

NOTICE OF PUBLIC PATH CREATION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

KEELBY PUBLIC FOOTPATH NUMBER 1219

PUBLIC PATH CREATION ORDER 2026

The above Order, made on 28 April 2026 under Section 26 of the Highways Act 1980 will create Public Footpath No. 1219 in the parish of Keelby at 2 metres wide running from A18 Barton Street at OSGR TA 1613 0971 (A) and following a track in a generally north easterly direction for approximately 38 metres to OSGR TA 1616 0973 (B) continuing in a generally easterly direction for approximately 12 metres to OSGR TA 1617 0973 (C) then running in a generally north easterly direction for approximately 34 metres to terminate at Maple Avenue at OSGR TA 1620 0974 (D). The total length of the footpath to be created to be approximately 84 metres as shown between points A-B-C-D on Order plan numbered 2025/029/PPO391/A4.

A copy of the Order and the Order plan 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 plan may be requested free of charge from Sally Ironmonger, tel: 01522 552117/e-mail: sally.ironmonger@lincolnshire.gov.uk) ref: SXI.76806/KEELBY. A copy of the Order and plan may also be viewed online from 20 May 2026 until 18 June 2026 at <https://www.lincolnshire.gov.uk/council-business/public-notices/1>

In addition plan numbered 2025/029/PPO391/A4 is displayed with this notice.

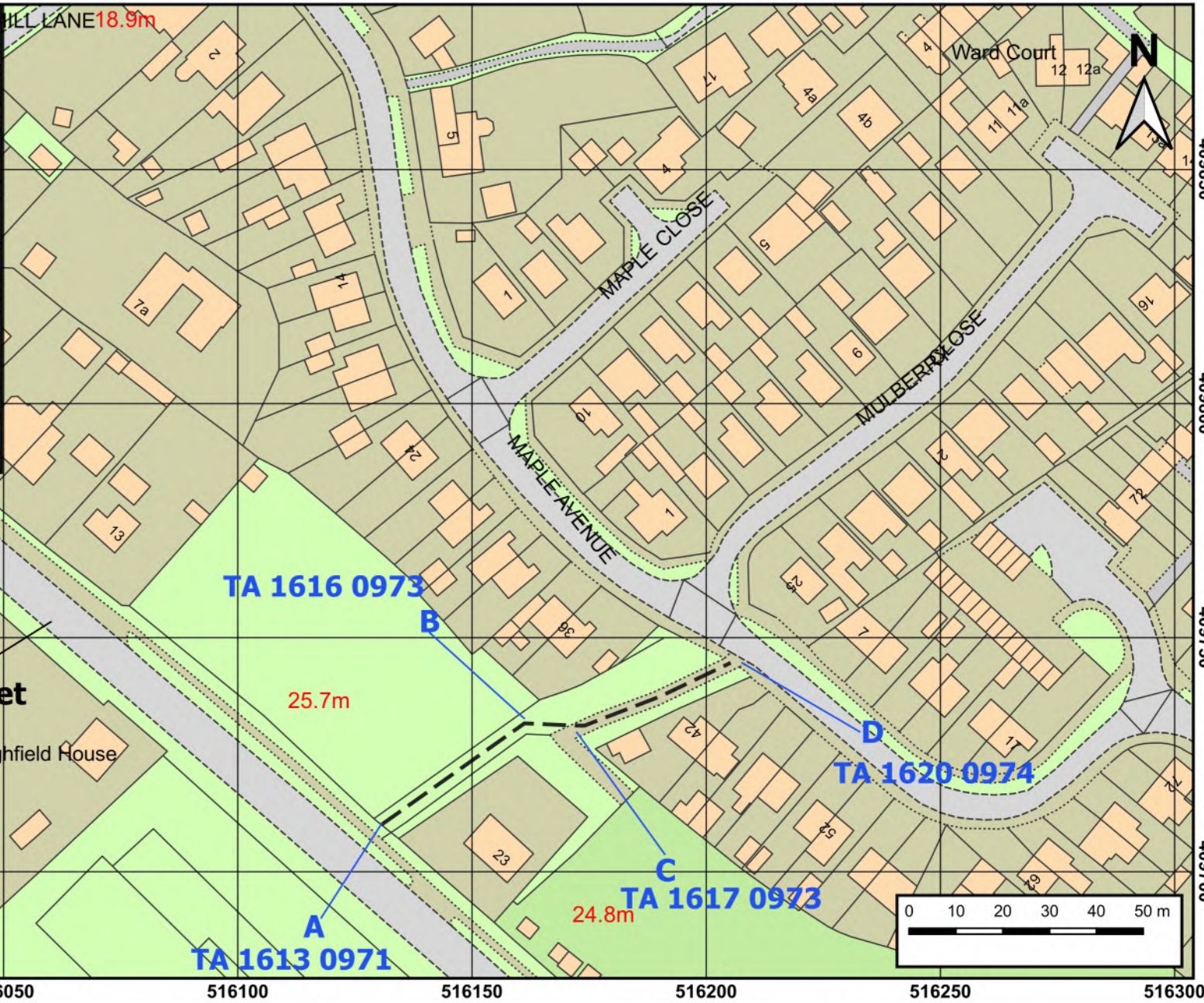
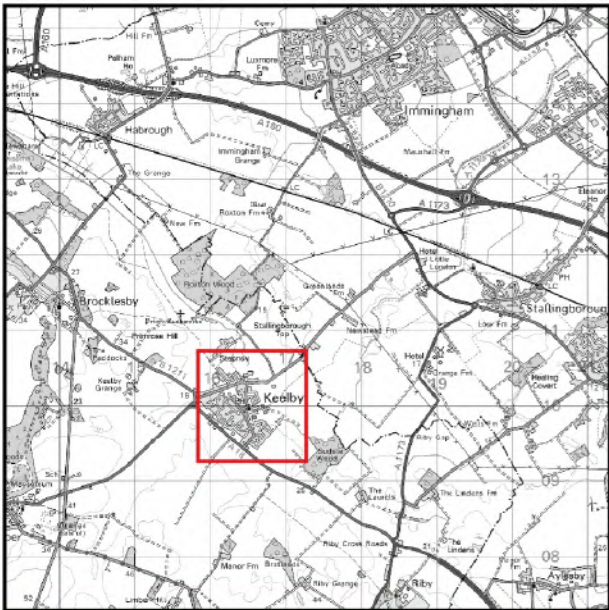
Any representations about or objections to the Order may be sent in writing to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YS, marked for the attention of Sally Ironmonger or e-mail sally.ironmonger@lincolnshire.gov.uk, quoting reference SXI.76806/KEELBY and received no later than 18 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If no representations or objections are duly made or if any so made are withdrawn Lincolnshire County Council may confirm the Order as an unopposed Order.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 12 May 2026



ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE, LINCOLNSHIRE COUNTY COUNCIL



**PUBLIC PATH CREATION ORDER**

**HIGHWAYS ACT 1980**

**LINCOLNSHIRE COUNTY COUNCIL**

**KEELBY PUBLIC FOOTPATH NUMBER 1219**

**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.

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

**BY THIS ORDER:**

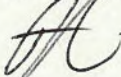
1. There shall be at the end of 28 days from the date of confirmation of this Order a public footpath over the land at Keelby described in the Schedule to this Order and shown by a bold broken line on the drawing attached to this Order.

GIVEN under the Common Seal of Lincolnshire County Council this 28<sup>th</sup> day  
of APRIL Two thousand and twenty six

THE COMMON SEAL of LINCOLNSHIRE )

COUNTY COUNCIL was hereunto affixed )

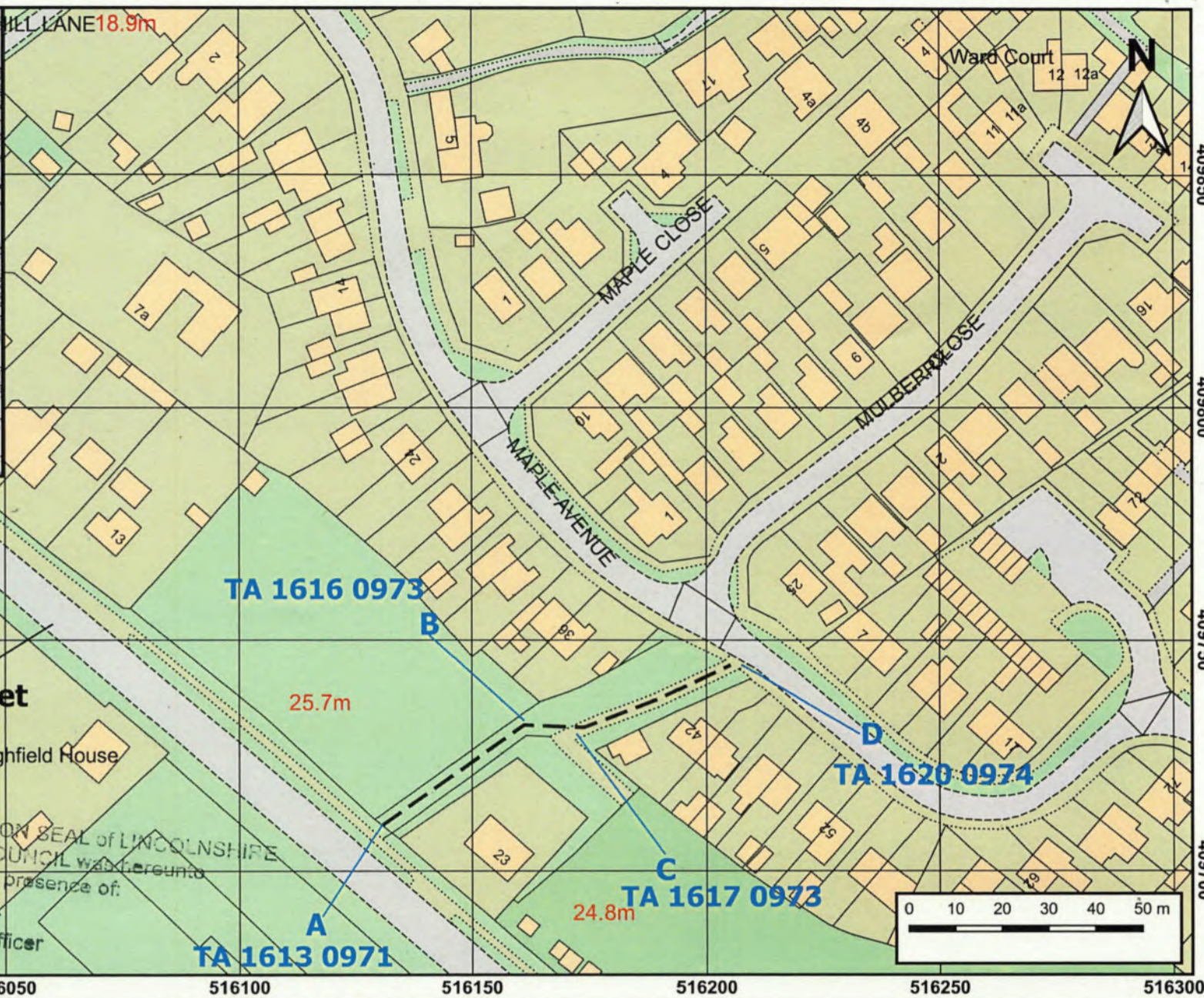
in the presence of: )

 JODIE OGDEN  
Authorised Officer



EO46557  
No. in Seal  
Book

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



5950 516000 516050 516100 516150 516200 516250 516300

**Lincolnshire**  
COUNTY COUNCIL  
*Working for a better future*

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

**KEELBY**  
**HIGHWAYS ACT 1980 SECTION 26**  
**Public Path Order**  
**Creation of Public Footpath 1219**

THE COMMON SEAL of LINCOLNSHIRE  
COUNTY COUNCIL was hereunto  
affixed in the presence of:  
*[Signature]*  
Authorised Officer

Drn. JH Date 04.03.2026

**Drawing No.:** 2025/029/PPO391/A4

**Scale:** 1:1,250

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**Legend**

--- Public Footpath to be created  
(A-B-C-D 84 metres)

HILL LANE 18.9m

Ward Court 12 12a

MAPLE AVENUE

MAPLE CLOSE

MULBERRY CLOSE

Westfield House

**Barton Street**

Highfield House

TA 1616 0973

TA 1620 0974

TA 1617 0973

TA 1613 0971

25.7m

24.8m

0 10 20 30 40 50 m

409850

409800

409750

409700

## SCHEDULE

### DESCRIPTION OF LAND

#### In the Parish of Keelby

Public Footpath No. 1219 at 2 metres wide running from A18 Barton Street at OSGR TA 1613 0971 (A) and following a track in a generally north easterly direction for approximately 38 metres to OSGR TA 1616 0973 (B) continuing in a generally easterly direction for approximately 12 metres to OSGR TA 1617 0973 (C) then running in a generally north easterly direction for approximately 34 metres to terminate at Maple Avenue at OSGR TA 1620 0974 (D). The total length of the footpath to be created to be approximately 84 metres as shown between points A-B-C-D on annexed plan numbered 2025/029/PPO391/A4.

DATED 28 APRIL 2026

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

KEELBY PUBLIC FOOTPATH NUMBER 1219

PUBLIC PATH CREATION ORDER 2026

LINCOLNSHIRE COUNTY COUNCIL

COUNTY OFFICES

NEWLAND

LINCOLN

LN1 1YS

## JUSTIFICATION FOR MAKING ORDERS

### **HIGHWAYS ACT 1980, SECTIONS 118 & 26 (AS AMENDED) EXTINGUISHMENT OF KEELBY PUBLIC FOOTPATH 9 AND CREATION OF PUBLIC FOOTPATH 1219 (LCC PPO 391)**

#### **Tests of legislation in respect of the EXTINGUISHMENT ORDER:**

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 2025/027/PPO391/A4 refers:

Public Footpath 9 (approximately 251 metres in length) is recorded on the Definitive Map and Statement for the former Rural District of Caistor, the legal record of public rights of way. The line of the public footpath commences at the A18 Barton Street at its westernmost end then continues over a field, residential property and grass track to meet Maple Avenue. It then continues through residential properties on the southeast side of Mulberry Close to join with Topper Lane, Keelby.

Lincolnshire County Council considers that it is expedient to stop up the public footpath on the grounds that it is not needed for public use in consideration of the proposed creation of a public footpath on a route south east of the original footpath. The extinguishment will also remove the public right of way entirely from within the boundary of the affected properties on Maple Avenue and Mulberry Close, negating the requirement of public to access the land.

**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)].***

It is submitted that in view of the provision of the alternative public footpath by means of the concurrent creation order and pedestrian access between Maple Avenue and Topper Lane is available via footways along Maple Avenue that are maintainable by the County Council at public expense, it is unlikely that Public Footpath 9 would be used. The public footpath does not appear to provide the sole means of access to any of the land or properties it crosses.

- 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.**

No specific areas relating to forestry, flora, fauna or geological and physiographical features have been identified (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.

### **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 2025/029/PPO391/A4 refers:

It is proposed to create a 2 metre wide public footpath (approximately 84 metres in length) maintaining connectivity between the A18 Barton Street and Maple Avenue. The new footpath will commence south east of the original footpath at the A18, along a grass track to meet Maple Avenue. It will connect with a publicly maintained highway at both ends, allowing the public to use the pathway on Mulberry Close to access Topper Lane.

- (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)].**

Although not recorded on the Definitive Map and Statement, the creation order route is currently being used by the general public and is signposted as a public footpath. The creation of the footpath is not considered to be detrimental to the interest of the landowners concerned.

In accordance with paragraph 1 (3C) of Schedule 6 Part 1 to the Highways Act 1980, the Secretary of State has directed that it is not necessary for the Council to serve notice on the owners and occupiers of the aforementioned access in respect of the unverified ownership. In this instance, the compensation provisions contained in section 28 of the Act may apply.

### **Modification to the Definitive Statement for Keelby Parish**

The new route description for Public Footpath 1219 will form the basis for amending the Definitive Statement, should the creation order be confirmed.

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