

**NOTICE OF PUBLIC PATH DIVERSION ORDER**  
**HIGHWAYS ACT 1980**  
**LINCOLNSHIRE COUNTY COUNCIL**  
**DIVERSION OF PART BUTTERWICK PUBLIC FOOTPATH 4 AND PART**  
**FREISTON PUBLIC FOOTPATH 5**  
**PUBLIC PATH DIVERSION ORDER 2026**

The above Order, made on 28 April 2026 under Section 119 of the Highways Act 1980 will divert the whole width of that part of Public Footpath 4 in the parish of Butterwick running from Sea Lane at Ordnance Survey Grid Reference (OSGR) TF 4042 4411 (A) in a generally south south westerly direction for approximately 163 metres to terminate at Butterwick and Freiston Parish Boundary at OSGR TF 4033 4398 (B). The total length of footpath to be diverted in the Parish of Butterwick to be approximately 163 metres as shown between points A-B on Order drawing numbered 2025/030/PPO392/A3) and the whole width of that part of Freiston Public Footpath 5 running from the Butterwick and Freiston Parish Boundary at OSGR TF 4033 4398 (B) in a generally south south westerly direction for approximately 1188 metres to OSGR TF 3976 4295 (C) before taking a generally east-south east direction for approximately 224 metres to OSGR TF 3994 4281 (D) then in a generally south south westerly direction for approximately 310 metres to terminate at OSGR TF 3978 4255 (E). The total length of footpath to be diverted in the Parish of Freiston to be approximately 1722 metres as shown between points B-C-D-E on Order drawing numbered 2025/030/PPO392/A3 TO AN ALTERNATIVE ROUTE in the parish of Butterwick to be a 2 metre wide footpath running from Sea Lane at OSGR TF 4040 4413 (F) in a generally south south westerly direction for approximately 143 metres before taking a generally south south easterly direction at OSGR TF 4034 4400 (G) down the eastern side of the bank for approximately 20 metres to terminate at OSGR TF 4034 4398 (H) at Freiston Parish Boundary. The total length of footpath to be added to be approximately 163 metres as shown between points F-G-H on Order drawing numbered 2025/030/PPO392/A3 and In the Parish of Freiston a 2 metre wide footpath beginning at Roman Bank from Butterwick Parish Boundary at OSGR TF 4034 4398 (H) running in a generally south south easterly direction for approximately 4 metres down to the eastern side of the bank at OSGR TF 4034 4398 (I) before taking a south south westerly direction along the eastern side of the bank at for approximately 1174 metres to OSGR TF 3977 4295 (J) then taking an east south easterly direction for approximately 228 metres to meet Drove Road at OSGR TF 3996

4282 (K). The total length of footpath to be added to be approximately 1406 metres as shown between points H-I-J-K on Order drawing numbered 2025/030/PPO392/A3.

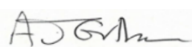
A copy of the Order and the Order drawing have been placed and may be seen during office hours at Main Reception, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL. Copies of the Order and drawing may be requested free of charge from Sally Ironmonger, tel: 01522 552117/e-mail: [sally.ironmonger@lincolnshire.gov.uk](mailto:sally.ironmonger@lincolnshire.gov.uk)) ref: SXI.76939/BUTTERWICK. A copy of the Order and drawing 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 Order drawing numbered 2025/030/PPO392/A3 is displayed with this notice.

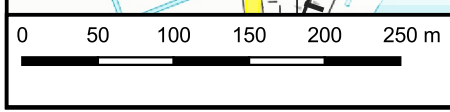
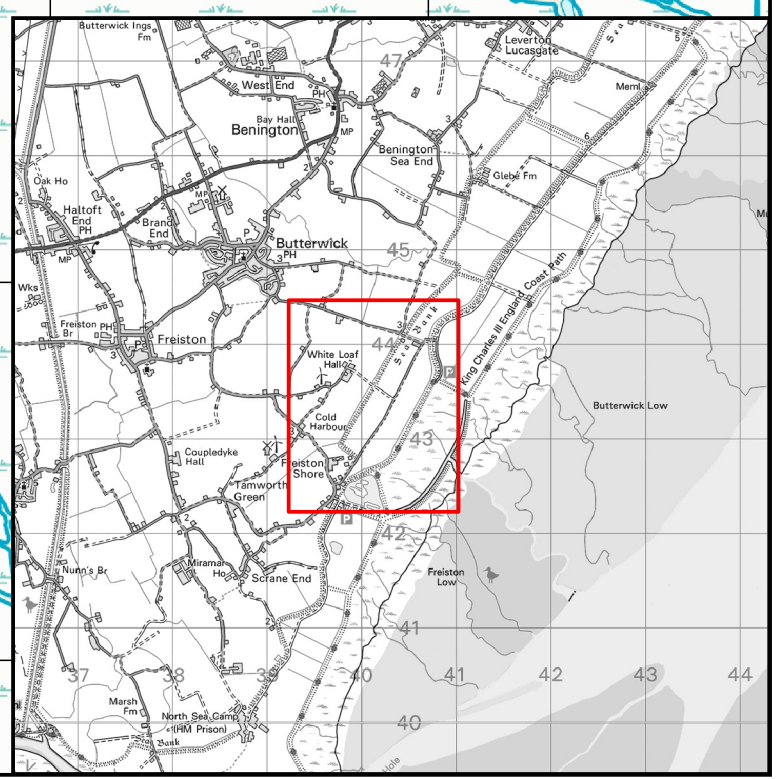
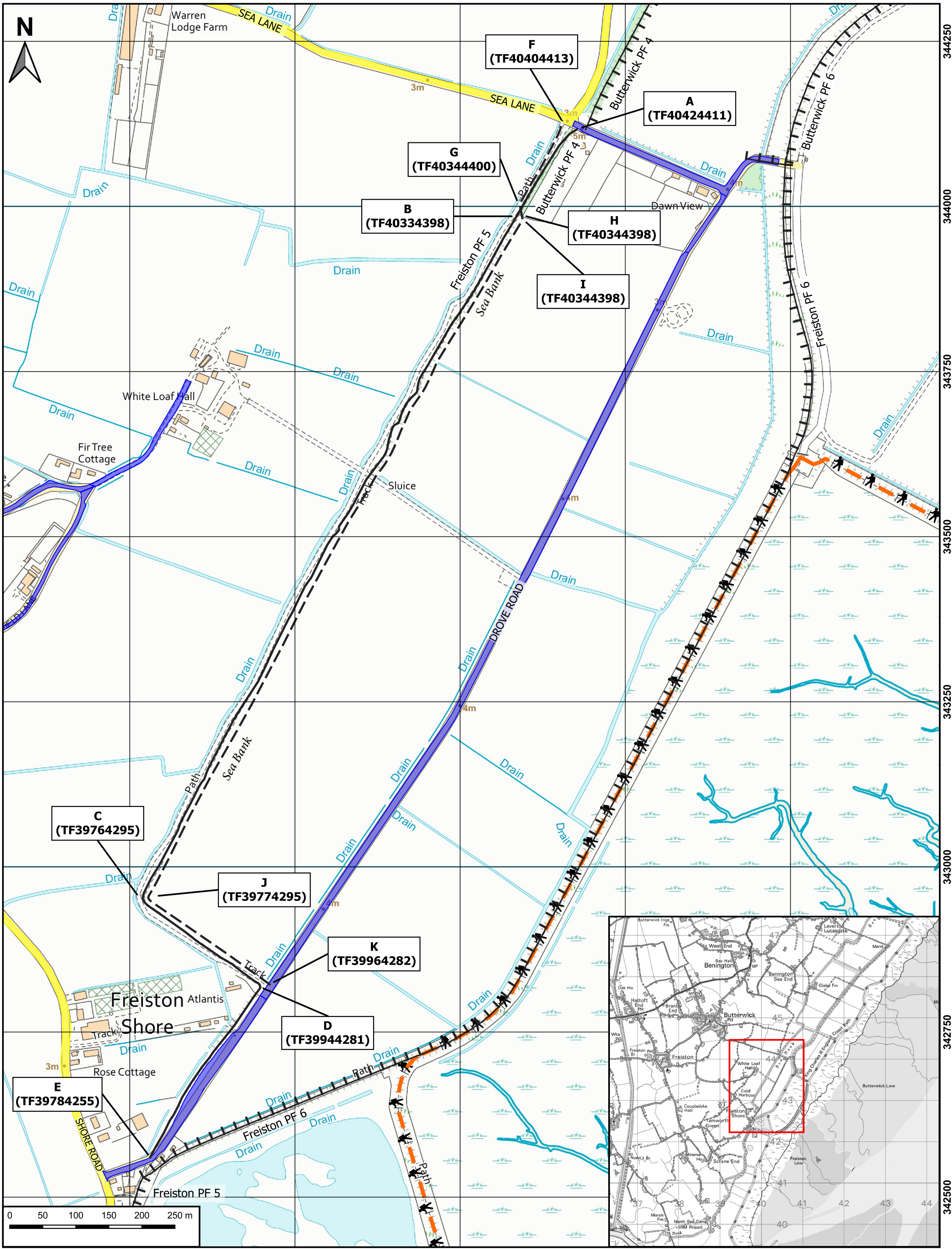
Any representations about or objections to the Order may be sent in writing to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YS, or e-mail [sally.ironmonger@lincolnshire.gov.uk](mailto:sally.ironmonger@lincolnshire.gov.uk), marked for the attention of Sally Ironmonger and quoting reference SXI.76939/BUTTERWICK 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 DIVERSION ORDER**

**HIGHWAYS ACT 1980**

**LINCOLNSHIRE COUNTY COUNCIL**

**DIVERSION OF PART BUTTERWICK PUBLIC FOOTPATH 4 AND PART**

**FREISTON PUBLIC FOOTPATH 5**

**PUBLIC PATH DIVERSION ORDER 2026**

This Order is made by Lincolnshire County Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the public it is expedient that the line of the footpath described in paragraph 1 of this Order should be diverted.

Boston Borough Council has been consulted as to the making of the Order as required by Section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public right of way over the land situate at Butterwick and Freiston and shown by a bold continuous line on the drawing contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 150 days from the date of confirmation of this Order.
2. There shall at the end of 150 days from the date of confirmation of this Order be a public footpath over the land situate at Butterwick and Freiston described in Part 2 of the Schedule and shown by a bold broken line on the drawing contained in 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:

*AO*

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

No. in Seal  
E046681  
Book

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

##### In the Parish of Butterwick

The whole width of the part of Butterwick Public Footpath No. 4 running from Sea Lane at Ordnance Survey Grid Reference (OSGR) TF 4042 4411 (A) in a generally south south westerly direction for approximately 163 metres to terminate at Butterwick and Freiston Parish Boundary at OSGR TF 4033 4398 (B). The total length of footpath to be diverted in the Parish of Butterwick to be approximately 163 metres as shown between points A-B on annexed drawing numbered 2025/030/PPO392/A3

##### In the Parish of Freiston

The whole width of the part of Freiston Public Footpath No. 5 running from the Butterwick and Freiston Parish Boundary at OSGR TF 4033 4398 (B) in a generally south south westerly direction for approximately 1188 metres to OSGR TF 3976 4295 (C) before taking a generally east-south east direction for approximately 224 metres to OSGR TF 3994 4281 (D) then in a generally south south westerly direction for approximately 310 metres to terminate at OSGR TF 3978 4255 (E). The total length of footpath to be diverted in the Parish of Freiston to be approximately 1722 metres as shown between points B-C-D-E on annexed drawing numbered 2025/030/PPO392/A3

## **PART 2**

### **DESCRIPTION OF SITE OF NEW PATH OR WAY**

#### **In the Parish of Butterwick**

A 2 metre wide footpath running from Sea Lane at OSGR TF 4040 4413 (F) in a generally south south westerly direction for approximately 143 metres before taking a generally south south easterly direction at OSGR TF 4034 4400 (G) down the eastern side of the bank for approximately 20 metres to terminate at OSGR TF 4034 4398 (H) at Freiston Parish Boundary. The total length of footpath to be added to be approximately 163 metres as shown between points F-G-H on annexed drawing numbered 2025/030/PPO392/A3

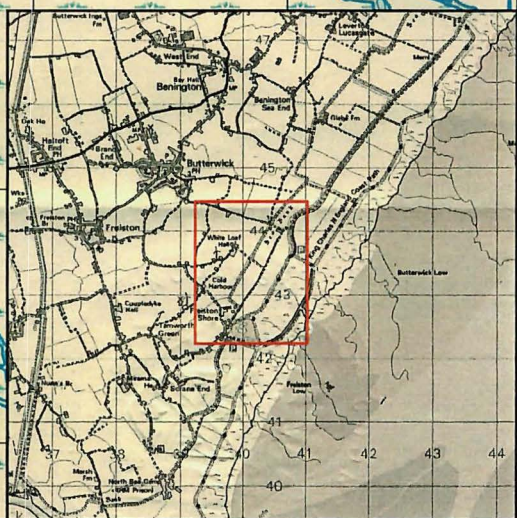
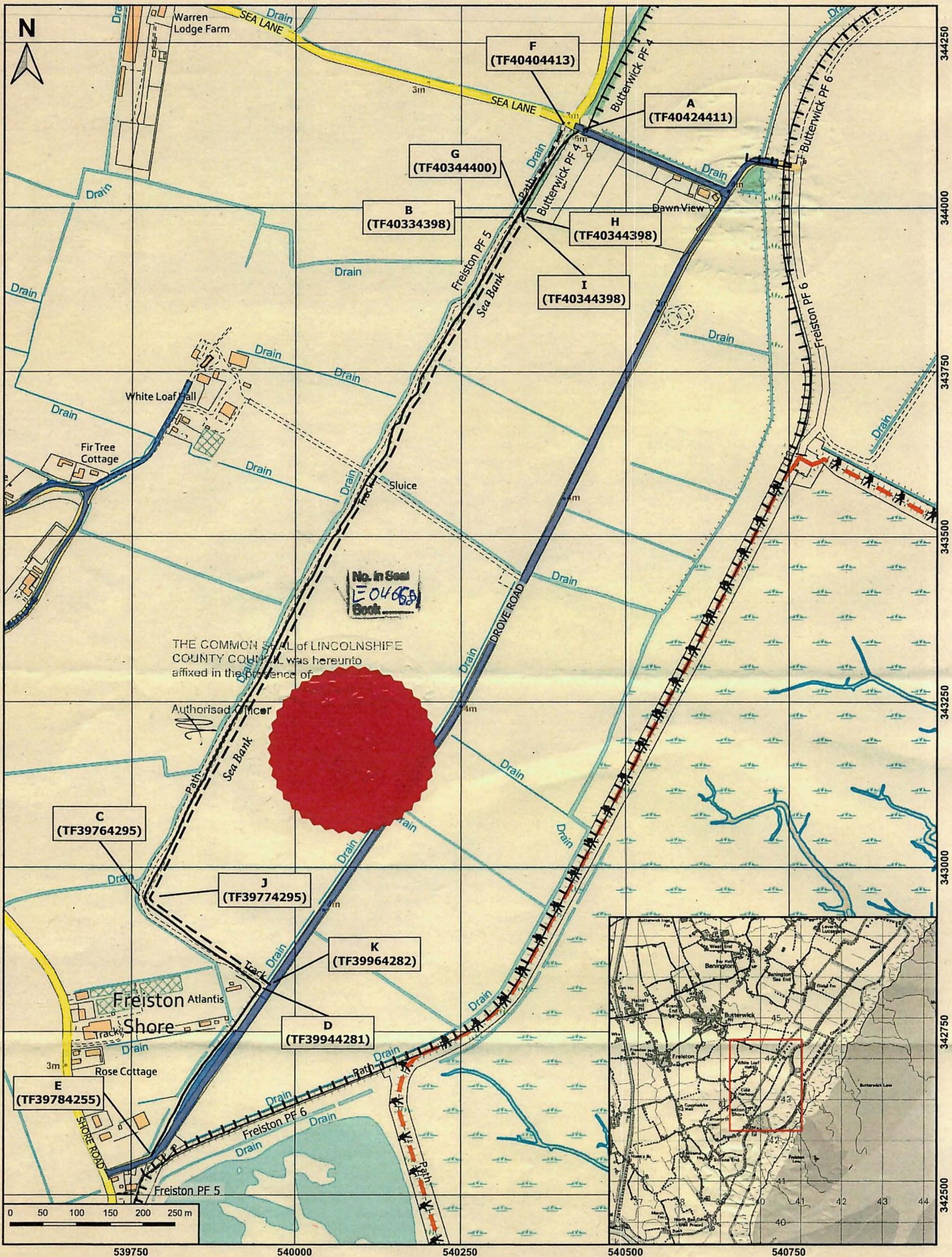
#### **In the Parish of Freiston**

A 2 metre wide footpath beginning at Roman Bank from Butterwick Parish Boundary at OSGR TF 4034 4398 (H) running in a generally south south easterly direction for approximately 4 metres down to the eastern side of the bank at OSGR TF 4034 4398 (I) before taking a south south westerly direction along the eastern side of the bank at for approximately 1174 metres to OSGR TF 3977 4295 (J) then taking an east south easterly direction for approximately 228 metres to meet Drove Road at OSGR TF 3996 4282 (K). The total length of footpath to be added to be approximately 1406 metres as shown between points H-I-J-K on annexed drawing numbered 2025/030/PPO392/A3

## **PART 3**

### **LIMITATIONS AND CONDITIONS**

None.



DATED 28 APRIL 2026

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

DIVERSION OF PART BUTTERWICK PUBLIC FOOTPATH 4 AND PART

FREISTON PUBLIC FOOTPATH 5

PUBLIC PATH DIVERSION ORDER 2026

LINCOLNSHIRE COUNTY COUNCIL

COUNTY OFFICES

NEWLAND

LINCOLN

LN1 1YS

**JUSTIFICATION FOR MAKING ORDER (PPO CASE 392)**

**Diversion of part of Butterwick Public Footpath No. 4 and part of Freiston Public Footpath No. 5**

Section 119 of the Highways Act 1980 provides for the following conditions to be satisfied before a Diversion Order may be made and confirmed. These are described below (in italics) and LCC's views on how the conditions have been met with regard to the diversion are also provided.

- i. LCC must be satisfied that it is expedient to divert the path in the interests of the owner, lessee or occupier of the land or of the public [S119(1)].*

Plan No. 2025/030/PPO392/A3 refers – Lincolnshire County Council proposes to divert part of Butterwick Public Footpath No.4 and Freiston Public Footpath No.5 which is recorded on the Definitive Map and Statement for the former Holland County Council. The route to be diverted begins at Sea Lane and runs in a generally south south westerly direction for approximately 1351 metres before taking a generally east-south east trajectory for approximately 224 metres then in a generally south south westerly direction for approximately 310 metres to terminate at Drove Road. The majority of the route runs along the top of a sea bank.

Referring to the order plan, it is proposed to divert approximately 163 metres of Butterwick Public Footpath No. 4 (A-B) and 1722 metres of Freiston Public Footpath No. 5 (B-C-D-E) to a 2-metre-wide alternative route (F-G-H-I-J-K) mainly at the foot of the sea bank

Multiple active badger setts are present along the recorded route on the sea bank making the Definitive alignment unsafe for public use (risk of ground collapse) and any attempt to keep the route available would risk disturbance to badgers and their setts, which are protected by the Protection of Badgers Act 1992. On the ground, the affected Definitive alignment is not currently accessible to the public for these reasons. It is therefore expedient in the interests of the public to divert the path to a safe, available line.

In addition, the section D–E of Freiston Public Footpath No. 5 is not used by the public, who typically walk along the edge of the publicly maintained Drove Road. Diversion will formalise the alignment currently used and improve clarity for users.

The proposed alternative route (F–G–H–I–J–K) follows the bank from Sea Lane at in a generally south south westerly direction for approximately 143 metres before taking a generally south south easterly trajectory down the eastern side of the bank for approximately 24 metres down to the eastern side of the bank before taking a south south westerly direction along the eastern side of the bank at for approximately 1174 metres then taking an east south easterly direction for approximately 228 metres to meet Drove Road, thereby providing a continuous, available route that avoids the badger setts and associated hazards. The diversion also removes steps that exist on the current line, improving accessibility for a wider range of users.

For these reasons, the Council is satisfied it is expedient in the public interest to make the Order under s119.

- ii. *The order must not alter the point of termination of the path, other than to a point on the highway which is substantially as convenient to the public [S119(2)].*

The current route begins at Sea Lane and terminates at Drove Road. The proposed diversion also begins at Sea Lane and terminates on Drove Road. The Order therefore does not alter the termination to any point other than a highway that is substantially as convenient to the public; this test is satisfied.

- iii. *LCC must be satisfied that the path will not be substantially less convenient to the public in consequence of the diversion [S119(6)].*

The diverted route is approximately 316 metres shorter than the current route, removes steps, and avoids areas affected by active badger setts, providing a safer, more level route along and beside the bank. The Council is therefore satisfied that the path will not be substantially less convenient to the public in consequence of the diversion.

- iv. *It must be expedient to confirm the Order having regard to the effect which:*
  - (a) *The diversion would have on public enjoyment of the path as whole;*

By removing steps and avoiding areas affected by active badger setts, the diversion is expected to improve safety and accessibility. The line along and beside the bank offers an open aspect with fewer abrupt gradients, which is likely to be more pleasant and inclusive for a wider range of users. Nearby Freiston Public Footpath No. 6 also offers the option of walking along the top of the bank for those who prefer it, providing additional choice for recreational use.

- (b) The coming into operation of the Order would have as respects other land serviced by the existing right of way.

None.

- (c) Any new public right of way created by the Order would have as respects the land over which the right is so created and land held with it [S119(6)].

Part of the diverted route crosses farmland but is aligned to the edge of the field. The landowner has agreed to retain a headland sufficient for the public footpath, enabling agricultural operations to continue without material impediment. The remainder of the diverted route lies within the same general corridor and does not impose additional burdens on other land compared with the current position. Accordingly, no adverse effect on other land is expected.

- v. LCC must have due regard to [Section 29(1)] and [Section 121 (3)] –

(a) the needs of agriculture and forestry, and

(b) the desirability of conserving flora, fauna and geological and physiographical features.

The diversion has been specifically designed to avoid disturbance to badgers and their setts, thereby supporting the conservation of fauna. Where the diverted route crosses farmland, it is aligned to the edge of the field, and the landowner has agreed to retain a headland sufficient for the public footpath, enabling agricultural operations to continue without material impediment. No adverse effects on or forestry are anticipated.

- vi. 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)].

As above.

### **Amendment to the Definitive Statement for Butterwick Public Footpath No. 4 and Freiston Public Footpath No. 5**

The new routes for Butterwick Public Footpath 4 and Freiston Public Footpath 5 will form the basis for amending the Definitive Statement, should the diversion order be confirmed.

**Definitive Map Team**

**Public Rights of Way & Access**

**Lincolnshire County Council**

**23 February 2026**