



Order Decisions

Inquiry opened on 21 August 2018

by Mark Yates BA(Hons) MIPROW

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

Decision date: 22 July 2019

Order Ref: ROW/3182291M

Referred to as 'Order A'

- This Order is made under Section 26 of the Highways Act 1980 ("the 1980 Act") and is known as the Public Path Creation Order 2017, Lincolnshire County Council Public Footpath Number 1108 Market Deeping and Deeping St James.
- The Order was made by Lincolnshire County Council ("the Council") on 19 April 2017 and proposed to create sections of footpath, as detailed in the relevant Order Map and Schedule.
- The Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- In accordance with Paragraph 2(3) of Schedule 6 to the 1980 Act I have given notice of my proposal to confirm the Order with modifications.

Summary of Decision: The Order is confirmed subject to modifications set out below in the Formal Decision.

Order Ref: ROW/3182292M

Referred to as 'Order B'

- This Order is made under Section 118 of the 1980 Act and is known as the Public Path Extinguishment Order 2017, Lincolnshire County Council Parts of Public Footpath Number 4 Market Deeping and Deeping St James.
- The Order was made by the Council on 19 April 2017 and proposed to extinguish sections of footpath, as detailed in the relevant Order Map and Schedule.
- The Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- In accordance with Paragraph 2(3) of Schedule 6 to the 1980 Act I have given notice of my proposal to confirm the Order with modifications.

Summary of Decision: The Order is confirmed subject to modifications set out below in the Formal Decision.

Procedural Matters

1. These decisions should be read in conjunction with my interim decisions ("IDs") of 16 October 2018, in respect of the Orders, which outlined the main issues to be addressed, an assessment of the relevant criteria and my conclusions.

Reasons

2. I proposed to confirm the Orders subject to modifications. These predominantly related to the width and surface of a section of footpath to be provided by Order A. The representations made in response to the IDs are supportive of the modifications and reveal that the necessary works have been completed.
 3. There is nothing to suggest that the Orders should not now be confirmed. However, I accept that the completion of the works means that there is no need for the proposed extension to the dates when the Orders come into force. These modifications should therefore be removed from the Orders.
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Conclusions

4. Having regard to these and all other matters raised at the inquiry and in the written representations I conclude that the Orders should be confirmed with the revised modifications outlined below.

Formal Decisions

Order A

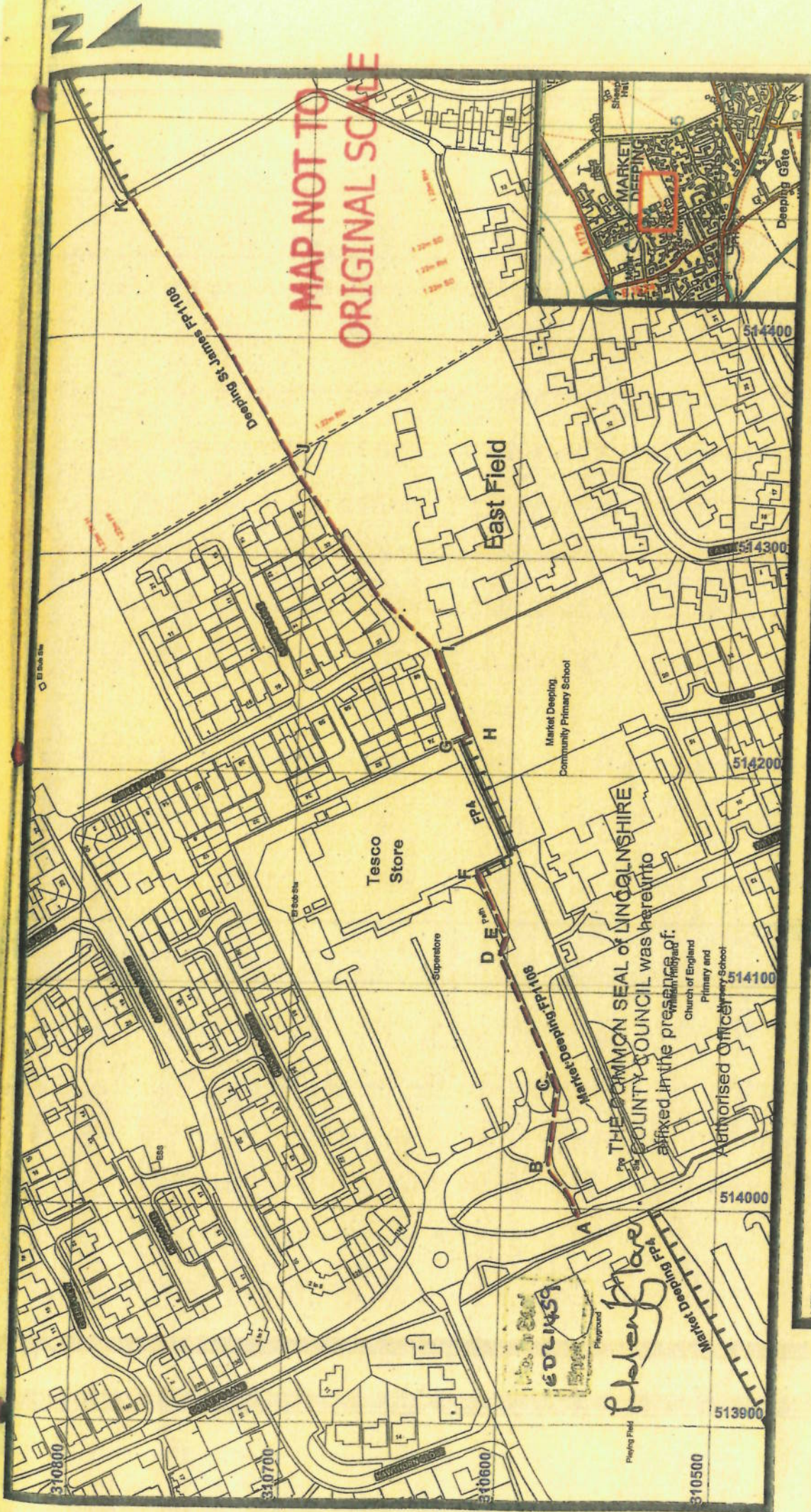
5. I confirm the Order subject to the following modifications:
 - Delete from the eighth line of the first description in the Order Schedule, "TF 1405 1507" and insert "TF 1405 1057".
 - Delete from the sixth and seventh lines of the second description in the Order Schedule, "where the footpath continues at a width of 1.7 metres" and insert "where the footpath continues on a tarmac surface with a width of 2 metres".

Order B

6. I confirm the Order subject to the following modifications:
 - Delete "East Lindsey District Council" from the second paragraph in the Order and insert "South Kesteven District Council".
 - Insert a reference to the "whole width" for the sections of footpath to be extinguished.

Mark Yates

Inspector



MAP NOT TO ORIGINAL SCALE

THE COMMON SEAL OF LINCOLNSHIRE COUNTY COUNCIL was hereunto affixed in the presence of:
 Philip Hibbard of
 Church of England Primary and
 Primary School
 Authorised Officer

Philip Hibbard
 Authorised Officer

KEY

Public Footpath sections to be Created (A-B-C-D-E-F & G-H-I-J-K)

Unaffected Public Footpath

HIGHWAYS ACT 1980 SECTION 26

MARKET DEEPING & DEEPING ST JAMES - CREATION OF PUBLIC FOOTPATH NO.1108



Dm. SJ Date 20/12/16

Public Rights of Way & Countryside Access
 R A Willis
 Executive Director for Environment & Economy
 County Offices, Newland, Lincoln, LN1 1YL

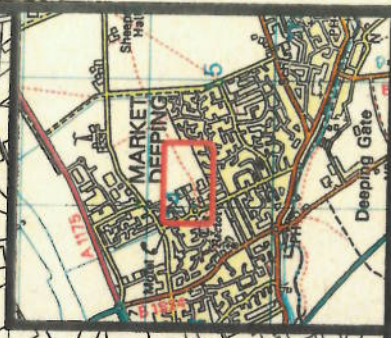
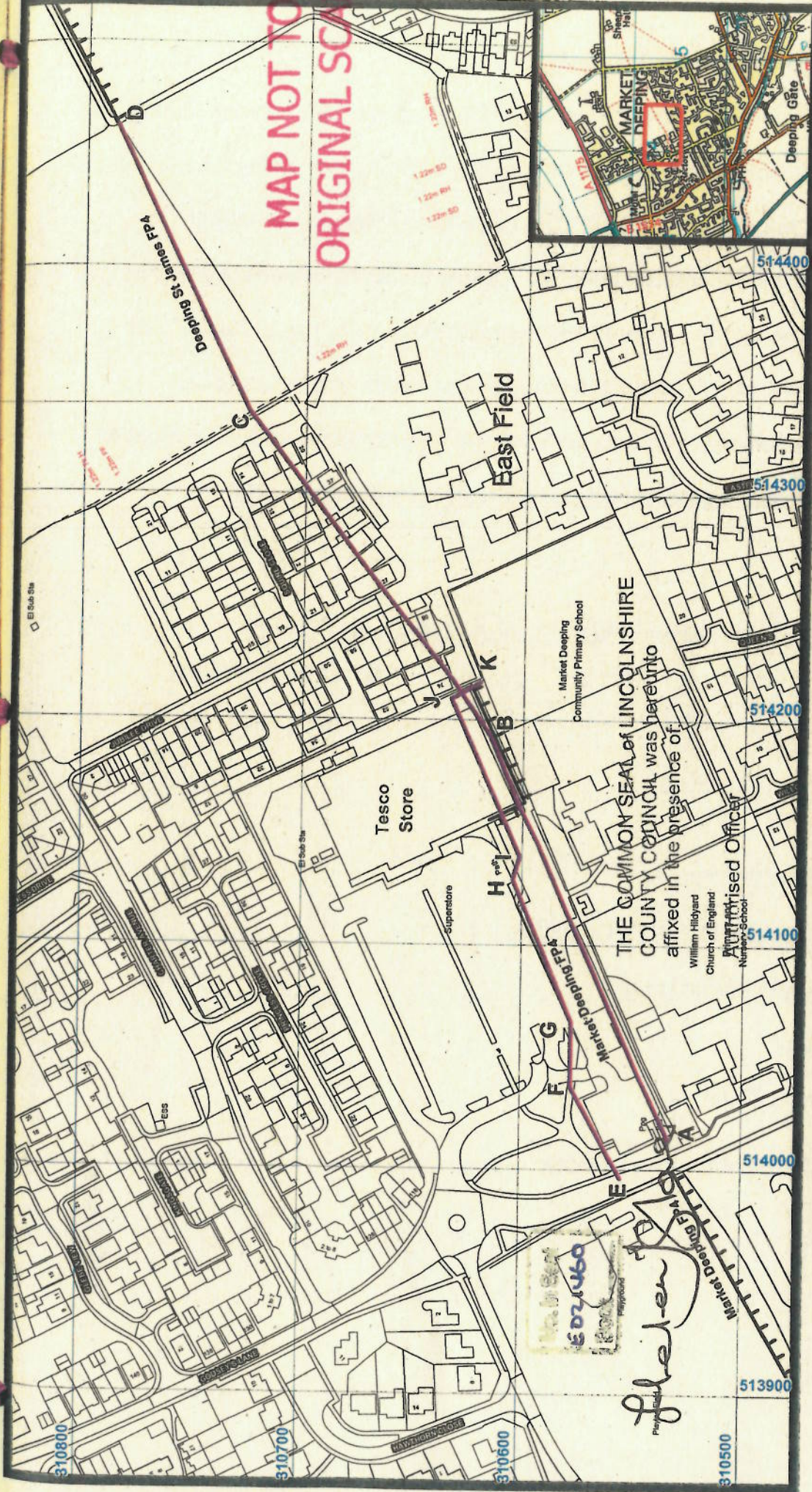
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Scale: 1 : 2,500

Drawing No : 2016/030/PPO329/A4





MAP NOT TO ORIGINAL SCALE



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

William Hildyard
Church of England
Authorised Officer

Edwina
Edwina

<p>HIGHWAYS ACT 1980 SECTION 118</p> <p>MARKET DEEPIING & DEEPIING ST JAMES - EXTINGUISHMENT OF PARTS OF PUBLIC FOOTPATH NO.4</p>		<p>Scale: 1 : 2,500</p> <p>Drawing No : 2016/029/PP0329/A4</p>
<p>Lincolnshire COUNTY COUNCIL</p>		<p>Public Rights of Way & Countryside Access R A Willis Executive Director for Environment & Economy County Offices, Newland, Lincoln, LN1 1YL.</p>
<p>KEY</p> <p>Public Footpath to be Extinguished (A-B-C-D & E-F-G-H-I-J-K) </p> <p>Unaffected Public Footpath </p>		<p>Dm. SJ Date 20/12/16</p>
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