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## Order Decision

Inquiry held on 25 July 2018

**by Barney Grimshaw BA DPA MRTPI(Rtd)**

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

**Decision date: 24 July 2019**

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### **Order Ref: ROW/3174677M**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the Lincolnshire County Council, Amendment of Lindsey County Council (Rural District of Horncastle) Definitive Map and Statement (Addition of Coningsby Public Footpath Number 1124) Definitive Map Modification Order 2016.
- The Order is dated 8 February 2016 and proposes to modify the Definitive Map and Statement for the area by adding a footpath running between the junction of School Lane/Laythorpe Gardens and Dogdyke Road, Coningsby, as shown on the Order Map and described in the Order Schedule.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order with modifications to omit the southern part of the route between Orchard Way and Dogdyke Road.

**Summary of Decision: The Order is confirmed subject to the modifications proposed previously.**

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### **Procedural Matters**

1. I held a public inquiry into this Order on Wednesday 25 July 2018 at Coronation Hall, Woodhall Spa. I made an unaccompanied site inspection on Tuesday 24 July when I was able to walk most of the Order route. It was agreed by all parties at the inquiry that a further accompanied visit was not necessary
2. The effect of this Order, if confirmed subject to the modifications I proposed in paragraph 43 of my interim decision issued on 20 September 2018, would be to add to the definitive map a public footpath running between the junction of School Lane/Laythorpe Gardens and Orchard Way, Coningsby.
3. Following advertisement of the notice and deposit of the associated documents relating to the proposed modifications, three objections were received within the statutory period specified. Three representations in support of the modifications were also received.
4. One of the objections, made on behalf of Cadent Gas Ltd and/or National Grid did not relate to the proposed modifications and was made on the grounds that the Order might affect the level of protection afforded to apparatus in the area. This is not the case, neither the Order nor the proposed modifications have any effect with regard to existing apparatus of statutory undertakers.
5. The other two objections do not relate specifically to the proposed modifications but repeat objections made to the original Order regarding the

section of the Order route north of Orchard Way which is not affected by my proposed modifications. These were considered at the inquiry and in my interim decision. As I stated in that decision, I understand the concerns of the objectors regarding the problems they have experienced, but as they lie outside the criteria set out in the legislation relevant to orders of this type, I cannot afford them any weight in reaching my decision. The objectors have not provided any new evidence which would lead me to change this view.

### **Conclusions**

6. Bearing in mind the above, I conclude that the Order should now be confirmed subject to the modifications set out in paragraph 43 of my interim decision dated 20 September 2018.

### **Formal Decision**

7. I confirm the Order subject to the following modifications:

In the Schedule to the Order, Part I, delete the whole of the first paragraph after the words "(Point E)" and add the following "*The path then runs in a generally southerly direction for approximately 4 metres to the edge of the highway known as "Orchard Way". The total length of the footpath is approximately 104.5 metres*".

Also, delete the second paragraph after the words "(from Providence Place to the publicly maintainable highway Orchard Way)".

In the Schedule to the Order, Part II, delete the whole of the first paragraph after the words "to TF 2228 5772" and add "*The path then runs in a generally southerly direction for approximately 4 metres to the edge of the highway known as "Orchard Way". The total length of the footpath is approximately 104.5 metres*".

Also, delete the second paragraph after the words "(from Providence Place to the publicly maintainable highway Orchard Way)"

Amend the Order Map accordingly.

*Barney Grimshaw*

**Inspector**

