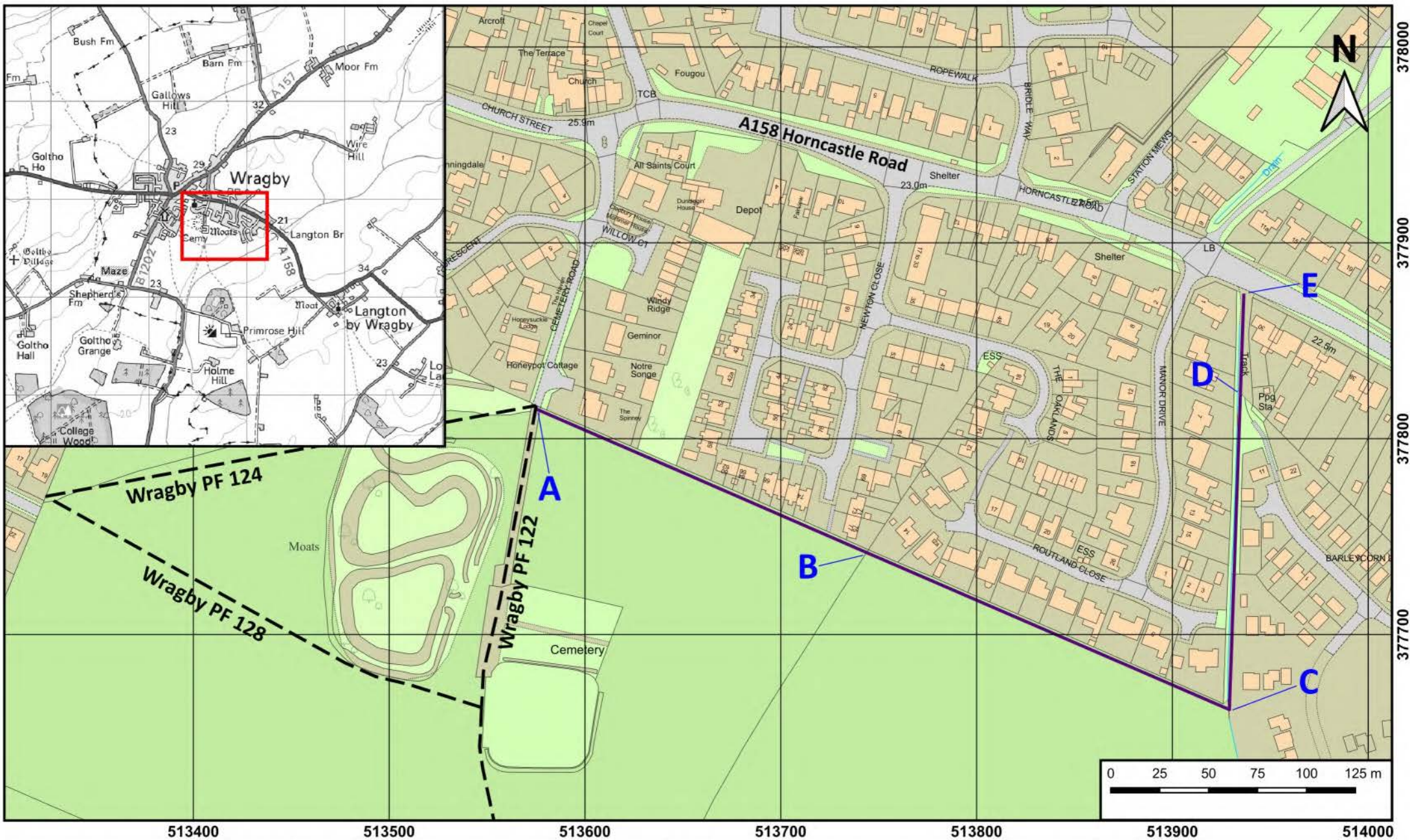
In addition Drawing Number 2025/026/DMMO435/A4 is displayed with this notice.

Any representation or objection relating to the Order must be sent in writing, quoting reference SXI.75672/WRAGBY, to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL (or e-mail sally.ironmonger@lincolnshire.gov.uk) not later than 12 January 2026 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 If no representation or objections are duly made to the Order or to any part of it or if any so made are withdrawn Lincolnshire County Council instead of submitting the Order to the Secretary of State for the Environment may themselves confirm the Order. If the Order is submitted to the Secretary of State any representations or objections which have been duly made and not withdrawn will be transmitted with the Order.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 20 November 2025



ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE
LINCOLNSHIRE COUNTY COUNCIL



WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH NUMBER 1175 WRAGBY

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 13 November 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 Number 1175 Wragby,
Definitive Map Modification Order 2025.

Given under the Common Seal of Lincolnshire County Council this 13th day of
November Two thousand and twenty five

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



Authorised Officer

LISA TREMBLE

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 Wragby

Public Footpath Number 1175 with a width of 2 metres running from Public Footpath Number 122 at Ordnance Survey Grid Reference (OSGR) 513574,377815 (A) in a generally east south easterly direction for approximately 184 metres to OSGR 513743,377741 (B) where it passes through a pinch point with a width of 0.9 metres then continuing with a width of 2 metres in a generally east south easterly direction for approximately 202 metres to OSGR 513929,377661 (C) then running in a generally northerly direction with a width of 1.1 metres for approximately 162 metres to OSGR 513935,377823 (D) then continuing in a generally northerly direction with a width of 2 metres for approximately 51 metres to meet with the A158 Horncastle Road at OSGR 513936,377874 (E). The total length of public footpath to be added to be approximately 599 metres as shown between points A-B-C-D-E in annexed Drawing Number 2025/026/DMMO435/A4.

PART II

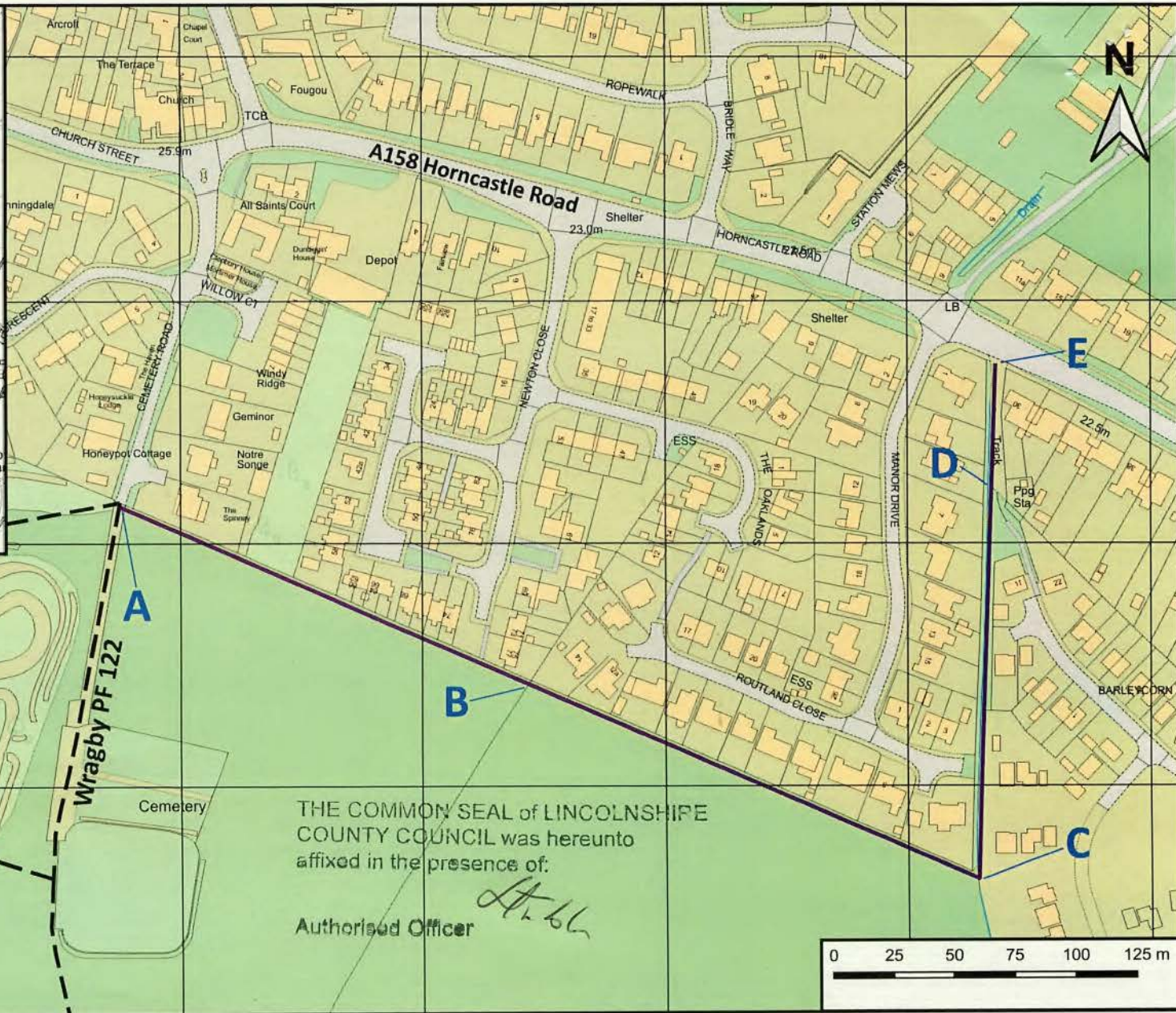
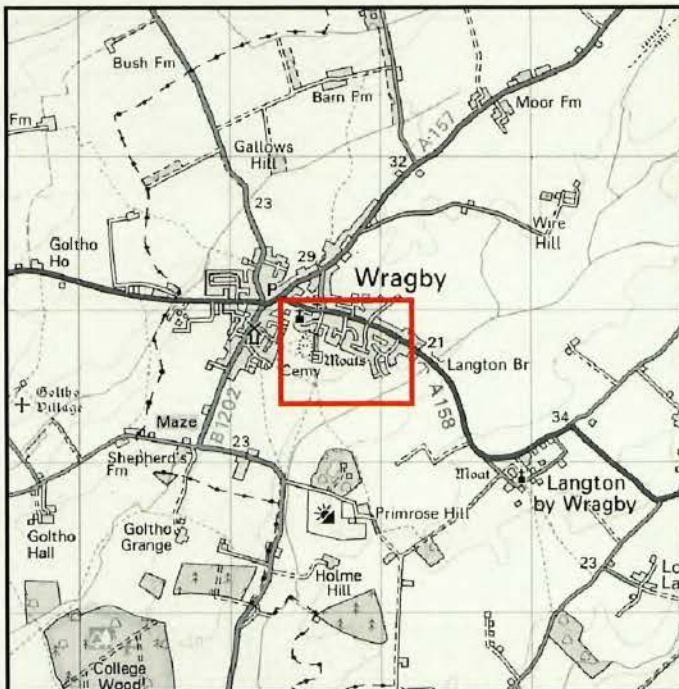
Modification of the Definitive Statement

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 1175 (Wragby)	N/A	The public footpath runs east south east from Public Footpath Number 122 (Wragby) at (OSGR) 513574,377815 with a width of 2 metres for approximately 184 metres to OSGR 513743,377741 where it passes through a pinch point with a width of 0.9 metres, and it then continues east south east with a width of 2 metres for approximately 202 metres to OSGR 513929,377661. The public footpath then runs north with a width of 1.1 metres for approximately 162 metres to OSGR 513935,377823, and it then continues north with a width of 2 metres for approximately 51 metres to meet with the

		<p>A158 Horncastle Road at OSGR</p> <p>513936,377874. The total length of the public footpath is approximately 599 metres.</p>
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No. in Seal
Book E045430

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

Authorised Officer

St. 66

DATED 13 November 2025

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH

NUBER 1175 WRAGBY

DEFINITIVE MAP MODIFICATION ORDER 2025

Legal Services Lincolnshire

County Offices

Newland

Lincoln

Wildlife and Countryside Act 1981, section 53
Lincolnshire County Council
Addition of Public Footpath No. 1175 Wragby
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 Wragby was received by the County Council in July 2021. The application sought to add to the definitive record a footpath between Public Footpath 122 and the A158 Horncastle Road. The application was supported by evidence contained in user evidence forms.

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 Public Footpath 122 and the A158 Horncastle Road on the grounds 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. 1175 in the Order and is shown by a purple line between points A-B-C-D-E in the plan referenced 2025/026/DMMO435/A4 in the Order. The route is referred to hereafter as “the Order route”.

Relevant evidence considered

In total 42 people completed 40 evidence forms recording use of the whole or part of the Order route. However, the evidence of use of the route by four people was discounted because of omissions in their evidence forms by which it is not possible to ascertain when or how often they had used the route, or if their use was *as of right* (i.e., without force, without secrecy and without permission). One of the affected landowners also submitted a form and provided evidence regarding their knowledge of the way. The County Council has 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 which it had access to, as part of the research of the route.

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

- 40 User Evidence Forms
- 1 Landowner Evidence Form
- 1779 Armstrong's Map of Lincolnshire
- 1787 Cary's Map of Lincolnshire
- Various Ordnance Survey maps of the period 1824-2006
- 1828 Bryant's Map of Lincolnshire
- 1830 Greenwood's Map of Lincolnshire
- 1831 Cary's Map of Lincolnshire
- 17.04.1833 Wragby Parish Quarter Sessions
- 1845 Lincoln and Great Grimsby Railway Plan
- 1845 Lincolnshire and Eastern Counties Junction Railway Plan
- 1846 Manchester, Sheffield and Lincolnshire Railways, Louth and Horncastle and East Lincolnshire Junction Railways Plan
- 1846 East Lincolnshire Railway Louth to Lincoln Branch Plan
- 05.10.1847 Tithe Apportionment of the rent charge in the parish of Wragby
- 1866 Louth and Lincoln Railway Plan
- 1872 Louth and Lincoln Railway Plan
- 1910 Finance (1909–10) Act draft plan and valuation book
- ca. 1929 Highways Handover Maps
- 28.10.1971 Aerial Photographs
- Records relating to the List of Streets for the period 1991-2025
- Google Streetview images dated 2009–2022
- Site photographs taken by Lincolnshire County Council dated 2021–2025
- 11.01.2025 Photographs of the permissive access notice taken by Lincolnshire County Council
- Records relating to the statutory process used to draw up the Definitive Map and Statement
- Permissive path records held by the County Council
- Open access & common land records
- Landowner notices, maps, statements and declarations held by the County Council under section 31(5) and (6) of the Highways Act 1980
- Cambridge Air Photos
- Britain from Above Aerial Photos

Reasons for making the Modification Order

The map evidence generally supports the existence of a track, or a stub of a track, on the part of the Order route which extends south from the A158 Horncastle Road over the last

couple of hundred years. However, none of the maps viewed specifically record the Order route as a public right of way. Most (if not all) of the maps were drawn up to map the topography and features of the landscape, and the routes shown in them were not assessed for the existence of public rights. Therefore, the showing of a track in the location of part or the whole of the Order route in these maps supports its existence as a topological feature in the landscape but does not necessarily indicate 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”.

The evidence suggests that the presence of a permissive open access notice at the westernmost part of the Order route was sufficient to have brought the public’s right to use the way into question. The notice, which pertains to the first parcel of land over which the segment of the Order route extends eastwards from Public Footpath 122, indicates that the permissive access ended on 31 October 2017 and states: *‘It is permissive access and no new rights of way are being created’*. Although the notice itself is undated, it includes a Natural England licence number dated 2008 and is visible in a Google Streetview photograph dated June 2009. Therefore, the date of bringing the public’s right into question is taken as 2008. Use of the way during the 20-year period immediately preceding 2008 was examined to determine whether use by the public was sufficient to suggest that public rights had been established over the route.

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 1988 to 2008 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 one person had used the Order route with a bicycle during the relevant statutory term. However, the level of use of the route with bicycles during the 20-year period had been too low to *reasonably allege* that restricted byway rights had arisen by deemed dedication.

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 Wragby Public Footpath No. 1175) 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.

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:

Natalie Bartlett, 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/435/Wragby)

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.