

2024-165

**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**LINCOLNSHIRE COUNTY COUNCIL**  
**AMENDMENT OF LINDSEY COUNTY COUNCIL**  
**URBAN DISTRICT OF MABLETHORPE**  
**DEFINITIVE MAP AND STATEMENT**  
**EVIDENTIAL EVENT (NO.1) MODIFICATION ORDER 2019**

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 former Lindsey County Council (Urban District of Mablethorpe) 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 path

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 11 September 2019
2. The Lincolnshire County Council Definitive Map and Statement for the area of the former Lindsey County Council (Urban District of

Mablethorpe) shall be modified as described in Part I and Part II of the Schedule and shown on the Drawing attached to the Order

3. This Order shall take effect on the date it is confirmed and may be cited as the Lincolnshire County Council, Amendment of Lindsey County Council, Urban District of Mablethorpe, Definitive Map and Statement - Evidential Event (No.1) Modification Order 2019

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of paths to be added

##### In the town of Mablethorpe and Sutton

- (i) Public Footpath Number 1165 to be 2 metres in width running from the southernmost end of the northern section of Marian Avenue at Ordnance Survey Grid Reference ("OSGR") 55084,38414 (A) in a generally south-south-easterly direction for approximately 96 metres to meet with the northernmost end of the southern section of Marian Avenue at OSGR 55087,38405 (D). The total length of public footpath to be added to be approximately 96 metres as shown between points A-B-C-D in annexed plan referenced 2019/026/DMMO399/A4
- (ii) Public Footpath Number 1166 to be 2 metres in width running from Public Footpath Number 1165 at Ordnance Survey Grid Reference ("OSGR") 55084,38413 (B) in a generally west-south-westerly direction for approximately 38 metres to OSGR 55080,38412 (E) then continuing in a generally south-south-easterly direction for approximately 37 metres to OSGR 55081,38408 (F) then running in a generally east-north-easterly direction for approximately 36 metres to OSGR 55084,38410 (G) then continuing in a generally easterly direction for approximately 9 metres to meet with Public Footpath Number 1165 at





**MABLETHORPE & SUTTON**  
 (Definitive Map Modification Order)  
 Addition of Public Footpath 1165 running  
 between the two sections of Marian Avenue and  
 Addition of Public Footpath 1166 running in a  
 loop from and to Public Footpath 1165



Countryside Services, County Offices,  
 Newland, Lincoln, LN1 1YL

Legend	
	Public Footpath No. 1165
	Public Footpath No. 1166

Drawing No.: 2019/026/DMMO399/A4

Produced from Ordnance Survey with the permission of the  
 Controller of HMSO (c) Crown Copyright. Licence number  
 0025370

Drn. AP Date 28.08.2019

Scale: 1:2,500

OSGR 55085,38410 (C). The total length of public footpath to be added to be approximately 120 metres as shown between points B-E-F-G-C in annexed plan referenced 2019/026/DMMO399/A4

## PART II

### Modification of the Definitive Statement

#### Variation of particulars of paths or ways

The following details shall be added

#### In the town of Mablethorpe and Sutton

(i) Public Footpath Number 1165

The public footpath runs from the southernmost end of the northern section of Marian Avenue at Ordnance Survey Grid Reference ("OSGR") 55084,38414 east-south-east for approximately 96 metres to meet with the northernmost end of the southern section of Marian Avenue at OSGR 55087,38405. It has a width of 2 metres along its entire length

(ii) Public Footpath Number 1166

The public footpath runs from Public Footpath Number 1165 at Ordnance Survey Grid Reference ("OSGR") 55084,38413 west-south-west for approximately 38 metres to OSGR 55080,38412 and then continues south-south-east for approximately 37 metres to OSGR 55081,38408. It then runs east-north-east for approximately 36 metres to OSGR 55084,38410 and then continues east for approximately 9 metres to meet with Public Footpath Number 1165 at OSGR 55085,38410. The public footpath is approximately 120 metres long in total and it has a width of 2 metres along its full length

Given under the Common Seal of Lincolnshire County Council this <sup>th</sup> 11 day  
of SEPTEMBER Two thousand and nineteen

THE COMMON SEAL of )

LINCOLNSHIRE COUNTY COUNCIL )

was hereunto affixed in the )

presence of :- )

*Helen Glover.*  
Authorised Officer

No. in Seal  
E031330  
Book .....

DATED 11 SEPTEMBER 2019

WILDLIFE AND COUNTRYSIDE ACT 1981  
LINCOLNSHIRE COUNTY COUNCIL  
AMENDMENT OF LINDSEY COUNTY COUNCIL  
URBAN DISTRICT OF MABLETHORPE  
DEFINITIVE MAP AND STATEMENT  
EVIDENTIAL EVENT (NO.1)  
MODIFICATION ORDER 2019

ON 7 FEBRUARY 2020 LINCOLNSHIRE COUNTY COUNCIL  
SEVERED THIS ORDER AND CONFIRMED PARTS I (i) AND II (i)  
AS UNOPPOSED (A-B-C-D ON THE ORDER PLAN). PARTS I (ii) AND II (ii)  
REMAIN INTACT (B-E-F-G-C ON THE ORDER PLAN)

David Coleman

DAVID COLEMAN  
CHIEF LEGAL OFFICER, LEGAL SERVICES LINCOLNSHIRE

Legal Services Lincolnshire

Lincolnshire County Council

County Offices

Lincoln

**Lincolnshire County Council, Amendment of Lindsey County Council, Urban District of Mablethorpe, Definitive Map – Evidential Event (No. 1) Modification Order 2019**

This Modification Order was severed into two parts with each part now being treated as a separate Order.

**Parts I(i) and II(i):** These parts of the Modification Order were **confirmed** as unopposed by Lincolnshire County Council on 7<sup>th</sup> February 2020. They added to the Definitive Map and Statement Mablethorpe Public Footpath 1165 running directly between the ends of the northern and southern sections of Marian Avenue in Mablethorpe. This route is shown running between points A-B-C-D in Order Drawing 2019/026/DMMO399/A4.

**Parts I(ii) and II(ii):** These parts of the Modification Order sought the addition to the Definitive Map and Statement of a footpath running from and to Mablethorpe Public Footpath 1165 in a loop around a field. This route is shown running between points B-E-F-G-C in Order Drawing 2019/026/DMMO399/A4. They were submitted to the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”) on 14 October 2021 for a decision based on the evidence on whether these parts of the Order should be confirmed or not. On 6 September 2022, the Secretary of State made a decision to **not confirm** Parts I(ii) and II(ii) of the Order on the grounds that there was insufficient documentary evidence supporting the existence of a public right of way and there was insufficient use of the route by members of the public to demonstrate, on the balance of probability, that a public right of way had arisen. As a result of this decision, **the “footpath loop” has not been added to the Definitive Map and Statement for the area.**