NOTICE OF CONFIRMATION OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

PART OF PUBLIC FOOTPATH NUMBER 155 DUNHOLME

PUBLIC PATH DIVERSION ORDER 2024

On 08 October 2026 the Secretary of State for Environment Food and Rural Affairs confirmed the above-named Order. The effect of the Order as confirmed is to divert the whole width of Public Footpath No.155 in the parish of Dunholme running from Dunholme Public Footpath No.171 at OSGR TF 0415 7949 (A) in a generally south south westerly direction for approximately 221m to OSGR TF 0406 7929 (B) then continuing in a generally south south easterly direction for approximately 62m to terminate at Public Bridleway 216 at OSGR TF 0407 7923 (C). The total length of footpath diverted is approximately 283m as shown between points A-B-C on Order drawing numbered 2024/013/PPO382/A4. TO AN ALTERNATIVE ROUTE in the parish of Dunholme to be 2 metres wide running from Dunholme Public Footpath No.171 at OSGR TF 0409 7949 (D) in a generally south south easterly direction for approximately 309m to terminate at Public Bridleway 216 at OSGR at OSGR TF 0415 7919 (E). The total length of footpath added is approximately 309m as shown between points D-E on Order drawing numbered 2024/013/PPO382/A4.

A copy of the confirmed 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.PLA021.114.DUNHOLME. A copy of the confirmed Order and drawing may also be viewed online at https://www.lincolnshire.gov.uk/council-business/public-notices/1

In addition Order drawing numbered 2024/013/PPO382/A4 is displayed with this notice.

The Order comes into force as from 05 November 2026 but if a person aggrieved by the Order desires to question its validity, or of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the Order he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within six weeks from 29 October 2026 make an application to the High Court.

Dated 22 October 2026

ANDY GUTHERSON, EXECUTIVE DIRECTOR OF PLACE

LINCOLNSHIRE COUNTY COUNCIL

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

PART OF PUBLIC FOOTPATH NUMBER 155 DUNHOLME

PUBLIC PATH DIVERSION ORDER 2024

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 owners of the land crossed by the footpath described in paragraph 1 of this Order, and the general public, that it is expedient that the line of the path should be diverted. West Lindsey District 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 Dunholme and shown by a bold continuous line on the plan contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 28 days from the date of confirmation of this Order.

2. There shall at the end of 28 days frown the date of confirmation of this Order be a public footpath over the land situate at Dunholme described in Part 2 of the Schedule and shown by a bold broken line on the plan contained in this Order.

The foregoing order is hereby confirmed by the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs, as set out in the associated decision letter.

08 OCT 2026

SCHEDULE

PART1

Description of site of existing path or way

In the Parish of Dunholme

The whole width of Public Footpath No.155 running from Dunholme Public Footpath No.171 at OSGR TF 0415 7949 (A) in a generally south south westerly direction for approximately 221m to OSGR TF 0406 7929 (B) then continuing in a generally south south easterly direction for approximately 62m to terminate at Public Bridleway 216 at OSGR TF 0407 7923 (C). The total length of footpath diverted is approximately 283m as shown between points A-B-C on annexed plan numbered 2024/013/PPO382/A4.

PART 2

Description of site of new path/ way

In the Parish of Dunholme

A 2m wide Public Footpath running from Dunholme Public Footpath No.171 at OSGR TF 0409 7949 (D) in a generally south south easterly direction for approximately 309m to terminate at Public Bridleway 216 at OSGR at OSGR TF 0415 7919 (E). The total length of footpath added is approximately 309m as shown between points D-E on annexed plan numbered 2024/013/PPO382/A4.

PART 3

Limitations and Conditions

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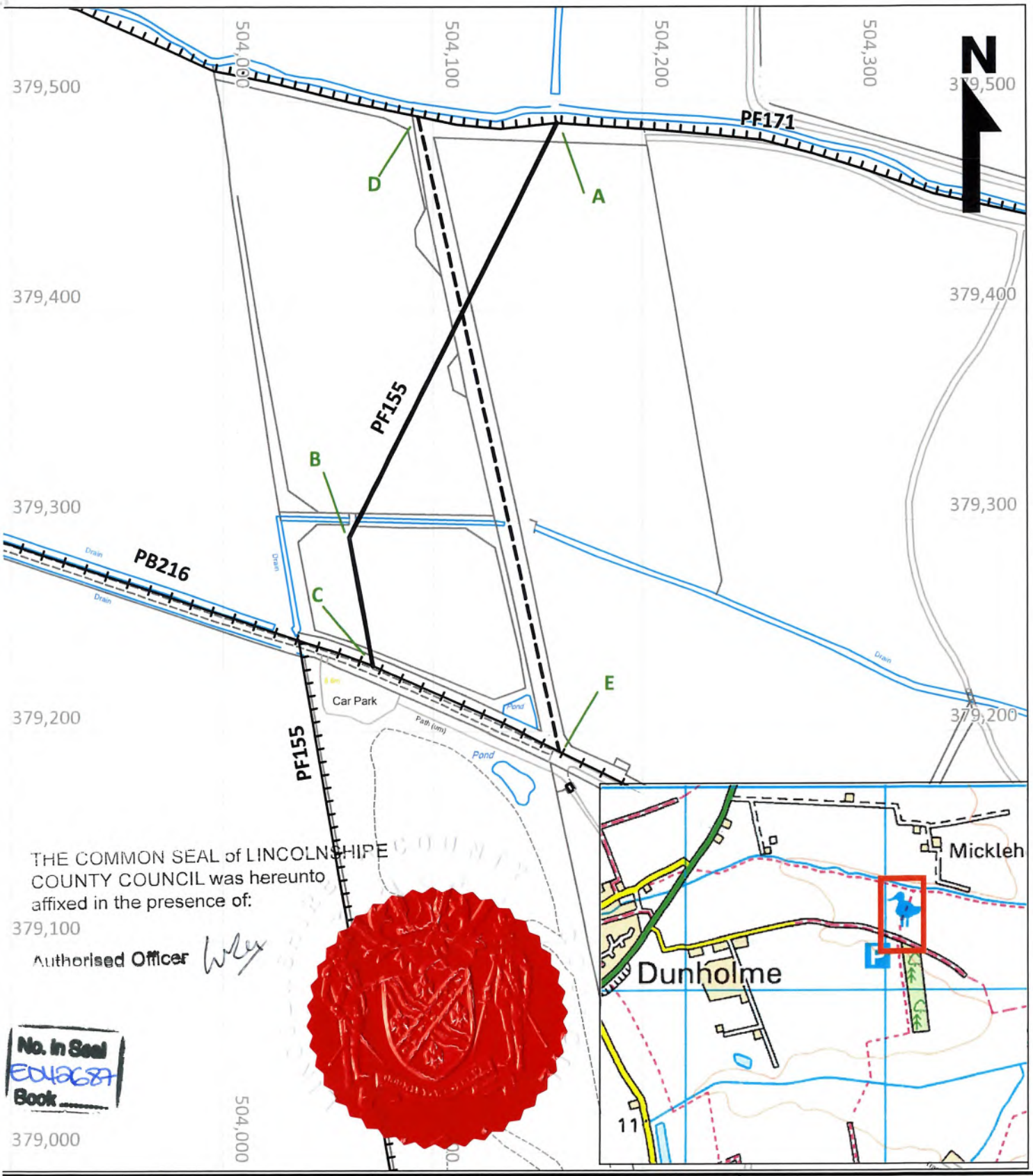

THE COMMON SEAL of LINCOLNSHIRE COUNTY COUNCIL was hereunto affixed in the presence of:

Authorised Officer

No. in Seal EO12687 Book

KEY:

Diverted Footpath (A-B-C, 283m)

Alternative Footpath (D-E, 309m)

Unaffected Footpath

Unaffected Bridleway

Lincolnshire COUNTY COUNCIL
Working for a better future

HIGHWAYS ACT 1980 S119
DUNHOLME

DIVERSION OF PART PUBLIC FOOTPATH 155 (PICKERING'S MEADOW)

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Lincolnshire County Council
Countryside Services I County Offices i
Newland I Lincoln I LN1 1YL

Scale: 1:2500 @ A4
Drawing No. 2024/013/PPO382A4
Date: 23/10/24

GIVEN under the Common Seal of Lincolnshire County Council this 31st day

of OCTOBER Two thousand and twenty four

THE COMMON SEAL of LINCOLNSHIRE)

COUNTY COUNCIL was hereunto affixed)

in the presence of:)

Authorised Officer

No. in Seal
EO42687
Book

DATED 31 OCTOBER 2024

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

LINCOLNSHIRE COUNTY COUNCIL

PART OF PUBLIC FOOTPATH NUMBER 155 DUNHOLME

PUBLIC PATH DIVERSION ORDER 2024

LINCOLNSHIRE COUNTY COUNCIL

COUNTY OFFICES

NEWLAND

LINCOLN

LN1 1YS

Planning Inspectorate

Order Decision

Site visit made on 28 September 2026

by H E Baker BSc MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 8 October 2026

Order Ref: ROW/DMM/00437

- This Order is made under Section 119 of the Highways Act 1980 (the 1980 Act) and is known as the Lincolnshire County Council Part of Public Footpath Number 155 Dunholme Public Path Diversion Order 2024.
- The Order is dated 31 October 2024 and proposes to divert part of the public footpath as shown on the Order Plan and described in the Order Schedule.
- There were 2 objections outstanding when Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Preliminary Matters

1. I have found it convenient to append the Order Plan, as produced by the Order Making Authority (OMA) for ease of reference.

2. In August 2024, Lincolnshire Wildlife Trust (LWT) applied to divert part of Footpath 155, Dunholme, which crosses land within their ownership known as Pickering's Meadow Nature Reserve. The reserve has been owned by LWT since 1984, when it was gifted to their predecessors for the purpose of preserving its botanical interest. The footpath passes through three meadows recognised for their ecological importance as part of the National Floodplain Meadows Partnership. The meadows are managed under a Countryside Stewardship scheme and support a traditional regime of summer hay cutting followed by seasonal livestock grazing.

3. In response to the made Order, three objections were received. The OMA provided a further background statement in response to the objectors, resulting in one withdrawal, and two objections remaining. The OMA supports the Order.

Main Issues

4. Section 119(6) of the 1980 Act involves three separate tests for an Order to be confirmed. These are:

   Test 1: whether it is expedient in the interests of the landowner, occupier or the public for the path to be diverted. This is subject to any altered point of termination of the path being substantially as convenient to the public.

Test 2: whether the proposed diversion is substantially less convenient to the public.

Test 3: whether it is expedient to confirm the Order having regard to the effect which, (a) the diversion would have on public enjoyment of the path as a whole, (b) the coming into operation of the Order would have as respects other land served by the existing public right of way, and (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 any land held with it.

5. In determining whether to confirm the Order at Test 3 stage (a)-(c) are mandatory factors. On (b) and (c) of Test 3, the statutory provisions for compensation for diminution in value or disturbance to enjoyment of the land affected by the new paths must be considered, where applicable.

6. Regards must also be had to any material provision contained in a rights of way improvement plan (ROWIP) for the area under section 119(6A). Other relevant factors are not excluded from consideration and could, for instance, include those pointing in favour of confirmation.

Reasons

Whether it is expedient in the interests of the landowner that the path should be diverted

7. LWT contended that the current alignment of part of the footpath was increasingly incompatible with the practical management of the reserve. Dog fouling within the hay meadows was affecting the quality and suitability of the harvested crop, while incidents involving dogs were discouraging graziers from bringing livestock onto the land. LWT argued that these issues were undermining the effective operation of the management regime, and, consequently, sought the diversion of the path to a route that would reduce conflict between public use and conservation objectives.

8. The landowner is required to manage the meadow with an annual regime of hay cutting followed by grazing. It is not possible to cut the hay when the land is contaminated by dog fouling. On my site visit, I observed several instances of fouling on the current line of the path. The existing path is accessed via a stile at the junction with Ashing Lane, (Bridleway 216, Dunholme), situated next to a field gate. Whilst there was no livestock in the meadow, the field gate had been left slightly open.

9. The meadow is bordered by livestock fencing which, when the gates are closed, would act as an enclosed space, where dog walkers could allow their dogs off lead, if they were so minded. Signage attached to the gate provides clear advice with regards keeping dogs on a lead when there is livestock present and indeed suggests walkers utilise the track, a public bridleway, as an alternative. However, regardless of grazing, the potential for dogs to foul the meadow further from the line of the path is entirely possible, and I observed the path itself being subject to this on my site visit.

10. There was no livestock present at the time of my visit. The grass in the meadow appeared recently cut and conditions were dry. I encountered four other people, one walking the path alone, one with a dog in the meadow (off the lead), and two people together walking a dog, on- lead. The current path is cross- field in nature

and in my view the meadow is not particularly large. Any livestock in the meadow would not be a significant distance from a dog walker unless they were grazing towards the far northern end, further away from the current route of the path, in my opinion.

11. LWT has submitted a photograph taken in 2020, which appears to show dogs off lead in the meadow whilst sheep are grazing. The landowner has described the encounter and the response of the dog owner at that time. I consider there is always a possible risk that a dog could interact negatively with livestock when loose in a field where they are present. It is not inconceivable, in my opinion, to recognise the potential for livestock to be aggravated by the presence of dogs, playing or otherwise, even if they are on a lead.

12. Given the instances of dog fouling contaminating the hay meadow and the past instances of livestock disturbance, preventing LWT from attracting graziers and therefore managing the land in accordance with their stewardship obligations, I consider it is in the landowner's interest that the public right of way should be diverted.

Whether it is expedient in the interest of the public that the path should be diverted

13. The Order also states it has been made in the interests of the public. In determining whether that is the case, I must consider the merits of the proposed route in comparison with the existing path and decide whether, on balance, the diversion would be beneficial to the public if the Order were confirmed.

14. The current route of the section of path in question, requires the user to pass through one stile and three gates. It connects Footpath 171 between point A, on the Order plan, with Bridleway 216 at point C, on the same. The diversion route, between points D and E on the plan, in contrast to the existing, has no limitations. The width of the proposed route is specified in the Order as 2 metres, with the current alignment of the path being of unspecified width on the Definitive Map and Statement (DMS). Given that it is cross-field in nature, it has a prescribed minimum width of 1 metre.

15. The proposed diversion would improve accessibility, as users would no longer be required to negotiate the four limitations present on the existing route. This benefit is reinforced by the greater minimum width available on the diversion route. Whilst I acknowledge the objection that the diversion would not be in the public interest, I consider the absence of limitations and a greater width on the proposed diverted route carries significant weight. For the reasons set out above I am satisfied that it would be expedient in the interests of the public that the path be diverted.

Whether any new termination point is substantially as convenient to the public

16. The proposed diversion route offers a comparable connection, with termination points remaining between the same highways as exists on the current route. These points are altered from their existing locations, effectively realigning the overall direction of the path from broadly southwest to northeast (and vice versa) to an almost north-south alignment. I consider this effect to be minimal in terms of the function of the path, any users seeking to walk between Bridleway 216 and Footpath 171, in either direction, could continue to do so on the diverted route.

17. I consider the diversion proposal would have little impact on the wider circular walking route that exists on the DMS to the east of the village of Dunholme and would maintain the connectivity for onward travel, southwards toward Scothern village. Overall, I am of the view that the proposed change in termination points will be as substantially convenient to the public, as the desire line is essentially retained albeit realigned.

Whether the new path will not be substantially less convenient to the public

18. Concerns have been raised in relation to the ground conditions towards the southern end of the proposed diversion route, close to its junction with Ashing Lane. At the time of my site visit, conditions underfoot were dry on both the existing and proposed routes. However, I accept that ground conditions are likely to vary according to the season and can be significantly affected by periods of wet weather.

19. One objector submitted a photograph which appears to depict winter flooding across the full width of a section of the proposed route, between the flanking hedgerows. The landowner accepted that drainage improvements may be beneficial but contended that the level of flooding shown is not typical of the route's usual condition. However, it is not disputed that the route is susceptible to wet and muddy conditions during periods of winter weather.

20. On site, I observed what appeared to be recent groundworks close to the area in question. I also noted the presence of a ditch running alongside the western edge of the proposed diversion and a culvert carrying a watercourse that bisects Pickering's Meadow and crosses the diversion route. Whilst it was not particularly easy to see due to the presence of the hedge and vegetation, the ditch appeared to have been cleared relatively recently close to where the objectors photograph showed the flooding and the spoils had been redistributed on the diversion route. This, in my view would be potentially likely to improve drainage at the point in question.

21. The proposed diversion would increase the length of the affected section of Footpath 155 by approximately 26 metres. However, the diverted route would follow an existing grass lane that is clearly defined, bounded by hedgerows on either side, and unobstructed by any limitations. The route would have a recorded width of 2 metres throughout and would preserve the existing connections with the public rights of way network at either end. Whilst the proposed route would be marginally longer than the existing path, I attach weight to the increase in width from a minimum of approximately 1 metre to a defined width of 2 metres, the removal of the four limitations presently encountered on the definitive route, and the proposed drainage improvements. Having regard to these factors in the round, I am satisfied that the proposed route would not be substantially less convenient to the public than the path which it is intended to replace.

The effect of the diversion on public enjoyment as a whole

22. In considering the effect of the proposed diversion on public enjoyment, it is important to assess the route within its wider context and to have regard to the purpose it serves within the local rights of way network. The section of Footpath 155 affected by the Order is relatively short, both in terms of the overall length of the footpath itself and when viewed as part of the much wider network of public

rights of way in the area. Nevertheless, its significance lies in the fact that it provides a valuable link between two substantially longer east-west routes, thereby enabling circular walks and facilitating onward travel to and from Scothern to the south. Whilst the Order would not remove this connectivity, it is appropriate to recognise the role that this section of path plays within the wider highway network and the opportunities for recreation and access that it provides.

23. The proposed new route would, in my view, offer similar connectivity to the wider network and in addition, provide a path free of limitations which are in existence on the current route. Some users may find this beneficial, as stiles can create difficulty for less mobile users. The path is situated within a nature reserve which has a car parking area, as due to its relatively rural location some visitors are driving to the site from further afield. The proximity of the proposed path to the car park is marginally further away, but I consider this to be minimal in terms of distance, and not a substantial impact on the element of public enjoyment.

24. Given the presence of a car park, it is reasonable to assume that some users of the path are undertaking circular walks and will ultimately return to their vehicles. The proposed diversion would not prevent such use, and users would continue to be able to undertake circular routes if the Order were confirmed. In consideration of the effect of the proposal on the public rights of way network, it is also important to recognise the circumstances of this case and the attraction of the nature reserve itself, which encourages walkers to use the surrounding rights of way. Although there are permissive paths and other areas within the wider site that are available to the public, I do not consider that the proposed diversion would materially affect public access to the reserve as a whole. Its effect would be limited to relocating the route away from Pickering's Meadow specifically.

25. An objection was made in respect of the impact the diversion would have with regard to the public enjoyment of the wildflowers which grow in Pickering's Meadow, through which the public would no longer be able to walk if the path was diverted. I accept this would be a draw to visitors in the spring and summer months, however the current difficulty experienced by the landowner in being able to undertake their annual regime would potentially contribute to the decline of the meadow in the long run. As such, I am of the opinion that allowing the meadow to decline would adversely affect public enjoyment in itself and on balance the diversion would aid preservation of the meadow, which, as a minimum, could still be viewed from the field gate entrance on Bridleway 216 if the Order was confirmed.

26. The existing path crosses an open meadow and, subject to the limitations identified elsewhere, is straightforward to use. By contrast, the proposed route follows a grass lane between established hedges. While these hedges restrict views of the adjacent meadows, as noted by an objector, I nevertheless found the route easy to navigate and pleasant to use, with attractive forward views and sufficient width for walkers to pass comfortably.

27. On balance, I consider that the adverse effect on public enjoyment would be limited and would not outweigh the benefits of the diversion.

The effect the coming into operation would have with respect to other land served by the existing path and the land over which the new path would be created.

28. The land on which both the current footpath and the proposed diversion are situated are within the land ownership of the applicant. No issues are raised to suggest the diversion would have an adverse- effect on the land served by the existing route or the land over which the alternative route would be created.

Consideration of the Order in light of any material provision contained in the ROWIP

29. The Lincolnshire County Council Rights of Way Improvement Plan 2025 was in draft form at the time the OMA was preparing their case and was formally adopted in November of 2025. It includes objectives aimed at reducing adverse impacts where public access gives rise to conflicts with sensitive land management. In my view, the circumstances of this case are consistent with that objective, as the management of the land is adversely affected by the alignment of the existing footpath for the reasons I have outlined. The Plan also recognises the importance of environmental stewardship and engagement with land managers, considerations that are relevant in this case given the evidence concerning dog fouling and its implications for the effective operation of the Countryside Stewardship scheme.

30. The ROWIP also promotes opportunities for circular recreational routes and seeks to improve accessibility across the rights of way network. The proposed diversion would preserve the existing circular walking opportunity while removing the four limitations currently encountered on the affected section of Footpath 155. Consequently, the proposal would provide a more accessible route for users and is consistent with these broader objectives of the Plan.

Highways Act s119, s29 (as amended by s57 of the Countryside and Rights of Way Act) (CROW Act) 2000

The needs of agriculture and forestry

31. The diversion of Public Footpath 155 at Dunholme supports the effective management of the hay meadows by removing the route from areas affected by dog fouling, which has compromised hay quality and livestock welfare. The proposal would enable continued hay production and grazing, whilst helping to protect livestock and support the proper agricultural use of the land.

The desirability of conserving flora, fauna and physiographical features

32. The diversion would support the conservation of the ecologically sensitive hay meadows by redirecting users onto an existing green lane, reducing any effects that trampling and dog fouling may have contributed to habitat degradation. In doing so, it would help protect the floristic diversity of the site and support ongoing habitat restoration and long-term conservation objectives**.** The proposal does not seek to restrict public access generally. I consider it is a targeted measure to protect a specific habitat while maintaining recreational opportunities elsewhere within the reserve where access is compatible with conservation aims.

Other Matters

33. The objectors have raised several other matters in response to the Order consultation. One objector has suggested that they themselves have not seen sheep in the meadow and that dog fouling is a minor issue in their experience. LWT has provided a detailed response, clearly demonstrating the issues that prompted their application to divert part of Footpath 155. On site, I observed signage,

provision of a dog waste bin, and the presence of dog waste on the existing line, which implies whilst attempts have been made to mitigate this issue and educate users of the path with dogs, this has not been successful.

34. The issue has been raised that the land was intended to be used for public access when it was gifted to LWT's predecessor. This has been addressed clearly by LWT in their response to the objection and I am satisfied that the landowner is required to maintain Pickering's Meadow for the purpose of maintaining floristic interest and that they have a prescribed management scheme accordingly. As such, this demonstrates their interest as landowner, which is required to meet Test 1.

Overall Conclusion

35. Having regard to all the evidence before me, I am satisfied that the proposed diversion represents a reasonable means of addressing the agricultural and environmental considerations given in support of the Order, whilst maintaining public access. The diverted route would continue to provide a convenient and connected link within the local rights of way network and would avoid areas identified as being of ecological sensitivity.

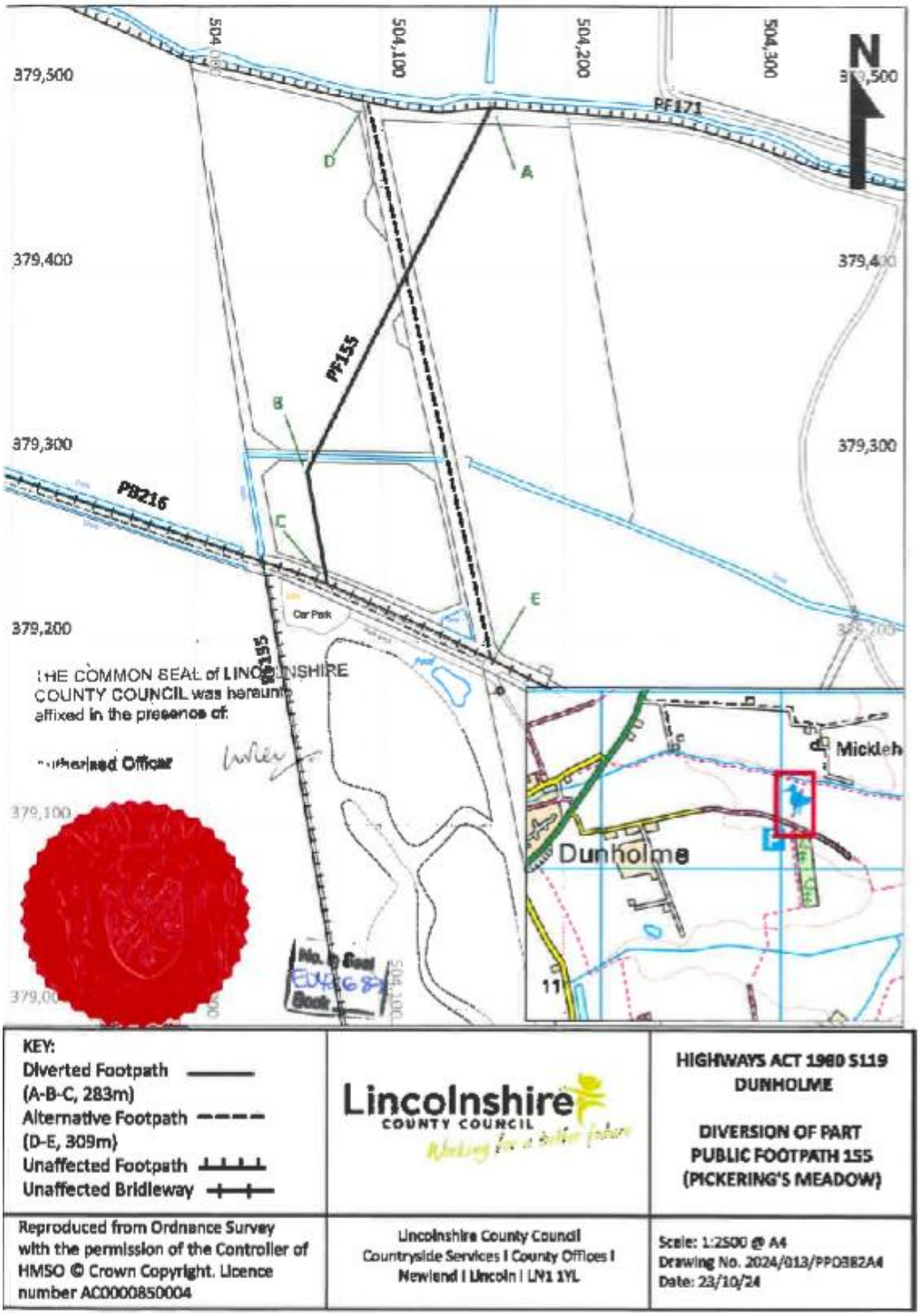
36. I am further satisfied that the relevant criteria set out in section 119 of the Highways Act 1980 have been met, that appropriate regard has been had to the effect of the proposal on the public's enjoyment of the path and on the land served by it, and that the proposal is consistent with the objectives of the Lincolnshire Rights of Way Improvement Plan. Taking all matters into account, I conclude that the Order should be confirmed.

Formal Decision

37. I confirm the Order.

H E Baker

INSPECTOR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504,100
504,200
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N
PF171
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A
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PB216
C
Car Park
E
379,200
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