



**North Kesteven**  
DISTRICT COUNCIL

**Application by Fosse Green Energy Ltd for an order granting development consent  
for the Fosse Green Energy solar farm**

**Deadline 3 –  
Response to Examining Authority’s  
Second Written Question TT.2.03**

prepared by

**North Kesteven District Council**

**(ID [REDACTED])**

**NKDC reference: 23/0325/NSIP**

**Planning Inspectorate reference: EN010154**

**March 17<sup>th</sup> 2026**

## Status of “Stepping Out Routes”

### Introduction

1. This document provides the response of North Kesteven District Council (NKDC) to the Examining Authority’ Second Written Question (ExQ2) TT.2.03, which is as follows:

#### *Status of “Stepping Out Routes”*

*The applicant in responding to the council’s LIR [REP1-056] has commented “It should also be noted that, as shown on the plan submitted by the Council within its Response to Issue Specific Hearing Action Point 6 - Stepping Out Walks [REP1-136] whilst the routes of the Stepping Out Walks do partially follow PRow and existing permissive paths, they also utilise land which is neither designated as PRow nor permissive paths. Therefore, the Stepping Out Walks are reliant on the use of private land over which the public has no rights of access” [electronic page 49 in REP2-031].*

- a) *Explain how public access to Stepping Out Routes, which in their entirety or in part, are neither a designated PRow nor a recognised permissive route, is protected under the Stepping Out Routes initiative. In particular, for Stepping Out Routes that include any privately owned land, explain what stops the owner(s) of that land from precluding access to it by members of the public in pursuance of their use of a route?*
- b) *Should Stepping Out Routes or parts thereof that are neither designated PRows nor recognised permissive routes be considered as genuinely publicly accessible routes?*

2. This response is submitted to the Examination and forwarded to the Applicant in advance of Deadline 3. This is in order that it can:
  - clarify NKDC’s position as set out at Issue Specific Hearing 3; and
  - inform discussions between the Applicant and NKDC leading to responses to Action Points arising from Issue Specific Hearing 3
  - inform the development of the Statement of Common Ground between the parties.
3. Consequently, it is possible that by the time further submissions are made at Deadlines 3, 3A and 4, NKDC’s position may have developed.
4. In this response, the Council makes frequent reference to section 7 of its Written Representation “WR” (REP1-057) which deals with the Stepping Out Walks.

## **Background**

5. In its Response to Written Representation (REP2-030) the Applicant refers to how it has identified and dealt with permissive paths, including the following on page 134:

*‘Chapter 12: Socio-Economics and Land Use of the ES [AS-016] identifies the baseline PRow network, confirming the presence of 36 PRows and seven permissive paths within the Principal Site, as well as 26 PRows running either adjacent to or in close proximity to the Order Limits (paragraphs 12.5.30–12.5.32).’*

6. This statement is effectively repeated, for instance on page 135 of REP-030. NKDC also notes that at paragraph 12.5.34 of Chapter 12 of the ES (AS-016) these existing permissive paths are given the following identifiers:

15BCDE, 15BCD1, 17E42A, 15BCD0, 15BCCF, 15BC81 and 15BCC0

7. However, despite a request at ISH1 to clarify which paths these identifiers relate to, the Council has seen no plan providing this clarification.

8. In REP2-030 on pages 135, Applicant also states that:

*‘The existing permissive paths are being retained and as such are labelled as ‘Retained Permissive Paths’ on Figure 3-3: Proposed Permissive Paths of the ES [AS-024].’*

9. This statement is repeated, for instance on pages 139 and 140 of REP-030. However, the only permissive paths shown AS-024 as ‘Retained Permissive Paths’ (as distinct from ‘Proposed Permissive Paths’ in the key) are some lengths of path immediately east of Witham St Hughs. It is not possible to tell which identifier (see paragraph 6 above) relates to which of those Retained Permissive Paths; and it is difficult to see how those amount to seven retained paths. AS-024 does not show those parts of the Stepping Out Walks which follow permissive paths

10. At Deadline 1, NKDC submitted a plan (REP1-136) showing three Stepping Out Walks superimposed (with permission) onto the Applicant’s drawing Figure 3-3: Proposed Permissive Paths of the ES (AS-024). REP1-136 shows the following walks which run in and close to the Order Limits:

- Thorpe on the Hill
- Morton and Tunman Wood
- Bassingham and Villages Circular

11. In its Response to Local Impact Reports (REP2-031), the Applicant states on page 46:

*'It should also be noted that, as shown on the plan submitted by the Council within its Response to Issue Specific Hearing Action Point 6 - Stepping Out Walks [REP1-136] whilst the routes of the Stepping Out Walks do partially follow PRow and existing permissive paths, they also utilise land which is neither designated as PRow nor permissive paths. Therefore, the Stepping Out Walks are reliant on the use of private land over which the public has no rights of access.'*

12. On page 136 of REP2-030 the Applicant states that not all parts of Stepping Out Walks coincide with PRows, some sections using permissive paths. Also, at the bottom of page 178 of REP2-030, in responding to ToTH PC the Applicant states that:

*'It is also important to note that the Stepping Out Walks that interact the Proposed Development require use of private land that is not a PRow or permissive path to complete these walks, and therefore they cannot be walked in their entirety currently.'*

13. These statements raise two issues.
14. Firstly, there is a contradiction, in that the Applicant acknowledges that the relevant Stepping Out Walks utilise permissive paths as well as public rights of way; and the Applicant has stated that existing permissive paths have been identified and retained as labelled on AS-024. However, no 'Retained Permissive Paths' are shown on that drawing in relation to the three Stepping Out Walks listed above. This suggests that not all existing permissive paths will be retained.
15. Secondly, as ExQ2 TT.2.03 b) indicates, the Applicant indicates that there are parts of these Stepping Out Walks over which the public has no current right of access – and carrying with it the implication that members of the public using those routes may be trespassing.
16. The Council addresses these two points below, with reference to the plan appended to this response which shows the Stepping Out Walks 1) Thorpe on the Hill and 2) Morton and Tunman Wood. That plan is an extract of drawing AS-024 increased in scale from 1:28,000 in the original to 1:14,000. Points of reference are identified with a capital letter.
17. These two Stepping Out Walks were walked in their entirety on 20<sup>th</sup> February 2026. All lengths of the walks shown on the published leaflets were available and physically accessible without obstacles such as fencing or other barriers; and there were no signs deterring access. Clear evidence of substantial unobstructed use of the routes was observed (see photograph 1 on following page).



**Photo 1 – length of permissive path F - G in heavy use**



Photo 2 – Permissive path sign, location C

18. The routes were extensively waymarked throughout with distinctive Stepping Out identifiers, separately and in addition to any waymarking as statutory Public Rights of Way (PRoW) which exist (such as those put in place by Lincolnshire County Council). This Stepping Out waymarking included sections of the Stepping Out promoted walks which did not follow statutory PRoW – with labelling confirming that a permissive path was being used.
19. In addition to the Stepping Out waymarking, at three locations (C, F and H) there were substantial signs making it clear that the particular parts of the route were permissive paths - referencing the Highways Act 1980. As an example, the sign at location C is provided in Photo 2 on the previous page. Photo 2 shows the Stepping Out waymarkers point left (north-east) towards Thorpe on the Hill (public right of way TOTH/6/2); and right (south-west) along a permissive path towards Housham Wood Farm. The yellow waymarker pointing towards the camera would take walkers off the Stepping Out Walk to follow a PRoW.
20. Drawing AS-024 does not show any of the permissive paths currently used by the Stepping Out Walks Thorpe on the Hill or Morton and Tunman Wood. This includes the following sections shown on the plan appended to this response:
  - C-D, F-G-H-I and J-K which are neither shown as Proposed Permissive Paths nor as Retained Permissive Paths.
  - D-E-F – which are shown as Proposed Permissive Paths on AS-024, and which the Applicant has shown as “new permissive path” on the Streets, Rights of Way and Access Plans REP2-004
21. In addition, there is a short length of path X-F which is shown as a Proposed Permissive Path on AS-024, but is in fact a length of statutory PRoW TOTH/13/1 which the Applicant proposes to permanently divert.
22. Since ISH3, the Applicant has indicated to the Council that the position regarding permissive paths in this area may have changed. The Council looks forward to receiving confirmation of the Applicant’s position on this issue.
23. Based on the current evidence available to the Council, there are question marks regarding the Applicant’s statements regarding their identification of existing permissive paths, and that they have retained them in the proposals. Further, the Applicant has stated in several places that the Proposed Permissive Paths are in addition to retaining existing permissive paths – for instance on page 140 of REP2-030:

*'In addition to the retained existing permissive paths, 9.5km of additional permissive paths are proposed, linking together existing walking routes and creating enhanced connections to surrounding villages.'*

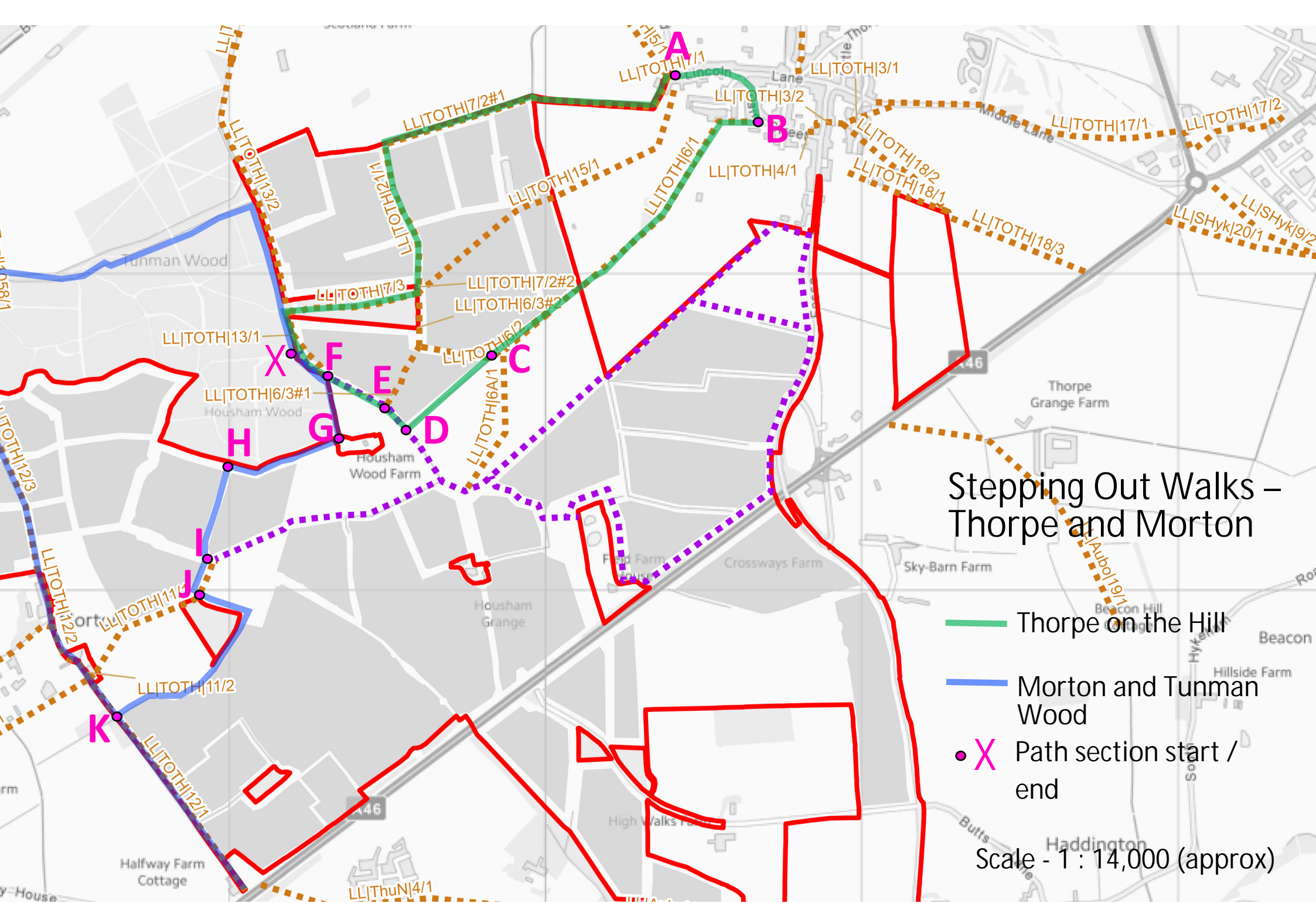
24. Some of the “new permissive paths” appear in fact to be existing permissive paths – section D-E-F is approximately 300m in length. Additionally, existing sections of permissive path C-D, F-G-H-I and J-K totalling approximately 1.8m in length would be lost. Whilst new lengths of permissive path would be created, this means that the net length of permissive path provided for would be some 2.1km shorter than indicated by the Applicant.
25. Furthermore, it is suggested that a check should be made of the 9.5km length of permissive path which the Applicant has stated that it will provide as part of the Proposed Development. The initial scaling of the routes shown on AS-024 indicates that the length of Proposed Permissive Path may be approximately 8km, significantly shorter than that claimed, even if it were accepted that these are as new (i.e. not retained) permissive paths – something which the Council currently does not think is the case.
26. The Council has not measured accurately from the Streets, Rights of Way and Access Plans (REP2-004), but accounting for lost permissive paths and retained permissive paths, the Council’s current assessment is that the net gain in permissive routes may be, in terms of distance, closer to 6km rather than 9.5km. This would have a bearing on the weight to be given to the provision of permissive routes as part of the Proposed Development, something which the Applicant has assessed in its Planning Statement (AS-098) as being ‘substantial’, and should be afforded ‘moderate positive weight’ in the planning balance (paragraphs 6.3.178 and 7.3.7 for instance).
27. Therefore, following the discussion at ISH3, the Council suggests that it should work with the Applicant to:
  1. identify existing permissive paths on a plan
  2. carry out a check of what is shown on the relevant plans as “New permissive paths”, and identify:
    - a) the retention of existing permissive path lengths
    - b) those existing permissive paths to be lost
  3. clarify those permissive paths which are to be new, additional permissive paths
  4. quantify the net benefit of the Proposed Development in terms of permissive path lengths

### **Response to questions a) and b)**

28. The Council considers that it is important to establish the baseline situation in order to fully understand the use of the Stepping Out Walk routes by members of the public.
29. Before establishing and publishing a Stepping Out Walk, the Council works in partnership with landowners where the route may pass along both statutory PRowS and other land. A route which requires the use of land away from a statutory PRow will only be used as a permissive route with the agreement of the landowner. The permissive parts of the routes for the Thorpe on the Hill and the Morton and Tunman Wood Stepping Out Walks were agreed with the landowners when the walks – for instance the Morton and Tunman Wood walk was first established in 1986. The evidence from walking the routes indicates that permission has been granted.
30. Indeed, if these are not permissive routes, it seems to the Council that it might be open to a member of the public to apply for a Definitive Map Modification Order on the basis that the routes have been in use for over 20 years and so would have accrued public footpath status ‘as of right’.
31. Alternatively, examination of historic O.S. mapping for the area indicates that historic rights of way may exist, linking the ends of paths in the parish of Thorpe on the Hill with Morton – but that these routes have not been added to the Definitive Map. The possible existence of such links – following similar routes to those used by the Stepping Out Walks and the permissive paths proposed by the Applicant - would appear logical, given that some paths from Thorpe on the Hill do seem to abruptly terminate at the parish boundary.
32. On the basis of current information available to it, the baseline situation for consideration of the effects of the Proposed Development is that the Stepping Out Walks:
- do not require the use of private land which is neither a PRow nor a permissive path; and
  - are genuinely publicly accessible in their entirety, either as part of a statutory PRow or a permissive path.
33. As the signs erected along the Stepping Out Walks indicate, the use by the public of parts of the routes not on established public rights of way is by the permission of the landowner at the present time, and so is not ‘by right’. The existence of a permissive path does not give rise to the establishment of a PRow. Legally, it may be possible for the landowner to withdraw that permission, though the Council has yet to see evidence that landowners have removed such permission. Therefore the existing baseline situation which

includes long-established use of permissive routes as part of the Stepping Out Walks.

34. As suggested above, in any case there is the possibility that there may be routes across the land which should be added to the Definitive Map as historic rights of way.
35. The assessment of the effects and benefits of the Proposed Development needs to take this information into account. The Council will work with the Applicant to clarify the position to the Examination Authority, and hopefully reach an agreed position on mitigation and enhancements in the near future.



# Stepping Out Walks – Thorpe and Morton

- Thorpe on the Hill
- Morton and Tunman Wood
- X Path section start / end

Scale - 1 : 14,000 (approx)