

WILDLIFE AND COUNTRYSIDE ACT 1981
LINCOLNSHIRE COUNTY COUNCIL
ADDITION OF PUBLIC FOOTPATH NUMBER 1223 ADDLETHORPE
DEFINITIVE MAP MODIFICATION ORDER 2026

To: The public, any owners or occupiers of the unregistered land shown
between points A-B-C on the attached drawing

The above named Order made by Lincolnshire County Council on 18 May 2026 if confirmed as made, will modify the definitive map and statement for the area by adding Public Footpath No. 1223 in the Parish of Addlethorpe with a width varying between 1 metre and 1.5 metres running from Rectory Lane at Ordnance Survey Grid Reference (OSGR) TF 5494 6912 in an east south east direction for 49 metres and then north north easterly direction for 20 metres to St. Nicholas Close at OSGR TF 5499 6912 as shown between points A-B-C in Order Drawing Number 2026/011/DMMO430/A4.

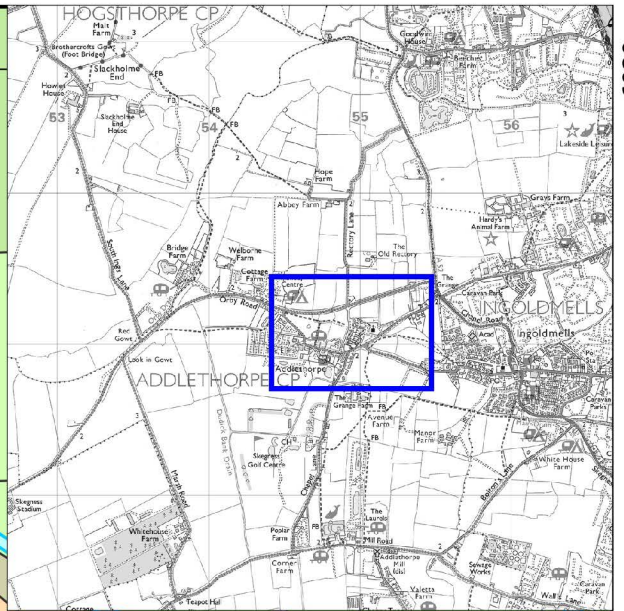
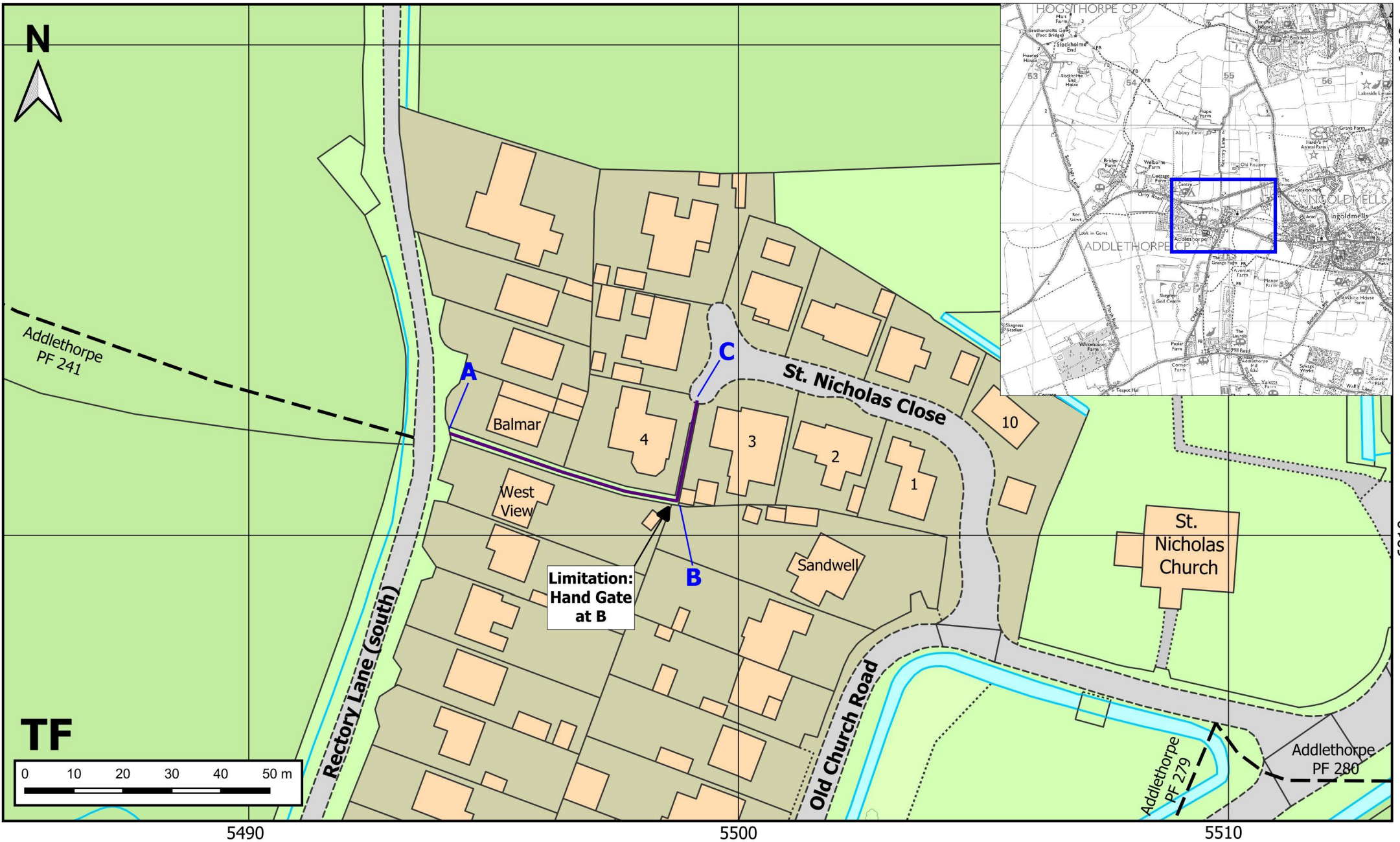
A copy of the Order and drawing have been placed and may be seen during office hours at Main Reception, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL . Copies of the Order and drawing may be requested free of charge from Sally Ironmonger, tel: 01522 552117/e-mail: sally.ironmonger@lincolnshire.gov.uk ref: SXI.77562.ADDLETHORPE. A copy of the Order and drawing is available online at <https://www.lincolnshire.gov.uk/council-business/public-notices/1>. In addition Drawing Number 2026/011/DMMO430/A4 is displayed with this notice.

Any representation or objection relating to the Order must be sent in writing, quoting reference SXI.77562.ADDLETHORPE, to Legal Services Lincolnshire, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL (or e-mail sally.ironmonger@lincolnshire.gov.uk) not later than 16 July 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 If no representation or objections are duly made to the Order or to any part of it or if any so made are withdrawn Lincolnshire County Council instead of submitting the Order to the Secretary of State for the Environment may themselves confirm the Order. If the Order is submitted to the Secretary of State any representations or objections which have been duly made and not withdrawn will be transmitted with the Order.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 26 May 2026



ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE
LINCOLNSHIRE COUNTY COUNCIL



5490

5500

5510

6920

6910

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH NUMBER 1223 ADDLETHORPE

DEFINITIVE MAP MODIFICATION ORDER 2026

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 (Skegness Urban District and Spilsby Rural District) 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 18 May 2026.
2. The Lincolnshire County Council Definitive Map and Statement for the area of the County of Lincoln – Parts of Lindsey (Skegness Urban District and Spilsby Rural District) 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 1223
Addlethorpe, Definitive Map Modification Order 2026.

Given under the Common Seal of Lincolnshire County Council this 18th day of
may Two thousand and twenty-six.

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



Authorised Officer E. L. Anderson

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



THE COMMISSIONER OF THE COUNTY COUNCIL was authorized to affix in the presence of:

[Signature]
E. Langston

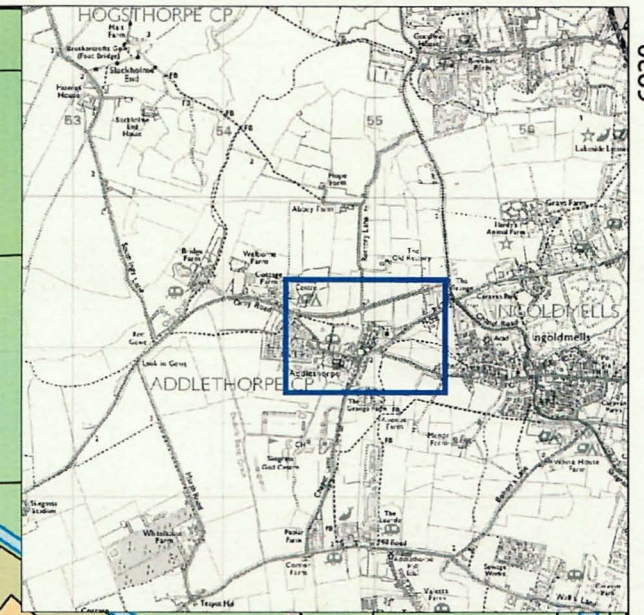
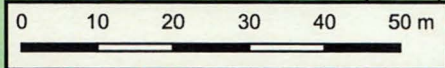
Authorised Officer



Addlethorpe PF 241

FOURTH

TF



6970

Rectory Lane (south)

Limitation:
Hand Gate
at B

St. Nicholas Close

Old Church Road

Addlethorpe PF 279

Addlethorpe PF 280

St. Nicholas Church

Balmar

West View

Sandwell

5490

5500

5510

6910



ADDLETHORPE
(Definitive Map Modification Order)
Addition of Public Footpath No. 1223 running
between Rectory Lane and St. Nicholas Close.

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

Drn. JF

Date 09.09.2026

Drawing No.: 2026/011/DMMO430/A4

Scale: 1:1,000 @ A4

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Legend

- Public Footpath No. 1223
- Unaffected Public Footpath

SCHEDULE

PART I

Modification of the Definitive Map

Description of path to be added

In the Parish of Addlethorpe

Public Footpath Number 1223 running from Rectory Lane at Ordnance Survey Grid Reference (OSGR) TF 5494 6912 (A) in a generally east south easterly direction with a width of 1 metre and gradually increasing to 1.3 metres in width at approximately 30 metres along the route then gradually reducing to 1 metre in width at 38 metres before gradually increasing to 1.5 metres in width at approximately 48 metres and then remaining at this width for 1 metre to OSGR TF 5498 6910 (B) then continuing in a generally north north easterly direction with a width of 1 metre for approximately 20 metres to meet with St. Nicholas Close at OSGR TF 5499 6912 (C). The total length of public footpath to be added to be approximately 69 metres as shown between points A-B-C in annexed Drawing Number 2026/011/DMMO430/A4.

PART II

Modification of the Definitive Statement

Variation of particulars of paths or ways

The following details shall be added for Addlethorpe

<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 1223 (Addlethorpe)	N/A	The public footpath runs east south east from Rectory Lane at Ordnance Survey Grid Reference (OSGR) TF 5494 6912 with a width of 1 metre, gradually increasing to 1.3 metres in width at approximately 30 metres. It then gradually reduces to a width of 1 metre at 38 metres before increasing to a width of 1.5 metres at approximately 48 metres, and it remains at this width for 1 metre to OSGR TF 5498 6910. It then continues north north east with a width of 1 metre for approximately 20

		<p>metres to terminate at St. Nicholas Close at OSGR TF 5499 6912.</p> <p><u>Limitations:</u></p> <ul style="list-style-type: none">• Hand gate at OSGR TF 5498 6910
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DATED 18 MAY 2026

WILDLIFE AND COUNTRYSIDE ACT 1981

LINCOLNSHIRE COUNTY COUNCIL

ADDITION OF PUBLIC FOOTPATH

NUMBER 1223 ADDLETHORPE

DEFINITIVE MAP MODIFICATION ORDER 2026

Legal Services Lincolnshire

County Offices

Newland

Lincoln

Wildlife and Countryside Act 1981, section 53
Lincolnshire County Council
Addition of Public Footpath No. 1223 Addlethorpe
Definitive Map Modification Order 2026

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 Addlethorpe was received by the County Council in May 2021. The application sought to add to the definitive record a public footpath between the publicly maintained highway of Rectory Lane and the western entrance of St. Nicholas Church. 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 that part of the application route as a public footpath running between Rectory Lane and St. Nicholas Close in Addlethorpe 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. 1223 in the Order and is shown by a purple line between points A-B-C in the plan referenced 2026/011/DMMO430/A4 in the Order. The route is referred to hereafter as “the Order route”.

Relevant evidence considered

In total, 16 people completed user evidence forms recording use of the Order route. The County Council has examined old maps and documents held at the Local Public Records

Lincolnshire County Council Definitive Map Modification Order Case 580: Background Statement

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:

- c.1860 Small plans (incl. Addlethorpe)
- 1888 Ordnance Survey County Series First Edition Without Contours – Lincolnshire Sheet [Parts of Lindsey] LXXVI.SW and LXXVI.SE
- 1906 Ordnance Survey County Series Second Edition Map – Lincolnshire Sheet [Parts of Lindsey] LXXVI.14 and LXXVI.15
- 1906 & 1907 Ordnance Survey County Series Second Edition Map – Lincolnshire Sheet [Parts of Lindsey] LXXVI.SW and LXXVI.SE
- 1909 – 1910 Finance (1909-10) Act Draft Valuation Plans and Valuation Book
- c.1949 Ordnance Survey Scale 1:25,000 or about 2½ Inches to 1 Mile Provisional Edition. Sheet 53/56
- 1948 & 1951 Ordnance Survey County Series Provisional Edition – Lincolnshire Sheet [Parts of Lindsey] LXXVI.SW and LXXVI.SE
- 1951 County of Lincoln [Part of Lindsey] Survey of Public Rights of Way for Addlethorpe (Parish Path Survey).
- 1953 Ordnance Survey Scale 1:25,000 or about 2½ Inches to 1 Mile Provisional Edition. Sheet TF 56 (53/56)
- 1956 Correspondence concerning a survey of public paths and a notice concerning availability for inspection of a map showing rights of way – Draft Definitive Map for Addlethorpe
- 1956 Ordnance Survey Scale Provisional Edition 1:10,560 or 6 Inches to 1 Mile Scale Map – Sheets TF 56 NW & TF 56 NE
- 1970 & 1971 Ordnance Survey Scale Provisional Edition 1:10,000 or 6 ¼ Inches to 1 Mile Scale Map – Sheets TF 56 NW & TF 56 NE.
- 1972 Aerial Photograph Run 55/0067 (HSL UK 7245)
- 1984 – 2001 Information received with the Application or from Addlethorpe Parish Council - Various extracts from a Surveyors Report, Minutes of Meetings from the Trustees of Addlethorpe Parochial Charities. Extracts from various correspondence.
- 1985 – 2002 Lincolnshire County Council Parish Files – Extracts of Letters and plans between the County Council and Addlethorpe Parochial Charities and the landowner/developer of St. Nicholas Close
- 2021 & 2024 16 User Evidence Forms
- 2024 Two Landowner Evidence Forms

Reasons for making the Modification Order

Historical records provide various indications of paths in the area between Rectory Lane and St Nicholas Church, but they do not provide consistent or sufficient evidence of a public right of way along the application route. Ordnance Survey mapping from 1888 to 1971 shows a footpath on a different alignment to that of the route applied for, and the Finance Act 1910 records do not support the existence of public rights.

The 1951 parish path survey identified a route, a continuation of Addlethorpe Public Footpath 281, but this largely followed a different line and the section relevant to the application was ultimately not included on the Definitive Map.

Later documents, including a 1972 aerial photograph and correspondence from the 1980s and 1990s, refer to a path and suggest long-term use. Correspondence from the 1980s shows that both the County Council and the Trustees of the Addlethorpe Parochial Charities (the landowner at the time) believed a public footpath might exist. However, no formal dedication or order followed due to advice the landowner received from the Charity Commission.

Further letters from local organisations and residents in the 1990s and early 2000s support the view that a path had been used for many years. However, there was insufficient evidence of actual qualifying public use of a single consistent route to reasonably allege 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 where it has been used and enjoyed 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. This is known as “statutory dedication”.

The first *calling into question* occurred in 2001 when the field-edge route was closed for the construction of St Nicholas Close, giving rise to a statutory period of 1981–2001. However, the evidence shows that the public used differing routes during this time, particularly in relation to termination points. As a result, statutory or common law dedication of a single, consistent route cannot be established.

A further *calling into question* occurred in 2020, when a fence and “private no access” sign were erected, giving rise to a second statutory period of 2000 – 2020 (with a locked gate in April 2020, followed by a fence in July 2020). Due to changes to the route caused by the construction of St Nicholas Close in 2001, there has not been use of a single consistent route throughout this later statutory period. Therefore, statutory dedication cannot be reasonably alleged for either 20-year period.

As the statutory dedication of a public right of way cannot be established, the evidence has been assessed under common law. Two relevant periods have been identified: 2002 – May 2010, when the passageway between Rectory Lane and St Nicholas Close was newly

provided but St Nicholas Close remained a private road; and May 2010 – 2020, following the adoption of St. Nicholas Close as a public highway, up to the point when the route was blocked.

Thirteen users reported using the passageway without force, secrecy or permission for a range of reasons including walking, accessing the church and bus stop, and for leisure and convenience. This demonstrates use *as of right* and by the public at large between 2002 and 2020, covering both common law terms.

During the earlier period the northern end of the passageway (i.e. the Order route) did not connect to a highway or a place of public resort, as St Nicholas Close was only adopted by Lincolnshire County Council in May 2010, therefore could not give rise to the dedication of a public right of way at common law.

However, from May 2010 onwards, both ends of the passageway connected to public highways, and the level and nature of public use during this period is sufficient to imply an intention by the landowner to dedicate the route, together with acceptance of that dedication by the public. This is supported by correspondence, plans and aerial imagery, and there is no evidence that the landowner took steps to prevent public use prior to its closure in 2020. Provision was also made for the passageway during the construction of St Nicholas Close.

The evidence therefore supports that public footpath rights have arisen over the Order route by common law dedication between May 2010 and April 2020.

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 Addlethorpe Public Footpath No. 1223, to the Definitive Map and Statement for the area on the grounds that public footpath rights are *reasonably alleged* to have arisen by common law 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 Definitive Map Modification Order Case 580: Background Statement

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:

Jacqueline Foy, 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/430/Addlethorpe)

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.