

NOTICE OF PUBLIC PATH CREATION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

RAITHBY-BY-SPILSBY AND HUNDLEBY PUBLIC FOOTPATH 1179

PUBLIC PATH CREATION ORDER 2026

The above Order, made on 21 April 2026 under Section 26 of the Highways Act 1980 will create Public Footpath 1179 in the parish of Raithby by Spilsby with a width of 2.0 metres running from Raithby Road from OSGR TF 3740 6693 (A) where a gate compliant with BS5709:2018 will be installed proceeding generally east south east with a slight east north east deviation before resuming a generally east south east direction to OSGR TF 3809 6683 (B). The total length of the footpath added in Raithby-by-Spilsby is approximately 715 metres as shown between points A-B on Drawing Number 2026/012/PPO393/A3. Also Public Footpath 1179 in the parish of Hundleby with a width of 2.0 metres running from OSGR TF 3809 6683 (B) generally east south east to OSGR TF 3822 6677 (C) where the path terminates onto Raithby Road. The total length of the footpath added in Hundleby is approximately 155 metres as shown between points B-C on Drawing Number 2026/012/PPO393/A3.

A copy of the Order and the Order 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.77106/HUNDLEBY. A copy of the Order and drawing may also be viewed online from 6 May 2026 until 4 June 2026 at <https://www.lincolnshire.gov.uk/council-business/public-notices/1>. In addition Drawing Number 2026/012/PPO393/A3 is displayed with this notice.

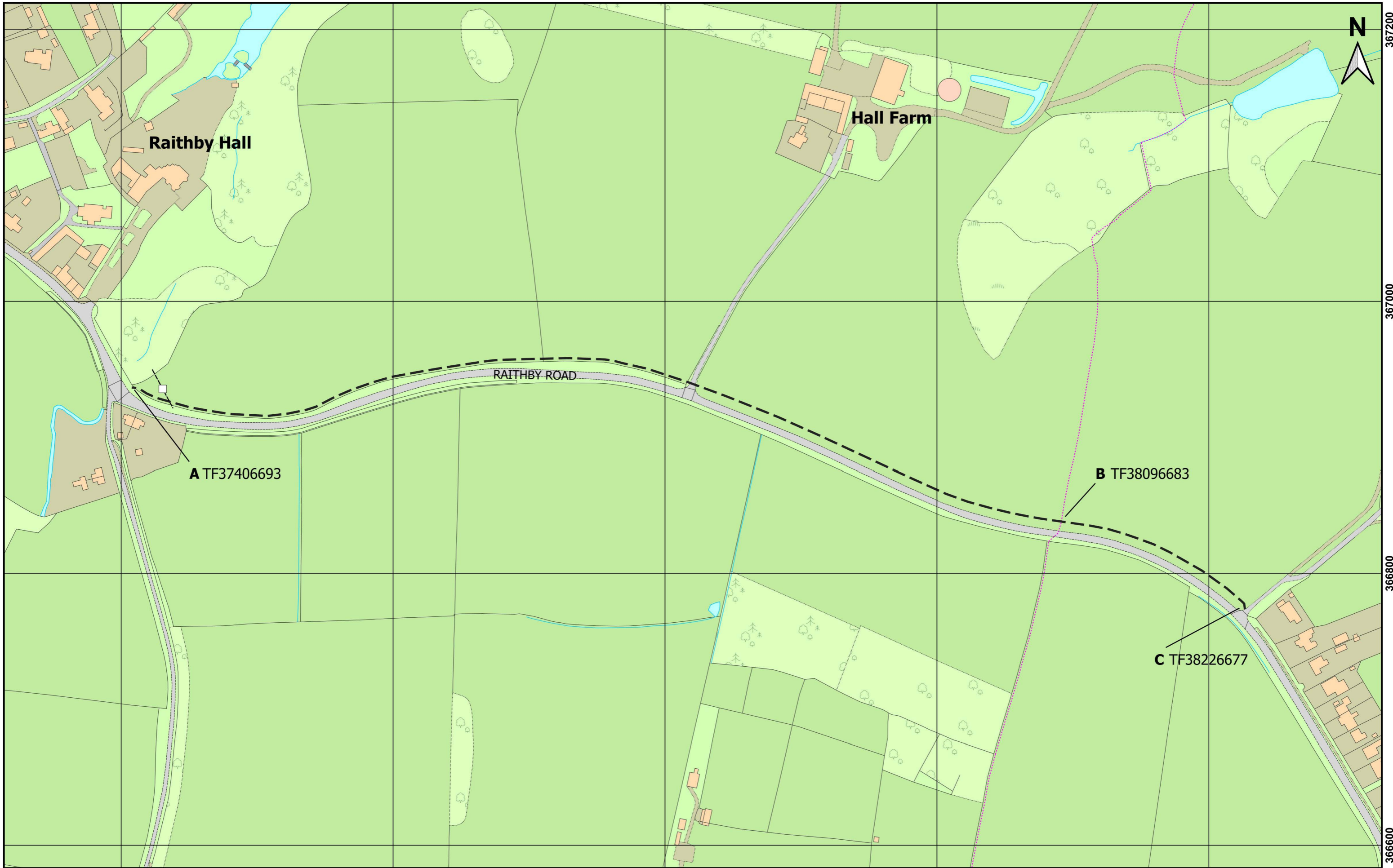
Any representations about or objections to the Order may be sent in writing to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YS, marked for the attention of Sally Ironmonger or e-mail sally.ironmonger@lincolnshire.gov.uk, quoting reference SXI.77106/HUNDLEBY and received no later than 4 June 2026. Please state the grounds on which they are made.

If no representations or objections are duly made or if any so made are withdrawn Lincolnshire County Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

Dated 30 April 2026



ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE, LINCOLNSHIRE COUNTY COUNCIL



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Lincolnshire
COUNTY COUNCIL
Working for a better future

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

HUNDLEBY & RAITHBY-BY-SPILSBY
Public Path Order case ref: 393
Highways Act 1980 S26 - Creation of Public
Footpath 1179

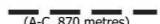


Drn. JK Date 13.03.2026

Drawing No.: 2026/012/PPO393/A3

Scale: 1:2,500 @ A3

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Legend

-  (A-C, 870 metres) Public Footpath 1179 to be Created
-  Unaffected Public Footpath
-  Unaffected Public Bridleway

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

RAITHBY-BY-SPILSBY AND HUNDLEBY PUBLIC FOOTPATH 1179

PUBLIC PATH CREATION ORDER 2026

This Order is made by Lincolnshire County Council (“the authority”) under Section 26 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that, having regards to the matters set out in section 26(1), there is a need for a public footpath over the land to which this Order relates, and that it is expedient that the way should be created.

East Lindsey District Council has been consulted as required by section 26(3) of the 1980 Act.

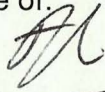
BY THIS ORDER:

1. There shall be at the end of 56 days from the date of confirmation of this Order a public footpath over the land at Raithby-by-Spilsby and Hundleby described in Part 1 of the Schedule to this Order and shown by a dashed black line on the drawing attached to this Order.
2. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.

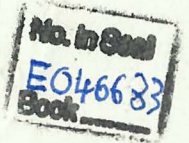
GIVEN under the Common Seal of Lincolnshire County Council this 16th day
of APRIL two thousand and twenty six

THE COMMON SEAL of LINCOLNSHIRE)
COUNTY COUNCIL was hereunto affixed)

in the presence of:)



Authorised Officer *JODIE OGDEN*



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

SCHEDULE

PART 1

DESCRIPTION OF LAND OVER WHICH THE NEW PATH IS CREATED

In the Parish of Raithby-by-Spilsby

Public Footpath 1179 with a width of 2.0 metres commencing on Raithby Road at Ordnance Survey Grid Reference (OSGR) TF 3740 6693 (Point A) in the parish of Raithby-by-Spilsby and proceeding approximately 715 metres generally east-south-east with a slight east-north-east deviation before resuming a generally east-south-east direction to OSGR TF 3809 6683 (Point B). The total length of footpath added is 715 metres as shown between points A-B on Drawing No. 2026/012/PPO393/A3 annexed to this Order and marked with a dashed black line.

In the Parish of Hundleby

Public Footpath 1179 with a width of 2.0 metres commencing from OSGR TF 3809 6683 (Point B) in the parish of Hundleby and proceeding generally east-south-east for approximately 155 metres to OSGR TF 3822 6677 (Point C) where the path terminates on Raithby Road. The total length of footpath added is 155 metres as shown between points B-C on Drawing No. 2026/012/PPO393/A3 annexed to this Order and marked with a dashed black line.

PART 2

LIMITATIONS AND CONDITIONS

In the Parish of Raithby-by-Spilsby

OSGR TF 3740 6693 (Point A)	6-foot wide gate compliant to BS5709:2018
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In the Parish of Hundleby

None.

DATED

16 APRIL

2026

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

RAITHBY-BY-SPILSBY AND HUNDLEBY PUBLIC FOOTPATH NO. 1179

PUBLIC PATH CREATION ORDER 2026

LINCOLNSHIRE COUNTY COUNCIL

COUNTY OFFICES

NEWLAND

LINCOLN

LN1 1YS

Highways Act 1980, sections 118 & 26 (as amended)
Hundleby and Raithby-by-Spilsby (LCC PPO 393)
Extinguishment of Public Footpath 366,
Extinguishment of certain awarded footpaths and
Creation of Public Footpath 1179

JUSTIFICATION FOR MAKING ORDERS

Tests of legislation in respect of the EXTINGUISHMENT ORDERS:-

Section 118 of the Highways Act 1980 provides for the following conditions to be satisfied before an Extinguishment Order may be confirmed. In addition, where proceedings preliminary to the confirmation of a public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order, then, in considering the need for public use of the route to be extinguished and the extent, if any, to which the path would be likely to be used by the public if it was not extinguished, a council may have regard to the extent to which the creation order would provide an alternative path [S118(5) of the Highways Act 1980]. This test is therefore considered concurrently with a public path creation order proposal and in accordance with the provisions of S118(5) of the Act.

1. ***Lincolnshire County Council must be satisfied that it is expedient that the path or way should be stopped up on the grounds that it is not needed for public use [S118(1)]***

Plan No 2026/010/PPO393/A3 refers:-

Public Footpath 366 (approximately 1280 metres in length) in the parishes of Raithby-by-Spilsby and Hundleby was recorded on the Definitive Map and Statement at the outset in 1955.

The definitive public footpath, in its entire width, commences at Point A on Raithby Road, Raithby-by-Spilsby, running generally south-eastwards through farmland and across the parish boundary. A break in the definitive line occurs either side of the track to Hall Farm at Points B-C. The route then continues generally south-eastwards, but is obstructed by 14 residential properties and associated gardens, before terminating at Point E on Main Road, Hundleby.

Lincolnshire County Council is satisfied that Public Footpath 366 is not needed for public use, particularly having regard to the alternative route proposed under the concurrent creation order, which will maintain connectivity between Raithby-by-Spilsby and Hundleby. The

extinguishment will also remove all currently recorded public rights from within the boundaries of all affected properties along Raithby Road and Main Road in Hundleby.

Plan No 2026/009/PPO393/A3 refers:-

In addition, non-definitive public footpath rights (approximately 1453 metres in length) identified in the 1804 Hundleby Inclosure Award are proposed to be extinguished. This awarded route, in its entire width, runs generally south-eastwards from Point A in Raithby-by-Spilsby, crossing the parish boundary into Hundleby at Point B, then turns broadly westwards at Point C. A break occurs where the awarded line crosses Raithby Road (Points D-E), before the route proceeds following the curvature of Raithby Hill, re-enters Raithby-by-Spilsby at Point F, and terminates at Point G at Raithby Hill Reservoir. This awarded footpath is obstructed by 22 residential houses and gardens.

The presence of maintained footways along Raithby Road and Raithby Hill means that this historical route is not needed for public use and extinguishment will remove unrecorded public rights from within the boundaries of all affected properties along Raithby Road, Main Road and Raithby Hill in Hundleby.

- 2. *Lincolnshire County Council must be satisfied that it is expedient to extinguish a route having regard to the extent (if any) to which it appears that the path or way would, apart from the Order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way [S118(2)].***

In view of the provision of a suitable alternative footpath under the concurrent creation order, together with existing maintained footways, it is considered unlikely that Public Footpath 366 or the awarded footpath would be used by the public if not extinguished. No land is considered to be adversely affected by the extinguishment, particularly as both routes pass through land occupied by residential properties, where public access is no longer practical.

- 3. *Lincolnshire County Council must have due regard to [Section 29(1)]:-***
 - a. the needs of agriculture and forestry, and***
 - b. the desirability of conserving flora, fauna and geological and physiographical features.***

The County Council has had due regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna, and geological and physiographic features. No features of significance have been identified on or near the affected (this assessment also applies to the Creation Order, see below).

- 4. *The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity [Natural Environment and Rural Communities Act 2006 Section 40(1)].***

See response (3) above. No biodiversity issues have been identified that would be adversely affected by the proposed extinguishment.

Tests of legislation in respect of the CREATION ORDER:

Section 26 of the Highways Act 1980 provides for a number of conditions to be satisfied before a Creation Order may be confirmed.

1. *Lincolnshire County Council must be satisfied there is a need for the footpath over land in their area with regards to:-*

- a. the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of the persons resident in the area [S26(1)(a)].***

Plan No. 2026/012/PPO393/A3 refers:-

The proposed Public Footpath 1179 will be 2 metres wide and approximately 870 metres in length, providing a continuous and safe connection between Raithby-by-Spilsby and Hundleby.

The route begins at Point A (the western terminus of the definitive Public Footpath 366) in Raithby-by-Spilsby, runs within field boundaries and along the field edge, crosses into the parish of Hundleby at Point B, and follows the curvature of Raithby Road with screening by trees and foliage, before joining the public highway at Point C. From this point, the public can continue via the existing footway along Raithby Road to access the previous termination point along Main Road.

The County Council is satisfied that the proposed footpath will add significantly to the convenience of local residents and the wider public by restoring a safe cross-parish walking route formerly provided by Public Footpath 366.

- b. the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 [S26(1)(b)].***

The created footpath is not considered to be unduly detrimental to the interests of the affected landowner.

The landowner has confirmed agreement to the creation of the route and will undertake the required works, including:-

- constructing the necessary culvert
- carrying out any required clearance, and
- re-hanging the swing gate at the western end of the route.

Compensation provisions under section 28 have been taken into account. No adverse effect on the rights of the landowner have been identified, and the landowner has confirmed full agreement to the proposed route. The County Council therefore considers that no liability for compensation will arise.

Modification to the Definitive Statement for Skegness Urban District and the Spilsby Rural District

The existing Definitive Statement entry for Footpath 366 is to be deleted. As the awarded footpath is not recorded on the Definitive Map and Statement, no deletion is required. The new route description for Public Footpath 1179 will form the basis for amending the Definitive Statement, should the creation order be confirmed.

**Definitive Map Team
Rights of Way & Access
Lincolnshire County Council
February 2026**