

## Regulatory Committee

Extract from the minutes of a meeting held on 12 March 2015

### Rights of Way Matters

#### **Application to add footpaths and a proposal to add a restricted byway to the Definitive Map and Statement from Mill Lane, Wimborne Minster in the town centre.**

24.1 The Committee considered a report by the Director for Environment and the Economy on an application to add footpaths and a proposal to add a restricted byway to the Definitive Map and Statement from Mill Lane, Wimborne Minster in the town centre.

24.2 The Senior Solicitor took the opportunity to set the scene and remind members that the County Council had a duty to make a Modification Order to add a route to the Definitive Map and Statement when it discovered evidence which showed that a right of way not currently shown subsisted or was reasonably alleged to subsist. A reasonable allegation existed when there was an arguable case. To confirm an Order, the County Council, or an Inspector, must be satisfied, on balance, that the rights existed. In this case as the evidence was in dispute and there were conflicting accounts and additional evidence which had recently been submitted, it was considered that part (b) of the recommendation could not now be recommended and the Committee would be asked to consider making an Order only on part (a) of the recommendation, subject to the amended lettering which had been sent to members.

24.3 The Chairman confirmed that the process for determining the existence of routes was two staged, the first being was there a prima facie case made that rights existed and the second being that, on balance, did they exist. What the Committee was being asked to consider in coming to their decision was that "was it reasonable to allege that, on balance, claimed rights existed".

24.4 Members were reminded that consideration of the application had been deferred from their meeting held on 27 November 2014 owing to the receipt of a considerable amount of late documentary evidence submitted on behalf of the landowner so as to provide the opportunity for these to be meaningfully considered by officers. Consequently, the report which had been due to be considered by the Committee at their meeting on 27 November, which contained the substantive documentary and user evidence on which the officers recommendation was based, was appended. Subsequently officers had the opportunity to analyse the documentary evidence received and to take that into consideration in their recommendation.

24.5 With the aid of a visual presentation officers explained the background to the application and how it had arisen. Photographs and plans were shown to the Committee by way of illustration, demonstrating the direction in which the application routes ran and what they connected, their relationship to each other and their character within the context of the townscape. A comprehensive explanation of the relationship between the routes, their purpose and how they were used was provided. The Committee were informed of the ownership of the routes, where known, and were provided with evidence of the signage which had been erected.

24.6 Members were informed that the original applicant had since left the area and had not been traced and had not pursued the application. However it had been kept active by Sandie Hopkins, a local resident and retail owner, who had since actively sponsored and coordinated evidence in its support. The Director's report had taken into consideration both documentary evidence and user evidence relating to the status of two of the routes. In addition, during the investigation process, evidence was discovered relating to the public status of a further unrecorded route leading from Mill Lane to the River Allen.

24.7 The Update Sheet provided prior to the meeting set out a summary of further late supplementary evidence received in opposition to the application, principally on behalf of the Slocock Trust. This included the offer by the Trust of providing the routes A - A1 - B - B1 - B2 and B - F which they considered to be in their ownership as permissive routes, by way of compromise. Officers explained that whilst the spirit in which this offer had been made was appreciated, the County Council had an obligation to fulfil its statutory duty and properly investigate the application based on its merits and were not able to accept the offer made.

24.8 The Committee were informed that there had been a substantial number of submissions, representations and objections in respect of the application, with the vast majority of these being made on behalf of the landowner, the Slocock Trust. The landowner had a vested interest in the land over which those parts of the route ran, as shown A - X, A - B1 and B - E - F on the plans accompanying the report. The provisions of the Natural Environment and Rural Communities Act 2006 (NERC Act) were explained and the bearing that this had on, and the consequences for, the application.

24.9 The Director's report took into account analysis of documentary evidence including:-

- Finance Act 1910
- Inclosure and Tithe Awards,
- Highway Board and Wimborne Urban District Council minutes,
- List of Streets,
- estate maps and town plans,
- Ordnance Survey and commercial maps, and
- Aerial photographs.

24.10 Analysis of user evidence, both in support and opposed to the application, was also summarised in the report. The Committee were informed that no objections had been received from the landowners or interested parties in respect of the routes shown from F - G or B2 - D.

24.11 Of the user evidence reviewed, witnesses claimed to have used all or parts of the claimed routes which were still being used today, subject to the restrictions which had led to the application being made.

24.12 With respect to the documentary evidence examined, of particular importance in respect of that part of the route shown from A – B – B1 and B - E and the additional route from A - X was the Finance Act 1910. This demonstrated that those routes had been excluded from valuation which indicated that they were considered to be public vehicular highways. In respect of the route A - B - B1 and B - E, this conclusion was further supported with the evidence provided by the Wimborne Tithe Apportionment 1846, Ordnance Survey Maps and the estate and town plans. In respect of the route A - X, supporting evidence was provided by the Wimborne Highway Board and District Council minutes, Ordnance Survey maps and estate and town plans. It was explained that the land over which route A - X ran was not in the ownership of Mr Slocock.

24.13 Given the documentary and user evidence available, the routes between F-G and B1 – D were determined to be available for public use and there was little evidence to suggest that this was not the case. However in respect of those routes A - X, A - B - B1 and B – E - F, the landowner had taken significant measures to prevent the accrual of public rights over those lengths by virtue of the erection of signs, bollards and barriers and the locking of a gate as a means of challenging vehicular and pedestrian rights. The dates associated with the challenges made to public rights were drawn to the attention of the Committee.

24.14 With the exception of the route shown from A - X, the analysis of user evidence and the graphs of periods of use contained in Appendix 1 accompanying the Director's report was considered sufficient by officers to demonstrate that a presumed dedication under Section 31 of the Highways Act 1980 was satisfied and that a public right on foot could be reasonably alleged to exist along the claimed routes.

24.15 In addition, it was considered that the documentary evidence demonstrated that, on balance, public vehicular rights existed along the routes as shown from A - X and A – B - B1 and B – E. However there appeared to be no exception to the provisions of Section 67 of the NERC Act and those public mechanically propelled vehicular rights had since been extinguished.

24.16 Officers had therefore concluded that the available evidence relating to the routes E - G and B1 - D proposed to be recorded as footpaths showed, on balance, that the right of way as claimed subsisted or was reasonably alleged to subsist; the evidence relating to the routes A – B – B1, B - E and A – X showed, on balance, that public vehicular rights subsisted or were reasonably alleged to subsist. As there was no evidence that exceptions applied, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an Order should be made for restricted byways over those routes.

24.17 Consequently, officers were now asking the Committee to determine whether they considered there was a reasonable allegation that claimed rights existed and accordingly it was recommended that an Order should be made in accordance with the provisions of paragraph 4.4 of the Director's report, subject to the inclusion of route B-E in (a). Part (b) of the recommendation as set out in the Director's report was not, now, recommended.

24.18 The opportunity was given for those wishing to speak under public participation to address the Committee. Ian Speirs considered that the user evidence regarding the route between B1-B2 should be discredited principally as the applicant no longer had an interest in matters and that there was evidence to suggest that given the measures taken to challenge the route, the 20 year period of use claimed could not have been fulfilled. He also questioned the validity of the process in how the application had been managed by the County Council.

24.19 On that point, the Chairman stipulated that any issue about how the process had been managed should have no bearing on the Committee's consideration of the application and should be taken up with him outside of the meeting. Mr Speirs also considered that the documentary evidence relating to maps claiming rights was questionable. He asserted that there was no possibility of rights of way existing over routes in the ownership of Mr Slocock, particularly as they culminated in a brewery yard.

24.20 Alan Cosgrove considered that it was incorrect to believe that public rights existed along those routes being claimed. He maintained that the Slocock Trust was not averse to public access over the routes in order that access might be gained to the retail units on his land. However given the condition of some of the buildings along Mill Lane in his ownership, it was the owner's long term ambition to redevelop the site. Accordingly, an acceptance of the assertion of public rights would seriously prejudice the viability of any redevelopment and compromise the ability to achieve this.

24.21 In his evidence against the claim, Mr Cosgrove suggested that with regard to the Finance Act hereditaments, it might well have been in the landowner's best interest that the status of the routes were recorded in the way they were. He also asserted that there were discrepancies in what had been recorded in the documentary evidence and the way in which this was depicted in the Finance Act 1910. Accordingly, he considered that, on balance, there was no conclusive evidence that public rights existed.

24.22 David Hart was surprised at the conclusion reached by officers and considered that the rights of the landowner should be protected. He considered that the way the process to claim the rights had been managed had little value and would damage the landowner's scope to be able to undertake future development. He testified that the owner had challenged use of the route by closing and locking gates across the route which was complemented by the erection of notices. He suggested that the offer of a permissive route could be accepted in the circumstances.

24.23 Sandie Hopkins explained how she had become involved in sponsoring the application and the interest she had in seeing that the claims were upheld, particularly in gaining access to Millbank House. She considered Mill Lane to be an important link in the footpath network of the town centre and, in her experience, the route had been used over numerous decades. She considered that the locking of gates was detrimental to business interests, particularly as this habitually occurred at bank holidays when the retail units were closed but other retail facilities remained open. She considered that the opportunity should remain for the public to be able to walk freely and unimpeded over those routes as had been the case for some considerable time.

24.24 The County Council member for Minster commented that whilst it was recognised that the routes provided a convenient link though that part of the town which otherwise would be more tortuous, the area around Crown Mead was commonly acknowledged to be privately owned. Likewise his attention had been drawn to the route A-C being in private ownership by virtue of the strategically placed, conspicuous notices to that effect. He considered that it would be in the Slocock Trust's interest to maintain the vitality of the retail premises on or adjoining Mill Lane and that retaining access over it went a considerable way towards this. Nevertheless, it was somewhat understandable that the measures which had been taken were a means to reinforce their ownership rights, with signs having been erected between A-B1. As there were no such signs between B1-D he could see no reason for this length being disputed. He also referred to a copy of a letter from the then County Surveyor, Mr Vizard, in 1987 in which inference was given that no public footpaths or bridleways existed over that route which was disputed according to the then Definitive Map.

24.25 The Committee then asked questions of the officer's presentation and of the issues raised by the speakers. Officers provided clarification in respect of the points raised, particularly in respect of the routes and what was considered to be their status, having taken into account the documentary and user evidence submitted. Officers provided clarification that the letter from Mr Vizard referred to by the local member did not confirm existing rights, but rather public rights which were recorded at the time.

24.26 The Committee acknowledged the need for access over that length of Mill Lane to gain access to the retail businesses which operated in that vicinity but recognised the principle of ownership and where access rights lay. Some members considered that as the routes were clearly defined and provided necessary access and had operated in the way they had over some considerable time, there was no need to formally establish claimed rights, considering that the way in which they had always operated could well continue in perpetuity.

24.27 The Committee were reminded that what they were being asked to decide was not whether rights did exist but rather could it reasonably be alleged that the rights existed and, if it could be agreed that it was reasonable to argue that rights existed, given the documentary and user evidence submitted, then there could well be an acceptance of the Director's recommendations.

24.28 To this end, the recommendation was clarified, given that from their discussion, some members were inclined to agree to some routes and not agree to others. It was confirmed that if the rights over a length already existed, those rights were not affected by the erection of notices, which only prevented the acquisition of public rights through subsequent use. One member considered that it was worth noting that whilst a sign existed at A -X, this had since been conceded to be a right of way by the landowner.

24.29 In the course of debate, a proposal was made to delete A - B1 and B - E from being considered further. Other members considered that given that they were only being asked to establish that, on balance, it could be reasonably alleged that rights existed, were satisfied to proceed on the basis that the orders be made as set out in paragraph 4.4 of the report, with the inclusion of B-E in (a). Consideration could subsequently be given to the issue again if there was a need to confirm the Order.

24.30 In an effort to manage their own understanding of where claimed rights were in dispute and where they were not, the Committee determined that it could be ascertained that B1-D was accepted to be a claimed route but that the other routes remained unable to be determined. Consequently, these were the lengths on which they would focus their attention.

24.31 Once again the Committee were reminded that they were not being asked to establish that rights existed, but rather that was it reasonable to allege that rights existed. To this end the Chairman considered that, in agreement with officers, the Finance Act 1910 was extremely compelling evidence that this was the case. He considered that the weight which should be given to such documentary evidence should be borne in mind in the Committee's decision making process and how that evidence should be applied when coming to their decision.

24.32 The Chairman considered that to say that it was not even reasonable to allege that rights existed would in itself be an unreasonable judgement to make. He considered that the provisions of the Finance Act evidence was strong and an important strand of evidence on which such judgements should be based. This course of action would constitute a reasonable allegation and used as a basis to progress to the next stage to establish rights. Conversely if the claims were disregarded at this stage, there would be no subsequent opportunity to progress any further and would serve to undermine the strength of the Finance Act which was used to underpin so many claims.

24.33 The Committee took the opportunity to clarify the current proposal as being as set out in (b), (c) (F - G only) and (d) in paragraph 4.4 of the report, refusing to make an Order for A - B1, B - E and E - F. On being put to the vote there was an equality of votes. In the circumstances the Chairman used his casting vote to vote against the proposal, which consequently fell.

24.34 The Committee then voted on the recommendation set out in paragraph 4.4 of the report, with the inclusion of B - E in (a). On being put to the vote there was once again an equality of votes for and against. The Chairman used his casting vote to vote for the recommendation contained in paragraph 4.4 of the report, that the Order be made.

#### **Resolved**

25.1 That an Order be made to record the route as shown on Drawing 14/07/3 between points A – A1 – B – B1 and B - E as a restricted byway.

25.2 That an Order be made to record the route as shown on Drawing 14/07/3 between points A – X as a restricted byway.

25.3 That an Order be made to record the route as shown on Drawing 14/07/3 between points E – F – G as a footpath.

25.4 That an Order be made to record the route as shown on Drawing 14/07/3 between points B1 – B2 – B3 – C – C1 – C2 – C3 – D as a footpath.

#### **Reasons for Decisions**

26.1 The available evidence for the route as shown between A - A1 - B - B1 and B - E showed, on balance, that public vehicular rights were reasonably alleged to subsist. As there was no evidence that exceptions applied, the provisions of the Natural Environment and Rural Communities Act 2006

extinguished the public rights for mechanically propelled vehicles and therefore an Order should be made for restricted byways over those routes.

26.2 The available evidence for the route as shown between A – X showed, on balance, that public vehicular rights were reasonably alleged to subsist. As there was no evidence that exceptions applied, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an Order should be made for restricted byways over those routes.

26.3 The available evidence for the route as shown E – F – G showed, on balance, that public footpath rights were reasonably alleged to subsist.

26.4 The available evidence for the route as shown B1 - D showed, on balance, that public footpath rights were reasonably alleged to subsist.

26.5 Decisions on applications and proposals for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and achieved the Corporate Plan objectives of:

- Enabling Economic Growth
  - Ensure good management of our environmental and historic assets and heritage.
- Health, Wellbeing and Safeguarding
  - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset.
  - Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live.
  - Enable people to live in safe, healthy and accessible environments and communities.

Regulatory Office 12/03/16 mins 24-26

KJS 017/16

**Dorset County Council**



**Wildlife and Countryside Act 1981**

**Dorset County Council  
County of Dorset Definitive Map and Statement of Rights of Way**

**Dorset County Council (Restricted Byways and Footpaths from Mill Lane to High Street  
and Crown Mead, Wimborne Minster)  
Definitive Map and Statement Modification Order 2016**

This Order is made by Dorset County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Dorset Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) namely, 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 and section 53(3)(c)(iii) namely that any other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area includes the land to which the Order relates. The Dorset County Council hereby order that:

1. For the purposes of this Order the relevant date is 10 December 2015.
2. The County of Dorset Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the "Dorset County Council (Restricted Byways and Footpaths from Mill Lane to High Street and Crown Mead, Wimborne Minster) Definitive Map and Statement Modification Order 2016".



## SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

### Part I

#### **Modification of definitive map Description of ways and paths to be added**

#### **Restricted Byways and Footpaths at Wimborne Minster in the East Dorset District:**

##### A Restricted Byway

*(to be numbered Restricted Byway 17, Wimborne Minster)*

A – A1 – From its junction with Mill Lane, south of 5 Mill Lane at point A (SU 01030006), east, via point A1 (SU 0104200063), for a distance of 25 metres to point B (SU 01060006), extending north to point E (SU 0106300064) and  
B – B1 (from point B (SU 01060006)) south, passing to the west of Millbank House, to its junction with the proposed new Footpath 18 at point B1 (SU 01060005).  
and B – E The width varies: 5 metres between points A (SU 01030006) and A1 (SU 0104200063), 9 metres at point A1 (SU 0104200063), widening to 13 metres at point B (SU 01060006) (extending south to point B1 (SU 01060005) and north to point E (SU 0106300064)), as shown shaded hatched on the Order plan 14/07/4.

##### A Footpath

*(to be numbered Footpath 18, Wimborne Minster)*

B1 – B2 – From its junction with the proposed new Restricted Byway 17, to the west of  
B3 – C – Millbank House at point B1 (SU 01060005), south and south east along a  
D tarmac/paved surfaced path, on the eastern bank of the River Allen, to the west of a car parking area, via points B2 (SU 01060003) and B3 (SU 01080001), then south and south south west, passing to the west of the supermarket to Crown Mead at point C (SZ 01079995). Continue west, crossing a bridge over the River Allen, then west, passing to the south of the library and continuing west to its junction with the High Street, south of 55 High Street at point D (SZ 01009995).  
The width varies: 10 metres between points B1 (SU 01060005) and B2 (SU 01060003), 3 metres between points B2 (SU 01060003) and B3 (SU 01080001), 4 metres between points B3 (SU 01080001) and C (SZ 01079995), 4 metres at point C (SZ 01079995), 4.6 metres at point D (SZ 01009995).

##### A Footpath

*(to be numbered Footpath 19, Wimborne Minster)*

E – F – G From its junction with the proposed new Restricted Byway 17, to the west of Millbank House at point E (SU 0106300064), north through a covered passageway, then generally north north east along the eastern bank of the River Allen and crossing a bridge over a branch of the River Allen at point F (SU 01070009). Continue north north east, entering the car park, then east south east across the car park for a distance of 52 metres to its junction with Crown Mead at point G (SU 01120009).  
The width varies: 2.5 metres between points E (SU 0106300064) and F (SU 01070009), 2 metres between points F (SU 01070009) and G (SU 01120009).

**A Restricted Byway**

*(to be numbered Restricted Byway 20, Wimborne Minster)*

- A – X From its junction with Mill Lane, south of 5 Mill Lane at point A (SU 01030006), generally south along a tarmac surfaced path, between the properties 5 and 17 Mill Lane, then turning east, at the south of 17 Mill Lane, to the bank of the River Allen at point X (SU 01040004).  
The width varies: 3 metres at point A (SU 01030006), widening to 7 metres at point X (SU 01040004) as shown shaded cross hatched on the Order plan 14/07/4.

**Part II**

**Modification of definitive statement  
Variation of particulars of ways and paths**

**Add:**

Restricted Byway 17, Wimborne Minster in the East Dorset District:

From: SU 01030006 To: SU 01060005  
From its junction with Mill Lane, south of 5 Mill Lane at, east, via SU 0104200063, for a distance of 25 metres to SU 01060006, extending north to SU 0106300064 and (from SU 01060006) south, passing to the west of Millbank House, to its junction with Footpath 18.  
The width varies: 5 metres between SU 01030006 and SU 0104200063, 9 metres at SU 0104200063, widening to 13 metres at SU 01060006 (extending south to SU 01060005 and north to SU 0106300064), as shown shaded hatched on the Order plan 14/07/4.

**Add:**

Footpath 18, Wimborne Minster in the East Dorset District:

From: SU 01060005 To: SZ 01009995  
From its junction with Restricted Byway 17, to the west of Millbank House, south and south east along a tarmac/paved surfaced path, on the eastern bank of the River Allen, to the west of a car parking area, via SU 01060003 and SU 01080001, then south and south south west, passing to the west of the supermarket to Crown Mead at SZ 01079995. Continue west, crossing a bridge over the River Allen, and passing to the south of the library and continuing west to its junction with the High Street, south of 55 High Street.  
The width varies: 10 metres between SU 01060005 and SU 01060003, 3 metres between SU 01060003 and SU 01080001, 4 metres between SU 01080001 and SZ 01079995, 4 metres at SZ 01079995, 4.6 metres at SZ 01009995.

**Add:**

Footpath 19, Wimborne Minster in the East Dorset District:

From: SU 0106300064 To: SU 01120009  
From its junction with Restricted Byway 17, to the west of Millbank House, north through a covered passageway, then generally north north east along the eastern bank of the River Allen and crossing a bridge over a branch of the River Allen at SU 01070009. Continue north north east, entering the car park, then east south east across the car park for a distance of 52 metres to its junction with Crown Mead.  
The width varies: 2.5 metres between SU 0106400068 and SU 01070009, 2 metres between SU 01070009 and SU 01120009.

**Add:**

Restricted Byway 20, Wimborne Minster in the East Dorset District:

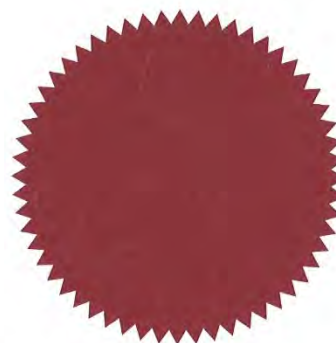
From: SU 01030006 To: SU 01040004

From its junction with Mill Lane, south of 5 Mill Lane, generally south along a tarmac surfaced path, between the properties 5 and 17 Mill Lane, then turning east, at the south of 17 Mill Lane, to the bank of the River Allen.

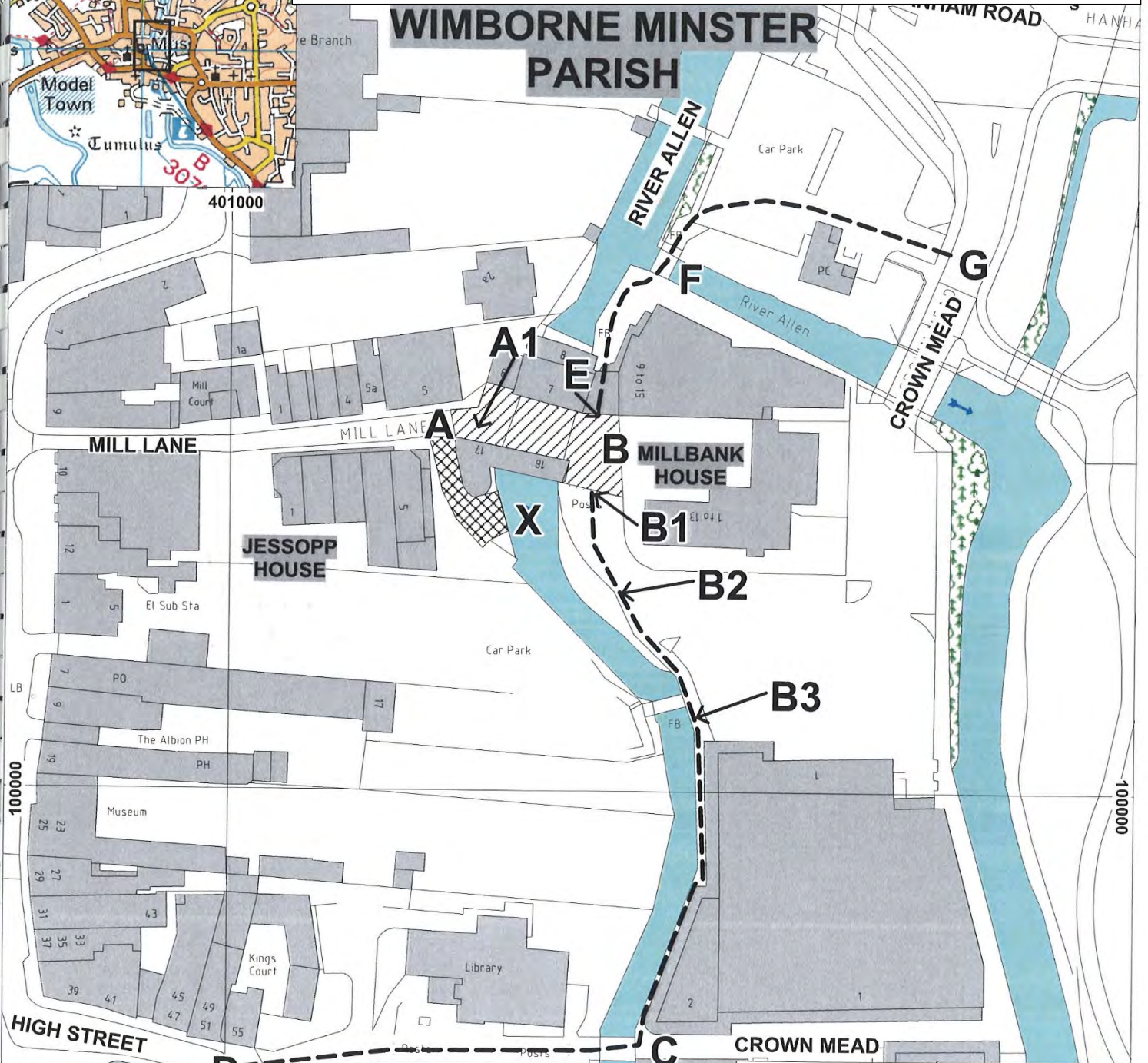
Width: 3 metres at SU 01030006, widening to 7 metres at SU 01040004 as shown shaded cross hatched on the Order Plan 14/07/4.

Dated this 22<sup>ND</sup> day of JANUARY 2016

THE COMMON SEAL OF THE  
DORSET COUNTY COUNCIL  
was fixed in the presence of:-



Authorised Signatory



**GRID REFERENCES**

- |                  |                 |
|------------------|-----------------|
| A SU 01030006    | C SZ 01079995   |
| A1 SU 0104200063 | D SZ 01009995   |
| B SU 01060006    | E SU 0106300064 |
| B1 SU 01060005   | F SU 01070009   |
| B2 SU 01060003   | G SU 01120009   |
| B3 SU 01080001   | X SU 01040004   |

**KEY**

- DEFINITIVE FOOTPATH**
- PROPOSED FOOTPATHS**  
 B1 B2 B3 C D E F G
- PROPOSED RESTRICTED BYWAYS**  
 A A1 B & B1 E  
  
 A X

*Corinna Mei*

**DORSET COUNTY COUNCIL (RESTRICTED BYWAYS AND FOOTPATHS FROM MILL LANE TO HIGH STREET AND CROWN MEAD, WIMBORNE MINSTER) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016**

**Ref: 14/07/4**  
 Date: 09/12/2015  
 Scale 1:1000  
 Drawn By: KJS  
 Cent X: 401059  
 Cent Y: 100028

GEOGRAPHICAL INFORMATION SYSTEMS

**Dorset County Council**

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**Table of responses and additional evidence received supporting and opposing the Order**

<b>SUPPORTING THE ORDER</b>		
<b>NAME</b>	<b>COMMENTS</b>	<b>OFFICER'S COMMENTS</b>
Mr G Hemsley, The Ramblers	Welcomes the proposed Order	
Mrs A Chalkley	Supports Order, disappointed it has taken so long, lived in Wimborne all her life (1936). Mill Lane has become "a blot on the landscape". Has used the route for many years with friends.	
Mrs V Maidment	Supports the proposal, objects to the restrictions in Mill Lane, fences, bollards, barriers and the lack of free movement over A to X leading to River Allen.	
Mrs J Dale (e-mail)	Supports the Order, surprised that they are not already recorded on the Definitive Map. Has used the paths regularly over the last 30 years (1986), two or three times weekly.	Provides no evidence for the period prior to the public rights being challenged (1979)
Mrs B Fraser	Supports Order, notes that Mill Lane has become a difficult area to access due to the restrictions and limitations, fences and barriers that have been installed.	
Ms L Wilkins	Supports Order.	
Mrs B Masterman	Believes it is a right of way and should not be blocked by locked gates.	
Mr D & Mrs S Slade	They support the Order but have experienced restrictions for some years. Have always understood the route(s) to be public as historically horses could be led down to the river to drink.	
Ms P Smith	Supports the Order.	
Mr A West	A new resident in the area but supports the Order.	In residence since February 2016. Consequently can provide no evidence in support of or against the Order

<b>SUPPORTING THE ORDER</b>		
Mr B Masterman	Favours the proposal, believes it is wrong for a public right of way to be blocked and gates to be locked by a private individual.	Although this witness believes that the routes are public rights of way and it is considered that the evidence examined demonstrates it, they are not recorded on the Definitive Map and their status is under investigation.
Ms F Metcalfe	Supports Order, frequent user of Mill Lane on foot and by car.	
Mrs E Friend	Believes the route is a public right of way, uses it two or three times weekly and welcomes the proposals to improve the route.	
Mrs M Wood	Approves of the proposal.	
Mr A Spencer	Supports Order, believes from the evidence seen that there has always been a public right of way.	
Mr J Young	Supports Order, finds present restrictions unacceptable.	
Mrs V Blunden	Supports Order, lived in Wimborne since 1973 and has used the route since then, refers to the 'recent' gates and barriers, which she regards as obstructions	Evidence relates to a period immediately prior to the date considered as the challenge to public use, states that gates and barriers are 'recent' additions.

<b>SUPPORTING THE ORDER</b>		
Mr R Bushby	<p>Supports Order. Father ran garage in Mill Lane since 1959, then a tenant of Mr H Slocock. Took over the business from father in 1993 and ran it until 2015. As a child played in Mill Lane and Crowther's car park (1960s), used slipway to fish. Never any gates but there was a pay kiosk into the car park. Busy café in corner of car park (early 1960s and 70s). Until supermarket built everybody drove and walked up Mill Lane the only gate was under the Archway, point F, it was closed occasionally but people could still get through it or over it, nobody was ever stopped. After Mr H Slocock died, Mr C Slocock took over and lots of signs put up, and bollards (2002), red signs have been there longer (1980s). Industrial gates next to garage then erected and locked once or twice a year. Provided a photograph taken 1988/89 of what is now the Tattoo Parlour, point A, showing no signs other than his own "Ken Bushby" and another stating "Mill Lane Body and Spray Works", were in place. No signs on any of the other buildings, most of the private signs date from 2002.</p>	See report for full summary and analysis.
Mrs E T McCartney	<p>Supports Order, wife of Mr B McCartney (deceased), former owner of the land between points A and B1. Submitted new evidence, documents relating to the sale of the land in 1988, for evaluation.</p>	See report for full summary and analysis.

<b>OPPOSING THE ORDER</b>		
<b>NAME</b>	<b>COMMENTS</b>	<b>OFFICER'S COMMENTS</b>
Mr & Mrs S Balson	Have lived in Wimborne for 67 years. Land has been controlled with notices and annual closures. Understands that local companies [in Mill Lane] are upset about parking and does not wish to see them leave.	Parking not affected by proposal. Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mr J Batchelor	Has lived in Wimborne 57 years (1949), land is privately owned. Access controlled to prevent accrual of public rights. Aware of signs being in place over that period and that gate(s) were closed for periods of 24 hours, or much longer periods the further back in time you go.	Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mrs G Stean	Lived in Wimborne for 40 years (1976). Aware of notices and gates, which were locked.	Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mrs E Wheelton	Lives in Australia but visited the area in 1972; 74; 76 and 89. Aware of gates being locked at Christmas [no dates given]. Husband lived in Wimborne and worked in Mill Lane for many years before war and told her that access to Crown Mead was not possible as it was all private.	(Letter dated 30 March 2016 but posted in Wimborne on 6 April 2016.) Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mrs M James	Lived in area since 1988. Obvious that Mill Lane is private, signs, gates closed annually. Order unreasonable and unnecessary.	Witness's statement in respect of the situation from 1998 is probably correct. However, the evidence indicates that public rights were acquired prior to the witness residing in the area, a period for which she is unable to provide any evidence.
A Taste of Rasa Sayang (Mrs Y R Slocock) (1)	Lived here for 28 years, Mill Lane always been private, signs in place during this period, owner closed gate for 24 hours at least once a year. Will affect customer parking and therefore her business, unnecessary, unreasonable, will seek compensation from DCC.	Resident since 1988, the evidence indicates that public rights were acquired prior to the witness residing in the area. Parking not affected by proposal. Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. No compensation would be payable.



<b>OPPOSING THE ORDER</b>		
Ms N Taylor	Lived in Wimborne 33 years (1983), being a tenant of landowner for past 4 years, aware of signs and gate being locked for 24 hour periods. Concerned that Order would affect parking and if approved will seek compensation.	Witness's statement in respect of the situation from 1983 is probably correct. However, the evidence indicates that public rights were acquired prior to the witness residing in the area, a period for which she is unable to provide any evidence. Parking not affected by proposal. Signs and gates acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. No compensation would be payable.
Mr C Rowell	Order would affect his business, parking and prove financially damaging, is unreasonable and unnecessary. Will seek financial compensation from DCC.	Parking not affected by proposal. No compensation would be payable.
Mrs Y R Slocock (2)	Believes that proposal is part of a vendetta by a few residents of Millbank House led by Mrs Hopkins. Mill Lane precinct has always been private property with signs stating as much. Aware that owner closed the gate annually for 24 hours throughout her period of residence, which covers 28 years (1988). Her private parking will be affected and she will seek compensation from DCC.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Witness's statement in respect of the situation from 1988 is probably correct. However, the evidence indicates that public rights were acquired prior to the witness residing in the area, a period for which she is unable to provide any evidence.
Ms A Slocock	Proposal unreasonable. Lived in Wimborne for 20 years, land was controlled to prevent accrual of public right of way, aware of signs and gates being closed/locked annually, usually on Christmas Day. Order will commercially damage Slocock Trust property.	Beneficiary of Slocock Trust. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.

<b>OPPOSING THE ORDER</b>		
Mrs V Bossem	Lived in Wimborne for 9 years (1997), confirms land has been privately owned, access controlled to prevent public rights being acquired. Gates locked annually for 24 hour periods. Landowner advised her that her parking will be affected, Order a waste of time & money, will seek financial compensation.	Tenant of landowner for 7 years (1999). Only aware of situation since 1999, the evidence indicates that public rights were acquired prior to the witness residing in the area, a period for which she is unable to provide any evidence. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mr D Wheelton	Born in Wimborne 1943, served apprenticeship in Mill Lane until August 1967. Emigrated to Australia 1970. Land has been privately owned with notices stating not a public right of way, gates locked for 24 hour periods for 60 years or more. Has returned to UK on a number of occasions and can confirm that notices, gates and barriers were still in place.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Evidence suggests only one gate prior to 2002 and barriers and fencing erected at the same time.
Mr K Short (1)	Has owned sign engraving business in Mill Lane since 1979, made sign for landowner Mr C J Slocock and his father Mr H Slocock, signs have been displayed throughout the estate during this time. Aware that both Mr C and Mr H Slocock annually closed gates on estate for 24 hours at Christmas, Easter and bank holidays during this period. Does not believe public rights exist, Order would affect his parking and be financially damaging.	Mr Short is/was a tenant of both Mr C and Mr H Slocock since 1979 and has amended his statement during the course of the investigation (see previous reports)
Ms C Potts	Lived in Wimborne for 16 years (1990). Parking and business will be affected, land private not public, controlled with signs and gates closed for 24 hours once a year, unfair and vindictive, waste of money.	Provides evidence for a period post dedication. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking unaffected by proposal.

<b>OPPOSING THE ORDER</b>		
Mr A Payne	Concerned Order will affect parking and damage business, aware of signs and gates being locked for 24 hour periods. Order not justified on evidence, financial compensation should be paid to those affected.	Tenant of 'landowner' since 2013 (3 years) consequently, although correct, his evidence relates to a period long after dedication took place. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking unaffected by proposal.
Mr C J Slocock	Right of way does not subsist, no dedication at common law. Lack of intention to dedicate has been demonstrated by landowner.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Mr Slocock did not own A to B1 until 1988 so was not capable of demonstrating a lack of intention to dedicate prior to this time
Mr D Slocock	Lived in Wimborne 23 years, involved with closing gate for 24 hour periods, usually Christmas, during which the signs had been pointed out to him. Order would significantly damage Trust land and affect parking, access and development. Order should be dismissed and compensation paid.	Beneficiary of Slocock Trust. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking, access unaffected.
Mr D Hoyle	Referred to earlier submission summarised in previous report. Lived in Wimborne for 40 years (1976), aware of gates and signs, disputes historical evidence.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.
Mrs S Lavender	Lived in area for 60 years, aware that land was privately owned and controlled with signs saying it was not a public right of way. Also gates locked for 24 hours at relevant points, unnecessary, unreasonable, and a waste of money.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Does not indicate where relevant points are.

<b>OPPOSING THE ORDER</b>		
Mr A M Hadfield	Lived in Wimborne 48 years (1972). Understands land has been private throughout this period with signs stating no public right of way and gates, locked for periods of 24 hours. Parking and business will be affected. Aware that Mr Crowther owned car park and restricted access to Crown Mead. Gate after Archway (F) was locked shut all the time.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking unaffected by proposal.
Mr K Short (2)	Responded to reply to his initial submission. Confirmed that signs he manufactured for the landowner(s) were in the locations he identified on the accompanying plan since 1979.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Other evidence, documentary and user, contradicts this.
Mr D Waters (Waters Surveyors)	Acting on behalf of the freehold owners of Crown Mead. Owners have no particular objection to proposal providing that maintenance liability would rest with DCC.	Treated as an objection, although not relevant, as no guarantee can be provided as to future liabilities. No relevant evidence provided for or against the proposal.
Mr D R Bailey	Protests against change of status of path, increased pedestrian traffic would be hazardous to vehicle movements, increase in litter and dog mess. Pointless, needless.	Offers no relevant evidence for consideration.
Mr D R Hart	Lived in Wimborne 65 years (1951). Aware that land privately owned and access controlled throughout this period with signs stating no public right of way and gates, locked for 24 hour periods. Parking and business affected. Aware Mr Crowther owned car park and restricted access to what is now Crown Mead. Gate on other side (F) was locked shut all the time until the 70s or 80s.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking unaffected by proposal.
Mr D Munford	Lived in area for 49 years (1967). Aware that land is private and controlled with signs saying no public right of way, gates locked for 24 hours. Order will affect business and parking on Mill Lane.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Parking unaffected by proposal.

<b>OPPOSING THE ORDER</b>		
Mr C J Slocock (2)	Right of way does not subsist, no dedication at common law. Lack of intention to dedicate has been demonstrated by landowner. Significant procedural errors have occurred.	Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Has yet to disclose what he believes to have been procedural errors on the part of DCC.
Mr C J Slocock (3)	Submission identical to second above, different typeface and address (Unit 6 Mill Lane), summary as above.	Comments as above.
The Minster Press (Mr C J Slocock) (4)	Objects on same grounds as first and second submissions.	Comments same as first and second submissions.
Ms J Carter	Lived in area for 39 years (1976), aware that land is privately owned and controlled with signs saying no public right of way, gates at relevant points locked for periods of 24 hours. Understands that "Restrictive Bye way" will not allow mechanical propelled vehicles, will affect her classes at A Taste of Rasa Sayang, will affect her and the business.	Has only resided in the area from around the time the evidence suggests that the public rights were brought into question, offers no evidence prior to this time. Private vehicular rights will not be affected.
A Taste of Rasa Sayang (Restaurant, Mill Lane (Mrs Y R Slocock) (3)	Does not believe the evidence demonstrates a right of way exists or existed prior to closing of gates. Landowner took steps to prevent accrual of public rights through signs and closing of gates.	Has made previous submission(s) (see above). Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.

<b>OPPOSING THE ORDER</b>		
<p>Mr J Slocock</p>	<p>Lived in Wimborne 26 years (1990), born there, objects as DCC have not demonstrated that the public rights exist. His father and grandfather took action to prevent accrual of public rights, signs, gates locked for 24 hours. No consideration of commercial impact, effect on parking, development, security, traffic management, cleaning, maintenance. Unreasonable as on a number of occasions Highway Authority stated that no public rights existed in Mill Lane.</p>	<p>Not clear as to when the 26 year period falls, possibly 1990/2016 in which case evidence relates to a period long after public rights had been dedicated. Does not agree to report conclusions but provides no evidence as to why. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. The issues raised such as commercial impact and traffic management are not issues that can be taken into consideration when determining the application. The Highway Authority/District Council statements were and are correct as, with the exception of that part of Mill Lane recorded as a publicly maintainable highway on the List of Streets, there are currently no additional recorded public rights of way within the area of the application.</p>
<p>Mr I Spiers, Surveyor (Landowner's Representative)(1)</p>	<p>Objects to Order. Complains that client was not informed of the application or Order. Evidence does not support the proposal, complains of procedural errors.</p>	<p>Mr Spiers' client is the owner of Unit 6, Mill Lane, which comprises a lock-up garage/shed. The owner of Unit 6 is Mr C J Slocock who, as members will be aware, owns several properties in Mill Lane and has been consulted widely and responded several times to the application. Mr Spiers provides no evidence to substantiate his conclusion that the evidence considered does not support the report's conclusions or to what he considers constitutes procedural errors.</p>

<b>OPPOSING THE ORDER</b>		
<p>Mr I Spiers, Surveyor (Landowner's Representative)(2)</p>	<p>(Second submission) Objects to Order as rights of way shown do not subsist. Documentary evidence does not support the Order, landowner has taken measures to demonstrate a lack of intention to dedicate, procedural errors.</p>	<p>Provides no evidence in support of his conclusions in respect of the documentary evidence. Mr Slocock's action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Whilst prior to 1988, this action in respect of that part of the route between points A and B1 may constitute a challenge to users, as Mr Slocock did not own the land it cannot be taken as a lack of intention to dedicate unless he could demonstrate that he was acting under the authority of the actual landowner, something he has not been able to demonstrate.</p>
<p>Mrs S Tucker</p>	<p>Does not believe a public right of way subsists. Lived in Wimborne for 25 years (1989) aware of signs and has witnessed gates being locked for 24 hour periods.</p>	<p>Period of residence postdates the time at which it is believed that the existence of public rights was brought into question. Action in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken.</p>
<p>Ms K Harvey</p>	<p>Lived in area for 21 years (1995) aware that land is privately owned and "controlled" with signs stating "not a public right of way", gates at 'relevant points' locked for periods of 24 hours, which she had witnessed. Understands that a Restrictive "Bye way" will not allow mechanical propelled vehicles, will affect business and parking.</p>	<p>Has only resided in area since 1995, therefore her evidence postdates the time at which it is believed the public rights were brought into question. Private vehicular rights would not be affected nor would parking. Action in respect of signs and gates is acknowledged but evidence demonstrates that public rights existed prior to this action being taken.</p>
<p>Mr &amp; Mrs Dunningham</p>	<p>Lived in Wimborne for 54 years (1960). Do not believe that public rights exist, aware that land is privately owned and access "controlled", also of signs stating private land over the period and gates locked for 24 hour periods annually.</p>	<p>Do not believe public rights exist but provide no evidence to dispute the documentary evidence. Most land is privately owned but may be subject to public rights over it. They may have been aware or have been told that the gates had been locked but unlikely that they would have observed such action over a 24 hour period</p>

<b>OPPOSING THE ORDER</b>		
<p>Name of witness difficult to discern, possibly Stephanie, but no return address was supplied</p>	<p>Lived in Wimborne over 30 years (1986), now a frequent visitor. Mill Lane always been private property, aware of signs saying as such and no public right of way as well as gates being closed for 24 hour periods.</p>	<p>Unable to determine whether the 30 year period preceded the “frequent visitor” period. Majority of public rights of way pass over private property, refers to gates being closed not locked, unlikely to have personally observed such events over a 24 hour period.</p>
<p>Mr C J Slocock (5)</p>	<p>Refers to correspondence from Highway Authority stating area not subject to any public rights of way. Land includes a private road with a right of way for Millbank House residents, privately maintained, owned and lit. Gates locked to prevent accrual of public rights. Plan shows extended areas and additional measurements, no notice given to landowners and tenants. Order objected to, widths excessive, unreasonable. If approved Order would interfere with parking, private access. Considers application was engineered by a few individuals with a personal interest. The landowner has operated a permissive path with signs and gates that were locked for 24 hour periods. It is possible that some users passed through regularly but were unaware of the control of the land and their claims should be considered as invalid. The land from A to X is not part of the public highway, historic access for horses associated with the brewery has long been abandoned and the land privately controlled with restricted access.</p>	<p>The application is to add unrecorded public rights of way to the Definitive Map, as such any previous correspondence from DCC or the District Council would have stated that there were no recorded public rights of way as none are currently recorded. As members will be aware, it does not necessarily follow from this statement that no public rights of way exist. Action taken by landowner in respect of signs and gates is acknowledged, but evidence demonstrates that public rights existed prior to this action being taken. Current landowner appears to acknowledge that the locking of gates/signs may not have been brought to the attention of many regular users. Documentary evidence suggests that A to X and A to B1 were considered to be public highways, the ‘public watering place’ as its name implies, was for the use of the public at large not just the brewery.</p>



<b>OPPOSING THE ORDER</b>		
Mr A Cosgrove	Lived in the town from 1955 before moving to Shapwick in 1980. Worked in garage providing taxis/wedding cars, competing with Crowther's who owned Crown Mead and charged for parking. Access was only possible when car park was open. In course of employment dealt with Minster Press and visited premises in Mill Lane and was aware of signs around the late 1960s. Continued to work in the town and is aware that both Mr C Slocock and his father sought to prevent any dedication over their property.	The question as to whether Mr Crowther locked the gates is disputed by other witnesses who claim the contrary. There is little, if any, corroborated evidence to suggest that any signs had been in place prior to 1979. Action in respect of signs and gates by present landowner acknowledged but evidence demonstrates that public rights were dedicated prior to this action being taken. Mr Slocock did not own A to B1 until 1988.
Mrs J Young	Worked in Mill Lane from 1947, aged 18, until 1952 as a journalist/editor. Moved to Bristol 1952, family remained in Wimborne often visited family, now resides in Scotland. Confirms that land is privately owned and access was limited, later Mr Crowther owned land. No free access, owner closed access and chased people off when car park closed. Wooden bridge with locked gate crossed over river. During the 1940s and 50s at point F there were sluice gates and an eel trap, you could not pass this point.	The question as to whether Mr Crowther locked the gate is disputed by other witnesses. There is little if any corroborated evidence to suggest the signs had been in place prior to 1979. The action taken in respect of signs and gates is acknowledged, but the documentary evidence that public rights existed prior to this action being taken.

<b>OPPOSING THE ORDER</b>		
Cllr R Cook	Has connections with the area for almost 40 years, lived in town since 1987, being in business from 1978 to 2010. Prior to development of Crown Mead in 1980 the area was a car park. Aware that part of the route was in private ownership due to 'common knowledge' and signs. Concerned that letter from County Surveyor of 16 June states that there are no public footpaths or bridleways shown on the Definitive Map for that area. Asks that Order should not be confirmed.	As Cllr Cook will be aware this is an application to add a path to the Definitive Map, which, depending on the outcome of the investigation, may result in the recording of a way that, although public, has not been recorded on the Definitive Map. The County Surveyor's response was correct as the paths associated with this application are not recorded on the Definitive Map. Cllr Cook's evidence relates to a period from or just before the time it is considered the ways were dedicated. Although landowner's action in respect of signs and gates is acknowledged the evidence demonstrates that public rights existed prior to this action being taken.
BLM (Landowners, Crown Mead, Legal Representative)	Submitted a formal statement and objection	Analysed and summarised within the main body of this report
Mr K Short (3)	Third submission, raises issues of partiality, confirms signs had been on site "going back a very long way", his role was to make new plastic signs from 1979. Signs at point A are some of the oldest.	Mr Short is a tenant of Mr Slocock, he has altered his statements and has complained of 'partiality', but when asked to provide evidence of this did not respond. Manufactured signs used on the site since 1979 and those at point A amongst the oldest, photographic evidence suggests that there were no signs at point A in 1988/89.
Mr D Water's (Waters Surveyors) (2)	Acting on behalf of the freehold owners of the land at Crown Mead. Objects as feels the path should be adopted.	Does not dispute the evidence or question whether the route is a public right of way, only that its maintenance should be undertaken by the highway authority. Objection not relevant.

<b>OTHER SUBMISSIONS</b>		
<b>NAME</b>	<b>COMMENTS</b>	<b>OFFICER'S COMMENTS</b>
Mr I Spiers	Letter requesting copy of decision report and an explanation of the authority under which the report was made.	
Mr G Stephenson	Born in Wimborne 1945, has lived in France since 2001. Worked in Mill lane at an Industrial Unit leased from Mr H Slocock for 3 years. From personal knowledge no route north of point F which at that time was open meadows. Land known as Crown Mead was owned by Mr Crowther who operated ABC taxis, access from Mill Lane was gated and private and at that time there was no public car parking. There was a second access to this land via a narrow track that led from the High Street. To gain access to Crowther's land there was a narrow gated bridge. There was no public access and anyone venturing onto the land would be told by Mr Crowther to leave.	It is acknowledged within the report that until later development took place there was no discernible route north of point F, although the route as far as point F was available. The question as to the presence and location of gates is disputed by other witnesses, Mr Stephenson states that gates were present but not that they were locked. Private land does not preclude the existence of a public right of way over it, it is private subject to the right of the public to pass and repass. Mr Stephenson confirms that there was a route from the High Street (point D) to Crowther's land and consequently to Mill Lane.

Letter dated 2 October 1987 from Steele Raymond regarding the transfer of land from Mr Benjamin McCartney to Mr Horace Slocock

APPENDIX 2

**STEELE RAYMOND** SOLICITORS

Vendals House, Post Office Road, Bournemouth BH1 1BX Tel: (0202) 284586  
David R. Steele, LL.B., John R. Raymond, Simon S. Ousden, B.A. Fax: (0202) 282885  
Eugen F. Johnson, B.Sc., Julian L. L. Fenn, B.A. Telex: 418222  
Associates John Daniels, LL.B., Paul G. Longland, LL.B., B.C.L. DX 7842

Your Ref: PT/DT/WAT,0093 Our Ref: JRR/FI Date: 2 October 1987

Messrs Luff Raymond & Williams  
Solicitors  
DX 45303 WIMBORNE

- 5 OCT 1987  
SEEN  
PASSED TO

Dear Sirs

Millbank House Mill Lane Wimborne

We refer to our various telephone conversations and confirm that we are instructed to write to you regarding the disposal of the differences between our respective clients as follows:-

1. Our client will remove the overhanging roof. You have confirmed that it is in order for this work to be carried out.
2. Such arrangements to which your client is at present entitled regarding the well may be continued.
3. In so far as he is able, our client will release your client from the covenants referred to in your letter to us of 10 August 1987. If this matter proceeds, please let us have a draft release for approval.
4. Your client will give up all claims to the title of the 3' strip of land and will notify H M Land Registry accordingly. Your client will continue to enjoy any existing rights to any services under the strip of land in so far as they serve his adjoining property. We suggest that this is recorded in the Transfer referred to in paragraph 5.
5. Our client will transfer to your client the land edged red on the enclosed plan ("the Property") for a nominal consideration of £1 subject to the following terms:-
  - (a) The matter remains subject to contract until completion of the Transfer.
  - (b) The consent of our clients mortgages will be required to the release.
  - (c) The property will be subject to all matters affecting the title in the normal way. The Property will also be subject to all existing and necessary easements in favour of our client and the occupiers of the land remaining in our client's title. As the land is laid out at the moment the whole of it is used as a right of way by the public at large. There is no defined carriage way. A right of way at all times and for all purposes over the whole of the Property will, therefore, be reserved.
  - (d) The release by Millbank Residents Association Limited of its rights under the various occupational leases will be required. We enclose a specimen

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lease. Your client will be required to indemnify our client and the Company against any liability under the various leases in so far as it arises in connection with the Property.

(e) Your client will covenant to accept liability for the maintenance and repair of the Property and not to obstruct the right of way.

6. Each party will bear its own costs.

Our client has asked us to remind your client that our client did carry out remedial work on your client's adjoining property in order to assist your client and has made no charge for this work.

We would stress that the offer contained in this letter is made in the desire to close this long outstanding matter and look forward to hearing from you on Mr Tewkesbury's return from holiday.

Yours faithfully

  
STEELE RAYMOND

Encs

