

Agenda item:

Regulatory Committee



Dorset County Council



Date of meeting	6 September 2018
<u>Local Member(s):</u> Cllr Steve Butler - Member for Cranborne Chase <u>Lead Officer</u> Carol McKay, Definitive Map Technical Officer (Public Path Orders)	
Subject of report	Application to divert part of Footpath 6, Gussage St Michael
Executive summary	This report considers an application to divert part of Footpath 6, Gussage St Michael at Ryalls as shown on Drawing 17/33 (Appendix 1).
Applicant	David Hall
Impact Assessment:	Equalities Impact Assessment: The current route of Footpath 6, Gussage St Michael crosses a packhorse bridge, which is narrow in width with a well-worn surface and no parapets. It does not meet current accessibility guidelines for bridges on public rights of way and cannot be used by mobility impaired users. The new route is level with no furniture and therefore improves the accessibility of the footpath.
	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. A full consultation exercise was carried out in December 2017 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Cranborne Chase, Cllr Steve Butler, was also consulted. In addition notices explaining the application were erected on site. Comments received have been discussed in this report.

	<p>Budget :</p> <p>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>Risk Assessment:</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>Other implications:</p> <p>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>Property and Assets – n/a</p> <p>Voluntary Organisations – n/a</p> <p>Public Health – n/a</p> <p>Physical Activity – n/a</p> <p>Community Safety – n/a</p>
<p>Recommendation</p>	<p>That the application to divert part of Footpath 6, Gussage St Michael from A – B – C – D to A – E – F – G – H – I – J – K – D be refused.</p>

Reason for Recommendation	<p>The proposed diversion meets the legal criteria set out in the Highways Act 1980 for Order making but it does not meet the tests for Order confirmation.</p> <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 Healthy:</p> <ul style="list-style-type: none"> • To help and encourage people to adopt healthy lifestyles and lead active lives • We will work hard to ensure our natural assets are well managed, accessible and promoted. <p>Dorset's economy is Prosperous:</p> <ul style="list-style-type: none"> • 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 <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	<ol style="list-style-type: none"> 1. Drawing 17/33 2. Packhorse bridge at point B 3. Summary of consultation responses 4. Summary of evidence forms 5. Submission by David Hall 6. Bridge at junction of Footpaths 5 & 6, Gussage St Michael
Background Papers	The file of the Service Director, Highways and Emergency Planning (ref. RW/P186)
Officer Contact	<p>Carol McKay Senior Definitive Map Officer Regulation Team, Dorset Highways Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk</p>

1 Background

- 1.1 The County Council has received an application from Mr Hall, owner of the property known as Ryalls in the parish of Gussage St Michael, to divert part of Footpath 6, Gussage St Michael as shown on Drawing 17/33 attached as Appendix 1.
- 1.2 Mr Hall bought Ryalls from Mr Pigdon, the current owner of the neighbouring property Hawneferne, in 1989. Mr Hall's solicitors obtained local land charge search information from East Dorset District Council (responsible for local land charge searches at the time). However, the plan provided by East Dorset District Council mistakenly showed Footpath 6, Gussage St Michael running through Hawneferne's land.
- 1.3 In 2004, Dorset County Council advised Mr Hall that the information provided by East Dorset District Council was incorrect.
- 1.4 Mr Hall submitted an application to divert Footpath 6, Gussage St Michael to East Dorset District Council (the authority responsible for public path order applications at the time) and an Order was subsequently made in 2005 (East Dorset District Council Footpath 6 Gussage St Michael Public Path Diversion Order 2005). Seven objections were made to the Order and the application was considered by the Secretary of State at a hearing in 2012. The Inspector's decision was not to confirm the Order because the proposed new termination point was not substantially as convenient as the current one, and the proposal was substantially less convenient to the public. In addition the Inspector considered that there was a negative effect on the land over which the diverted way would run, since the owner of the land over which part of the new route ran had objected to the proposal.
- 1.5 In July 2015, Mr Hall submitted an application for a definitive map modification order to add a footpath through adjacent land belonging to neighbouring landowners Mr Pigdon, Mr Heath and Mr Foxwell. The claimed route followed the route of Footpath 6, Gussage St Michael shown on the plan provided by East Dorset District Council in 1989, south east of the route currently proposed and partly through Hawneferne's land.
- 1.6 The definitive map modification order application was withdrawn following the submission of the current application to divert part of Footpath 6, Gussage St Michael, since it was established that the diversion application could be processed only after the definitive map modification order application had been determined. This would have delayed the public path diversion order application by several years.
- 1.7 The current definitive route of Footpath 6, Gussage St Michael runs south west from point A down the driveway to Ryalls and across a parking area / turning circle. The path is then obstructed by an area of shrubs and trees but a usable route is available on either side of the obstruction. At point B, the footpath crosses a packhorse bridge over a winterbourne - a seasonal stream (see photograph at Appendix 2). The footpath then continues across the garden to point C, turning south east across a footbridge to point D. The route between points B – C – D is not defined on the ground and walkers may take a more direct route between points B and D.

- 1.8 The proposed new route of Footpath 6, Gussage St Michael varies in width between 165 cm and 200 cm wide and starts from point A down the driveway to point E and along a double fenced path to point F. It then runs between a fence and garage via point G to point H and continues along the edge of the garden via points I, J and K to point D. Between points I and J there is a newly planted hedge along the north-western side.
- 1.9 The width of the new route is 2 metres except as specified below:
- | | |
|----------------------|-------------|
| Point E | 165cm |
| Between points E – F | 165 - 200cm |
| Point F | 180cm |
| Point H | 190cm |
- 1.10 The proposed diversion is beneficial to the landowner as the current route runs along the driveway, through a parking area / turning circle in front of the house and across the garden of Ryalls. The diversion would improve privacy and security by routing the footpath along the edge of the garden.

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:-
- (i) is not on a highway; or
 - (ii) (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, in the interests of the owner, lessee or occupier or of the public:
- (a) 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.

2.11 Rights of Way Improvement Plan

- 2.12 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.
- 2.13 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.
- 2.14 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: The ROWIP's links with other strategies

- Theme 1.6 Improve accessibility of the network

Compliance with the law

Order making

- 3.1 The proposed diversion is in the interest of the landowner. The current route runs along the driveway and entrance to Ryalls, past the front of the house and continues through the garden.
- 3.2 The new route along the edge of the garden would improve privacy and security for the applicant and owner of Ryalls.
- 3.3 The termination points of Footpath 6, Gussage St Michael are unaffected by the proposed diversion.
- 3.4 The application therefore meets the tests for order making.

Order confirmation

- 3.5 The diverted route is expedient and would not result in a path that is substantially less convenient to the public. The change in length is minimal and the accessibility of the route would be improved if diverted.
- 3.6 The current route between A – B – C – D is approximately 133 metres long and the proposed new route from A – E – F – G – H – I – J – K – D is approximately 122 metres long, reducing the footpath by 11 metres.
- 3.7 The proposed route is more accessible than the current footpath, as the route is level with no furniture, whilst the current footpath crosses a narrow, steep packhorse bridge with no parapets.
- 3.8 However, the consultation responses indicate that the diversion would have a significant effect on the enjoyment by the public of the route as a whole.
- 3.9 The main concern is the loss of access to the packhorse bridge located at point B (see Drawing 17/33 attached as Appendix 1 and photograph at Appendix 2).
- (a) The packhorse bridge is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 for its special architectural or historic interest.
- (b) Whilst a view of the bridge is retained from the proposed new route, consultees do not wish to view the bridge from a distance. There are also concerns that the view of the bridge could be blocked if a hedge is planted at some point. It is not possible to guarantee a view of the packhorse bridge from the new route in the future.
- 3.10 The objectors believe that the proposed new route is less enjoyable than the current footpath as it is fenced in, passing behind the applicant's garage, whereas the current path through mature gardens is unfenced and, as well as crossing the packhorse bridge, it runs close to the Grade II listed farmhouse Ryalls.
- 3.11 Based on the objections received, officers consider that the diversion would have a significant effect on the enjoyment by the public of the route as a whole.

- 3.12 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. However there are concerns about the effect of the proposed diversion on the adjacent landowner, which are discussed below.
- 3.13 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.

Compensation

- 3.14 The proposed diversion affects only the applicant's land directly, but the proposed new route runs along the boundary between Ryalls and Hawneferne, which may result in a compensation claim under Section 28 of the Highways Act 1980 since the new route could be said to infringe on the privacy of the neighbouring landowner. In addition, since the proposed new route is partially bordered by vegetation along the boundary edge, there would be a legal duty on the owner of Hawneferne to maintain the new footpath by clearing any vegetation that encroaches from its garden onto the footpath.

Human Rights Act

- 3.15 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.
- 3.16 The proposed diversion could have a detrimental impact on the owner of Hawneferne's private and family life since the new footpath would run along the boundary of the garden.

Rights of Way Improvement Plan

- 3.17 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 1.6 Improve accessibility of the network

- 3.18 The packhorse bridge is narrow in width, with a well-worn surface and no parapets. It does not meet current accessibility guidelines for bridges on public rights of way and cannot be used by mobility impaired users. The new route is level with no furniture and therefore improves the accessibility of the footpath.

4 Consultation

- 4.1 The County Councillor for Cranborne Chase, Steve Butler, was consulted on the application and made no comment.
- 4.2 All consultation responses are summarised in Appendix 3.

Objections

- 4.3 17 objections were received to the consultation, the majority of these are from local residents.
- 4.4 Most of the objectors use the path regularly and have done so for several years.

- 4.5 One of the main reasons for objection is that the new route would divert the footpath away from the packhorse bridge at point B.
- 4.6 The packhorse bridge is a Grade II listed structure consisting of a single semi-circular arch with ashlar voussoirs (dressed masonry wedge-shaped stones) and rubble abutments. It is estimated to be from the 18th Century. The upper surface shows signs of much wear and there are no parapets.
- 4.7 The packhorse bridge is described by walkers as the highlight of the route and is regarded as a unique feature with historic value and importance. The diversion would therefore result in a significant loss to the community.
- 4.8 Despite the accessibility concerns with regards to the packhorse bridge, the objectors have experienced no difficulties using it. They also consider it to be easier to use than the footbridge at the junction of Footpath 5 and Footpath 6 (shown in Appendix 6) which is narrow with a stile either end. In the future, this bridge may be replaced with a more accessible structure and the stiles replaced with gates.
- 4.9 One objector mentions that during dry weather the winterbourne can be crossed without using the packhorse bridge.
- 4.10 The proposed route is described as “awful”, “dull”, and is fenced in like a “corridor”.
- 4.11 Although views of the packhorse bridge are currently available from the new route, objectors are concerned that a hedge could be planted in the future obscuring these views. There is no provision in a Diversion Order to protect a view.
- 4.12 The view of the 500 year old listed farmhouse, Ryalls is also considered to be a feature of interest on the current path. Views of the house from the new path are limited.
- 4.13 However, whilst the views of the farmhouse may add to the public’s enjoyment of the current footpath, the proximity of the house to the path is also one of the reasons for diverting it.
- 4.14 It is considered that the proposed diversion is expedient in the interest of the landowner to divert Footpath 6 as the footpath cuts through the garden and passes close to the house.
- 4.15 In addition to the 17 objections received to the consultation, 24 public rights of way evidence forms, usually used in the investigation of a definitive map modification order application, were submitted. These forms were signed and dated between May 2014 and March 2016.
- 4.16 It is unclear whether the forms were originally intended as evidence of use of the footpath in response to the submission of the definitive map modification order application for a route through Hawneferne.
- 4.17 Since the forms pre-date the public path diversion order consultation and they are meant for a different purpose they cannot be treated as objections. However, the content of the forms can be taken into consideration as they indicate the nature of use of the footpath.
- 4.18 Three people who completed an evidence form also submitted an objection to the consultation.

- 4.19 A summary of the contents of the evidence forms is included as Appendix 4.
- 4.20 The forms show that Footpath 6 is regularly used by locals and visitors as part of circular and linear walks in the area. They also show that the path has a history of continuous use from the 1960s to the present, with one witness claiming to have used the path as a child in the 1930s.

Support

- 4.21 Five responses supporting the proposed diversion were received, all from local residents of Gussage St Michael. One supporter walks the path most days and has done so for over 30 years.
- 4.22 One of the reasons given for supporting the diversion is that the packhorse bridge is difficult to cross and potentially unsafe, with one consultee commenting that it is a “delightful piece of old architecture” but “precarious for the very young or less mobile”.
- 4.23 It is felt by one supporter that the views from the proposed new route “better frames the listed packhorse bridge within surrounding area and existing buildings thus creating a pleasant view which cannot be seen from the current definitive route increasing public enjoyment”.
- 4.24 Supporters also feel that the diversion simplifies the footpath route and prefer to walk the new route as the current route is very intrusive and it feels uncomfortable walking through the applicant’s garden and close to his house.

Other responses

- 4.25 Five other responses were received, neither objecting to nor supporting the application. These include responses from The Ramblers and Gussage St Michael Parish Council.
- 4.26 The Ramblers have no objection to the proposed diversion but suggest that a maintenance condition is included for the section I – J as the path runs between two hedges.
- 4.27 Gussage St Michael Parish Council agrees that the proposed new route is more convenient and direct than the current footpath but raises some issues:
- Diverting the section of footpath that runs close to the house has little impact on walkers and that the footpath is intrusive to the owner.
 - Opinion is divided regarding the packhorse bridge, as some committee members feel it is important to be able to walk across the bridge but others feel that a view of the bridge from a short distance is acceptable.
 - The Parish Council highlights that there are very few packhorse bridges in existence and any views from the proposed new route could be lost if a hedge was planted.
 - It was pointed out that, although the packhorse bridge does not meet accessibility guidelines, neither do the bridge and two stiles at the southwestern end of Footpath 6 (shown in Appendix 6).

- The Parish Council suggests that the new path be made available on a permissive basis whilst the current route is retained.

Comment on submission by applicant

- 4.28 Following the public consultation, the applicant, Mr Hall submitted a statement in support of his application and in response to the representations received. This is attached as Appendix 5.
- 4.29 The current or historic use of the definitive route of Footpath 6 is not a relevant consideration as this is not one of the legal tests. Any temporary circumstances preventing or diminishing the use of a path or way by the public should be disregarded.
- 4.30 Whilst it is noted the current landowner indicates that he will not plant a hedge obscuring the view of the packhorse bridge from the proposed new route, there is no provision for protecting a view in the Diversion Order.

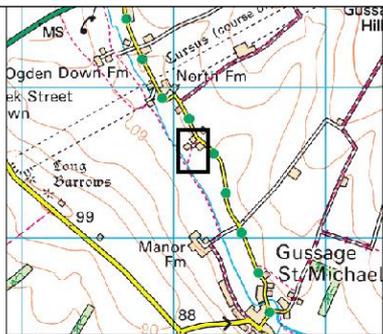
5 Conclusions

- 5.1 The proposed diversion meets the legal tests for order making since the footpath runs through the middle of the applicant's garden and close to his house. The diversion is expedient in the interests of the owner of the land crossed by Footpath 6 as the proposed new route runs along the edge of the garden and away from the house improving privacy and security.
- 5.2 The termination points of Footpath 6 are unaffected by the diversion. The length of the footpath will decrease by 11 metres. Therefore the diversion is expedient as it is not substantially less convenient to the public.
- 5.3 Although there are some concerns regarding the accessibility of the current route, as the packhorse bridge does not meet current accessibility guidelines, it is the loss of this feature that is the primary reason for objection to the diversion.
- 5.4 Whilst supporters of the diversion highlight the inaccessibility of the packhorse bridge and prefer the proposed new route, the objectors consider that the diversion would have a significant impact on the enjoyment of the footpath.
- 5.5 The application to divert part of Footpath 6, Gussage St Michael meets the legal tests for order making.
- 5.6 Officers consider that the public's enjoyment of the route would be significantly adversely affected by the diversion, for the reasons set out in the objections, therefore the proposed diversion fails the confirmation test.
- 5.7 Due to the number of objections received and the concerns raised, it is anticipated that objections would be received if an order is made.
- 5.8 Since the application does not fully meet the tests set out under the Highways Act 1980 for order confirmation it is recommended therefore that the application should be refused and no order made.

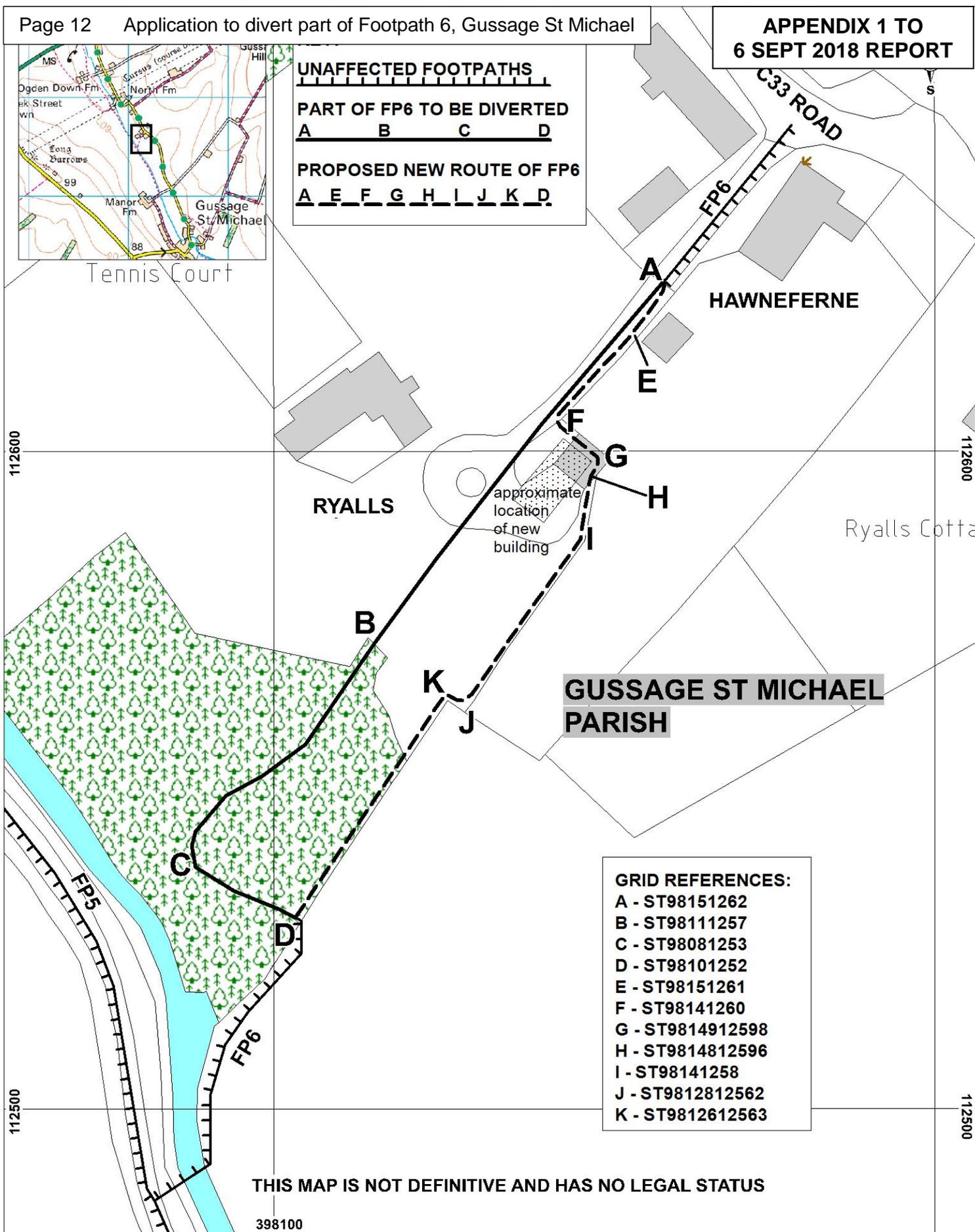
Andrew Martin

Service Director, Highways and Emergency Planning

August 2018



UNAFFECTED FOOTPATHS
PART OF FP6 TO BE DIVERTED
A B C D
PROPOSED NEW ROUTE OF FP6
A E F G H I J K D



GRID REFERENCES:
 A - ST98151262
 B - ST98111257
 C - ST98081253
 D - ST98101252
 E - ST98151261
 F - ST98141260
 G - ST9814912598
 H - ST9814812596
 I - ST98141258
 J - ST9812812562
 K - ST9812612563

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

**SECTION 119, HIGHWAYS ACT 1980
 APPLICATION TO DIVERT PART OF
 FOOTPATH 6, GUSSAGE ST MICHAEL**

Ref: 17/33
Date: 07/11/2017
Scale 1:750
Drawn By: CAM
Cent X: 398133
Cent Y: 112574

GEOGRAPHICAL INFORMATION SYSTEMS

Dorset County Council

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Packhorse bridge at point B



Summary of consultation responses

Objecting to the proposed diversion:

Name	Comments
Martin Brockett	Has walked footpath for over 30 years, never has problem crossing packhorse bridge. Winterbourne is dry for at least 8 months a year so can be crossed without bridge. New route is "awful" funnelling walkers around a maze. New route cannot be used by mobility impaired users as there is a narrow bridge and stiles further along footpath. Strongly objects to diversion.
Claire Murawski Local resident, Gussage St Michael	Has been walking route for several years. Niece and young son enjoy the pack horse bridge. Feels that accessibility of pack horse bridge irrelevant as there is a stile and narrow bridge further along the unaffected part of the same footpath. Proposed route dull for her and children, possibility that view of pack horse bridge could be blocked by hedge in future. House is not landowner's primary residence so diversion for reasons of privacy is beneficial to landowner at expense of public.
Steven Dycer	Has walked footpath for over 20 years, objects to diversion, in particular moving footpath away from packhorse bridge. New route is dull, fenced in like a corridor. Although packhorse bridge can be seen from new route, if hedge is planted this would block view in future.
Gary Sturton Local resident, Gussage St Michael	Strongly opposed to moving footpath away from pack horse bridge. Has been walking same route for over nine years
Jim Meaden Local resident, Gussage St Michael	Does not support proposal. Has enjoyed path since 1982, as part of circular route. At 75 years old, has no problem crossing the packhorse bridge.
Graham Holland	Does not support application. The definitive should remain.
Richard Heath Local resident, Gussage St Michael	Mr Hall has every right to create an alternative route but the definitive footpath should remain open. Lives in village and walks route weekly.
Andrew Parsons	Suggests diversion will increase value of property. Accessibility of packhorse bridge is irrelevant as there is a narrow bridge with stiles either end further along the unaffected footpath, less accessible than the packhorse bridge. Has walked and enjoyed footpath for many years. Proposed route offers no enjoyment or visual stimulation.
Benjamin Archer Local resident, Cashmoor	Suggests motivation for diversion is financial gain. Has enjoyed path over bridge for three generations. Bridge at other end of footpath has a stile either end, so argument that pack horse bridge is not accessible is redundant.
Peter Jones Local resident, Gussage St Michael	Has used footpath for many years to walk dogs. Diversion is unnecessary. Current landowner is not being rational.

Ann Meaden	Has walked path for many years with dogs and never had an issue with the path or packhorse bridge. Feels it is a disservice to community to waste time and resources on something that is fine.
Andrew Froud	Regularly walks path. Packhorse bridge is a highlight of the route and is described in 'Dorset's Legacy in Bridges' by Michael Russell Wood. Objects to diversion as it would be a huge loss to the public if the bridge was no longer accessible.
Neil Leonard	Understands landowner's reasons for diversion for safety and privacy. However has been walking path for 25 years and enjoys walking over packhorse bridge due to its historic value and importance. Likes to show bridge to visiting family and friends. Would like to retain option to walk over packhorse bridge from point K to either B or C. Would be "disappointing to only be able to view the bridge from a distance and lose the right to be able to walk the route I have enjoyed for many years".
Nick Latham Local resident, Gussage St Michael	Objects to diversion as it removes packhorse bridge from route. Lives in Gussage St Michael and walks footpath regularly, enjoys seeing garden of Ryalls and "unique splendour of the packhorse bridge" Significant loss to community. Route behind garage and hedge is not an equal replacement for enjoyment of current footpath. Two bridges within 100 metres of the packhorse bridge on Footpath 6 which are narrow and therefore not accessible for mobility impaired users.
Mr and Mrs Foxwell Local residents, Gussage St Michael / Neighbouring landowners	Own land adjacent to point K and D and beyond to the winterbourne. Object on grounds that footpath would be diverted onto their boundary. Confusion over route, due to historic closure of gates, and signs being moved. Walkers have therefore walked across land and damaged crops. Diversion would increase probability of trespass and crop damage, and dogs running through crops resulting in financial loss. "The current route, in our opinion, provides far more public enjoyment and history than the proposed diversion." Queries accuracy of plan.
Martin Lee	No problem with the land owner having a preferred route. But object to the current route being deleted A – B – C – D as would "deny myself and the public the enjoyment of walking the packhorse bridge. It's a unique feature as is the beautiful listed farmhouse." Proposed route from point K to D has been created by removing an established hedge row and using a digger to flatten and widen the bank of a watercourse – would have a significant environmental and ecological impact. Affects public enjoyment of the route. Also under section 29 of the highways act 1980, as the proposed route has resulted in a boundary hedge being removed. The diversion of Footpath 6 is unacceptable and inappropriate and permission should be refused.

<p>Jill Pigdon-Jones Daughter of owner of neighbouring property Hawneferne</p>	<p>Footpath down side of boundary and behind garage does not retain character of route with wide open space. Has walked route for decades – new route would result in “lower quality of views for path users and would remove significant features of interest such as the pack-horse bridge and a view of a 500 year old property nearby”. Footpath has been in place for hundreds of years and “remains important part of the Cranborne Chase area and the cursus”</p> <p>Proposed new route that travels down the boundary of the two properties Hawneferne and Ryalls would then bring issues regarding security, privacy etc, onto two land owners as the route would then be along a boundary line. Consideration needs to be given to the impact and the subsequent responsibilities that would arise for adjoining landowners for maintenance/upkeep.</p> <p>Suggests Definitive Route should remain in place, with the proposed new route in place as a permissive footpath.</p>
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Supporting the proposed diversion:

Name	Comments
Julian Grazebrook Local resident, Gussage St Michael	No objection to diversion, it simplifies the footpath route, moves the path away from directly in front of Ryalls, and avoids the packhorse bridge which is a 'delightful piece of old architecture' but 'precarious for the very young or less mobile'.
Anthony Fortescue Local resident, Gussage St Michael / neighbouring landowner	Lives at Ryalls Lodge next to Footpath 6. Prefers proposed diversion which is much easier to walk. Packhorse bridge not easy to cross particularly in wet and icy weather. Uncomfortable walking through middle of someone's garden. New route is better defined and easier to direct walkers. Has seen few people use packhorse bridge in past 24 years. Proposed new route is already better used than current route.
Mr and Mrs Mills Local residents, Gussage St Michael	Have been using footpath for over 30 years. Use path most days. Proposed route is "by far the best path there has been". Not comfortable walking through someone's garden as it is intrusive. Proposed route is a 'perfect solution' with a "good view of the wonderful Pack Horse Bridge", which is sometimes slippery and very dangerous because it is quite narrow.
Camilla Haughton, Local resident, Gussage St Michael	No problem with proposed diversion
Michael Cordina Local resident, Gussage St Michael	Proposed new route is significant improvement on current definitive route. Packhorse bridge is unsafe and a potential danger particularly for some elderly and those with young children. New route can be enjoyed by a greater number of people. Views from proposed new route "better frames the listed packhorse bridge within surrounding area and existing buildings thus creating a pleasant view which cannot be seen from the current definitive route increasing public enjoyment". Current route is very intrusive across garden, feels uncomfortable walking through someone's garden.

Other responses:

Name	Comments
Claire Pinder Senior Archaeologist	<p>There are at present a number of recorded archaeological finds and features and historic buildings on or in the vicinity of the routes affected by this proposal. Notes that listed status of the packhorse bridge is mentioned in the consultation letter. Ryalls is also a Grade II Listed Building. Also notes that the proposed new route is level with no furniture which is helpful to know as there may have been some concerns in this archaeologically-sensitive area.</p> <p>In view of this, I do not feel that historic environment considerations constitute a constraint in the context of this proposal.</p>
South West Water	Plan indicates no apparatus in area of enquiry
Southern Gas Networks	Plan indicates no apparatus in area of enquiry
The Ramblers	No objection. Suggests maintenance condition included for the section I – J as the path runs between two hedges
Gussage St Michael Parish Council	<p>Agree that proposed new route more convenient and direct, but some concerns raised.</p> <p>Generally agreed that a change to top section of footpath that runs close to the house does not impact a user of the footpath, as existing route is very close to the house and potentially intrusive to owner.</p> <p>Agreement within the committee that the main feature of the footpath within the garden is the packhorse bridge. Some felt that it important to be able to walk on the bridge, others felt that having sight of it from a short distance was acceptable, particularly for those with limited mobility.</p> <p>It was highlighted that there are very few packhorse bridges still in existence and that some people specifically walk the footpath in order to use the bridge. Losing access to it would be a loss of a local amenity.</p> <p>Concern that diversion would result in not being able to view the bridge at close quarters and not being able to walk across it. View of the bridge could be restricted or lost if a hedge was planted.</p> <p>Although packhorse bridge does not meet current accessibility guidelines, neither does the bridge and two stiles at the end of the footpath at the point where it meets Footpath 5.</p> <p>Suggested that both the existing and the diversion paths could be used, and that members of the public would still be able to walk on the bridge should they wish, albeit at their own risk.</p>

Summary of evidence forms

No.	Address of witness	Date Form Signed	Years footpath used	Frequency	Purpose	Other information
1	Minchington, Dorset	8/11/2015	1965 to present	Once / twice a year	Pleasure	Used on foot and by bike. Dog walking. Minchington to Gussage St Michael
2	Fordingbridge, Hampshire	19/2/2016	1998 onwards	Twice a year	Pleasure	Used on foot. Walking with grandparents, and dog
3	Wimborne, Dorset	15/11/2015	1993 – 2015	Weekly	Pleasure	Used on foot and horseback
4	Looe, Cornwall	23/12/15	2008 to present	Twice a month	Pleasure	Used on foot, dog walking
5	Gussage St Michael, Dorset	3/3/2016	During the 1930s			Pram – used as a small child
6	Wimborne, Dorset	12/3/2016	From 1995 – 2016	At least three times a year	Pleasure	Used on foot. Circular Route
7	Gussage St Michael, Dorset	30/1/2015	1990 onwards	Multiple times throughout the year	Pleasure	Used on foot Circular walk around village
8	Lyndhurst, Hampshire	13/08/2015	2008 onwards	8 times within last year	Pleasure	Used on foot Circular walk around village
9	Horsington, Somerset	23/02/2016	2010 onwards	Once or twice a year	Pleasure	Used on foot. Gussage St Michael to Cashmoor. Dog walking
10	Berkshire	2/02/2016	2006 onwards	Four times a year	Pleasure	Used on foot Dog walking Walking around village
11	Looe, Cornwall	19/11/2015	2008 to present day	Once a month	Pleasure	Used on foot and by bike Dog walking North Farm to Manor Farm
12	Gussage St Michael, Dorset	20/01/2014	1986 to present	Once a week (when winterbourne not running)	Pleasure	Used on foot Dog walking
13	Shaftesbury, Dorset	23/05/2014	2011-14	15 times a year		Used on foot Dog walking

No.	Address of witness	Date Form Signed	Years footpath used	Frequency	Purpose	Other information
14	Lyndhurst, Hampshire	17/11/2015	2015	Twice a year	Pleasure	Used on foot Drovers Inn to Cashmore Inn
15	Burnham-on-Sea, Somerset	3/11/2015	2001 to present day	Twice a year	Pleasure	Used on foot From Cursus to Gussage All Saints
16	Burnham-on-Sea, Somerset	16/11/2015	2005 onwards	5 times a year		Used on foot Dog walking North Farm to Lower Farm
17	Gussage St Michael, Dorset	10/11/2015	2007 to present	Every month	Pleasure	Used on foot Circular walk from home
18	Gussage St Michael, Dorset	13/11/15	2007 – 2015	5 times a year	Pleasure	Used on foot Circular walk from home
19	Gussage St Michael, Dorset	9/11/2015	2007 to present	Monthly – minimum 12 times a year		Used on foot Dog walking / fitness
20	Poole, Dorset	5/11/2015	1997 – present	Monthly	Pleasure	Used on foot and horseback Dog walking Gussage St Michael to Cashmoor
21	Dorchester, Dorset	10/11/2015	2012 - 2015	Fortnightly through spring, summer and autumn	Business	Used on foot Gussage St Michael to Cashmoor
22	Yeovil, Somerset	22/3/2016	1996 – present	Twice a year	Pleasure	Used on foot Cashmoor pub to Drovers Inn. You have to ford stream sometimes
23	Hazelbury Bryan	16/3/2016	2016	Twice a year	Pleasure	Used on foot Circular walk from Gussage St Michael

No.	Address of witness	Date Form Signed	Years footpath used	Frequency	Purpose	Other information
24	Hemyock, Devon	28/05/2014	2006 - 2014	Once / twice a year	Pleasure	Used on foot. Inn on Chase to Drovers Inn. Had to climb barbed wire for a long time

Submission by David Hall

SUMMARY STATEMENT

This is a proposal to extinguish that part of the Definitive Route of Footpath number 6 where it crosses my property, Ryalls, and to create a diverted route along and within the Ryalls boundary.

I am making this proposal because the Definitive Route crosses the middle of my garden running close to my house.

Additionally, the Definitive Route crosses a Grade II listed packhorse bridge in my garden. This bridge in its listed category is unsuitable and unsafe for walkers, and is vulnerable to damage.

The proposed diversion would, therefore, provide a convenient, more comfortable and safer route for walkers and provide greater privacy for my family. It would also provide very pleasant views of the bridge.

This proposal also will resolve many years of confusion and misinformation about the route of this path by establishing a clear, safe, accessible and easily followed route.

Thank you for your e-mail of the 2nd of February. The following considerations I believe are relevant to your recommendation and I ask that this letter be included in full in your report.

1. The Background- my purchase of Ryalls in 1989

Prior to my purchase of Ryalls in September 1989, Mr Pigdon owned and lived at Ryalls but also owned the adjacent property Hawneferne. There is correspondence on your files going back to the 1970's between the Ramblers Association and Dorset County Council (citing conversations between the Ramblers Association and the Pigdons) in which the Ramblers Association asked the Council for clarity on the Definitive Route. From this and other correspondence at the time

- the Pigdons actively promoted the line of the Definitive Route running through Hawneferne

- Dorset County Council also stated (incorrectly and contrary to their records) that the Definitive Route ran through Mr Heath [Foxwell]'s field and Hawneferne

- My solicitor conducted pre purchase enquiries on the existence of rights of way and he received a letter and map from EDDC confirming the route of the footpath was through Hawneferne (see Exhibit 1)

It is, at best, extremely surprising that the land owner, the County Council, and EDDC all made the same mistake.

2. The Background- 2001- March 2016

In 2001 some 12 years after Mr Pigdon sold me Ryalls and moved into Hawneferne he informed me that there had been a mistake and the Definitive Route went through Ryalls. In 2005 he blocked the stile that was the route through Hawneferne and created a stile into Ryalls. This route was neither the route confirmed by EDDC nor the route shown on the Definitive Map, so users were forced to trespass on my property.

I made a number of attempts to move the Definitive Route over the years to a route which had minimum impact on property owners and landowners. These attempts included a verbal agreement with the adjacent land owner (managed by Mr Heath) in the presence of John Williamson and written up by him in a note dated 1st October 2014. This agreement was subsequently withdrawn by Mr Heath with the comment *'it's not worth the paper it is written on'*.

In March 2016 the County Council installed a substantial wooden bridge on the line of the Definitive Route from the adjacent field into Ryalls. No such structure had ever previously existed.

3. Activity since the establishment of the Definitive Route March 2016 to present.

While the Definitive Route has been open since 2013 it was not until 2016 when full access was possible following the installation by the Council of a substantial wooden bridge.

-Work was undertaken by a team of builders at Ryalls between January 2017 and June 2017 to both move the garage further inside the Ryalls boundary and create the route of the proposed diversion alongside the stream around the edge of Ryalls land. On no occasion can any of the builders recall seeing anybody using the Definitive Route over the pack horse bridge, they all used instead the proposed diversion route.

-One of my neighbours who has lived in a cottage nearby for some 30 years uses the proposed diversion once maybe twice a day. He has not seen anybody from Gussage St. Michael use the Definitive Route since the proposed diversion was created. Occasionally a rambler not familiar with the area who has been studying a map will use the bridge, understandably given it is indeed the Definitive Route of the footpath.

- The Chairman of the Village Meeting in his personal capacity has stated he and his wife walk the proposed diversion every 6 and 3 weeks respectively, on no occasion have they seen anybody use the Definitive Route over the pack horse bridge.

- The EDDC representative and his wife use the proposed diversion every 4-5 weeks, on no occasion have they seen anybody walk use the Definitive Route over the pack horse bridge.

- The East Dorset Group Coordinator for The Ramblers Association has stated that his members would prefer the route of the proposed diversion as they feel uncomfortable walking through somebody's front garden.

-Another near neighbour says the same, he has seen nobody use the Definitive Route over the pack horse bridge since the diversion was in place.

4. The pre-order consultation, responses.

Ryalls is one house of a small community outside Gussage St Michael. The large majority of neighbours have no objection.

-The Chair of the Village Meeting [in his personal capacity] does not object

- The EDDC Councillor does not object

-The Ramblers Association does not object

The letters of objection appear to be the result of a campaign led by an individual who went to some lengths to collect negative views. This individual has not been seen walking the Definitive Route. None of the submissions were written under oath, the truth or otherwise of their assertions cannot be verified.

The map provided to me on purchase [Exhibit 1] showed the Definitive Route going through Hawneferne, there is evidence that this was the route for at least the previous 15 years and almost certainly longer. As stated in 2 the path was rerouted by Mr Pigdon in 2005 through the corner of Ryalls [not over the pack horse bridge]. In 2013 Mr Heath closed this route and created an entrance into Ryalls pretty much along the line of the Definitive Route. It is only the period 2013 to the present when the path was directed over the Definitive Route. Prior to 2013 the only route into Ryalls was over the stile created by Pigdon in 2005, [before this, of course, the route was through Hawneferne]. [REDACTED]

[REDACTED] Given the history it is possible they may not be aware of the actual route of the Definitive Route. Extracting some quotations from the objections:

-has walked the path for over 30 years'

-has walked the path for over 20 years '

-has enjoyed the path since 1982'

- 'has been walking the path for 25 years'

-has been walking route for 9 years'

- 'has enjoyed the path over bridge for three generations'

[REDACTED] It may well be the respondents are confused by all the different paths over the years, they may well indeed have walked 'a' path through Ryalls/Hawneferne but certainly not 'the' Definitive Route.

In addition the person objecting because the '*new route cannot be used by mobility impaired users*' cannot have seen the proposed diversion. It is entirely level from the point the path enters Ryalls property and the point where it leaves Ryalls, whereas the Definitive Route goes over the pack horse bridge, virtually impossible to go over on a wheel chair.

The objection by Mr and Mrs Foxwell has no basis, whether the footpath goes along the Definitive Route or the proposed diversion has no relevance or impact on Mr Foxwell's field whatsoever.

Mr Heath's lack of support is surprising, in an e-mail to me on 25th June 2015 he suggested '*there is also the option of diverting the path all the way along your river bank and behind your garage. Thus not involving any other parties.*' This is exactly what I have done in this proposal.

Pigdon and his family's objections are also surprising, following a meeting on the 11th February 2014 during which possible routes for the path were discussed, Ms Pigdon proposed a route that would mainly run through Ryalls but would also run on Pigdon

property. The proposed diversion at no point goes on to Pigdon property so this is clearly a better option than that which she had proposed.

It has been pointed out that there were complaints to the Council about the difficulty of walking the Definitive Route which led to the installation of the wooden bridge across the winterbourne on Ryalls property. These complaints only refer to the period after 2013 when Mr Heath had blocked the route that had been walked for many years over the stile into Ryalls. To my knowledge there were no complaints prior to 2013 in the period of my ownership of Ryalls from 1989 or for the years under Mr Pigdon's ownership. The complaints in the 1970's from the Ramblers Association were about clarifying the route.

The evidence since the installation of the bridge into Ryalls is that people prefer to walk the proposed diversion rather than the Definitive Route. The reason therefore for the complaints was one of access to a path rather than a preference for walking the Definitive Route.

5. Nature of objections

The diversion 'would substantially diminish the public enjoyment of the footpath....diverting the footpath away from the pack horse bridge would be detrimental to the route'

This is highly subjective of course, the attached photograph Exhibit 2 shows the view from the proposed diversion of the pack horse bridge and the house. I find it extremely hard to understand how this can be viewed as '*substantially diminishing public enjoyment*'. My personal view and that of many others I have talked to is the view from the proposed diversion is in fact an improvement to public enjoyment. It is self evident that the aesthetic of the bridge is greater from a lateral view, true of any bridge anywhere. There is also possible detriment to the historic pack horse bridge by walker's boots, souvenir hunters.

'concern that any view of the pack horse bridgecannot be guaranteed in the future as a hedge could be planted ...obscuring the view...'

I will guarantee not to plant a hedge.

'the accessibility of the bridge is not considered a barrier to use...existence of a narrow bridge ...along the same footpath'

The issue is not one of access but one of safety. I attach three relevant photographs, Exhibit 3 is of the wooden bridge referred to by objectors and Exhibit 4 and 5 are of the packhorse bridge. There is clearly no comparison, the wooden bridge has a hand rail on one side is well constructed and was designed for the use of walkers. The packhorse bridge

(eighteenth century listed Grade 2) is a wonderful old construction but is clearly much more of a hazard than the wooden bridge. According to 'A Guide to the Packhorse Bridges of England' a packhorse bridge should be less than 1.8m wide and built before 1800. The book categorises the 190 English bridges into 3 groups, Group 1, less than 1.8m wide built before 1800 with known packhorse associations, the Ryalls bridge falls into this category. The definition of a pack horse bridge is it consists of one narrow [one horse wide] masonry arch and has low parapets so as not to interfere with the horse's paniers. Quite clearly this bridge was not constructed for the use of casual walkers. The pack horse bridge is dangerous, it is steep, there is an uneven surface, neither is there any adequate parapet or handrail.

'it is considered a dull corridor with potential to become overgrown'

I attach 5 further photographs. Exhibits 6 and 7 shows the route that the EDDC gave my solicitor when the house was bought in 1989. Exhibits 8,9 and 10 show the proposed route. As is obvious the proposed diversion is demonstrably superior to the route that had been used for decades prior to 2005.

A 'dull corridor' versus walking across somebody's front lawn and peering into their living room and kitchen. I am sure there are people who would prefer the latter, I would argue strongly that the Council would be at fault by indulging them. I will, of course, keep the footpath clear, this is, as I understand it, the obligation of a landowner with a public footpath across their land.

'Dorset County Council must take into account the provisions of the Human Rights Act'

The footpath went through Hawneferne for as long as anybody can remember prior to 2005. Clearly the proposed diversion is a significant improvement from the perspective of Hawneferne than the route that Mr Pigdon actively promoted to establish the footpath through Hawneferne. The hedge that ran alongside the Ryalls/ Hawneferne border was inside the Ryalls boundary, I have every right to do what I want with my own hedge. If Mr Pigdon is so concerned about privacy I will pay for a hedge to be installed. In addition as stated above Ms Pigdon on 11th February 2014 proposed a route that would in part go through Hawneferne, the proposed diversion at no point enters Hawneferne property.

I have at all times throughout this whole lengthy process acted in completely good faith. I have been lied to and have had agreements that have been withdrawn. I do hope the Committee will see their way to approve the diversion both from the perspective of resolving a long running sore in a way which is eminently reasonable and also rights a wrong.

If the Committee do agree to make the requested Order and objections are received I am prepared to take the lead in putting the case in support of its confirmation.

In summary the objections and manner of campaigning are totally disproportionate to the issues. Contrary to the impression given the path over the pack horse bridge has had

virtually no use for a very long time, at least back to the mid 70s when the then owner of Ryalls [Mr Pigdon] convinced the Ramblers Association and the Council the Definitive Route went through Hawneferne. More recently since the Council installed the bridge in 2016 a large number of people have stated the Definitive Route over pack horse bridge has not been used. The evidence is that people prefer the proposed diversion to the current Definitive Route.

I am a reasonable man making a reasonable, indeed generous offer which will benefit the community and beyond.

I am offering a footpath which:

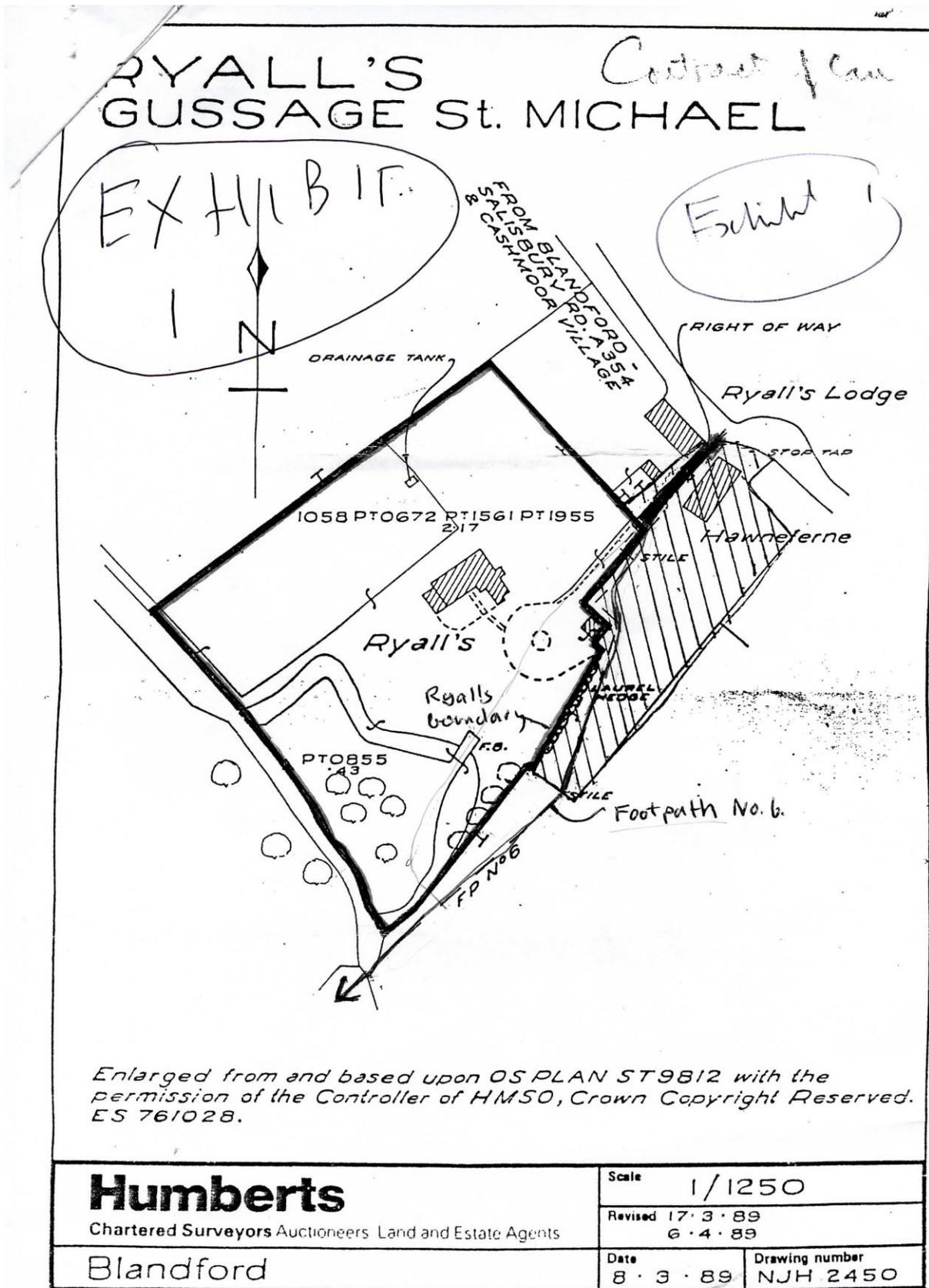
- is safe, level and accessible
- provides a clear and satisfying view of the aesthetic qualities of the pack horse bridge
- provides adequate privacy for Ryalls and Hawneferne

The objections do not constitute a substantive reason for refusal, to my certain knowledge some of the assertions are untrue.

Finally I guarantee full compliance with any conditions which may arise from this hearing.

Regards

David Hall CBE.



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Humberts Chartered Surveyors Auctioneers Land and Estate Agents	Scale	1/1250
	Revised	17.3.89 6.4.89
Blandford	Date	8.3.89
	Drawing number	NJH 2450

EXHIBIT 2



EXHIBIT 3

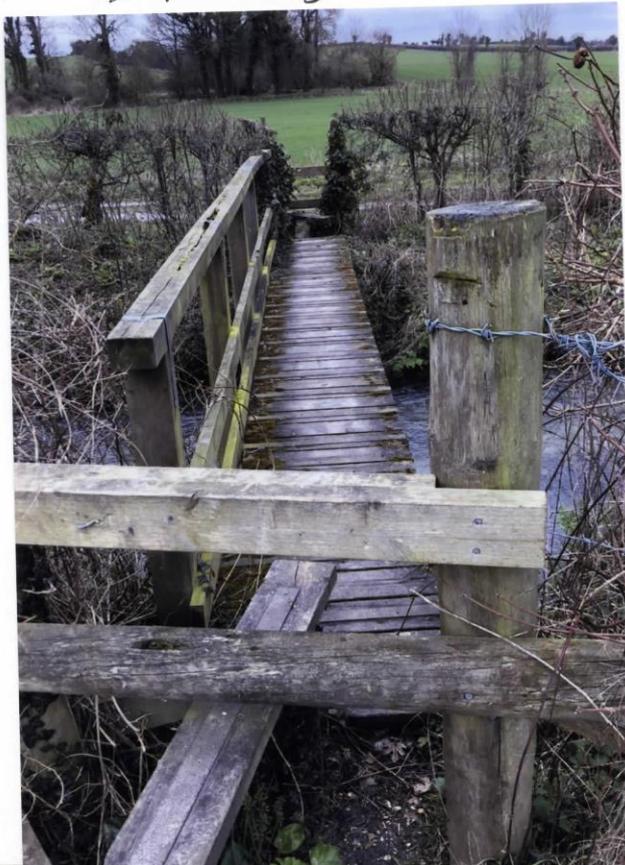


EXHIBIT 4



EXHIBIT 5



EXHIBIT 6



EXHIBIT 7



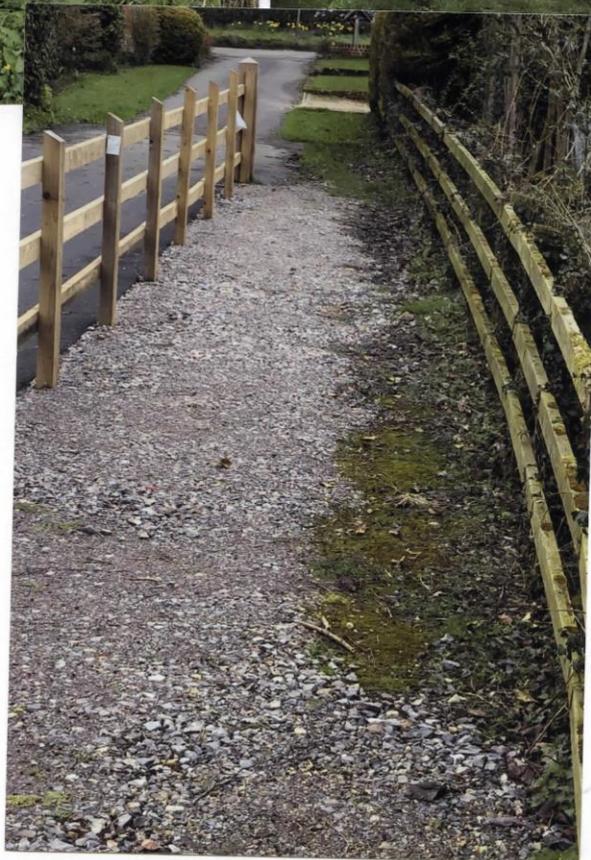
EXHIBIT 8



EXHIBIT 9



EXHIBIT 10



Bridge at junction of Footpaths 5 and 6, Gussage St Michael





**Dorset
Council**

**Public Path Diversion
and
Definitive Map and Statement Modification Order**

**Highways Act 1980
Wildlife and Countryside Act 1981**

**Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls)
Public Path Diversion Order 2020**

This Order is made by Dorset Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the 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)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Mr David Hall has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Gussage St Michael Parish Meeting has been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situate at Ryalls, Gussage St Michael and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 7 days from the date of confirmation of this Order or on the date which Dorset Council certify that work has been carried out to bring the site of the new highway mentioned in Part 2 of the Schedule to this Order into a fit condition for use by the public, whichever is the later and thereupon the County of Dorset definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding this Order, where immediately before the date on which the path is diverted in pursuance of this Order, there is apparatus under, in, on, over, along or across the path belonging to the statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they would have had if this Order had never been made.
3. There shall at the end of 7 days from the date of confirmation of this Order be a public footpath over the land situate at Ryalls, Gussage St Michael described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in this Order and thereupon the County of Dorset definitive map shall be modified by adding that path to it.
4. The County of Dorset definitive statement shall be modified as described in Part 3 of the Schedule to this Order.

Add:

From: ST 981126 To: ST 980125

From C33 county road at Ryalls, south west along the driveway to Ryalls to ST 98151261 and continuing south west along a double fenced path to ST 98141260. Then east south east, passing between a fence and garage (via ST 9814912598) to the edge of the garden at ST 9814812596. Continue south to ST 98141258, then south south west, along the edge of the garden to ST 9812812562, turning north west to ST 9812612563 then south west to ST 98101252. Continue generally south west and south south west to join Path No 5. Width: 2 metres between ST 98151262 and ST 98101252, except for 1.65 metres at ST 98151261, 1.65 - 2 metres between ST 98151261 and ST 98141260, 1.8 metres at ST 98141260 and 1.9 metres at ST 9814812596.

Dated this 24TH day of JANUARY 2020

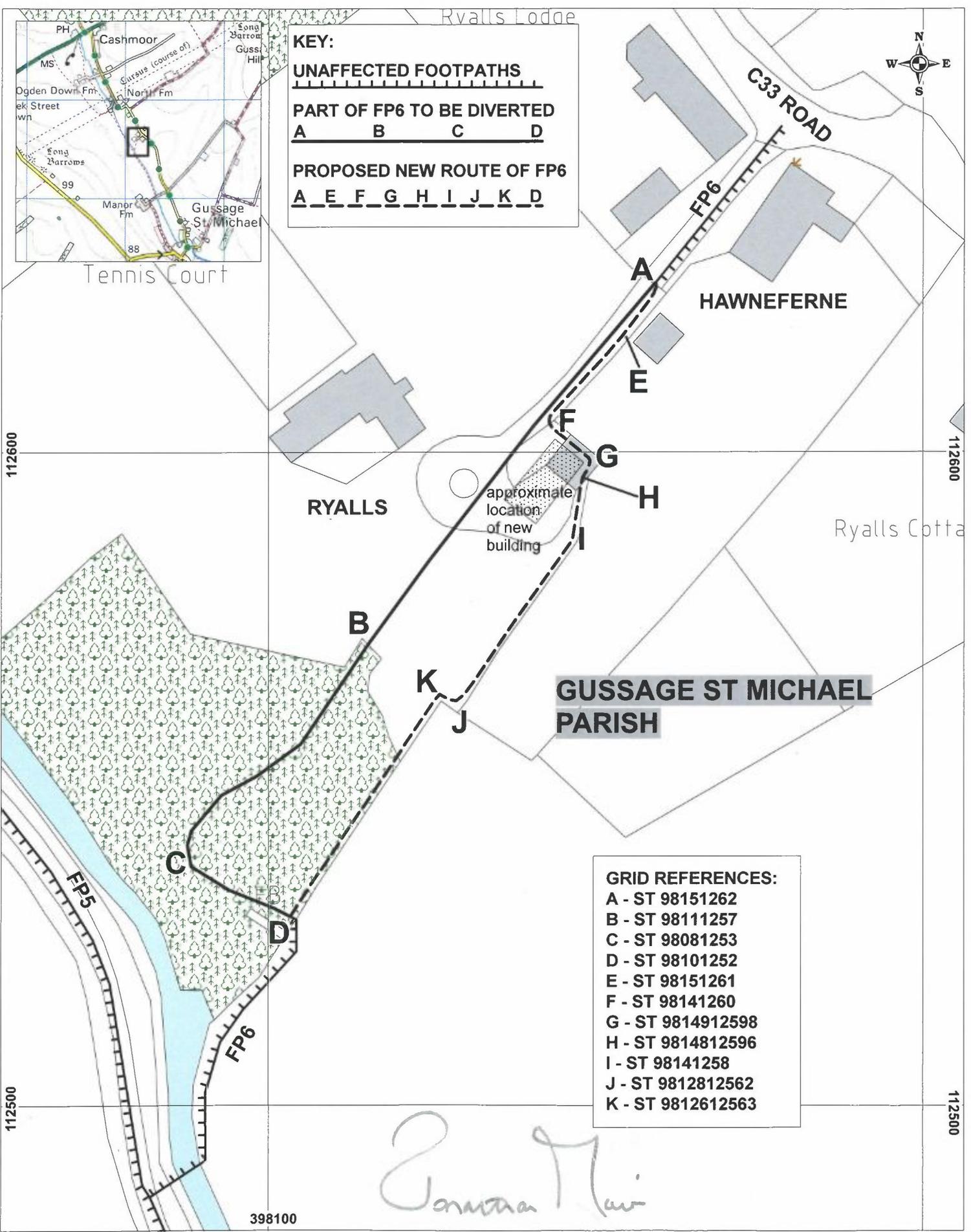
THE COMMON SEAL of
DORSET COUNCIL
was affixed in the presence of:-



Sarah Hill

32/20

Authorised signatory



KEY:

UNAFFECTED FOOTPATHS
 ───────────────────────────

PART OF FP6 TO BE DIVERTED
 A B C D

PROPOSED NEW ROUTE OF FP6
 A _ E _ F _ G _ H _ I _ J _ K _ D

GRID REFERENCES:

A - ST 98151262
 B - ST 98111257
 C - ST 98081253
 D - ST 98101252
 E - ST 98151261
 F - ST 98141260
 G - ST 9814912598
 H - ST 9814812596
 I - ST 98141258
 J - ST 9812812562
 K - ST 9812612563

**DORSET COUNCIL (PART OF FOOTPATH 6,
 GUSSAGE ST MICHAEL AT RYALLS) PUBLIC
 PATH DIVERSION ORDER 2020**

Ref: 17/33
Date: 07/11/2017
Scale 1:750
Drawn By: CAM
Cent X: 398133
Cent Y: 112574

Dorset Council

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Objection 1 redacted.txt

From: REDACTED
Sent: 05 February 2020 00:10
To: Definitive Map Team
Subject: Path

Dear Vanessa Penny.

I am emailing you to object to the proposal to divert part of footpath 6 Gussage st Michael at Ryalls.

My wife and I have walked this footpath over the old packhorse bridge for the last 25 years.

Denying us and the public the opportunity to walk this historic route, in particular the packhorse bridge is very sad. Not being able to access the packhorse bridge or view the listed building of Ryalls would be a great loss to us and the public.

Basically the proposed diversion is one long corridor! Fenced in on both sides by hedges and a building, with no visual stimulation. It's very dull and I believe less convenient to the public.

It is my opinion that this diversion is not in the public's interest but solely in that of the landowner Mr David Hall.

With Kind regards

REDACTED

Objection 2 redacted.txt

From: REDACTED
Sent: 07 February 2020 11:39
To: Definitive Map Team
Subject: for attention of JONATHAN MAIR

(Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order
2020

Dear Jonathan,

I have walked these paths for many years with my wife, she has passed away aged 81 just last Oct. May I enlighten you of the joys we once had in our walks, the wildlife, the seasons, the smells, the weather, we enjoyed it all. Mostly meeting other ramblers and exchanging greetings and well beings, as we admired each others dogs.

Jonathan, please leave the 'Gussage St Michael paths' as they are, let me follow my wifes footsteps, let the next generation enjoy what we have, please for the sake of NAME REDACTED.

We must value what we have. These trails are more than walks their our future and past, please leave them as they are.

Kind Regards
REDACTED

Objection 3 redacted.txt

From: REDACTED
Sent: 17 February 2020 18:23
To: Definitive Map Team
Subject: Ref RW/P186

Footpath 6 Gussage St Michael at Ryalls. Ref RW/P186

Dear Madam,

I recently travelled a considerable distance solely for the pleasure of crossing the packhorse bridge at Ryalls. I didn't go there in order to walk behind a garage.

Public footpaths are part of our heritage. Often they can be diverted without detriment to the walker, but that is not the case here. For centuries people have crossed this bridge and it surely would need very compelling circumstances indeed to extinguish their right to do so.

How very sad for us and future generations if the landowner succeeds in his wish to create wider rights of ownership for himself by denying everyone else their centuries old rights and birthright. In contrast, many people who are privileged to be owners of precious monuments regard themselves as simply the current custodians, holding our heritage in trust for present and future generations to enjoy. This must surely also be the role of Planning Authorities.

I object most strongly to the proposal.

Yours Faithfully,

REDACTED

Objection 4 redacted.txt

From: REDACTED
Sent: 18 February 2020 20:17
To: Definitive Map Team
Subject: RW/P186

Dear Madam

Denial of access to the packhorse bridge at Ryalls.

The bridge is known to me and is a fine example of it's type.
The submission of this application is I suggest a somewhat selfish act denying to future generations the pleasure of walking over a bridge which has been there for several hundred years.

I wish to object to the application.

REDACTED

BY E-MAIL

Vanessa Penny
Definitive Map Team Manager
Spatial Planning
Dorset Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

24 February 2020

Your Ref: RW/P186

Dear Ms Penny

Highways Act 1980
Wildlife and Countryside Act 1981
Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order 2020

I am in receipt of the notice of the above order and a copy of the order as made.

In the absence of a volunteer in the position of East Dorset Footpath Secretary, response to this Order is being made by me, as Dorset Area Footpath Secretary, with support from Dr Janet Davis, Rights of Way Advisor, and the agreement of the Dorset Area Footpath Committee.

The East Dorset Group Footpath Secretary raised no objection at the time of the application, but remarked on the alternative route between two hedges, which from experience could become overgrown. However, to ensure that our response remained appropriate, both Dr Davis and I made a site visit on Thursday 13th February 2020, and walked both routes. There was heavy rain at the time, and the winterbourne contained a considerable amount of water. That having been said, the existing route, (A-B-C-D) was far more enjoyable than the proposed diversion (A-E-F-G-H-I-J-K-D), which from I – F is between either fences, or outbuildings, and at the time of our visit was waterlogged in places.

We therefore wish to object to the Order, on the grounds that the diverted route would have a significant detrimental effect on the enjoyment by the public, of the route as a whole.

Please could you advise us if this subsequently goes before the Planning Committee.

Yours sincerely

Jan Wardell

Mrs Jan Wardell
Area Footpath Secretary
Ramblers, Dorset Area

Objection 6 redacted.txt

From: REDACTED
Sent: 25 February 2020 11:54
To: Definitive Map Team
Subject: Public Path Diversion Order. Footpath - Gussage St Michael at Ryalls Objection
Attachments: DSC_1614.JPG

Fao Vanessa Penny - Definitive Map Team Manager

Good Morning,

Please accept this email as my objection to the above order.

My family and I have been residents of Gussage St Michael since June 2019.

Throughout the summer my children and I walked this footpath daily, exploring our new surroundings and en route to our new neighbours.

When we have family visit, this footpath is always included in our planned activities as my young nieces and nephews enjoy walking over the packhorse Bridge and making up stories about the history of it. My children and I have also enjoyed seeing the bridge and its surroundings change over the seasons.

The route continues to be part of my daily routine as we now have a puppy and we walk this route together.

It would be such a shame to have this section of the footpath removed as it is such a lovely feature and history of our village.

The new proposed route would certainly be less enjoyable and having walked it once to compare, I feel it is a very dark and claustrophobic section which would certainly spoil our walking experience.

Please find attached a picture of 2 of my daughters enjoying the beautiful packhorse Bridge.

Please take my concerns into consideration

Many thanks

REDACTED

Objection 7 redacted.txt

From: REDACTED
Sent: 01 March 2020 20:08
To: Definitive Map Team
Subject: Footpath 6

To Vanessa Penny

I would like to object to the change of direction of the footpath 6 in Gussage St Micheal.

I live very close to the area and often walk this path
I love the views , the countryside should be left as it is for us all to enjoy
, changing this will be awful shame.

Your faithfully

REDACTED

Object 8 redacted.txt

From: REDACTED
Sent: 04 March 2020 13:41
To: Definitive Map Team
Subject: FP6 Ryalls.

FAO Vanessa Penny and Jonathan Mair.

I would like to OBJECT to the order made on 24 January 2020 to divert part of Footpath 6, Gussage St Michael.

I have lived in Gussage st Michael for over 11 years. My partner an I regularly walk this path with our two dogs.

I am very disappointed and saddened to think we will no longer have access to the packhorse bridge.

It's the best part of the walk.

The alternative path around the garage is so boring and enclosed.

Hopefully you can see that it isn't in the public's interest to move this path.

Kind regards

REDACTED

Objection 9 redacted.txt

From: REDACTED
Sent: 06 March 2020 11:23
To: Definitive Map Team
Subject: Objection

Dear Vanessa Penny,

With regards to the proposed alterations to the footpath I am writing this email to object.

My own personal reasons have led me to object. This is purely based on the fact that for many years I have dearly enjoyed walking the path next to the old farm house, pausing at the the bridge as I continue my walk with my dogs.

Such alterations will inevitably stop my enjoyment of this particular walk.

Thankyou for taking the time to read of my grievance.

Kind regards

REDACTED

Sent from my iPhone

Objection 10 redacted.txt

From: REDACTED
Sent: 07 March 2020 10:03
To: Definitive Map Team
Subject: Part of Footpath 6, Gussage St Michael at Ryalls

Dear Vanessa Penny

In reference to the proposal to divert part of footpath 6 at Gussage St Michael. I would like to object.

This diversion prevents the public their right to access the grade 2 listed bridge at point B. Structures listed on the register are legal protected from altercation. Denying access to the bridge does not benefit the general public.

My understanding is a public footpath should only be moved if it benefits the general public. As a local resident I cannot see what benefit moving this path would add to the general public.

Has the ANOB been allowed to comment on this diversion?

Kind regards
REDACTED
Gussage All Saints

Objection 11 redacted.txt

From: REDACTED
Sent: 07 March 2020 13:46
To: Definitive Map Team
Subject: Fw: Ryalls Footpath

Sent from Yahoo Mail for iPhone
Begin forwarded message:

On Saturday, March 7, 2020, 1:33 pm, REDACTED wrote:

Dear Vanessa Penny.

I am writing to notify you of my objection to the diversion of the footpath at Ryalls.

I First moved to Gussage St Michael in 1993. It's brought me great pleasure walking over the packhorse bridge with family and friends over the years. It would be a shame to deny other people the same right that I have enjoyed.

With kind regards

REDACTED

Objection 12 redacted.txt

From: REDACTED
Sent: 07 March 2020 13:49
To: Definitive Map Team
Subject: Objection at ryalls

Dear Vanessa Penny.

I've just been walking the footpath at ryalls and read the notices about the diversion.

So I am writing to inform you of my objection to this order.

I live and work locally and this is a lovely little walk for me. I've walked it for many years. Even before the new wooden bridge was installed. As the stream is dry most of the year and is easily crossed.

Please don't change it to the hedge tunnel around the garage.
It's narrow and dark.

Many thanks.

REDACTED

Objection 13 redacted.txt

From: REDACTED
Sent: 01 March 2020 08:33
To: Definitive Map Team

Disgusting idea this person trying to do this to our ancient walkways.....infuriating !

Sorry....its about a person in Gussage St Michael that wants to interfere with an ancient pathway that he thinks is on his land. Regards
REDACTED

Objection 14 redacted.txt

From: REDACTED
Sent: 07 March 2020 18:14
To: Definitive Map Team
Subject: REF RW/P186

Dear Vanessa penny

I am writing to express my concerns about the proposed changes to the public footpath, As a long standing member of the community around gussage st Michael I feel that any changes to the route would greatly effect the enjoyment of countryside walks me and my family have enjoyed for many years. If the route were to divert from being able to cross the pack horse bridge it would greatly effect the enjoyment of the walk.Over the last few years my forever growing family have enjoyed taking walks almost on a daily basis, where my young children still believe to this day that there is a magic troll that lives under the bridge.They love to go and visit, I feel by diverting this footpath away from the bridge it would take the enjoyment out of our walks and fear the children would not enjoy our walks any longer and therefore be reluctant to go. In this day and age I think it is essential to savour these little things for there childhood and make memories they will treasure whilst technology is taking over I very much enjoy the more traditional means of fun. Further to my concerns about how it would effect me personally I feel that having to divert around a modern built garage would also effect the feeling of having a walk in the countryside which is a much needed escape after long days working. I urge you to think carefully before any decisions are made as I think the wrong decision could greatly effect the area in a negative way. I thank you for your time.

Many thanks
REDACTED

Objection 15 Mogridge.txt

From: REDACTED
Sent: 07 March 2020 21:41
To: Definitive Map Team
Subject: Gussage Valley footpath 6

To Vanessa Penny.

Please could you take note of my objection to move footpath 6 in the Gussage valley.

The packhorse bridge is an amazing structure and the 500 year old grade II listed farm house is beautiful.

This truly is a lovely walk, watching it change with the seasons. Especially when the winterbourne starts to flow in the winter months and early spring.

The alternative path is the complete opposite. You're fenced and hedged in on both sides. It's like walking down a cattle race.

Please stop this madness.

Kind regards.

REDACTED.

Objection 16 redacted.txt

From: REDACTED
Sent: 07 March 2020 23:43
To: Definitive Map Team
Subject: OBJECTION TO Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order 2020
Attachments: Combined nom & sealed order P186.pdf

For the attention of:
Vanessa Penny,
Definitive Map Team Manager,
Spatial Planning,
Dorset Council,
County Hall,
Colliton Park,
Dorchester,
Dorset,
DT1 1XJ

(Ref: RW/P186)

Dear Ms Penny,

The purpose of this email is to make my OBJECTION to Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order 2020.

It is my belief that the Dorset County Council Regulatory Committee decision on 6 September 2018 to accept the Application to change the route of Footpath 6, as described in the attached document is flawed.

The grounds for this objection it that it is believed that Objections to the Application were not correctly reviewed and taken into account when the application decision was accepted. It is my belief that there were significant local objections to the application from residents of the village but that correct and appropriate review of the local objections to the Application was not undertaken.

It is my further belief that if the objections to the Application were taken into account, the Application would not have been accepted.

I would be grateful if you would acknowledge this OBJECTION email.

Thank you.

Kind regards

REDACTED

REDACTED

Vanessa Penny
Definitive Map Team Manager
Spatial Planning
Dorset Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

11th February 2020

Dear Vanessa

**Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls)
Public Path Diversion Order 2020**

I have been a resident in Gussage St Michael since 1985 and over the years have often used the footpath in question. It is part of a circular route I frequently take.

I fully support the proposed diversion of the path as being eminently sensible and practical. It avoids the need to cross the pack horse bridge thus obviating any wear and tear and possible damage. It provides a safer route and ensures the footpath is retained and accessible for future generations.

Yours sincerely

REDACTED

REDACTED

17 February 2020

Vanessa Penny
Definitive Map Team Manager
Spatial Planning
Dorset Council
DT1 1XJ

Dear Vanessa

**Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls)
Public Path Diversion Order 2020**

I write in support of this application. I write as a resident of Gussage St Michael who walks this footpath frequently; as a past District Councillor for this Ward; and as a current Parish Councillor for the Vale of Allen PC.

I support the application for the following reasons:

- It provides a straightforward, safe and easy alternative for this short distance;
- It avoids the necessity of walking through a private garden and passing very close to a domestic residence;
- There is an excellent uninterrupted view of the pack-horse bridge;
- The landowner is making a generous offer of his land and its maintenance.

This proposal has had significant local support from those who walk this area. It has the support of the Ramblers Association. It has been approved by the appropriate committee of Dorset County Council, just prior to the creation of the unitary council in April 2019.

I therefore very much hope that this matter can now be resolved, in the best interests of all parties concerned.

Yours sincerely

(by email)

REDACTED

Support 3 redacted.txt

From: REDACTED
Sent: 19 February 2020 18:12
To: Kerry J Smyth; Definitive Map Team
Subject: Ref. Part of Footpath 6, Gussage St Michael

I am emailing to support the diversion of the footpath that currently runs through Ryalls garden and over the small stone bridge.

I've always wondered why the footpath would go over the bridge and not around the edge of the garden especially as the bridge, in my opinion, is a hazard due to its small size

and formation. It is lovely to look at but dangerous to walk - it is narrow with uneven tread, there are no supports and in the winter as well as being slippery there is fast flowing water underneath.

It would make much more sense from both a safety and aesthetic point of view to move the footpath to the new proposed location around the edge of the garden.

With thanks and kind regards
REDACTED

REDACTED

Feb 22nd 2020

To Whom It May Concern

Re: Application to divert Footpath 6, Gussage St Michael

Although I live rather a long way from Gussage St Michael, it is a place I feel I know well and I do enjoy my visits to your part of England, so different from my home in Derbyshire. As a regular walker, and a member of a local walking group, I am always interested in the routeing of footpaths so I would like to register my support for Dorset Council approval of the landlord's request for a diversion on Footpath 6. It seems to me to be a well-thought through diversion, allowing for a really good view of the ancient packhorse bridge (a favourite on anyone's walk) and removes any inconvenience to the owner. Indeed I look forward to using this new route on my next visit to Gussage St Michael.

I therefore strongly support this diversion and hope that the Council's decision will be upheld.

Yours faithfully

REDACTED

REDACTED

22nd February 2020

Vanessa Penny
Definitive Map Team Manager
County Hall, Dorchester

Dear Madam

Footpath 6 Gussage St Michael at Ryalls Public Path Diversion Order

I write in support of the order made on 24th January 2020 to divert part of Footpath 6 at Gussage St Michael.

The grounds for my support are as follows:

1. The diversion is accessible to all, including the disabled
2. As a flat, wide path it is considerably safer than the original path over a narrow, steep and slippery bridge, with no handrails
3. The diversion enables the walker to enjoy a view of the attractive bridge, without compromising the privacy of the landlord
4. I would much prefer NOT to walk over the middle of a private garden
5. This issue has been the subject of debate in the village for many years and a settlement is long overdue.

I have lived in the village for 25 years and am a keen and regular walker. To my knowledge, the path over the bridge was never used during this time. I served on the Village Committee as a member and subsequently as clerk for more than 10 years, during which period the actual route of Footpath 6 at Ryalls was a matter of confusion and debate. The relevant maps lack clarity and walkers unfamiliar with the village are often unsure where to go. Residents would often follow the field boundary or avoid the area altogether. The matter urgently needs to be resolved with this excellent diversion.

Your sincerely

REDACTED

Support 6 redacted.txt

From: REDACTED
Sent: 24 February 2020 11:08
To: Definitive Map Team
Subject: ATT Vanessa Penny

Dear Vanessa

I am writing to support the diversion of the footpath in Gussage St Michael.

As far as I can tell, walkers/people who use the diverted path are perfectly happy with it and if anything prefer the route rather than walking through the garden.

There is also a health and safety/access issue with walking through the garden at Ryalls, young, old, dogs etc walking over the stone bridge in the rain, wind etc of which we have had rather a lot recently!

Thanks

REDACTED

Support 7 redacted.txt

From: REDACTED
Sent: 25 February 2020 07:48
To: Definitive Map Team
Subject: Ryalls footpath

Dear Vanessa,

I support the proposed change.

There is a real health and safety issue with crossing the bridge. People could easily lose their footing, either falling into the water (currently in spate) or onto the hard river bed.

Kind regards,

REDACTED

Support 8 redacted.txt

From: REDACTED
Sent: 28 February 2020 11:43
To: Definitive Map Team
Subject: Ryalls Footpath

For attention of Vanessa Penny .

RYALLS FOOTPATH , Gussage St Michael

I am writing about the above footpath and feel very disturbed about the controversy that has been so unnecessarily created .

I have been walking the path between Cashmoor and Gussage St Michael for 20 years and have NEVER walked through the centre of Ryalls garden , always up or down the path by the hedge , which is now designated ' A permitted path ' . I have to admit that although having walked the path many times I had never even seen the packhorse bridge , I hadn't realised it was there and would have considered it a great invasion of Ryalls privacy if I had , and now having had it brought to my attention, I would consider it unsafe to walk over .

The 'permitted path ' is not only very safe , it is easy to negotiate by walkers of all abilities or families with children . The footpath is supported by The Ramblers Ass.n and local walkers . It preserves and protects the privacy of Ryalls House , particularly if they have guests with children , taking into account the Safeguarding policies that we all have been made aware of and should respect .

I hope this contentious issue will be settled and common sense prevail to allow the safe and easy to use footpath alongside the hedge on the eastern side of the garden , where it has been for many many years .

With kind regards,
REDACTED

Support 9 redacted.txt

From: REDACTED
Sent: 01 March 2020 16:46
To: Definitive Map Team
Subject: Part of Footpath 6, Gussage St Michael at Ryalls Public Path
Diversion Order 2020

FOR THE ATTENTION OF VANESSA PENNY

I have been visiting the Gussages annually for over 30 years, enjoying the walks in the area with my children and subsequently my grandchildren. I was shocked when the path was diverted from the way I'd always used to over that treacherous packhorse bridge. Not only is it clearly unsafe, with an uneven, much too narrow surface, but it is also impossible to safely lead small children over it, let alone carry them without risk to life and limb. The new proposed route is much safer, more attractive (excellent views of the packhorse bridge) and also feels much less intrusive to the owners of the house. I strongly urge you to accept this new proposed route.

Yours sincerely,
REDACTED

Support 10 redacted.txt

From: REDACTED
Sent: 29 February 2020 09:44
To: Definitive Map Team
Subject: FAO Vanessa Penny re Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls)
Public Path Diversion Order 2020

Dear Ms Penny,

I have received notification of the Order regarding Part of Footpath 6, Gussage St Michael at Ryalls as I live in one of the adjoining properties Ryall Lodge. Thank you for sending this to me.

I am familiar with the proposed order as my neighbour, David Hall has discussed it with me. I support it because it makes good sense.

By way of background I have lived at Ryalls Lodge with my family since summer 1993, so 27 years this summer. The footpath goes past our kitchen window and so we notice the volume and frequency of walkers who use the path. Both are quite modest, no more than a handful on a weekday and perhaps double that at weekends. The regular users are a couple of keen walkers from the village; the occasional rambler following the Cursus and the most regular users are my neighbour REDACTED and my family.

Over the past 27 years it has been noticeable users of the path have not walked over the bridge but rather walked to the side roughly along part the route of the proposed diversion. I suspect this is due to people naturally not wanting to invade the occupier's privacy plus, and more significantly, it is much easier not to walk over the bridge due to its size and form. Walking over the bridge adds little to the enjoyment of that part of the walk, particularly for the 6+ months of the year when the winterbourne is dry.

I hope the proposed order will be approved.

Yours sincerely,
REDACTED

Support 11 redacted.txt

From: REDACTED
Sent: 28 February 2020 21:42
To: Definitive Map Team
Subject: Fwd: Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path
Diversion Order 2020

REDACTED

Dear Vanessa Perry

Just to inform you that I think that this diversion is a good positive decision, I personally walk this footpath twice a day everyday with my dog, on occasion with my grandchildren & other family members. The access is good, level, ideal for disabled &

young children, & it gives a good view of the packhorse bridge.

I have encountered a lot of ramblers who say to me they would rather walk this new path than to try & navigate the slippery uneven packhorse bridge, & they feel uncomfortable walking through someone's garden. All my time of walking the footpath I

have never seen anyone actually cross the packhorse bridge. Personally I find this new path a win win situation for walkers & the landowner, this situation has been going on a long time, & now needs to be resolved.

Thank you

Yours sincerely

REDACTED

Support 12 redacted.txt

From: REDACTED
Sent: 28 February 2020 21:25
To: Definitive Map Team
Subject: Public Footpath 6 , Gussage St. Michael

Dear Vanessa Penny

I walk the new proposed footpath most days . It is very accessible for everyone to use . I have in the past walked over the pack horse bridge which is very narrow and find it very dangerous for all especially children. It does get very slippery when wet.

There is a lovely view across the garden of the Pack Horse Bridge now from the proposed path.I have met a lot of people who use the footpath . They tell me that they like using it as it gives more privacy to the landowner rather than walking through the garden.

The landowner has created a lovely footpath which is very safe all to use and enjoy .

Yours Faithfully
REDACTED

Support 13 redacted.txt

From: REDACTED
Sent: 02 March 2020 16:16
To: Definitive Map Team
Subject: Fwd: Ref:Part of Footpath 6 Gussage St Michael

Begin forwarded message:

From: REDACTED
Subject: Ref:Part of Footpath 6 Gussage St Michael
Date: 2 March 2020 at 15:19:10 GMT
To: Kerry.smyth@dorsetcouncil.gov.uk

Hi Kerry,

I am writing in support of the new proposed footpath.

I use this footpath regularly dog walking and find it more convenient for walking than going the former way.

Yours Sincerely,

REDACTED

REDACTED

Vanessa Penny
Definitive Map Team Manager
Spatial Planning
Dorset Council
Dorchester
DT1 1XJ

28th February, 2020

Dear Ms Penny

Diversion of Footpath 6 (Ryalls) Gussage St Michael

We wish to support the diversion of the above named footpath.

We walked the new path yesterday and felt much more comfortable about walking along the edge of somebody's private garden than striding through the middle of it. Crossing the small packhorse bridge could sometimes be a challenge too, especially if wet. Now, though, there is a pleasant walk alongside the stream with a much better view of the little packhorse bridge than previously. We understand the bridge is very old, so would suggest that viewing it rather than using it must surely be a good thing to preserve it for the future.

Kind regards

REDACTED

Support 15 redacted.txt

From: REDACTED
Sent: 04 March 2020 06:40
To: Definitive Map Team
Subject: Ref: RW/P186: Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order 2020

For the attention of Vanessa Penny, Definitive Map Team Manager, Spatial Planning, Dorset Council

Dear Ms Penny,

Thank you for the opportunity to comment on this Public Path Diversion Order.

I am writing as a keen walker, who feels lucky to have enjoyed country strolls in various beautiful parts of Dorset--including the Gussages--along with longer walks on routes across the UK and around the world from the Appalachian Trail to the Camino de Santiago.

An incident on a walk I took last year changed my life forever, and I want to share a brief version of this story with you as I feel it has some bearing on the current item you have under review:

Last May, whilst walking the Kumano Kodo, an ancient pilgrimage route in Japan that, not unlike the Gussages, winds its way through and around various patches of public and private land, my walking companion and I witnessed another walker (a middle aged lady who we later learned was from Australia) slip on the path and fall to her death in the stream below. We were the ones who had to report the accident to the fire department (first responders in the area) and later to give a report to the police.

The place at which the fatal fall occurred was on a temporary diversion of the trail through a steeply sloping cedar plantation, which although scenic, would have been much more safely and sensibly routed through adjacent fire access roads. I am certain that this tragedy, which took a life, has forever scarred those of us who witnessed it, and produced negative press coverage for the local prefecture, could have been prevented by a more sensible routing of the trail that placed public safety over aesthetics.

The parallels with the case under your review seem clear to me. On several visits to the Gussages, I have often wondered at the logic and worried about the hazards of routing a public footpath over the steep, narrow, slippery stone footbridge near the Ryalls house. The proposed re-routing (which I have walked) is much safer and more sensible, and I strongly urge you and your colleagues to adopt it and prevent any walker injuries in your area of jurisdiction.

Yours sincerely,
REDACTED

Support 16 redacted.txt

From: Kerry J Smyth
Sent: 06 March 2020 14:24
To: Carol Mckay
Subject: Fw: Application to divert Footpath 6, Gussage St Michael

From: REDACTED
Sent: 05 March 2020 21:25:14
To: Kerry J Smyth <k.j.smyth@dorsetcc.gov.uk>
Subject: Re: Application to divert Footpath 6, Gussage St Michael

Dear Kerry Smyth,

I write as a regular visitor to Gussage St Michael, where I enjoy the excellent walks on the many footpaths and bridleways in the area. I note that Dorset Council has approved the landowner's application for this diversion, which has my full support.

I note the hard work and thought which has gone into the creation of this diversion, which enhances one's enjoyment of the walk by providing a remarkable view of the ancient packhorse bridge for the rambler, without inconvenience to the owner of the property.

I therefore strongly support this diversion and hope that the Council's decision will be upheld.

Yours faithfully
REDACTED

Support 17 redacted.txt

From: REDACTED
Sent: 06 March 2020 17:56
To: Definitive Map Team
Subject: Re. Footpath 6. Gussage St. Michael

For the attention of Vanessa Penny:

I have enjoyed walks on the footpath that runs through Gussage St. Michael with family over the years. I feel the proposed route across the stone bridge is dangerous as it is uneven, slippery and very narrow. I really hope you will take that into account when approving the new route.

Best regards,

REDACTED

D Hall support.txt

From: David Hall <halldavidj@btinternet.com>
Sent: 06 March 2020 14:52
To: Definitive Map Team
Subject: Part of Footpath 6, Gussage St. Michael at Ryalls. Attention Vanessa Penny

I write as the owner of Ryalls and very much hope the diversion will be granted. The origins of the request for a diversion date back as far as 1975. Mr Pigdon purchased Ryalls with full knowledge that the definitive path went through Ryalls (as confirmed to me by the vendor Mr Read).

Mr Pigdon managed to persuade the County Surveyor that the definitive path went through the adjacent property Hawneferne (at that time a barn also owned by Mr Pigdon) this was confirmed by letter in September 1979.

At the time of my purchase of Ryalls in September 1989 East Dorset District Council supplied a map to my solicitor showing the definitive path going through Hawneferne, it was on this basis I decided to purchase the property.

In 2002 Mr Pigdon informed me there had been a mistake and the definitive path went through Ryalls not Hawneferne (where he then lived). In 2005 Mr Pigdon unlawfully blocked the stile into Hawneferne and created a stile into Ryalls. This created a route which was not on the definitive path over the pack horse bridge. In 2013 Mr Heath who farms the adjacent field removed the stile into Ryalls and cuts the wire fence, again creating a route not over the bridge or definitive path.

In 2016, the Council installs a wooden footbridge over the stream thereby allowing access along the definitive path and over the pack horse bridge. The purpose of describing this history is that it was not until 2016 that the definitive path was fully accessible.

There were 17 objections to the proposed diversion. 14 of these objections make statements that were not true, claims that the path was 'Walked for over 30 years' , 'walk the route regularly ', etc. It's possible that given the number of different paths that had been in use there was some confusion as to what the diversion proposal actually was. It's also likely a campaign was fomented to block the diversion for reasons nothing to do with the enjoyment of the definitive route compared with the proposed

diversion. Of the remaining 3 objections, one was from the absentee owner of the adjacent field who clearly had not looked at the plan as the diversion would have no impact on his field at all, one objected and gave no reason and one objected on the grounds of enjoyment. It is worth pointing out that the Ramblers Association supported the diversion. I understand that any objection to the diversion order results in referring back to the committee. I hope the committee will take note of the history and the nature of any objections.

David Hall.