

AUTHORISATION TO INITIATE A DEFINITIVE MAP MODIFICATION ORDER CASE

Parish:	Helpringham
Proposal	Deletion of the northernmost link of Public Footpath 518
Grid References	TF13800934, TF13804066 and TF13874066

The attached plan shows the proposal

Evidence in support of the proposal

- Lincolnshire County Council (Amendment of Kesteven County Council (Rural District of East Kesteven) Definitive Map and Statement – Evidential Events) (No 1) Modification Order 1986 ("the EEMO 1986")

This Order was made on 25th July 1986 and it was confirmed on 16th March 1987. This Order added Public Footpath 518 to the Definitive Map and Statement.
- Lincolnshire County Council (Part of Public Footpath, Helpringham) Public Path Diversion Order 1986 ("the PPO 1986")

This Order was made 24th July 1986 and it was on 16th March 1986. This Order diverted Public Footpath 518 to run north alongside a field boundary and then west across the field to meet with Public Footpath 1. The combined effect of the EEMO 1986 and this Public Path Order was to simultaneously record Public Footpath 518 in the Definitive Map and Statement and divert it to an alternative line.
- Lincolnshire County Council (Amendment of Kesteven County Council (Rural District of East Kesteven) Definitive Map and Statement – Legal Events) Modification Order 1989 ("the LEMO 1989")

This Order was made to amend the Definitive Map and Statement in consequence of the diversion of Public Footpath 518 by the PPO 1986. However, this Order did not delete from the Definitive Map and Statement the original route of the Public Footpath as added by the EEMO 1986 and diverted by the PPO 1986. The route which was added by this Legal Event Modification Order runs further north than the route to which the public footpath was diverted to by the PPO 1986.
- Lincolnshire County Council, Amendment of Kesteven County Council (Rural District of East Kesteven) Definitive Map and Statement – Legal Events (No. 2) Modification Order 2019 ("the LEMO 2019")

Due to the issues with the LEMO 1989, this Legal Event Modification Order was made to amend the Definitive Map and Statement in consequence of the diversion of Public Footpath 518 by the PPO 1986.

Reasons for initiating the proposal

The issue lies with the Legal Event Modification Order 1989 made to amend the Definitive Map and Statement in consequence of the diversion of Public Footpath 518 by the PPO 1986. It erroneously added a section of Public Footpath 518 to the Definitive Map and Statement running further north and then east to Public Footpath 1 than the route to which the public footpath was diverted to. This erroneous section of public footpath is shown by a brown solid line between points A-B-C in the attached plan. A LEMO can only modify the Definitive Map and Statement in respect of the occurrence of a specific event, such as a creation, diversion or extinguishment of a public right of way by a public path order. There is no record of a public right of way having been created over this section of the public footpath to have warranted the LEMO being made to have added this part of the public footpath to the Definitive Map and Statement. This means that the Definitive Map and Statement is in conflict with what is not on the ground, i.e. it records a public footpath where no public rights on the ground. Resolution of this issue would require an evidential event modification order to be made under section 53 (3) (c) (iii) to delete this "erroneous" part of the public footpath from the Definitive Map and Statement.

Authorisation

I authorise / ~~do not authorise~~* the initiation of a definitive map modification order case in respect of the proposal.

* delete as appropriate

Signed:

[Signature]

Job title:

SNR Definitive Map Officer

for Interim Executive Director of Place

Dated:

1 August 2019.

Comments of the authorising officer



Lincolnshire County Council, Countryside Services, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX







HELPRINGHAM - Proposed deletion of the northernmost link of Public Footpath 518

Ref: HELPRINGHAM/PF/518

Date: 01.08.2019

Scale: 1:2,500 @ A4

Legend

-  Public Footpath
-  Public Bridleway
-  Restricted Byway
-  Proposed deletion of PF

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