

# Regulatory Committee

**Dorset County Council**



Date of meeting	28 February 2019
<u>Local Member(s):</u> Cllr Andrew Parry – Member for Ferndown Cllr Mike Parkes – Member for Ferndown <u>Lead Officer</u> Matthew Piles, Service Director, Environment, Infrastructure & Economy	
Subject of report	Application to divert part of Footpath 9, West Parley at Dudsbury Fort
Executive summary	This report considers an application to divert part of Footpath 9, West Parley at Dudsbury Fort as shown on Drawing 18/02/1 ( <a href="#">Appendix 1</a> ).
Applicant	Bournemouth Guide Camp Association
Impact Assessment:	<p>Equalities Impact Assessment: There is no furniture on the proposed route. The width, gradient and surface of the new route meet Dorset County Council's recommended standards for new footpaths.</p> <p>Use of Evidence: The applicant consulted the local Parish Council and key user groups before submitting the application in order to establish whether the proposals would have support.</p> <p>A full consultation exercise was carried out in February / March 2018 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Ferndown, Cllr Andrew Parry, was also consulted. Cllr Mike Parkes, Member for Ferndown (elected October 2018) was sent details of the proposal in December 2018.</p> <p>In addition, notices explaining the application were erected on site. Comments received are discussed in this report.</p>

	<p><b>Budget :</b> The applicant has agreed to pay in accordance with the County Council's usual scale of charges and also for the cost of advertising the Order and subsequent Notice of Confirmation. The law does not permit the County Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an Order is the subject of an objection.</p> <p><b>Risk Assessment:</b></p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW</p> <p><b>Other implications:</b> Sustainability – The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car. Use of public rights of way promotes a healthy balanced lifestyle.</p>
<p><b>Recommendations</b></p>	<p><b>That:</b></p> <ul style="list-style-type: none"> <li>(a) The application to divert part of Footpath 9, West Parley at Dudsbury Fort from A – B – C to A – D – E – F – G – G1 – G2 – H – C be accepted and an order made;</li> <li>(b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and</li> <li>(c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.</li> </ul>
<p><b>Reasons for Recommendations</b></p>	<ul style="list-style-type: none"> <li>(a) The proposed diversion meets the legal criteria set out in the Highways Act 1980.</li> <li>(b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.</li> <li>(c) Accordingly, the absence of objections may be taken as acceptance that the proposed new route is expedient and therefore the County Council can itself confirm the orders.</li> </ul> <p>Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-19 Outcomes Framework:</p>

	<p>People in Dorset are <b>Healthy</b>:</p> <ul style="list-style-type: none"> <li>• To help and encourage people to adopt healthy lifestyles and lead active lives</li> <li>• We will work hard to ensure our natural assets are well managed, accessible and promoted.</li> </ul> <p>Dorset's economy is <b>Prosperous</b>:</p> <ul style="list-style-type: none"> <li>• To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently</li> </ul> <p>Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.</p>
Appendices	<p>1 – <a href="#">Drawing 18/02/1</a>  2 – <a href="#">Drawing 19/02</a>  3 – <a href="#">Summary of consultation responses</a>  4 – <a href="#">Historic England's consultation responses</a>  5 – <a href="#">Drawing 18/28</a>  6 – <a href="#">Selected photographs of the new route</a>  7 – <a href="#">Complaints received by Guide Camp</a></p>
Background Papers	<p>The file of the Service Director, Environment, Infrastructure &amp; Economy (ref. RW/P189)</p>
Officer Contact	<p>Carol McKay  Definitive Map Technical Officer  Planning and Regulation Team  Tel: (01305) 225136  email: <a href="mailto:c.a.mckay@dorsetcc.gov.uk">c.a.mckay@dorsetcc.gov.uk</a></p>

## 1 Background

- 1.1 The County Council has received an application from Bournemouth Guide Camp Association to divert part of Footpath 9, West Parley at Dudsbury Fort, a Scheduled Monument, as shown on Drawing 18/02/1 attached as [Appendix 1](#).
- 1.2 Dudsbury Fort is an Iron Age hillfort situated on the north bank of the River Stour. The hillfort is a roughly oval enclosed area of about 3 hectares consisting of double ramparts and a ditch on the west, north and east sides, with a single rampart above a steep slope to the river on the south side. The ramparts are best preserved to the south west and north east. A plan indicating the extent of the Scheduled Monument is attached as [Appendix 2](#).
- 1.3 The current definitive route of Footpath 9, West Parley runs from point A to point B through a wooded area south of the property Castle Rings (176 Christchurch Road). The footpath is fenced along its northern side between A and B. At point B the footpath enters the guide camp and continues across an open grass area to point C. Both the current definitive and proposed new footpaths are within the Scheduled Monument.
- 1.4 The definitive line of Footpath 9 is obstructed by a hedge just south east of point C, and the used route detours around the end of the hedge slightly northeast of the definitive line of the path.
- 1.5 The proposed new route of Footpath 9 is 3.8 metres wide between points A – D, 2 metres wide between points D – E – F – G – G1 and G2 – H – C and 4 metres wide between G1 and G2. It runs from point A, south west along a woodland path to point D, then north west to point E, continuing around the edge of the guide camp via points F, G, G1, G2 and H to point C. At point F, vegetation has been cleared to create a viewpoint to the south west and at point H an interpretation board for Dudsbury Fort has been installed (see [Appendix 6](#)).
- 1.6 Scheduled Monument Consent was granted by the Secretary of State for the creation of a new footpath on Dudsbury Guide Camp's land, within the ramparts, including the erection of fencing, vegetation clearance and the installation of an interpretation board.
- 1.7 This diversion is being made in the interest of the landowners. The current route A – B – C runs through Castle Rings' land between points A – B and Dudsbury Guide Camp between points B – C. The proposed new route is within Castle Rings' land between points A – D – E and Dudsbury Guide Camp's land between points E – F – G – G1 – G2 – H – C.
- 1.8 The guide camp offers a variety of activities and camping for uniformed groups (brownies, guides etc) and school / private hire. In addition, the camp hosts a forest pre-school.
- 1.9 Footpath 9 bisects Dudsbury Guide Camp and has significant safeguarding implications as walkers are able to freely walk through the site. Some walkers trespass from the public footpath and there have been incidents of damage to tents and equipment, littering, damage to archaeological features and instances of walkers' dogs frightening site users.

- 1.10 The Guide Camp has provided copies of correspondence from site users (included as [Appendix 7](#)) which reveal problems encountered at Dudsbury Camp, which are compounded by the location of the public footpath.
- 1.11 Having a clearly defined path around the edge of the site would reduce contact between walkers and the guide camp users and also incidents of trespass.
- 1.12 Due to the location of the footpath, the preferred route for the diversion includes the section of footpath across Castle Rings from A – B. The owners of this property support the diversion around their property and will benefit from increased privacy.
- 1.13 In addition to improving privacy and security for both affected landowners, a number of improvements have been made to the proposed new route to enhance the public's enjoyment and understanding of the Iron Age Hill Fort.

## 2 Law

### Highways Act 1980

- 2.1 Section 119 of the Highways Act 1980 allows a footpath or bridleway (or part of one) to be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.
- 2.2 A diversion cannot alter the termination point of the path if the new termination point: -
  - (a) is not on a highway; or
  - (b) (where it is on a highway) is otherwise than on the same highway or a connected highway, which is substantially as convenient to the public.
- 2.3 A public path diversion order cannot be confirmed as an unopposed order unless the County Council are satisfied that:
  - (a) in the interests of the owner, lessee or occupier or of the public, the diversion to be effected by it is expedient;
  - (b) the diversion would not result in a path that is substantially less convenient to the public;and that it is expedient to confirm the order having regard to:
  - (c) the effect the diversion would have on public enjoyment of the footpath as a whole;
  - (d) the effect the diversion would have on other land served by the footpath; and
  - (e) the effect on the land over which the diversion will run and any land held with it.
- 2.4 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion orders the County Council must have regard to the needs of agriculture,

forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. "Agriculture" includes the breeding and keeping of horses.

- 2.5 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that the extinguishment of the existing public right of way "is not to come into force until the local highway authority for the new path or way certify that the work has been carried out".
- 2.6 The County Council may itself confirm the order if it is unopposed. If it is opposed it may be sent to the Secretary of State for confirmation.

#### Wildlife and Countryside Act 1981

- 2.7 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a diversion order to be included in the diversion order instead of being the subject of a separate legal event order.

#### Human Rights Act 1998 – Human rights implications

- 2.8 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property.

- 2.9 When considering whether it is expedient to make the order a council must have due regard of any argument put forward by an adjoining landowner that their rights under Article 8 and Article 1 of the First Protocol would be infringed.
- 2.10 Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.

#### Rights of Way Improvement Plan

- 2.11 Dorset County Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.12 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.
- 2.13 Five themes have been identified for improving access in Dorset of which the following are particularly relevant to the present case and should be considered in relation to this application:

- Theme 1.9 Ensure that the work of Dorset County Council and partners continues to protect and enhance Dorset's natural and cultural heritage.
- Theme 3.11 Seek opportunities to develop networks of paths and public outdoor space consisting of attractive, safe off-road routes enabling people of all ages, needs and abilities to walk/ride safely in and around their village/town, out to neighbouring settlements and into and about the wider countryside.

### **3 Consultation**

- 3.1 Both County Councillors for Ferndown (Cllr Andrew Parry and Cllr Mike Parkes) have been consulted.
- 3.2 Cllr Andrew Parry supports the diversion. He is satisfied that the new route will not impact on public enjoyment and that the diversion will improve safeguarding for the guide camp.
- 3.3 Details of the proposed diversion were sent to Cllr Mike Parkes after his election in October 2018.
- 3.4 All consultation responses are summarised in [Appendix 3](#). Historic England's responses are included in full in [Appendix 4](#).

#### **Objections**

- 3.5 Seven objections were initially received to the consultation. Three objections were subsequently withdrawn, after discussion with the Guide Camp and owners of Castle Rings.
- 3.6 The Guide Camp have agreed to increase the width of the new footpath between points G1 and G2 to 4 metres by moving the fence into the field along this stretch.
- 3.7 The four outstanding objections raise a number of different issues which are summarised below with comments from officers.
- 3.8 Dorset County Council's powers are challenged by one objector who considers that the path is part of our natural heritage and that Dorset County Council should not have the right to divert it.

Officers' comments;

- (a) The County Council does have power to divert the footpath if the tests in Section 119 of the Highways Act 1980 are met.
- 3.9 Two objectors question the benefits of the diversion for the Guide Camp.

Officers' comments

- (a) The current right of way cuts across the centre of the Girlguiding campsite and there are also constraints on fencing the path due to its designation as an historic monument. As a result, the camp experiences problems caused by members of the public freely wandering across the site.

- (b) The Guide Camp has provided officers with documentation regarding problems experienced on site (at Appendix 7).
- (c) The permissive path (the proposed new route of Footpath 9) currently in use has already had a beneficial impact for the Guide Camp by reducing the number of walkers using the footpath across the middle of the site.
- (d) Officers are satisfied that the proposed diversion will improve privacy.

3.10 It is asserted that the proposed diversion has a negative effect on the hillfort, a Scheduled Monument.

Officers' comments;

- (a) The legislation which protects scheduled monuments does not impose any restrictions on altering the rights of way network where a right of way crosses a scheduled monument.
- (b) Officers consider that the proposed new route greatly improves access to and understanding of the hillfort without having a negative impact on it. The proposed new route follows the ramparts to the south west (part of the best-preserved elements of the hillfort).
- (c) The new viewpoint at point F enables walkers to experience its elevated position. The current route, in contrast, runs through the centre of the hillfort, missing these features.
- (d) Significantly, Historic England has already consented to the fencing on the Guide Camp's land. The proposed new footpath between E – F – G – G1 – G2 – H – C was created following Scheduled Monument Consent which was granted by the Secretary of State. In assessing applications, the Secretary of State aims to ensure that the significance of protected sites is safeguarded for the long term. The proposed new footpath A – D – E is also available on the ground as a permissive route.
- (e) Historic England state that they are generally supportive of the diversion on the guide camp's land. They have made suggestions for alternative diversions which retain A – B.
  - i. Its suggested alternative route B – F is circuitous and impractical. A diversion from B to G would miss the new viewpoint at point F which increases the public's enjoyment of the hillfort.
  - ii. Diverting the route along B – F or B – G would also fail to achieve the improvements to security and privacy for the guide camp as walkers would still be in close proximity to site users and the only way to prevent trespass would be to fence the new route requiring further Scheduled Monument Consent and potentially planning permission. This would be an undesirable outcome for the guide camp as the campsite would be split in two, leaving the southern part virtually unusable.
  - iii. A diversion along the boundary between points B – E was ruled out at an early stage due to the presence of large oak trees along this route. The trees are subject to a Tree Preservation Order.



- iv. The guide camp has liaised closely with Historic England to achieve a footpath which is both acceptable to walkers and appropriate for the preservation of the hill fort. The alternative proposal which would leave A – B in place and create a new route between points B – G, B – F, or B – E was not pursued due to the reasons discussed above.

3.11 Historic England is also particularly concerned that higher security fencing would be installed along the new route A – D – E due to the increased vulnerability of Castle Rings and Dudsbury Manor.

Officers' comments;

- (a) Consent for fencing affecting the scheduled monument from Historic England is a separate issue which is independent of the Diversion Order process. The issue of whether or not Historic England would find it difficult to oppose an application for fencing in the future if the Diversion Order is confirmed is not a relevant consideration.
- (b) The owners of the neighbouring property Dudsbury Manor support the proposed diversion.
- (c) It is important to note that the proposed diversion does not include any proposal to fence in the new route. The section E – F – G – G1 – G2 – H – C is already fenced and Scheduled Monument Consent would be required to fence in the proposed new route A – D – E.

3.12 West Parley Parish Council object to the fencing of the new route A – D with barbed wire.

Officers' comments;

- (a) The new route is partly fenced with barbed wire along its eastern side which forms the boundary with the neighbouring property Dudsbury Manor. Dorset County Council's standard recommendation is 2 metres minimum width for footpaths with an additional 0.5 metre for an adjacent barbed wire fence. However, following comments received during the public consultation, the owners of Castle Rings have agreed to increase the width of this part of the new footpath to 3.8 metres. This section of the new footpath follows a natural tree line as illustrated in [Appendix 6](#).

3.13 The effect of the proposed diversion on the Stour Valley Way is raised by three of the objectors.

Officers' comments;

- (a) Officers feel that the effect of the diversion on the Stour Valley Way is beneficial as the new route improves walkers' enjoyment and understanding of the hillfort and improved views from the new path. The proposed route also passes a new interpretation board about the hillfort. The proposed diversion does extend the length of the Stour Valley Way but the increase of approximately 171 metres is considered to be reasonable given the overall length of the route which is 64 miles (103 km).

- (b) The owners of Castle Rings have agreed to fund and install a Stour Valley Way interpretation board along the new route on their land subject to the successful diversion of Footpath 9, West Parley.
- (c) It should be noted that if the diversion is unsuccessful and the permissive footpath is retained, the Stour Valley Way may be routed along the permissive path.

3.14 West Parley Parish Council alleges that there is a health risk on the new route due to the presence of ferns.

Officers' comments;

- (a) Natural England guidance states that there is a *possibility* that bracken spores are carcinogenic which is of possible concern to people living amongst bracken and breathing in its spores. The Health and Safety Executive recommends that a suitable face mask should be worn while cutting or working in spore-producing bracken (i.e. during late July, August and September). However, since there is no confirmed association between exposure to bracken and human disease, the danger to people who walk along footpaths where bracken is present is negligible.

3.15 Two objectors believe that the new footpath is closer to river bank / flood plain. The Ramblers, whilst not objecting to the diversion, have also expressed concerns about the drainage of the path E – F.

Officers' comments;

- (a) The proposed new footpath is around the edge of the hillfort and does not descend a slope or cross wetter ground. The elevation of the new route is similar to that of the current path.
- (b) With regards to the section between E – F, the site has been visited by officers and rangers on several occasions and no drainage problems have been found. However should any surface issues be identified, these would be resolved before the order is confirmed.

3.16 Historic England has concerns that the section of path between D and E is uneven and liable to path erosion.

Officers' comments;

- (a) Following the consultation which raised concerns about the sloping hollow (a former stock entrance), a path has been cleared through vegetation just northeast of this, avoiding the eroded path.

3.17 The restriction of access to the roundhouse is discussed by two of the objectors.

Officers' comments;

- (a) The roundhouse (approximate location indicated on Drawing 18/02/1) is part of the Guide's camp and is not on the current public right of way. It was not built as a tourist attraction and the only access for the public is by special invitation.
- 3.18 One objector believes that footpath users should not be inconvenienced so that the owners of Castle Rings can profit from the increase in the value of their property.

Officers' comments;

- (a) The application to divert the footpath was submitted by the Guide Camp before the recent sale of Castle Rings. Whilst the new owners are working closely with the Guide Camp in relation to the proposed diversion, the effect on property value is not a relevant factor in the proposal.
- 3.19 The effect of the diversion on trade for the public house at 176 Christchurch Road (Castle Rings) is raised by another objector.

Officers' comments

- (a) 176 Christchurch Road (Castle Rings) is a privately-owned house, not a public house

### **Support**

- 3.20 There are two consultees in support of the diversion. In addition to Cllr Parry, (see 3.2 above) the application is supported by the owners of Dudsbury Manor.

### **Other responses**

- 3.21 Eight other responses were received, neither objecting to nor supporting the application.
- 3.22 The Ramblers do not object to the proposed diversion although they raise concerns about the barbed wire alongside A – D, the erosion of the new route D – E and drainage of the path E – F.
- 3.23 These issues have been discussed with the Guide Camp and owners of Castle Rings and officers consider that the problems have been resolved by the increase in width of the route A – D and vegetation clearance D – E. The concerns regarding drainage are discussed above.
- 3.24 The Ramblers feel that the new path will improve the experience for users if the issues raised are resolved.

### **Summary**

- 3.25 The objections to the proposed diversion cover a wide range of matters, several of which are not applicable to Public Path Order legislation and some resulting from misinterpretation of the proposed diversion as set out in Drawing 18/02/1.

- 3.26 Issues relating to the path surface and fencing alongside the path have been resolved, with the assistance of the two affected landowners.
- 3.27 Officers consider that the overall impact of the diversion will increase the public enjoyment of the footpath, as the new path is a well-chosen route along the ramparts of the hillfort with excellent views over the river valley that are unavailable from the current public right of way. The footpath also increases understanding and appreciation of the hillfort.

#### **4 Discussion**

- 4.1 The proposed diversion is in the interest of the landowners. The new route will significantly improve privacy and security for both the Guide Camp and the owners of Castle Rings.
- 4.2 The termination points of Footpath 9 are unaffected by the proposed diversion.
- 4.3 The current route of Footpath 9, West Parley between A – B – C is approximately 244 metres long and the proposed new route from A – D – E – F – G – G1 – G2 – H – C is approximately 415 metres long. The proposed diversion will therefore increase the length of the footpath by approximately 171 metres.
- 4.4 However, when the proposed diversion is considered in context, the increase is less significant. Drawing 18/28 (attached as [Appendix 5](#)) shows the setting of Footpath 9 within the local area with connecting footpaths and roads. For example, the distance from X to Y via the current route of Footpath 9, West Parley is 963 metres, and the distance via the proposed new route is 1134 metres, an increase of 18%.
- 4.5 Overall, officers' view is that the increased length of the route would have no material effect on the enjoyment by the public of the route as a whole. The increased length of the route is balanced by the route following a more interesting and scenic path around the scheduled monument. The diversion would be beneficial to land currently served by the path. As an existing used route it would have no adverse effect on the land over which the new path runs and land held with it.
- 4.6 Officers consider that the proposed new footpath is more enjoyable for walkers as follows the ramparts of the hillfort and takes in an interpretation board and a viewpoint which enhances the experience of being on a hillfort.
- 4.7 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 4.8 The proposal affects the applicant's land and land belonging to Castle Rings, whose owners support the proposal. Given the route of the proposed diversion it is unlikely that compensation would be payable under Section 28 of the Highways Act 1980.
- 4.9 Some works will have to be carried out on the new route to improve it for public use:
- Vegetation clearance A – D to 3.8 metres

- Vegetation clearance D – E to 2 metres
  - Repositioning of fence alongside G1 – G2 to increase width of path to 4 metres
  - The works will be carried out and funded by the landowners.
- 4.10 The order will be confirmed only on completion of these works. If confirmed by the Secretary of State, the order will provide that the diversion is not effective until the works have been completed and certified.
- 4.11 In addition to the required works, the owners of Castle Rings have agreed to clear trees and vegetation to create a second viewpoint at a point between D and E, and to install an interpretation board for the Stour Valley Way, subject to the successful diversion of Footpath 9.
- 4.12 The order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space:
- Theme 1.9 Ensure that the work of Dorset County Council and partners continues to protect and enhance Dorset's natural and cultural heritage
  - Theme 3.11 Seek opportunities to develop networks of paths and public outdoor space consisting of attractive, safe off-road routes enabling people of all ages, needs and abilities to walk/ride safely in and around their village/town, out to neighbouring settlements and into and about the wider countryside

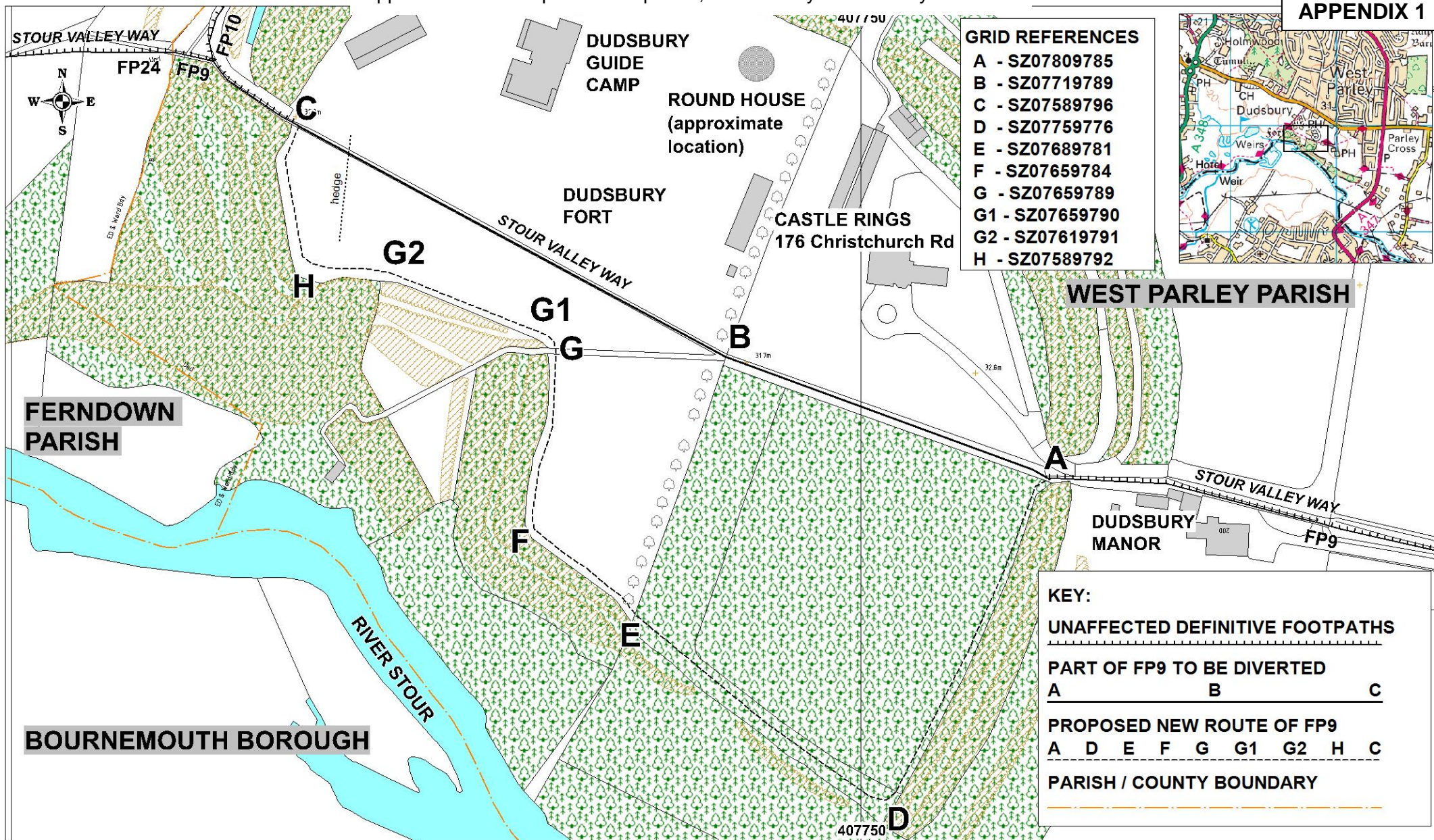
## **5 Conclusions**

- 5.1 The application to divert part of Footpath 9, West Parley meets the tests set out under the Highways Act 1980 as demonstrated above and therefore should be accepted and an order made.
- 5.2 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.
- 5.3 If there are no objections to a public path order, as the criteria for confirmation have been met the order should be confirmed.

**Matthew Piles**

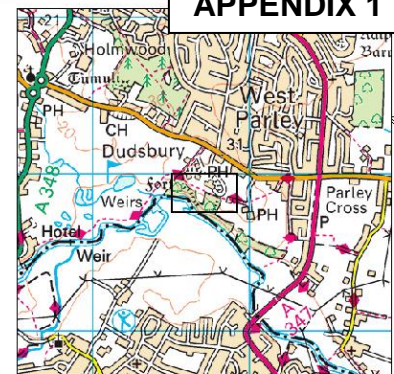
Service Director, Environment, Infrastructure & Economy

**January 2019**



**GRID REFERENCES**

A	- SZ07809785
B	- SZ07719789
C	- SZ07589796
D	- SZ07759776
E	- SZ07689781
F	- SZ07659784
G	- SZ07659789
G1	- SZ07659790
G2	- SZ07619791
H	- SZ07589792



**KEY:**

	UNAFFECTED DEFINITIVE FOOTPATHS
	PART OF FP9 TO BE DIVERTED
	PROPOSED NEW ROUTE OF FP9
	PARISH / COUNTY BOUNDARY

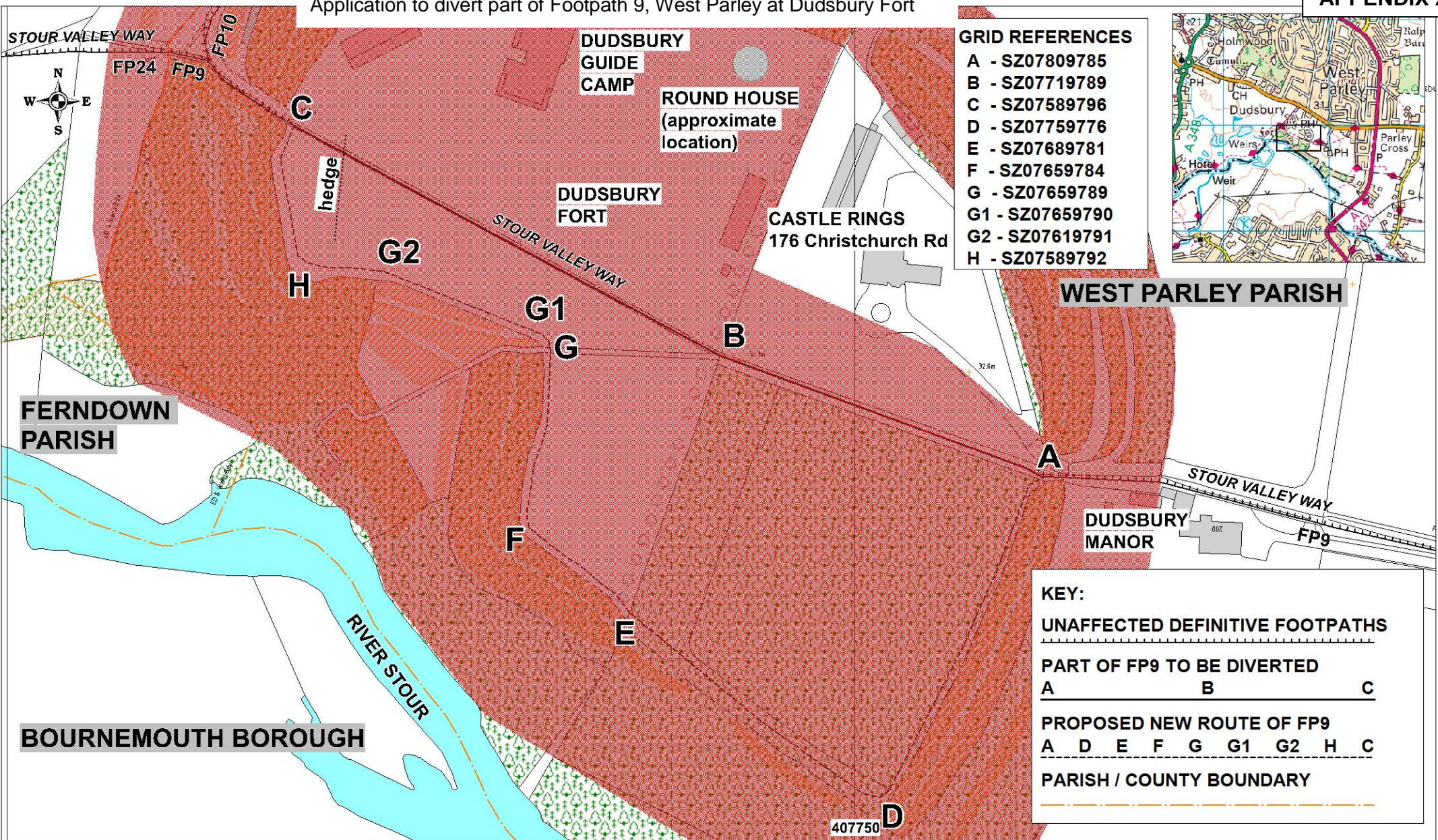
**SECTION 119, HIGHWAYS ACT 1980  
APPLICATION FOR A PUBLIC PATH ORDER  
TO DIVERT PART OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT**

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 18/02/1  
Date: 24/01/2019  
Scale 1:1500  
Drawn By: CAM  
Cent X: 407710  
Cent Y: 97874

GEOGRAPHICAL INFORMATION SYSTEMS  
  
**Dorset County Council**  
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Application to divert part of Footpath 9, West Parley at Dudsbury Fort



**GRID REFERENCES**

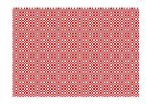
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- B - SZ07719789
- C - SZ07589796
- D - SZ07759776
- E - SZ07689781
- F - SZ07659784
- G - SZ07659789
- G1 - SZ07659790
- G2 - SZ07619791
- H - SZ07589792



**KEY:**

- UNAFFECTED DEFINITIVE FOOTPATHS  
—————
- PART OF FP9 TO BE DIVERTED  
A                      B                      C
- PROPOSED NEW ROUTE OF FP9  
A D E F G G1 G2 H C
- PARISH / COUNTY BOUNDARY  
- - - - -

**APPROXIMATE EXTENT OF SCHEDULED MONUMENT 1003583**



**THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS**

Ref: 19/02  
Date: 24/01/2019  
Scale 1:1500  
Drawn By: CAM  
Cent X: 407710  
Cent Y: 97874

GEOGRAPHICAL INFORMATION SYSTEMS

**Dorset County Council**

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### Summary of consultation responses

#### Objecting to the proposed diversion:

Name	Comments
HISTORIC ENGLAND	<p>See objection in full - <a href="#">Appendix 4</a></p> <p>Proposal affects scheduled monument 1003583 Dudsbury Camp. Appreciate reasons for proposal and aware of permissive path created with Historic England's agreement. Permanent diversion has implications for the scheduled monument that need to be resolved, including the exact position of the new route, fencing, path repairs and potential access to sensitive features vulnerable to erosion or unsocial activity.</p> <p>Supportive of a change to the western section of the path but concerns about the eastern section which it considers would have an adverse impact on the monument and on its public value.</p> <p>The new path may lead to the requirement for higher-security fencing for the neighbouring properties Castle Rings and Dudsbury Manor.</p> <p>Midway along the new route D – E is a sloping hollow (former stock entrance) making the path uneven and liable to erosion which may require ground maintenance or fencing in the future.</p> <p>Suggest an amended diversion A – B – G or A – B – F or similar.</p>
WEST PARLEY PARISH COUNCIL	<p>Object to diversion due to damage to historic monument, impact on Stour Valley Way, effect on heritage of the ancient site, reduced access to roundhouse built as a tourist attraction, path being closer to river bank and fenced with barbed wire, footpath crossing carcinogenic growth and general restriction of access for the public.</p>
MR B	<p>Objects because the proposed diversion does not appear to improve privacy for guide camp, extends length of the Stour Valley Way, moves the route to lower generally wetter ground. Feels that walks should not be inconvenienced to that owners of Castle Rings profit from diverting footpath thereby increasing the value of their property.</p>
MR AND MRS W	<p>DCC should not have the right to consider diverting ancient footpath that is part of the Stour Valley Way. New route is along a flood plain restricting public use. Existing route allows access to historic site including replica dwelling. Footpath does not disrupt or affect girl guide activities and is not an excuse to divert the existing route. Current path does not affect 176 Christchurch Road "which...is a Public House" and diversion could affect trade.</p>

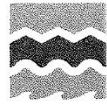


## Supporting the proposed diversion

Name	Comments
CLLR ANDREW PARRY, MEMBER FOR FERNDOWN	Satisfied that the proposal is not detrimental to walkers since the public footpath is being altered not closed. The diversion maintains the rural, countryside ambience, and will strengthen safeguarding measures for the guide camp.
MR AND MRS C	Initial objection to diversion subsequently withdrawn. Have confirmed that they support the diversion.

## Other responses received

Name	Comments
SOUTHERN GAS NETWORKS	Plan shows medium pressure mains
BT OPENREACH	No apparatus in area
WESSEX WATER	No comments, no infrastructure in area
CHRISTCHURCH AND EAST DORSET COUNCIL	Have consulted with Cllr Manuel (Portfolio Holder for Environment and Ward Member) and Cllr Parry (Ward Member) and have no objections to the diversion
THE RAMBLERS	No objection but comments; Barbed wire alongside A - D unnecessary / undesirable. Surface of path between D and E susceptible to serious erosion so substantial improvements needed. Drainage works needed E – F. If these issues are resolved the new path will improve the experience for users particularly the open views across the river.
DCC SENIOR ARCHAEOLOGIST	Routes affected cross Iron Age hillfort of Dudsbury Camp no 1003583 on the National Heritage List for England. Recommends consulting Historic England.
MR AND MRS B	Initial objection to diversion later withdrawn on condition that fence between G1 and G2 moved into the field to create a 4 metre wide footpath at this point.
MR AND MRS F	Initial objection to diversion later withdrawn on condition that fence between G1 and G2 moved into the field to create a 4 metre wide footpath at this point.



Historic England

Ms Carol McKay  
Dorset County Council  
Definitive Map Team  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Direct Dial: 0117 975 0670

Our ref: P00818390

13 April 2018

Dear Ms McKay

## SECTION 119, HIGHWAYS ACT 1980

### PROPOSED DIVERSION OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

Your ref: CAM RW/P189

Thank you for your letter of 28 February 2018 regarding the above application. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The proposal, for changing the route of the public footpath through the Iron Age hillfort of Dudsbury Fort, will affect the scheduled monument designated as *Dudsbury Camp*, (National Heritage List no. 1003583). The path forms part of the Stour Valley Way, a long-distance walk which runs from Stourton in Wiltshire to Hengistbury Head in Dorset.

We appreciate the desire of the main property owners here to change the route of the path, which presently runs through the centre of the enclosed area within the ramparts, to a new line within the southern ramparts. We are also aware of the permissive path which the Bournemouth Guides have created within their landholding (with Historic England agreement), to a route inside the ramparts.

However, permanently changing the route of the footpath within the hillfort has potential implications for the scheduled monument, its fabric and its conservation management which need to be considered and resolved before a decision is made on changing the route of the path. The matters which need to be considered include the precise position of the route and its dimensions, any boundary works (such as fencing) that may ensue, the potential for path erosion and/or groundworks (including path repairs or ground levelling to improve access), and questions such as potential access which the path might give to sensitive features vulnerable to visitor erosion or unsocial activity.

**Recommendation**

In view of the above considerations, we would like to register a formal objection at this stage in order that these issues might be addressed.

I would be grateful if you would keep us informed of any further notices and consultations on the proposal.

Meanwhile if you have any queries, please do not hesitate to get in touch.

Yours sincerely

**Keith Miller**

Ancient Monuments Inspector

E-mail: [Keith.Miller@HistoricEngland.org.uk](mailto:Keith.Miller@HistoricEngland.org.uk)



Ms Carol McKay  
Dorset County Council  
Definitive Map Team  
County Hall, Colliton Park  
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Direct Dial: 0117 975 0670

Our ref: P00818390

13 November 2018

Dear Ms McKay

## **SECTION 119, HIGHWAYS ACT 1980**

### **PROPOSED DIVERSION OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT**

**Your ref: CAM RW/P189**

Thank you for your letter of 28 February 2018 regarding the above application. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### **Summary**

The proposal, for changing the route of the public Footpath 9 at West Parley will affect the scheduled monument of Dudsbury Camp Iron Age hillfort. The path forms part of the Stour Valley Way, a long-distance walk which runs from Stourton in Wiltshire to Hengistbury Head in Dorset. Permanently changing the route of the footpath within the hillfort has implications for the protection and conservation management of the scheduled monument and for its appearance and setting, and for public experience and appreciation of the monument. Whilst we are generally supportive of a change in the western section of the path, we have significant concerns about the eastern section of the proposed diversion, which we consider would have an adverse impact on the monument and on its public value. We therefore maintain our objection to the proposed diversion. We advise that a more modest diversion restricted to the western section would, in heritage terms, be acceptable.

We address these points in detail below. References in the letter to routes refer to the DCC map accompanying the consultation on the application for a public path order, ref. 18/02 dated 23.01.2018.

#### **Historic England Advice**

##### **Summary of the heritage asset affected by the proposal**

The proposal is for the diversion of the route of the public footpath as it passes through the Iron Age hillfort of Dudsbury Camp. The site is designated as a scheduled monument *Dudsbury Camp*, (National Heritage List no. 1003583).

Across much of Dorset, Iron Age hillforts are a key characteristic of the historic landscape. Their role was probably a mixture of military fort, communal centres and gathering places for trading and exchange, and for social, religious and ceremonial events. Their form, with often massive earthwork ramparts, combines both military function and display of social status. Dudsbury Camp, sited at the top of a steep riverside bluff dominating the lower Stour valley, is the first of an important series of Iron Age hillforts along the valley. Due to its size and position, it is the most prominent and significant historic landscape feature in the area. It consists of a D-shaped enclosure, with a single rampart on the south standing above a steep valley side, and larger concentric ramparts and ditches on the other 'landward' sides. Today the fort is encircled by a broad band of trees which extend across the fort's ramparts, with the interior a mixture of open field, residential property, and agricultural land now overgrown with young trees and scrub. The Stour Valley Way public footpath route (the subject of the present proposal) crosses through the monument, and the Ferndown, Stour and Forest Trail passes alongside. These public paths are very important in giving access to the monument and providing a range of views of the monument and its historic surroundings.

Dudsbury Camp's high heritage significance derives from the quality of its preservation and its potential archaeological evidence, the quality and form of its visible remains, its still legible landscape context and setting, and its good accessibility and communal use and value. These qualities also increase the sensitivity the monument to the impacts of new works and developments which alter the historic site or its setting. 'Works and developments' in the context of the present proposal here include activities and constructions arising from or connected with the use of paths which could alter the monument or impact on its heritage significance. Scheduled monuments are the highest national designation of heritage asset, and the protection of their heritage significance carries great weight in decisions on alterations affecting them. Any works or developments which could bring harm to the significance and public value of scheduled monuments through impacts to their sites or their settings requires a very high level of justification.

We understand the desire of the property owners here to change the route of the path which presently runs through the centre of the enclosed area within the ramparts to a new line within the southern ramparts. We are also aware of the permissive path which the Bournemouth Guides have created within their landholding to a route further south. However, the proposed permanent change to the public footpath has implications for the management and protection of the scheduled monument and for its appearance and setting, and for public experience and appreciation of the monument.

#### *The existing and proposed footpath routes*

The present official footpath runs west-east on the route CBA. The proposed diversion is the route CHGFEDA.

The western section of the existing official footpath CB runs in a straight line through land owned by the Bournemouth Girl Guides. The proposed diversion of the section of path on the Girl Guides' land would move it from the route CB across the open central area of the Girl Guides field, to a route CHGFE running around the

southern edge of the field and inside (on the north side of) the low southern rampart of the Iron Age hillfort.

The eastern section of the existing footpath BA runs in a straight line alongside (and outside of) the southern boundary of the house and garden at 'Castle Rings' 176 Christchurch Road. The path is contained here in a parcel of land south of the Castle Rings garden; both parcels are in the same ownership. The proposed diversion of this eastern section would move the path to a route (EDA) running around the south and east perimeter of the southern parcel, to join the line of the present path at A.

I shall take these western and eastern sections in turn.

### Western section

The western section of the path CB runs across the central part of the open grassed field on the Guides land, which they use for camping and other activities. We understand the presence of the footpath through this field brings difficulties arising from occasional conflict of use between the Guides and some footpath users.

In 2015-16 the Guides discussed with Historic England their proposal to create a 'permissive path' along the southern edge of their field to encourage footpath users away from the centre of their site and a permissive path CHGFEB was agreed. The Guides subsequently created a path along the route CHGFE, with a low-key agricultural stock-fence alongside, and a public viewpoint and information board on the hillfort rampart at point H. We supported this initiative and approved the associated works, firstly, because the viewpoint and information board brought public benefits by providing public access to a particularly significant part of the monument, and enhanced public appreciation of its heritage significance. Secondly, the provision of a permissive path helped sustain the Guides' use of the land for camping and activities, and the alternative, fencing the path thorough the centre of the field, was unsatisfactory as it would limit the use of the field by the Guides and have undue impact on the scheduled monument. Importantly, these benefits were achieved without significant harm to the heritage significance of the monument.

The permissive path created by the Guides runs CHGFE, with a deliberately designed gap at G (the section EB was not pursued and the path is open at E). I understand that a few footpath users on the Girl Guides land presently use the official route CB, but most walkers use the route CHGB, which follows a 'desire line' from the gap in the fence at G to join the official path at B. This route effectively bypasses the southern corner of the Guides land. However, people also use the path in this southern area to access a viewpoint at F.

### Eastern section

The proposed a full diversion CHGFEDA involves diverting the section BA which separates the dwelling Castle Rings and its strongly-fenced garden on the north side, from the adjoining southern parcel. This parcel, classed as agricultural land, and formerly pasture, has in recent years become disused and overgrown with trees and scrub. Both parcels (together with a further parcel to the south of ED) are in the same ownership and the property has recently changed hands.

The proposal here is to move the path to EDA around the parcel south of the Castle Rings garden, with a section at DA alongside the boundary with the Dudsbury Manor property to the east (on the DCC map the property is partly obscured by the key). Such a move would enable the Castle Rings garden and the adjacent southern area to be linked or consolidated into one parcel. The boundary to Castle Rings would then effectively be shifted outwards to BEDA.

Some walkers currently follow the south eastern route EDA, partly perhaps due to the lack of signage for the footpath route on this section, and the absence of fencing in much of the southern area. Also, the fencing alongside the southern path on the Guides' land at GFE channels walkers along this route. The majority of walkers, however, appear to use the official route BA.

A key heritage issue for the proposed diversion in the eastern section is the impact of new fencing on the scheduled monument. The proposed diversion EDA would involve increased impact from the amount of new fencing, and from the type of fencing, due to the new relationship of the proposed path with adjoining properties. The diversion would increase the length of footpath and associated path-side boundary adjoining the private properties here, around the southern Castle Rings parcel and alongside the Dudsbury Manor residential property east of the line DA. I understand from the owners at Castle Rings and at Dudsbury Manor that security is a concern and that there have been several intrusions at both properties in the last year or so via paths and the southern area. This has already led to the erection of higher-security fencing and gates on the boundaries to the formal and informal paths at these properties.

A new path along EDA would increase the vulnerability of the adjoining properties to unauthorised intrusion. The path would have limited visibility from other sections of the path itself, compared with the present straight section BA, and would mostly not be overlooked from the houses at Castle Rings and Dudsbury Manor. (The boundary at DA runs alongside an earth rampart on the Dudsbury Manor property which blocks views, and, whilst the house here is close by, it does not overlook the path). Moreover, large new housing developments are planned to take place over the next few years in the area around Dudsbury Camp. This will undoubtedly bring increased footfall, and with it increased pressure for stronger boundary fencing along the sections of path which border, or give direct or indirect access to, residential properties.

From the heritage perspective, Historic England has to take account of the implications of the additional fencing required to flank the proposed diversion route EDA, and the fact that boundaries here are likely to require higher security fencing due to increased security concerns.

In addition, midway along the section of the proposed route ED is a sloping hollow representing a former stock entrance, which in practical terms makes the route here uneven and liable to path erosion, and which is likely to require special treatment in the form of ground maintenance, fencing and/or a small diversion.

### **Historic England position**

We have closely considered the application and do not support the proposed diversion due its overall impact on Dudsbury Camp scheduled monument.

We consider that the section EDA will lead to a significant increase in impact from fencing on the monument. The amount of fencing would be increased, and account needs to be taken of the potential need for more substantial fencing to provide higher security where it borders residential property or adjoins land which would provide access to those properties.

Overall, the impact of a new path at EDA, especially from additional boundary fencing required, would have an adverse and harmful impact on the monument and its setting and appearance, and on the public amenity and experience of the heritage asset.

In addition, a sloping section between E and D midway along the section of the proposed route ED is likely to require special treatment in the form of ground maintenance, fencing and/or a small diversion, which again would impact on the monument.

Also, from the perspective of the heritage conservation management of the monument, the present historic footpath line BA clearly demarcates the domestic garden at Castle Rings from the agricultural land to the south. This distinction is part of the historic character of the site and enables a clear strategy for conservation management of the different land parcels within the scheduled monument.

After close consideration, we object to the diversion currently proposed, due to the adverse impacts of the proposed section EDA.

However, we are generally supportive of a diversion in the western section on the Guides' land. A diversion from the existing route BC on the Guides land would be acceptable to Historic England, in as much as it sustains the Guides' continued use of the land for camping and group events, and provides public viewpoints from the southern rampart. And, importantly, it achieves this without significant or adverse changes to the site and appearance of the scheduled monument and without compromising or affecting residential properties or landholdings.

We appreciate that the route CHGFEB is rather circuitous, and we would have no objection to an amended route in the south east section on the Guides' land, linking more directly to B. This might, for instance, follow the current 'desire line' at GB, or a line from F to B or to a point between E and B. Whilst the latter (from point F or E would be fairly circuitous, it would be alongside open ground and well-overlooked and in overall terms relatively short. Any new fencing here, similar to that already erected, would have a low heritage impact on the monument.

The path would then join the existing east-west section at B to A, which would remain as at present, running between the Castle Rings garden and the land to the south. We appreciate that this would potentially require higher security fencing alongside the Castle Rings garden, consistent with that already erected elsewhere around the garden.



In terms of public experience of the heritage asset of Dudsbury Camp, this recommended option for a footpath diversion on the Guides' land, with the eastern Castle Rings section staying as it is, would in practical terms provide a relatively straightforward, level, open and well-overlooked route, and in overall heritage terms would combine experience of the interior enclosure of the fort and of the outer southern rampart overlooking the valley. Importantly, in terms of scheduled monument conservation, this option would achieve these benefits without significant or adverse changes to the site and appearance of the scheduled monument.

In relation to Dudsbury Camp we consider that, if there is to be a footpath diversion, this would be the most viable and beneficial option.

### **Recommendation**

Historic England objects to the proposed footpath diversion due to the adverse impacts of the proposed section EDA, outlined above, and recommends refusal.

We advise that a diversion of the western section on the Guides land, as described above, would be acceptable to Historic England.

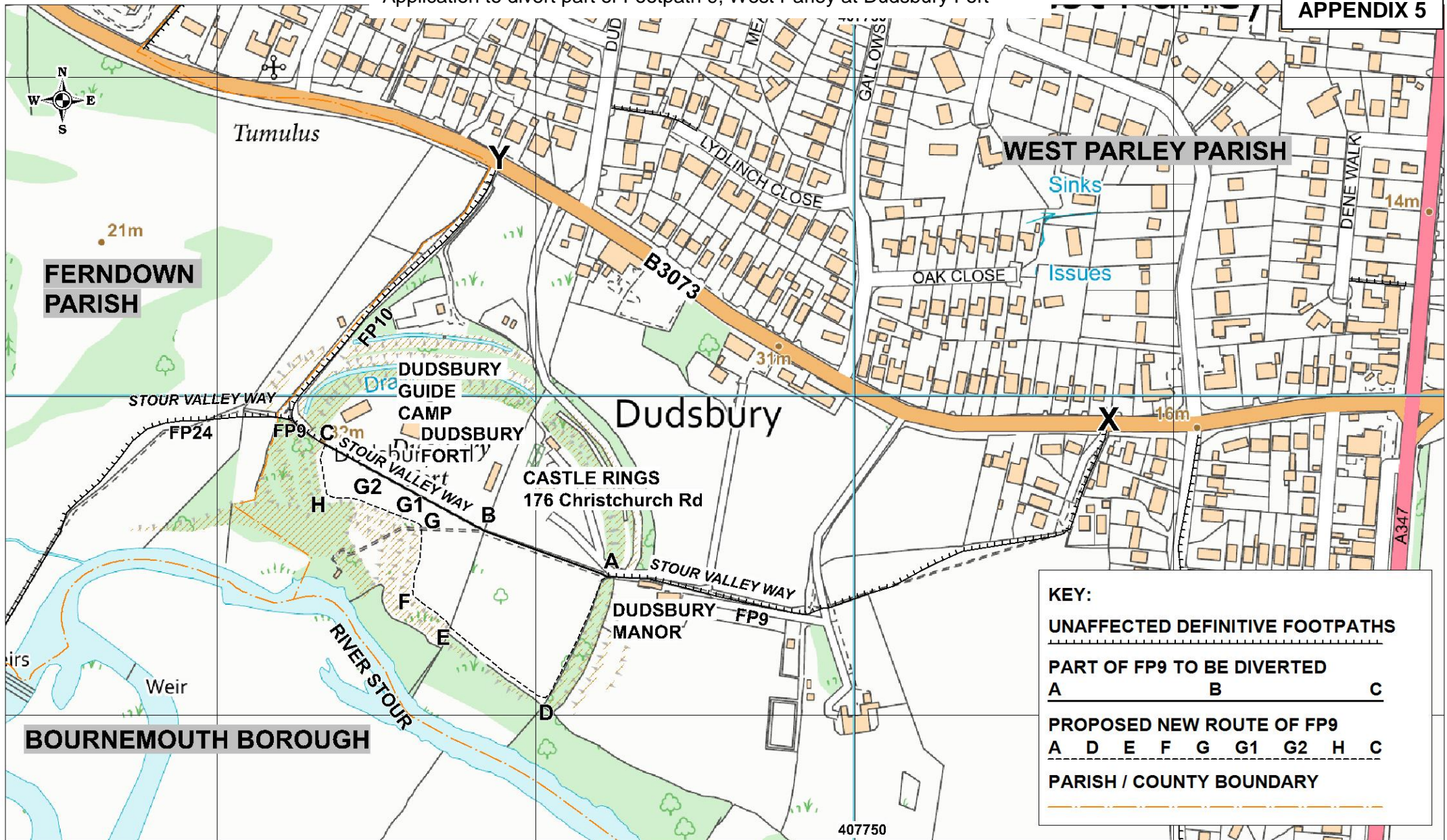
Yours sincerely

### **Keith Miller**

Ancient Monuments Inspector

E-mail: [Keith.Miller@HistoricEngland.org.uk](mailto:Keith.Miller@HistoricEngland.org.uk)





OVERVIEW OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 18/28  
 Date: 24/01/2019  
 Scale 1:4000  
 Drawn By: CAM  
 Cent X: 407898  
 Cent Y: 97978

GEOGRAPHICAL INFORMATION SYSTEMS



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## Selected photographs of proposed new route

### Interpretation board at point H



### Viewpoint at point F



**Proposed new route between A – D looking south west with barbed wire on the left. The width of this section of the path is 3.8 metres**





## Archery Team

Liz Taylor Archery Instructor

ADDRESS REDACTED

Sue Webb, Warden  
Dudsbury Guide Site  
Christchurch Road, West Parley  
BH22 5SS  
27<sup>th</sup> July 2017

Dear Sue

REF: Dogs Running Free on the Archery Range

I write with reference to the archery session I ran on Thursday 27<sup>th</sup> July, where I had brownies shooting arrows on the archery range. They were having a great time until a big golden Labrador came running onto the field and into the range.

There was no owner close at hand to supervise the dog or to call it away, fortunately the girls put their bows and arrows down when instructed and we waited for the dog owner to arrive.

I did shout out "Whose dog is this" but no reply came and the lady ambled out of the woods the dog was called several times before it took any notice.

There could have been a very nasty incident, I wonder if the lady would have been so lethargic if her dog had an arrow in it!!

Is there any way we can ensure the dogs are kept on a lead and that the public do not walk straight across the field, but use the new temporary path.

I am unhappy about running archery in the field if this is going to happen again

I look forward to hearing from you

Liz

Liz Taylor

County Archery Instructor



Liz Taylor  
47<sup>th</sup> Bournemouth Guides  
ADDRESS REDACTED

Sue Webb, Warden  
Dudsbury Guide Site  
Christchurch Road, West Parley  
BH22 5SS  
Dec 5th 2018

Dear Sue

Ref: Dogs on the field

I find myself writing to you again to complain about dogs on the field, on Friday evening 2<sup>nd</sup> Dec 2018, Tesco were trying to bring their delivery van onto the site to deliver my order ready for the Christmas craft weekend.

Two ladies with their dogs were walking across the field...not on any path but their won, they seemed to think this was acceptable. The two dogs were running everywhere, how they didn't get run over I don't know.

I asked the ladies to call the dogs and put them on a lead, but they failed to do this.

I really do feel we should have more signage about the correct footpath and signs to say dogs should be on a lead.

I look forward to hearing from you

Yours Sincerely

Liz

Liz Taylor Leader

47<sup>th</sup> Bournemouth Guides

NAME REDACTED

ADDRESS REDACTED

15<sup>th</sup> September 2017.

Dear Sue,

I just wanted to make you aware of some of the issues we encountered on our pack holiday during the summer term.

The house was fine and the girls who were away from home for the first time really enjoyed the dorms. It was the outside space that threw up some problems, most notably the unleashed dogs! One Brownie was knocked over completely by an over excitable Labrador. Despite the owners protestation that "he's only playing" the little girl was deeply shocked and didn't really join in for the rest of the weekend. I found myself a little short of answers when her mum was asking me, not only why dogs were free to roam on the site but why were complete strangers at liberty to do so as well?

Although Dudsbury provides an authentic guiding holiday experience I would have serious reservations about bringing my Brownies on holiday again, not least because one of my young leaders trod dog mess into the house, but mainly because of the lack of security around the site. I don't feel able to let the girls play free, when I have no idea who else may be roaming around. I think some signage and fencing might discourage members of the public from cutting straight across the field.

Yours in Guiding

NAME REDACTED

Leader 44<sup>th</sup> Rosebery Park Brownies.