

Agenda item:

# Regulatory Committee

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**Dorset County Council**



Date of meeting	27 November 2014
Officer	Director for Environment and the Economy
Subject of report	<b>Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014</b>
Executive summary	This report considers an objection to the Order and recommends that it be sent to the Secretary of State and that the County Council supports confirmation of the Order as made.
Impact Assessment:	<p>Equalities Impact Assessment: See previous report to the Regulatory Committee 6 June 2013 (Appendix 1).</p>
	<p>Use of Evidence: See previous report to the Regulatory Committee 6 June 2013 (Appendix 1).</p>
	<p>Budget: There is no statutory provision for charging applicants for the cost of public inquiries and associated expenditure. If the County Council does not send the Order to the Secretary of State for confirmation, the applicant may be entitled to a refund of any monies paid for the process to date.</p>
	<p>Risk Assessment: Very low</p>
	<p>Sustainability implications: See previous report to the Regulatory Committee 6 June 2013 (Appendix 1).</p>
	<p>Community safety implications: See previous report to the Regulatory Committee 6 June 2013 (Appendix 1).</p>

Recommendation	That the Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014 be sent to the Secretary of State for confirmation.
Reason for Recommendation	<p>The diversion, which is the subject of the Order, complies in all respects with the law and therefore the Order should be confirmed.</p> <p>Decisions on applications for public path orders ensure that changes to the network of public right of way comply with the legal requirements and achieves the corporate plan objectives of:</p> <p>Enabling Economic Growth</p> <ul style="list-style-type: none"> <li>• Ensure good management of our environmental and historic assets and heritage</li> </ul> <p>Health, Wellbeing and Safeguarding</p> <ul style="list-style-type: none"> <li>• Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset</li> <li>• Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live</li> <li>• Enable people to live in safe, healthy and accessible environments and communities</li> </ul>
Appendices	<ol style="list-style-type: none"> <li>1 Report to and extract from the minutes of the Roads and Rights of Way Committee 6 June 2013</li> <li>2 Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014</li> <li>3 Letters of objection and other responses to the Order</li> </ol>
Background Papers	The file of the Director for Environment and Economy (ref. RW/P109), which will be available to view at County Hall during office hours.
Report Originator and Contact	<p>Carol McKay Rights of Way Officer, Definitive Map Team Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk</p>

## **1 Background**

- 1.1 Following the receipt of a public path order application to reorganise the public rights of way at Highlands End Farm, Symondsburry, a full consultation exercise was carried out. As an objection was received to the proposals a report was considered by the Roads and Rights of Way Committee in June 2013 (Appendix 1), which resolved that the orders should be made as recommended.
- 1.2 The Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014 was sealed on 6 June 2014 and published on 19 June 2014 (Appendix 2).
- 1.3 As there is an objection to the diversion Order the County Council is unable to confirm it itself; instead it may be sent to the Secretary of State for confirmation. In these circumstances the Secretary of State, through the Planning Inspectorate, may hold a local Public Inquiry at which issues can be explored fully before an Inspector decides whether the Order should be confirmed. Alternatively, at the discretion of the Inspector, the matter may be considered by way of written representations.

## **2 Law**

- 2.1 The relevant law is set out in paragraphs 5.1 to 5.6 of the earlier report (Appendix 1).
- 2.2 The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 will apply. The County Council may charge an applicant for the costs incurred in making an order, including advertisements. The County Council shall, if asked, refund a charge where, having received objections, the Council fails to submit the Order to the Secretary of State for confirmation without the agreement of the applicant.

## **3 Objections to the Diversion Order**

- 3.1 There is one outstanding objection to the diversion Order. A copy of the objection is included at Appendix 3.
- 3.2 The objection refers to the proposed diversion of Footpaths 22, 23 and 26, Symondsburry. There are no objections to the proposed diversion of Bridleway 28, to the proposed extinguishment of Bridleway 29, or the proposed creation of a footpath.
- 3.3 As the proposed extinguishment Order has not received any objections and it is not dependent on the associated creation and diversion orders the County Council will confirm the Order.
- 3.4 The creation Order has not received objections but is dependent on the successful diversion of the other paths and therefore cannot be confirmed until the diversion Order has also been confirmed.

- 3.5 Mr Leggett and Ms Harding, local residents, object to the diversion Order. They refer to their previous objections submitted in response to the pre-order public consultations and confirm that these objections still stand. Their original objections are discussed in the report to the Roads and Rights of Way Committee in June 2013 attached as Appendix 1.

#### 4 **Comments on objection**

- 4.1 Mr Leggett and Ms Harding object to the diversion Order (see Appendix 2) for the following reasons:

- The revised addition to Footpath 26 is not a suitable alternative as it would take too long to walk that way. There is a need for the diagonal Footpath 26.
- Footpath 23 is also needed as it is a short cut from Watton.
- The alternative paths are unsafe and inconvenient to the public.

- 4.2 Mr Leggett and Ms Harding also feel that Dorset County Council has not responded satisfactorily to complaints on this issue and raise concerns that the landowner does “favours” for Dorset County Council. They are concerned that there is a link between works that have been carried out by the landowner (e.g. cutting down trees in the lane and surfacing Bridleway 28) and the submission of planning applications by the landowner.

- 4.3 In addition Mr Leggett and Ms Harding indicate that they were not informed of the date of the Committee meeting at which the proposed application was originally considered. Unfortunately, Mr Leggett and Ms Harding were not informed of the date of the June 2013 Roads and Rights of Way Committee due to an administrative oversight.

#### **Footpath 26**

- 4.4 The current definitive route of Footpath 26 as shown D – E crosses and re-crosses the driveway and field boundaries and is not currently available on the ground in its entirety. The used route runs up the driveway and into a field via a stile approximately 75 metres northeast of the definitive route.
- 4.5 The current definitive route of Footpath 26 is approximately 297 metres and the proposed new route X – Y – Z is approximately 321 metres, an increase of approximately 24 metres. Although there is a small increase in length, the new route is more accessible to the public as it avoids the use of the stile from the driveway and also, whereas the current route of Footpath 26 connects with Footpath 27 at point E, which continues south through a gate and down steps, the new route does not require walkers to use steps.

#### **Footpath 23**

- 4.6 The current definitive route of Footpath 23 runs from point A west northwest across a field and over a field boundary then north to point C. However, the used route does not cross the field boundary but instead runs on the eastern side of the western field boundary south of point C.

- 4.7 The current definitive route of Footpath 23 as shown A – C is approximately 264 metres long, and the proposed new route C – Q is approximately 145 metres long. However, to reach point C via Footpath 22, Footpath 25 and the proposed new route C – Q is a total of 376 metres, which is an increase of 112 metres.

#### **Footpaths 22, 23 and 26**

- 4.8 The proposed diversions of Footpaths 22, 23 and 26 would not result in paths that are substantially less convenient to the public and would substantially improve safety.
- 4.9 There are no links between the planning applications submitted by the landowner and maintenance which he carries out on his land, either on public rights of way or other areas.
- 4.10 Any maintenance carried out on public rights of way by the applicant is done with the consent of Dorset County Council's Coast and Countryside Service.

#### **Other representations**

- 4.11 Mrs Morrissey submitted a letter objecting to the proposals. This objection was subsequently withdrawn in writing on 23 August 2014.
- 4.12 Ms Crockford submitted a letter relating to the obstruction of the unaffected part of Footpath 25, Symondsburry. These concerns were passed to the Senior Ranger for investigation.

#### **5 Conclusions**

- 5.1 The objection raised remains outstanding. It is therefore necessary for an Inspector appointed by the Secretary of State to consider the confirmation of the diversion Order.
- 5.2 The diversion, which is the subject of the Order, complies in all respects with the law and therefore the Order should be confirmed.
- 5.3 Sending the Order to the Secretary of State for confirmation would be consistent with the decision made by the Roads and Rights of Way Committee in June 2013.
- 5.4 If the County Council does not send the Order to the Secretary of State for confirmation the applicant may be entitled to a refund of his expenditure to date. The County Council cannot recover the cost of submitting the Order to the Secretary of State from the applicant.

#### **Mike Harries**

Director for Environment and the Economy

November 2014

Agenda item:

# Roads and Rights of Way Committee

8

**Dorset County Council**



Date of meeting	6 June 2013
Officer	Director for Environment
Subject of report	<b>Applications for the reorganisation of public paths at Highlands End Farm, Symondsburry</b>
Executive summary	This report considers applications to divert Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry, to extinguish Bridleway 29, Symondsburry, and to create a footpath at Highlands End Farm, Symondsburry.
Impact Assessment:	Equalities Impact Assessment:  The proposed diversions would be easier to use for the less able as the steps, stiles and dangerous road crossing on the current routes will be replaced with routes that feature gates and connect with an underpass under the A35. The proposed footpath creation is along a level surfaced path.
	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 October 2012 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. In addition notices explaining the application were erected on site.

	<p>As a result of responses to the consultation, changes were made to the proposed reorganisation and a second consultation about changes to Footpath 26 Symondsbury was carried out in February 2013. All comments have been discussed in this report.</p> <p><b>Budget/Risk Assessment:</b></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 Orders and subsequent Notices of Confirmation. However, the law does not permit the County Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an Order is the subject of an objection.</p> <p><b>Sustainability implications:</b></p> <p>The proposals will not have any effect on carbon emissions and supports alternative methods of travel to the car.</p> <p>Any work to the new route will use natural resources from local suppliers.</p> <p>Use of public rights of way promotes a healthy balanced lifestyle.</p> <p><b>Community safety implications:</b></p> <p>The proposed new route of Footpath 22 will have a positive effect on community safety because the dangerous A35 road crossing will be replaced with a route which connects to an underpass therefore allowing people to cross the A35 in safety.</p>
<p>Recommendations</p>	<p>That:</p> <ul style="list-style-type: none"> <li>(a) The applications to             <ul style="list-style-type: none"> <li>(i) Divert Footpaths 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsbury;</li> <li>(ii) Extinguish Bridleway 29, Symondsbury; and</li> <li>(iii) Create a footpath at Symondsbury as shown on Drawing 12/34/2 (attached as Appendix 1) be accepted and the orders made;</li> </ul> </li> <li>(b) The Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions, extinguishment and creation; and</li> <li>(c) if the Orders are unopposed, or if any objections are withdrawn, they be confirmed by the County Council without further reference to the Chairman.</li> </ul>

<p>Reasons for Recommendations</p>	<p>(a) The proposed diversions, extinguishment and creation meet the legal criteria as required by the Highways Act 1980.</p> <p>(b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversions, extinguishment and creation.</p> <p>(c) Accordingly, the absence of objections may be taken as acceptance that the applications are expedient and therefore the County Council can itself confirm the orders.</p>
<p>Appendices</p>	<p>1 - Drawing 12/34/2 final proposals for public path orders (following second consultation)</p> <p>2 - Drawing 12/34 First consultation proposals</p> <p>3 - Drawing 12/34/1 Final layout following first proposals</p> <p>4 - Drawing 12/34/3 Final layout following second proposals</p> <p>5 - First consultation – summary of responses</p> <p>6 - Second consultation – summary of responses</p>
<p>Background Papers</p>	<p>The file of the Director for Environment (ref. RW/P109)</p>
<p>Report Originator and Contact</p>	<p>Carol McKay  Rights of Way Officer, Definitive Map Team  Tel: (01305) 225136  email: c.a.mckay@dorsetcc.gov.uk</p>



## 1 Background

- 1.1 The Council has received applications from Symondsbury Parish Council to divert, extinguish and create several public rights of way at Highlands End Farm, Symondsbury.
- 1.2 The reorganisation seeks to divert a footpath, which currently crosses the A35 trunk road and poses a significant risk for walkers, and to divert, extinguish and create several other rights of way to improve land management and rationalise the network of paths at Highlands End.
- 1.3 A consultation was carried out in October 2012 for the proposed changes as shown on Drawing 12/34 at Appendix 2. The final layout of paths for these proposals is shown on Drawing 12/34/1 at Appendix 3.
- 1.4 As a result of consultation responses received, amendments were made to the proposals relating to Footpath 26, Symondsbury and a second consultation was carried out in February 2013. The revised proposals are shown on Drawing 12/34/2 (Appendix 1). The final layout if all orders are successful is shown on Drawing 12/34/3 at Appendix 4.

## Diversions

### Footpath 22

- 1.5 The current definitive route of Footpath 22, Symondsbury runs from its junction with Footpath 23 north of the A35 road at point A generally south across a field and down steps to cross the A35, up steps and into a field, then across another field to join Bridleway 28 at point B.
- 1.6 The proposed new route of Footpath 22, Symondsbury starts at its junction with Footpath 19 at point K south of the A35 road (Footpath 19 goes through the underpass under the A35), runs through a kissing gate at point L and then generally south west along a track, through field gates at M and N and a pedestrian gate at point O before joining the diverted route of Bridleway 28 at point P. This route was made available by the landowner on a permissive basis several years ago providing a safe alternative for walkers wishing to cross the A35. The proposed new route will be 2 metres wide and all furniture will comply with British Standard BS5709:2006.
- 1.7 The proposed diversion of Footpath 22 is beneficial to the public as the current definitive route crosses the A35 at a point with poor sightlines and three lanes of traffic. The proposed new route of Footpath 22 connects to Footpath 19, which crosses the A35 via an underpass.

### Footpath 23

- 1.8 The current definitive route of Footpath 23, Symondsbury runs west north west from its junction with the current route of Footpath 22 north of the A35 road at point A across a field and then north, along the western side of the fenceline through a wooded area to point C. This route is currently partly obstructed by trees; the used route is in the field on the eastern side of the fenceline.

- 1.9 The proposed new route of Footpath 23, Symondsburry runs from its junction with Footpath 25 at point Q along the field edge adjacent Broad Lane, west to point C. This route is already in use. The stile at point C will be removed and the new route C – Q fenced in. The proposed new route will be 2 metres wide.
- 1.10 The proposed diversion of Footpath 23 is beneficial to the landowner as the current definitive route crosses a field and the proposed new route of Footpath 23 runs along the field edge and links with Footpath 25 which runs along a field edge adjacent the road (but currently does not connect with the road) allowing better land management.

#### Footpath 26

- 1.11 The current definitive route of Footpath 26, Symondsburry runs from Broad Lane south east of the picnic area at point D south, up a grass bank and then south east across a driveway to a field entrance, then south west, back across the driveway and into a field then across the field to join Footpath 27 at point E. The used route of the footpath is along the driveway and crosses into the field via a stile, several metres north east of the point at which the definitive line crosses into the field.
- 1.12 The proposed new route of Footpath 26, Symondsburry is from Broad Lane at point X, south, along the edge of the driveway to point Y and then south south west along a grass verge alongside the driveway to point Z. The proposed new route will be 2 metres wide and the fences along the verge from Y to Z will be removed and improvements to the surface will be carried out.
- 1.13 The proposed diversion of Footpath 26 is beneficial to the landowner as the current route runs through a small field with an additional footpath (Footpath 27). The proposed new route of Footpath 26 is along the driveway and grass verge next to the field and would allow better land management.

#### Bridleway 28

- 1.14 The current definitive route of Bridleway 28, Symondsburry is from a track at point T north of Highlands End Farmhouse, crossing into a field before returning to the track at point U. The current route then leaves the track and crosses into a field at point V, returning to the track at point W. This route is not available on the ground because there is a fence between the track and field.
- 1.15 The proposed new route of Bridleway 28, Symondsburry runs from point T along a track to point F and continues along the track to point U via the current route to point V. The proposed new route then runs from V along the track to point W. This is the current used route of Bridleway 28.
- 1.16 The proposed diversion of Bridleway 28 is beneficial to the landowner as the current definitive route is obstructed by fencing and the proposed new route is the used route along a track.

## **Extinguishment**

### Bridleway 29

- 1.17 As a result of the application an anomaly was discovered therefore there is an associated proposal to modify the route of Bridleway 29, Symondsburry, which is discussed in a separate report. This report was authorised by the Director of Environment (after consultation with the Chairman of the Roads and Rights of Way Committee and the local member) in April 2013. It is anticipated that a definitive map modification order will be published.
- 1.18 The proposed extinguishment order would be made only on confirmation of the modification order.
- 1.19 The modified route of Bridleway 29, Symondsburry runs from H – J. It is proposed to extinguish Bridleway 29, Symondsburry from F – G – H – J.
- 1.20 Bridleway 28 passes from the north to the east of Highlands End Farmhouse providing a route for horseriders and pedestrians generally southwards. In addition, the associated proposed footpath creation links Footpaths 30 and 89.

## **Creation**

### New footpath

- 1.21 There is an associated proposal to create a footpath from F – G – R – S to link Bridleway 28 with Footpaths 30 and 89.

## **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 and 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 or bridleway as a whole;
- (d) the effect the diversion would have on other land served by the footpath or bridleway; and
- (e) the effect on the land over which the diversion will run and any land held with it.

2.4 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that a diversion is not brought into force until any necessary works have been carried out.

2.5 Section 118 of the Highways Act 1980 says that the County Council may, by order, extinguish a path when it appears to them to be expedient to do so, on the ground that it is not needed for public use.

2.6 An unopposed extinguishment order shall not be confirmed by the County Council unless they are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way.

2.7 Section 26 of the Highways Act 1980 says that the County Council may, by order, create a path when it appears to them to be expedient to do so, having regard to

- (a) The extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area; and
- (b) The effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the Act's provisions as to compensation.

2.8 Before confirming a creation 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.

2.9 The extent to which a creation order made in association with an extinguishment order would, if confirmed, provide an alternative path or way to that proposed for closure, may be taken into consideration in the determination of the extinguishment order.

2.10 Under Section 28 of the Highways Act 1980 compensation may be payable to a landowner if his land depreciates in value as a result of a public path diversion, extinguishment or creation order.

- 2.11 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 public path diversion, extinguishment or creation 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.
- 2.12 The County Council may itself confirm an 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

- 2.13 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

- 2.14 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- a. Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:
- (i) Everyone has the right to respect for his private and family life, his home and his correspondence.
  - (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

- (b) Article 1 of the First Protocol provides that:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

### **3 Compliance with the law**

- 3.1 The proposed **diversion of Footpath 22, Symondsburry** is in the interest of the public as it removes a dangerous road crossing and replaces it with a safe option via an underpass.

- 3.2 The proposed **diversions of Footpaths 23, 26 and Bridleway 28** are in the interest of the landowner as they will allow better land management.

### **Diversions**

- 3.3 The termination points are affected as shown in the table below.

**Table showing termination points**

<b>Path to be diverted</b>	<b>Change to Termination Points</b>
Footpath 22	No change
Footpath 23	No change to current termination points but new termination point at point Q – junction with Footpath 25, a highway connected with the current Footpath 23
Footpath 26	Northern termination point to be moved 9 metres west from point D to point X (which is on the same highway, Broad Lane) Southern termination point to be moved 72 metres south-east from point E to point Z (which is on the same highway, Footpath 27)
Bridleway 28	No change

- 3.4 If the public path diversion order is unopposed the order should be confirmed as the diversions are expedient under the tests set out in the Highways Act 1980.

- 3.5 The length of the footpaths and bridleways will be affected as shown in the table below.

<b>Path</b>	<b>Current Length (affected section)</b>	<b>Proposed Length (affected section)</b>	<b>+/- Length</b>
Footpath 22	A – N – W – B 659 metres	K – L – M – N – O – P 512 metres	-147 metres
Footpath 23	A - C 264 metres	C - Q 145 metres	-119 metres
Footpath 26	D – E 297 metres	X – Y – Z 321 metres	+24 metres
Bridleway 28	T – U – V – W 296 metres	T – F – U – V – P – W 295 metres	- 1 metre
Bridleway 29	F – G – H – J 400 metres	n/a	- 400 metres
New Footpath	n/a	F – G – R – S 289 metres	+289 metres
<b>Overall change in length</b>			<b>-354 metres</b>

- 3.6 The proposed diversions would not result in paths that are substantially less convenient to the public.
- 3.7 The diversions would have no effect on the enjoyment by the public of the routes as a whole and would be beneficial to land currently served by the path. As existing used routes they would have no adverse effect on the land over which the new path runs and land held with it.

### **Extinguishment**

- 3.8 It is expedient to extinguish Bridleway 29 as it will not be needed for public use. Bridleway 28 provides alternative equestrian access, and the proposed creation of a footpath provides a link with two other footpaths for walkers.
- 3.9 If the extinguishment order is unopposed the order should be confirmed as it is expedient to do so as, currently, the modified definitive path (subject to a modification order) is a dead end route. Land served by the path would not be adversely affected by the removal of the public right of way.

### **Creation**

- 3.10 The creation order fulfils the objective in the Rights of Way Improvement Plan as an opportunity to develop a network of paths “consisting of attractive, safe off-road routes enabling people of all ages needs and abilities to walk/ride safely in and around their village/town, out to neighbouring settlements and into and about the wider countryside.”

### **Extinguishment and creation**

- 3.11 If there are no objections to the extinguishment and creation orders, the extinguishment order will be confirmed only as and when the creation order is confirmed.

### **Diversion, extinguishment and creation**

- 3.12 The diversions, creations and extinguishments will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 3.13 Compensation for loss caused by a Public Path Order may be payable under Section 28 of the Highways Act 1980 to a person with an interest in the land. However, the affected landowner has worked closely with the applicant (Symondsburry Parish Council) to achieve a reorganisation which is beneficial to both the public and the landowner. Therefore it is unlikely that a claim for compensation would be made to the County Council.

### **Improvements**

- 3.14 Some works will have to be carried out on the new diverted routes to improve them for public use:-
- Footpath 22 – kissing gate at L, field gates at M and N, pedestrian gate at O to be installed or adjusted (as necessary) to meet British Standard BS5709:2006

- Footpath 23 – removal of stile at point C
- Footpath 26 – removal of posts and rails (currently positioned at intervals perpendicular to the field edge fence) along grass verge, improvement of surface
- All works are to be carried out and funded by the landowner

3.15 The proposed diversions would not be confirmed by the County Council until the works have been completed and certified. If confirmed by the Secretary of State, the order will provide that the diversions are not effective until the works have been completed and certified.

#### 4 Consultations

4.1 A consultation was carried out in October 2012 on proposals, summarised in the table below, as shown on Drawing 12/34 attached as Appendix 2. Consultation responses are available in full in the case file (ref RW/P109).

**Table showing original proposals**

Path	Current route to be amended	Proposed new route
Footpath 22	A – N – W – B	K – L – M – N – O – P
Footpath 23	A – C	C - Q
Bridleway 28	T – U – V – W	T – F – U – V – P – W
Footpath 26	D – E	extinguishment
Bridleway 29 (modified route)	F – G – H – J	extinguishment
New Footpath	creation	F – G – R – S

- 4.2 A summary of the responses to the first consultation is attached as Appendix 5.
- 4.3 All consultees who objected to the proposals were invited to attend a site meeting. This invitation was accepted by two of the consultees (Miss Harding and Mr Leggett), who had submitted a joint response to the consultation.
- 4.4 A site meeting was held on 5 February 2013 between the applicant (Symondsburry Parish Council), the County Council's Public Path Order Officer and Area Rights of Way Officer and Miss Harding and Mr Leggett, local residents.
- 4.5 The concerns raised by Miss Harding and Mr Leggett in their consultation response (Appendix 5) were discussed and a site visit was carried out to view Footpaths 23 and 26.



- 4.6 As a result of the site meeting the applicant and the landowner agreed that Footpath 26 would no longer be extinguished. However it was felt that the small size of the field and the route of Footpath 27 through the same field meant that diverting Footpath 26 within the same field was not practical for land management reasons. Therefore it was proposed to divert Footpath 26 to the adjacent driveway / verge.
- 4.7 A second consultation was carried out in February 2013 on the amended proposals, summarised below. Consultation responses are available in full in the case file (ref RW/P109).

**Table showing amended proposals**

<b>Path</b>	<b>Current route to be amended</b>	<b>Proposed new route</b>
Footpath 22	A – N – W – B	K – L – M – N – O – P
Footpath 23	A – C	C - Q
Bridleway 28	T – U – V – W	T – F – U – V – P – W
Footpath 26*	D – E	X – Y – Z
Bridleway 29 (modified route)	F – G – H – J	extinguishment
New Footpath	creation	F – G – R – S

\*amended proposal

- 4.8 The responses to the second consultation are summarised in Appendix 6.
- 4.9 The second consultation amends part of the original proposals. However, responses to the original consultation have also been taken into account where relevant.

**5 Discussion**

**Footpath 22**

- 5.1 The proposed diversion of Footpath 22 will provide a safe route for the public who currently have to cross three lanes of traffic on the A35 trunk road. The new route has already been provided by the landowner on the ground.
- 5.2 The alternative diversion of Footpath 22 suggested by M Harding and J Leggett (response to first consultation - Appendix 5) is not viable as it crosses another landowner's land.
- 5.3 J Rayner objects to the fact that the proposed new route is in place on the ground and the current route is blocked by vegetation. The new route of Footpath 22 was provided as a permissive path on advice by the County Council. There have been few reports of this footpath being overgrown and these are treated with a low priority due to the alternative permissive route.
- 5.4 A Colls supports the diversion of Footpath22.

- 5.5 The Ramblers' Association and the Highways Agency support the diversion of Footpath 22.
- 5.6 The diversion of Footpath 22 is expedient and results in a path more convenient to the public.

### **Footpath 23**

- 5.7 The proposed diversion of Footpath 23 is no less convenient to the public and connects with Footpath 25 which does not currently connect with public highway.
- 5.8 The alternative diversion of Footpath 23 suggested by M Harding and J Leggett (response to first consultation - Appendix 5) is not viable as it crosses another landowner's land.
- 5.9 A Colls objects to the diversion of Footpath 23 because it would be fenced and it could become overgrown and boggy. Other paths fenced in by Highlands End are well-maintained therefore no problems are expected if the new route of Footpath 23 is fenced in.
- 5.10 The diversion of Footpath 23 is expedient and results in a path no less convenient to the public.

### **Bridleway 28**

- 5.11 The proposed diversion of Bridleway 28 is a minor change which realigns the path onto its used route.
- 5.12 M Harding and J Leggett object to the diversion of Bridleway 28 stating that the bridleway would be spoilt by the proposals.
- 5.13 The diversion of Bridleway 28 is expedient and results in a path no less convenient to the public. The current route is obstructed by a fenceline in places where it crosses from the track into a field several times whereas the proposed new route follows a track which is already in use.

### **Footpath 26**

- 5.14 The proposed diversion of Footpath 26 routes the path partly onto its used route along the driveway and then onto a verge adjacent the driveway enabling the landowner better land management. There is an alternative footpath in the same field as the current route of Footpath 26.
- 5.15 M Harding and J Leggett object to the diversion of Footpath 26 because they are frequent users of this route and the increase in length (24 metres) would mean increased journey time and the subsequent need to travel by car instead. They also object to the proposed new route along the driveway on safety grounds and due to the traffic fumes walking next to the driveway.
- 5.16 The proposed increase in length of Footpath 26 from 297 to 321 metres corresponds to an increase of less than 8%. This would increase walking time by an estimated 30 – 60 seconds for an average walker. This minor increase in length can therefore not be said to inconvenience the public.

- 5.17 The current route of Footpath 26 runs along the driveway for 147 metres. The driveway is a private road providing access to the caravan park and is not heavily used so there is unlikely to be an increase in traffic fumes affecting users of the diverted route. The proposed new route offers a safe route along the driveway, which is more accessible for the less able as the verge will be suitably surfaced and there is no furniture on the new route.
- 5.18 The diversion of Footpath 26 is expedient and results in a path no less convenient to the public.

### **Bridleway 29**

- 5.19 It is proposed to extinguish this Bridleway as it is not needed for public use. The associated creation order will replace the bridleway with a route for walkers linking up with Footpaths 30 and 89, whilst the route of Bridleway 28 provides an alternative route for horseriders and cyclists.
- 5.20 A Colls objects to the extinguishment of Bridleway 29, Symondsburry. However, no reason is given.
- 5.21 The extinguishment of Bridleway 29, Symondsburry is expedient as the bridleway is not needed for public use.

### **Creation of Footpath**

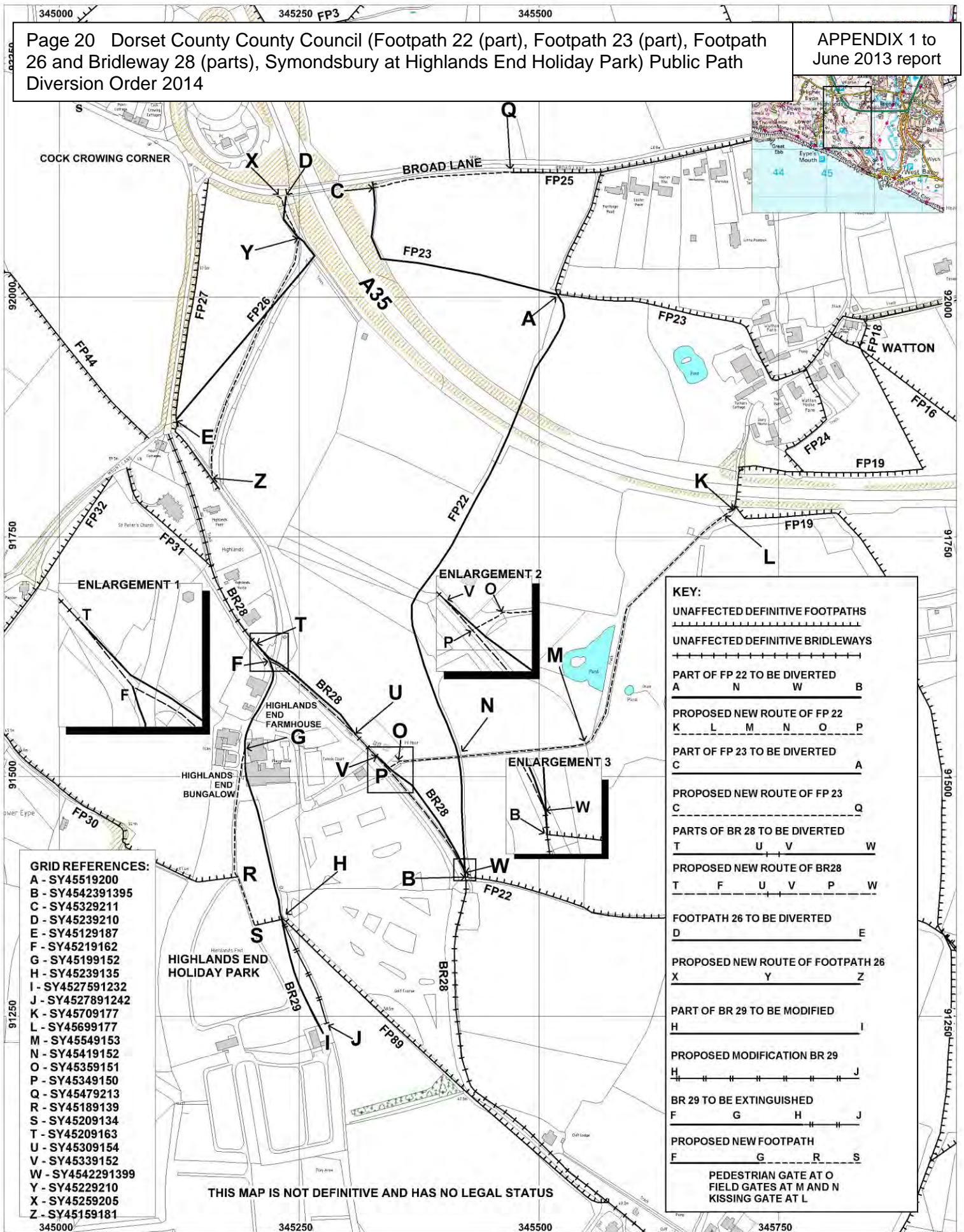
- 5.22 There are no objections to the proposed footpath creation.
- 5.23 The proposed creation of a footpath would result in a path convenient to the public.

## **6 Conclusions**

- 6.1 The proposed diversions, extinguishment and creation are interconnected and therefore must be considered together.
- 6.2 The applications to reorganise the public paths at Highlands End Farm, Symondsburry meet the tests set out under the Highways Act 1980 and therefore should be accepted and the orders made.
- 6.3 The Orders should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions, extinguishment and creation.
- 6.4 If there are no objections to any of the public path orders, the criteria for confirmation may be presumed to have been met as the Committee would already have considered the relevant tests and therefore the orders should be confirmed.

**Miles Butler**  
**Director for Environment**

May 2013



- GRID REFERENCES:**
- A - SY45519200
  - B - SY4542391395
  - C - SY45329211
  - D - SY45239210
  - E - SY45129187
  - F - SY45219162
  - G - SY45199152
  - H - SY45239135
  - I - SY4527591232
  - J - SY4527891242
  - K - SY45709177
  - L - SY45699177
  - M - SY45549153
  - N - SY45419152
  - O - SY45359151
  - P - SY45349150
  - Q - SY45479213
  - R - SY45189139
  - S - SY45209134
  - T - SY45209163
  - U - SY45309154
  - V - SY45339152
  - W - SY4542291399
  - Y - SY45229210
  - X - SY45259205
  - Z - SY45159181

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

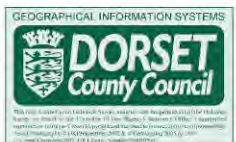
**KEY:**

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- UNAFFECTED DEFINITIVE BRIDLEWAYS
- PART OF FP 22 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 22
- PART OF FP 23 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 23
- PARTS OF BR 28 TO BE DIVERTED
- PROPOSED NEW ROUTE OF BR 28
- FOOTPATH 26 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FOOTPATH 26
- PART OF BR 29 TO BE MODIFIED
- PROPOSED MODIFICATION BR 29
- BR 29 TO BE EXTINGUISHED
- PROPOSED NEW FOOTPATH
- PEDESTRIAN GATE AT O
- FIELD GATES AT M AND N
- KISSING GATE AT L

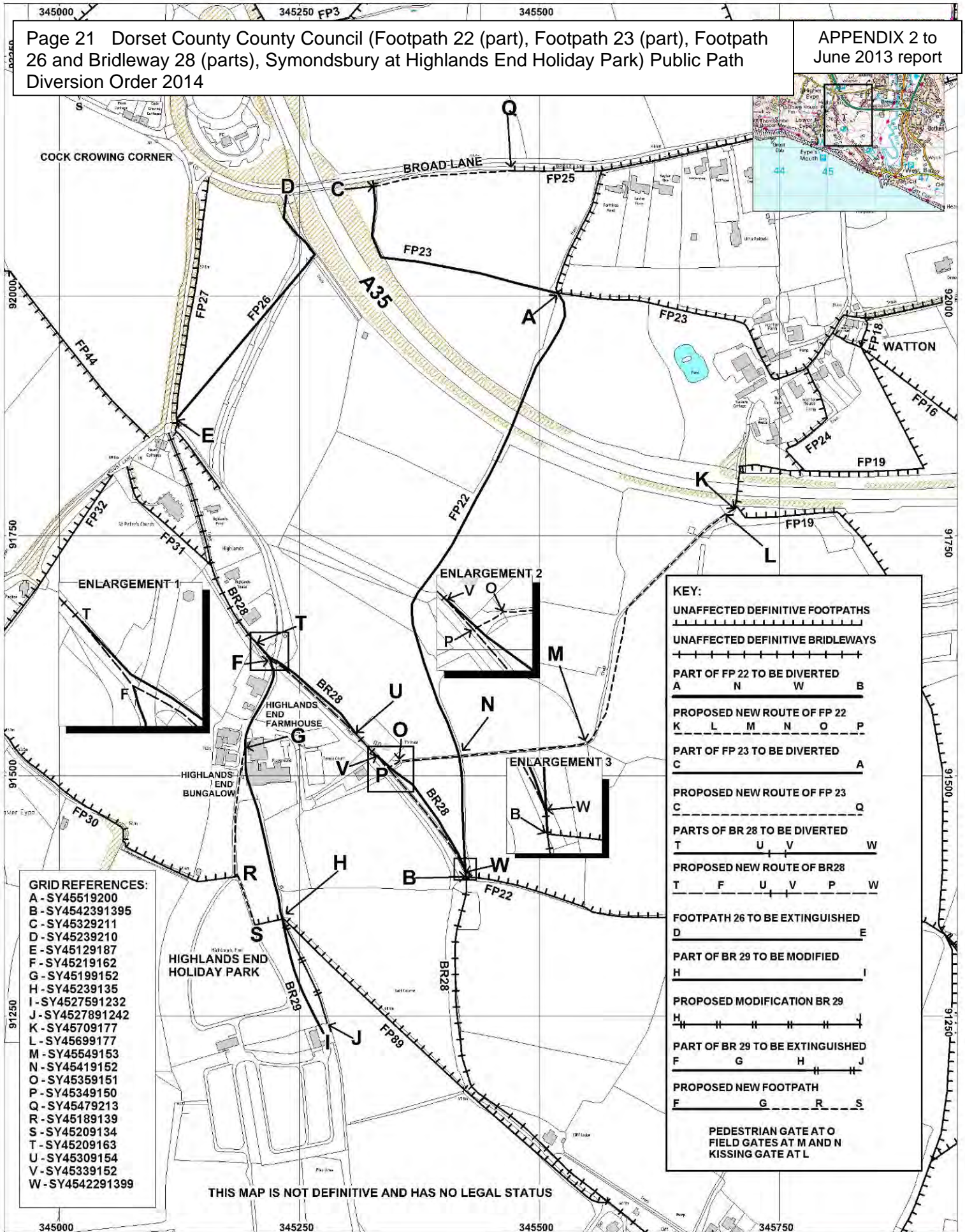
WILDLIFE AND COUNTRYSIDE ACT 1981  
PROPOSED MODIFICATION OF BRIDLEWAY 29, SYMONDSBURY

SECTIONS 26, 118 AND 119 HIGHWAYS ACT 1980  
APPLICATION TO DIVERT FOOTPATH 22 (PART), FOOTPATH 23 (PART), FOOTPATH 26, BRIDLEWAY 28 (PARTS), SYMONDSBURY AND TO EXTINGUISH PART OF BRIDLEWAY 29, SYMONDSBURY AND TO CREATE A NEW FOOTPATH

Ref: 12/34/2  
Date: 07/02/2013  
Scale 1:2500 at A2  
Drawn By: CAM  
Cent X: 345439  
Cent Y: 91664







- GRID REFERENCES:**
- A - SY45519200
  - B - SY4542391395
  - C - SY45329211
  - D - SY45239210
  - E - SY45129187
  - F - SY45219162
  - G - SY45199152
  - H - SY45239135
  - I - SY4527591232
  - J - SY4527891242
  - K - SY45709177
  - L - SY45699177
  - M - SY45549153
  - N - SY45419152
  - O - SY45359151
  - P - SY45349150
  - Q - SY45479213
  - R - SY45189139
  - S - SY45209134
  - T - SY45209163
  - U - SY45309154
  - V - SY45339152
  - W - SY4542291399

**KEY:**

- UNAFFECTED DEFINITIVE FOOTPATHS
- UNAFFECTED DEFINITIVE BRIDLEWAYS
- PART OF FP 22 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 22
- PART OF FP 23 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 23
- PARTS OF BR 28 TO BE DIVERTED
- PROPOSED NEW ROUTE OF BR 28
- FOOTPATH 26 TO BE EXTINGUISHED
- PART OF BR 29 TO BE MODIFIED
- PROPOSED MODIFICATION BR 29
- PART OF BR 29 TO BE EXTINGUISHED
- PROPOSED NEW FOOTPATH

PEDESTRIAN GATE AT O  
FIELD GATES AT M AND N  
KISSING GATE AT L

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

WILDLIFE AND COUNTRYSIDE ACT 1981  
PROPOSED MODIFICATION OF BRIDLEWAY 29, SYMONDSBURY

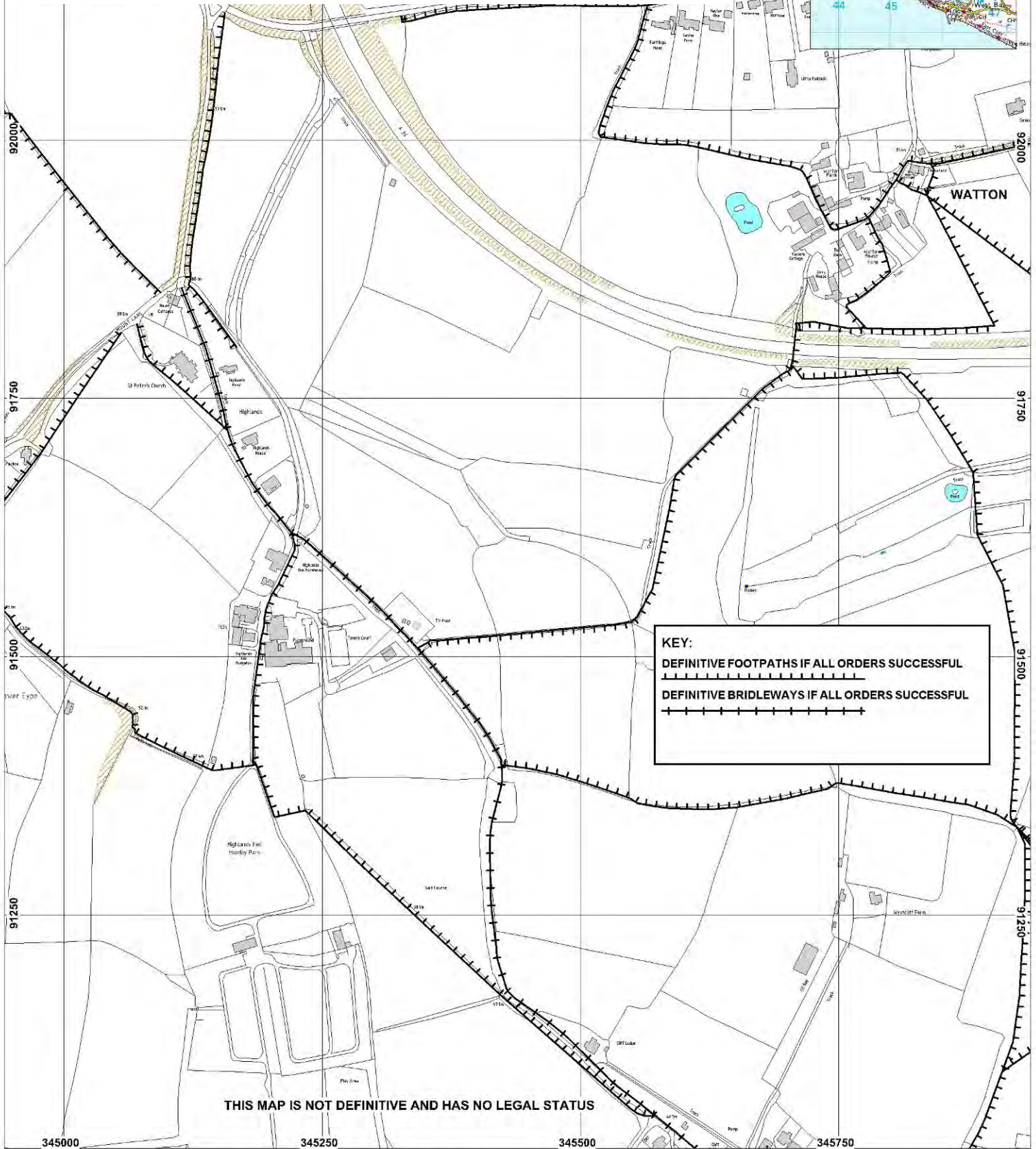
SECTIONS 26, 118 AND 119 HIGHWAYS ACT 1980  
APPLICATION TO DIVERT FOOTPATH 22 (PART), FOOTPATH 23 (PART), BRIDLEWAY 28 (PARTS), SYMONDSBURY  
TO EXTINGUISH FOOTPATH 26 AND PART OF BRIDLEWAY 29, SYMONDSBURY AND TO CREATE A NEW FOOTPATH

Ref: 12/34  
Date: 15/10/2012  
Scale 1:2500 at A2  
Drawn By: CAM  
Cent X: 345439  
Cent Y: 91664





BASED ON FIRST CONSULTATION (SEE DRAWING 12/34)



**KEY:**

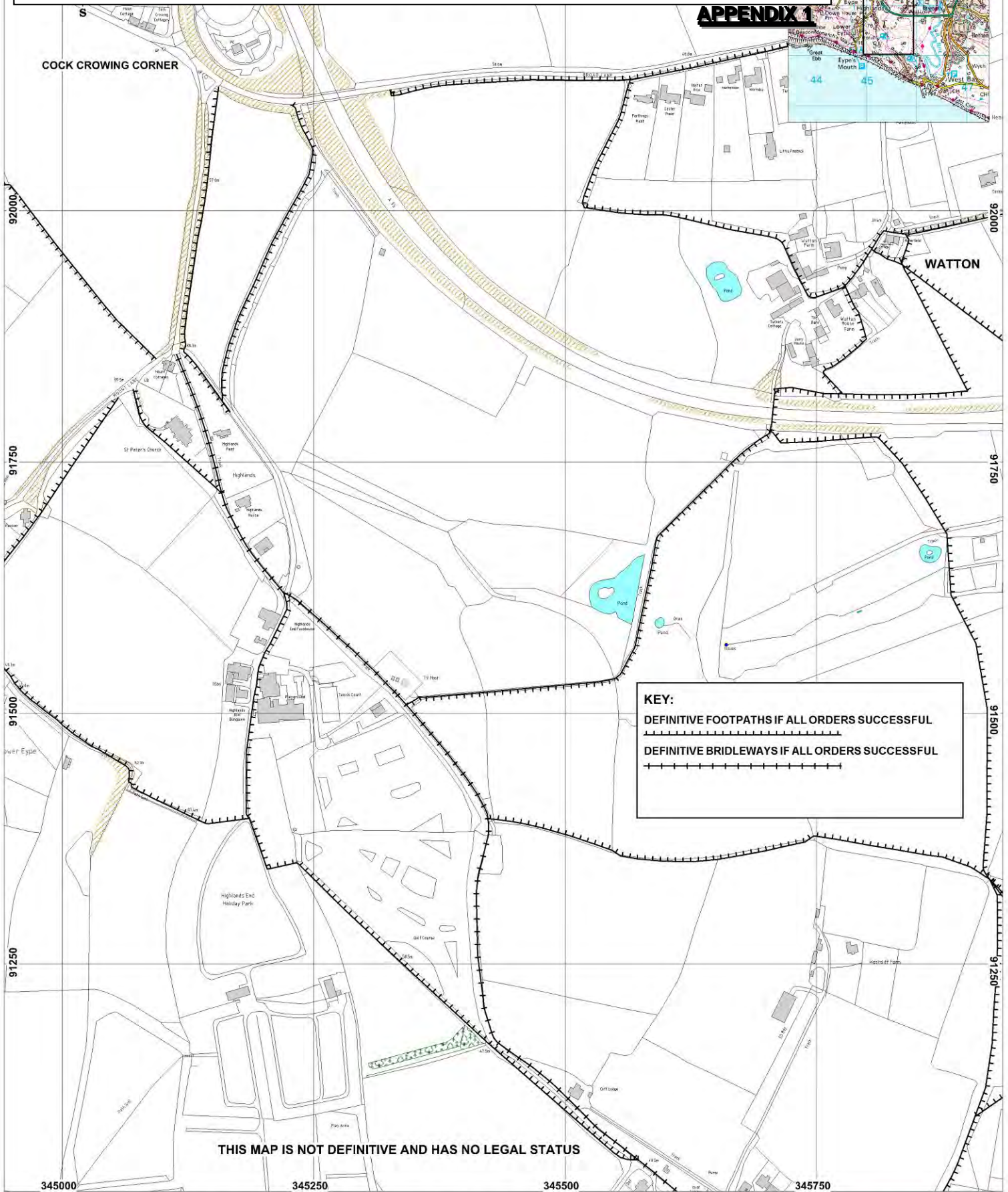
**DEFINITIVE FOOTPATHS IF ALL ORDERS SUCCESSFUL**  
 ————

**DEFINITIVE BRIDLEWAYS IF ALL ORDERS SUCCESSFUL**  
 ————

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS



**APPENDIX 1**

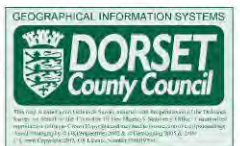


**KEY:**  
 DEFINITIVE FOOTPATHS IF ALL ORDERS SUCCESSFUL  
 ————  
 DEFINITIVE BRIDLEWAYS IF ALL ORDERS SUCCESSFUL  
 - - - - -

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

**PROPOSED REORGANISATION OF PUBLIC RIGHTS OF WAY  
 AT HIGHLANDS END, SYMONDSBURY  
 FINAL LAYOUT IF ALL ORDERS SUCCESSFUL  
 BASED ON SECOND CONSULTATION (SEE DRAWING 12/34/2)**

Ref: 12/34/3  
 Date: 07/02/2013  
 Scale 1:2500 at A2  
 Drawn By: CAM  
 Cent X: 345439  
 Cent Y: 91664



**Table showing responses received to the first consultation – October 2012**

<b>RESPONSES OPPOSING THE PROPOSALS</b>	
<p><b>M Harding and J Leggett, local residents - Summary of objections:</b></p>	<p><b>Summary of officer's response:</b></p>
<p>Footpath 22 – agree that the footpath crosses the road at a dangerous point but most of the footpath is safe and an alternative route is suggested. Seeks clarification about the permissive path. Footpath 23 – would prefer a cross field route from the tunnel / Footpath 19 to point A. Bridleway 28 – Feel that the bridleway would be spoilt by the proposals Footpath 26 – object to the proposed extinguishment because they use this path as a short cut in preference to Footpath 27, which means more walking on the road verge and has steep steps. The extinguishment would mean people using the driveway as an alternative, which is used by vehicles that do not always comply with the 10 mph speed limit Other concerns – fencing in of footpaths, confusing nature of consultation plans, number of planning applications, positioning of consultation documents on site, unsightly signage.</p>	<p>Footpath 22 – the permissive path is the proposed new route Footpath 23 – clarifies the location of current route, and points out that the suggested route is on another landowner's land. Bridleway 28 – The diversion will route the bridleway onto the used route Footpath 26 – Current route crosses the field boundary twice. A grass verge along Broad Lane and Footpath 27 provides an alternative route in the same field. Footpath 27 – works will be carried out to improve the steps. Other concerns - Consultation documents were posted at several points on site but it is not a legal requirement to post consultation documents on site. Larger plans are available on request. Planning applications are dealt with by West Dorset District Council. The private road south of D does not have any public rights and the extinguishment of Footpath 26 would not create any access on foot along this driveway. The fencing in of rights of way is permitted and no public paths have been obstructed by Highlands End. Signage at Highlands End is kept to a minimum and regularly reviewed.</p>
<p><b>A Colls, Wednesday Walking Group Summary of objections:</b></p>	<p><b>Summary of officer's response:</b></p>
<p>Objects to the diversion of Footpath 23 because the effect of moving a path to a field boundary and fencing it in creates an overgrown and boggy path. Also objects to the extinguishment of Bridleway 29. Supports the diversion of Footpath 22 which avoids the dangerous crossing of the bypass.</p>	<p>A landowner may fence in public rights of way and as current routes are well-maintained no problems are anticipated.</p>



<b>J Rayner Summary of objections:</b>	<b>Summary of officer's response:</b>
<p>Objects to the proposed changes because the new route of Footpath 22 is already in place and the current route of Footpath 22 is blocked by vegetation.</p> <p>There is a problem with dogs on Footpath 19, which joins the proposed new route of Footpath 22.</p> <p>The footpaths have been here for generations and should remain so.</p>	<ol style="list-style-type: none"> <li>1. The provision of permissive paths was advised by the County Council and does not pre-empt the proposed changes.</li> <li>2. The proposed new route of Footpath 22 follows the former access track to the tv mast.</li> <li>3. The footbridge next to the A35 was installed by the Highways Agency. Highlands End have made a decision not to clear the vegetation from Footpath 22 either side of the A35 as they do not wish to encourage walkers to use the road crossing. Dorset County Council records show few reports of overgrown vegetation and, as there is an alternative route, clearance of this path is given a low priority.</li> <li>4. Problems with dogs can be reported to the County Council.</li> </ol>

## RESPONSES IN SUPPORT OF THE PROPOSALS

### **A representative for the Ramblers' Association - Summary of response:**

Supports the proposals. Is disappointed that the opportunity to resolve the issues with Footpath 24 Symondsburry has been lost but appreciates that this was not possible as part of this reorganisation.

## OTHER SUBMISSIONS RECEIVED

### **Natural England - Summary of response:**

This application falls within Dorset Area of Outstanding Natural Beauty but is not likely to impact on the reasons for which the site is designated. The views of Dorset AONB should be sought prior to determining this planning application. The application is close to the West Dorset Coast Site of Special Scientific Interest but this does not represent a constraint. The local planning authority should assess and consider other impacts including protected species, local wildlife sites and biodiversity enhancements.

### **Officer's response:**

**This information was noted and passed on to the applicant and landowner**

<p><b>Southern Gas Networks - Summary of response:</b></p>	<p><b>Officer's response:</b></p>
<p>Indicates the presence of gas mains in the vicinity of the proposals</p>	<p><b>This information was noted and passed on to the applicant.</b></p>
<p><b>Western Power Distribution - Summary of response:</b></p>	<p><b>Officer's response:</b></p>
<p>Has overhead and underground apparatus affected by the proposal but has no objection to the proposal provided the proposed Order contains the usual clause in respect of access to its apparatus.</p>	<p><b>This information was noted and passed on to the applicant and landowner.</b></p>
<p><b>Balfour Beatty - Summary of response:</b></p>	<p><b>Officer's response:</b></p>
<p>Comments that the consultation should be sent to the Highways Agency, Exeter.</p>	<p><b>The consultation documents were sent to the Highways Agency as requested.</b></p>
<p><b>A representative for the British Horse Society - Summary of response:</b></p>	
<p>Has no objection to the proposals.</p>	
<p><b>The County Council's Senior Archaeologist - Summary of response:</b></p>	
<p>Comments that "there are at present no other recorded archaeological finds or features or historic buildings on or in the very immediate vicinity of the affected route. "The size and shape of fields and the character of the field boundaries in this area suggest that they are....at least medieval in origin.....care should be taken to avoid damage to field boundary banks."</p>	
<p><b>S Morrissey - Summary of response:</b></p>	<p><b>Officer's response:</b></p>
<p>Does not want to see any paths shut off. Hold the owners of Highlands End in high regard. Hopes the matter can be resolved without banning locals from the freedom they currently enjoy.</p>	<p><b>Confirmed by telephone that this letter was intended as an objection but after explaining the proposals this objector <i>no longer wishes to object.</i></b></p>

**Table showing responses received to the second consultation – February 2013**

**RESPONSES OPPOSING THE PROPOSALS**

<b>M Harding and J Leggett, local residents -Summary of objections:</b>	<b>Summary of officer's response:</b>
<p>Wish to keep previous objections open (see summary of response to first consultation - Appendix 5). Object to the new proposal to divert Footpath 26 as it would increase journey time and they would therefore have to travel by car. Concerned that the proposed new route of Footpath 26 is dangerous as it runs along the road and that Footpath 27 is not a good alternative as a car recently crashed in to this path. The diagonal footpath (current used route of Footpath 26) is used by many people and the proposed new route would mean walking alongside a road with traffic fumes. This would also lead to the fencing in of the footpath in the field and more sign pollution. The current definitive routes of Footpaths 23 and 25 are disputed. Concerns that the County Council are not acting objectively. They also have complaints about Highlands End caravan park and the church, which do not relate to the proposed diversions and extinguishment.</p>	<p>The proposed new route of Footpath 26 is along the driveway for a short section and then runs along the verge. The current route already runs along the driveway in part. The definitive line of Footpaths 23 and 25 have been researched and are correctly shown on consultation plans. It is confirmed that all public rights of way matters are dealt with in a professional and impartial manner. Details of the formal complaints procedure were given.</p>

**RESPONSES IN SUPPORT OF THE PROPOSALS**

<b>Highways Agency - Summary of response:</b>	
<p>Only the diversion of Footpath 22 is of interest to the Agency. They are content with the proposed diversion of Footpath 22, which will result in a significant safety benefit for the strategic road network by removing the 'at grade' crossing of the A35.</p>	

<p><b>A representative for the Ramblers' Association - Summary of response:</b></p>	
<p>The proposed retention and realignment of Footpath 26 represents a small improvement on the original proposals. I therefore see no reason to change my previous decision and continue to support the proposals.</p>	<p>:</p>

**OTHER SUBMISSIONS RECEIVED**

<p><b>Natural England - Summary of response:</b></p>	
<p>Natural England has previously commented on this proposal and made comments to the authority in our letter dated 31 October 2012. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendment to the original application relates largely to layout, and is unlikely to have significantly different impacts on the natural environment than the original proposal.</p>	

<p><b>The County Council's Senior Archaeologist - Summary of response:</b></p>	<p><b>Summary of officer's response:</b></p>
<p>There are at present no recorded archaeological finds or features or historic buildings on or in the immediate vicinity of the affected routes.</p> <p>The size and shape of fields and the character of the field boundaries in this area suggest that they are of some age; any surviving field boundary banks, for example, are likely to be at least medieval in origin.</p> <p>I am not familiar with the driveway along which it is proposed to divert the footpath. If the work proposed to make the verge suitable for pedestrians impinges upon any adjacent boundary banks, there may be some cause for concern.</p>	<p><b>A photograph of the driveway was provided. It was confirmed that the route does not affect any boundary banks and that the northern end of the footpath runs down the drive and therefore does not affect the bank.</b></p>

**Extract from the minutes of the Roads and Rights of Way Committee on  
6 June 2013**

**Applications for the reorganisation of public paths at Highlands End Farm,  
Symondsbury**

62.1 The Committee considered a report by the Director for Environment asking them to consider applications to divert Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsbury, to extinguish Bridleway 29, Symondsbury, and to create a footpath at Highlands End Farm, Symondsbury.

62.2 With the aid of a visual presentation, the Rights of Way Officer provided a description of the routes and the notable points along them. She explained that the reorganisation sought to divert a footpath which currently crossed the A35 and posed significant risks for walkers, and to divert, extinguish and create several other rights of way to improve land management and rationalise the network of paths at Highlands End Farm. She explained that a number of objections had been received in response to the consultation and these were detailed within the Director's report.

62.3 Mr Wragg, representing Symondsbury Parish Council, addressed the Committee and confirmed that Symondsbury Parish Council was fully supportive of the applications for the reorganisation.

62.4 Members of the Committee were informed that the applications to reorganise the public paths met the tests set out under the Highways Act 1980 and therefore the applications should be accepted and the orders made.

**Resolved**

63.1 That the applications to:

- (i) Divert Footpaths 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsbury;
  - (ii) Extinguish Bridleway 29, Symondsbury; and
  - (iii) Create a footpath at Symondsbury as shown on Drawing 12/34/2 (attached as Appendix 1)
- be accepted and the orders made;

63.2 That the Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions, extinguishment and creation.

63.3 That if the Orders are unopposed, or if any objections are withdrawn, they be confirmed by the County Council without further reference to the Chairman.

**Reasons for Decision**

64.1 The proposed diversions, extinguishment and creation meet the legal criteria as required by the Highways Act 1980.

64.2 The inclusion of these provisions in a public path order meant that there was no need for a separate legal event order to modify the definitive map and statement as a result of the diversions, extinguishment and creation.

64.3 Accordingly, the absence of objections may be taken as acceptance that the applications were expedient and therefore the County Council could itself confirm the orders.

Dorset County Council 

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

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

**Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and  
Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park)  
Public Path Diversion Order 2014**

This Order is made by Dorset County 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 Footpaths 23 and 26 and Bridleway 28, Symondsburry at Highlands End Holiday Park and in the interest of the public in respect of Footpath 22, Symondsburry at Highlands End Holiday Park it is expedient that the line of the paths and way 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.

Symondsburry Parish Council has agreed to contribute towards 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 paths and way into a fit condition for use by the public.

West Dorset District Council and Symondsburry Parish Council have been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public rights of way over the land situate at Highlands End Holiday Park, Symondsburry and shown by bold continuous lines on the map contained in this Order and described in Part 1 of the Schedule to this order shall be stopped up on the date which Dorset County Council certify that work has been carried out to bring the site of the new highway mentioned in article 3 into a fit condition for use by the public and thereupon the County of Dorset definitive map shall be modified by deleting from it these public rights of way.
2. Notwithstanding this order Western Power Distribution and Southern Gas Networks shall have the following rights over the land referred to in paragraph 1 namely: full and free access for purposes connected to the use and maintenance of their apparatus now existing under, over or on the land referred to in paragraph 1.

3. There shall at the end of 7 days from the date of confirmation of this order be public footpaths and a bridleway over the land situate at Highlands End Holiday Park, Symondsbury described in Part 2 of the Schedule to this order and shown by bold broken lines on the map contained in this order and thereupon the County of Dorset definitive map shall be modified by adding those paths and way to it.
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order.
5. The County of Dorset definitive statement shall be modified as described in Part 4 of the Schedule to this Order.

## **SCHEDULE**

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

### **Part 1**

#### **Description of site of existing paths and way**

Footpaths and Bridleway at Highlands End Holiday Park, Symondsburry in the West Dorset District (no recorded widths):

#### **Footpath 22**

A – N – B From its junction with Footpath 23 north of the A35 road at point A (SY 45519200), south south west along the eastern side of the western field boundary, then crossing the A35 road and continuing south south west and south south east across fields to a track at point N (SY 45419152), then south to join the existing Footpath 22 at its junction with Bridleway 28 at point B (SY 4542391395).

#### **Footpath 23**

C – A From the north eastern corner of a small area of woodland north of the A35 road and adjacent Broad Lane at point C (SY 45329211), south through a wooded area and then east south east across a field to join the existing Footpath 23 at its junction with Footpath 22 at point A (SY 45519200).

#### **Footpath 26**

D – E From its junction with Broad Lane south east of the picnic area at point D (SY 45239210), south up a grass bank and then south east across a driveway to a field entrance, then south west along the driveway and crossing into a field to its junction with Footpath 27 at point E (SY 45129187).

#### **Bridleway 28**

T – U From the unaffected part of Bridleway 28 at a track north of Highlands End Farmhouse at point T (SY 45209163), south east on the north eastern side, alongside the track, and rejoining the track at Point U (SY 45309154).

V – W From the unaffected part of Bridleway 28 at a track east of the tennis court at Highlands End at point V (SY 45339152), south east on the north eastern side, alongside the track, and rejoining the track and the unaffected part of Bridleway 28 at point W (SY 4542291399).



## Part 2

### **Description of site of new paths and way**

Parts of Footpaths and Bridleway at Highlands End Holiday Park, Symondsbury in the West Dorset District:

#### Footpath 22 (to be renumbered Footpath 93)

K – L – M –  
N – O – P      From its junction with Footpath 19 at point K (SY 45709177) south of the A35 road, south west to point L (SY 45699177), then along a track south west and south, on the eastern side of the pond to point M (SY 45549153), west along a track continuing across a field to point N (SY 45419152), then west to point O (SY 45359151), and south west to its junction with the diverted route of Bridleway 28 at point P (SY 45349150). Width: 2 metres.

#### Footpath 23 (to be renumbered as a new part of Footpath 25)

C – Q      From the north eastern corner of a small area of woodland north of the A35 road and adjacent Broad Lane at point C (SY 45329211), a double-fenced path alongside the northern field edge to its junction with the existing Footpath 25 at point Q (SY 45479213). Width: 2 metres.

#### Footpath 26

X – Y – Z      From its junction with Broad Lane south east of the picnic area at point X (SY 45259205), south south east along the edge of the driveway to point Y (SY 45229210), then south south west along a grass verge alongside the driveway to its junction with Footpath 27 at point Z (SY 45159181). Width: 2 metres.

#### Bridleway 28

T – F – U      From the unaffected part of Bridleway 28 north of Highlands End Farmhouse at point T (SY 45209163), south east along a track to point F (SY 45229162), continuing south east along the track to point U (SY 45309154). Width: 4 metres.

V – P – W      From the unaffected part of Bridleway 28 east of the tennis court at Highlands End at point V (SY 45339152), south south east along the track to the unaffected part of Bridleway 28 at point W (SY 4542291399). Width: 4 metres.

**Part 3**

**Limitations and Conditions**

**All furniture to BS5709:2006**

**Footpath 22 (to be renumbered Footpath 93):**

<b>Point</b>	<b>Grid Reference</b>	<b>Furniture</b>
L	SY 45699177	Kissing gate
M	SY 45549153	Field gate
N	SY 45419152	Field gate
O	SY 45359151	Pedestrian gate

**Part 4**

**Modification of Definitive Statement**

**Variation of particulars of paths and way**

Footpath 22, Symondsburly in the West Dorset District

**Delete:**

From: 4551920 To: 461912

Broad Lane southwards joining Path No 28 then east to join Path No 14.  
No recorded width.

**Add:** (to be renumbered Footpath 93, Symondsburly)

From: SY 45709177 To: SY 45349150

From its junction with Footpath 19 at SY 45709177 south of the A35 road, south west to SY 45699177, then along a track south west and south, on the eastern side of the pond to SY 45549153, west along a track continuing across a field to SY 45419152, then west to SY 45359151, and south west to its junction with the diverted route of Bridleway 28 at SY 45349150. Width: 2 metres

Limitations: Kissing gate at SY 45699177, field gate at SY 45549153, field gate at SY 45419152, pedestrian gate at SY 45359151 all to BS5709:2006.

Footpath 23, Symondsburry in the West Dorset District

**Delete:**

From: 453920 To: 458919

Broad Lane to Watton Farm.  
No recorded width.

**Add:** (to be renumbered Part of Footpath 25)

From: SY 45329211 To: SY 45479213

From the north eastern corner of a small area of woodland north of the A35 road and adjacent Broad Lane at SY 45329211, a double-fenced path alongside the northern field edge to its junction with the existing Footpath 25 at SY 45479213. Width: 2 metres

Footpath 26, Symondsburry in the West Dorset District

**Delete:**

From: 452921 To: 451918

Broad Lane to The Mount, Mount Lane, Eype  
No recorded width.

**Add:**

From: SY 45229210 To: SY 45159181

From its junction with Broad Lane south east of the picnic area at SY 45259205, south south east along the edge of the driveway to SY 45229210, then south south west along a grass verge alongside the driveway to its junction with Footpath 27 at SY 45159181. Width: 2 metres

Bridleway 28, Symondsburry in the West Dorset District

**Delete:**

From: 451918 To: 459904

The Mount, Mount Lane to West Bay  
No recorded width

**Add:**

From: SY 45119185 To: SY 45919048

From Mount Cottages, Mount Lane south south east to SY 45209163 north of Highlands End Farmhouse, south east along a track via SY 45229162 and SY 45309154 to SY 45339152 east of the tennis court at Highlands End and continuing south south east along the track to SY 4542291399 and south and south east to West Bay. Width: 4 metres between SY 45209163 and SY 45309154 and between SY 45339152 and SY 4542291399.

Dated this 6<sup>TH</sup> day of JUNE  
THE COMMON SEAL of THE  
DORSET COUNTY COUNCIL  
was affixed in the presence of:-

2014

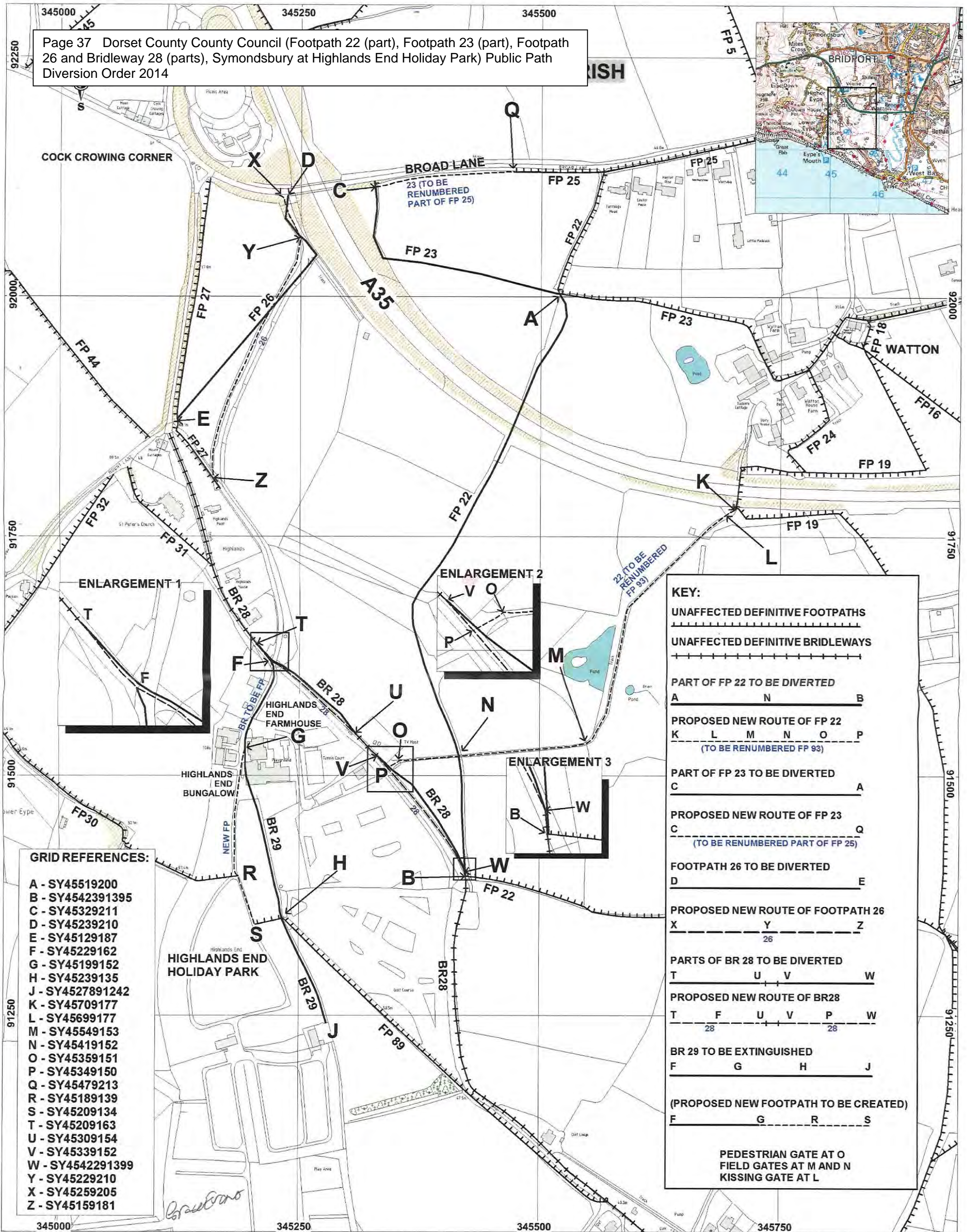
*Ernest Evans*



256/14

Authorised signatory





**GRID REFERENCES:**

- A - SY45519200
- B - SY4542391395
- C - SY45329211
- D - SY45239210
- E - SY45129187
- F - SY45229162
- G - SY45199152
- H - SY45239135
- J - SY4527891242
- K - SY45709177
- L - SY45699177
- M - SY45549153
- N - SY45419152
- O - SY45359151
- P - SY45349150
- Q - SY45479213
- R - SY45189139
- S - SY45209134
- T - SY45209163
- U - SY45309154
- V - SY45339152
- W - SY4542291399
- Y - SY45229210
- X - SY45259205
- Z - SY45159181

**KEY:**

- UNAFFECTED DEFINITIVE FOOTPATHS
- UNAFFECTED DEFINITIVE BRIDLEWAYS
- PART OF FP 22 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 22 (TO BE RENUMBERED FP 93)
- PART OF FP 23 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FP 23 (TO BE RENUMBERED PART OF FP 25)
- FOOTPATH 26 TO BE DIVERTED
- PROPOSED NEW ROUTE OF FOOTPATH 26
- PARTS OF BR 28 TO BE DIVERTED
- PROPOSED NEW ROUTE OF BR 28
- BR 29 TO BE EXTINGUISHED
- (PROPOSED NEW FOOTPATH TO BE CREATED)
- PEDESTRIAN GATE AT O
- FIELD GATES AT M AND N
- KISSING GATE AT L



**APPENDIX 3**

**Letters of objection and other correspondence in response to the Order:-**

Letter from Mr Leggett and Ms Harding (including two previous letters)

Dated 19 June 2014

Ref: KJS RW/P109

Dear Sir

With reference to the application CAM RW/P109 and KJS RW/P109 we have already objected to these plans on numerous occasions. Please see enclosed copy of letter which County Hall received in November 2012. These objections still stand. In addition, we would like to point out that the revised addition to FP 26 is not a suitable alternative as it would take too long for us to walk that way. It is only suitable for holiday makers coming from Highlands End and not from those coming from the direction of the village.

In addition, we would also like to point out that we have already been on a walk with the council, and it has already been identified that there is a need for the diagonal footpath 26. Footpath 23 is also needed as it is a short cut from Watton and the same applies.

We have already objected to the alternative paths on account of safety and inconvenience to the public.

We have had numerous letters from Dorset County Council regarding our complaints on this issue and none have been satisfactory. You will have those copies on file and you might be interested that one particular letter said that there were no further plans after we complained that the landowner was doing "favours" for the council. This was told to us by one of your receptionists after we had to telephone the council regarding another matter with the same landowner. We were told "Oh yes, he often does little favours for us". Strangely enough, the landowner took it upon himself to organise

the cutting down of trees in the lane and only several months later, we are once again, facing planning applications. We find this behaviour very worrying. You might be interested to know that we suggested that this would happen in another letter which we wrote, concerning the gravelling of bridlepath 28 prior to the event. As we are not gifted with clairvoyant tendencies, maybe you could suggest a reason as to why we are not surprised by this application. We enclose a copy of that letter as well.

We were also told that there would be a public meeting, and that we would be informed of it, but we have not heard anything else about it.

Yours faithfully

signed J F Leggett ACIB and A M Harding BSc

Objection to plans originally sent  
3rd November but still apply  
to this recent applic  
ref KJS RW/P109

3<sup>rd</sup> November 2012

Dorset County Council  
Countryside Access  
County Hall  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Ref: CAM RW/P109

Dear Sir

(New ref No KJS RW/P109)

With reference to the application CAM RW/P109 we wish to object to the plans to divert and extinguish the following footpaths.

- Footpath FP22: Although we agree that the footpath crosses the road at a dangerous point, the majority of the footpath is perfectly safe. We feel that a more feasible and beneficial solution to the public would be to just divert part of this footpath at roughly the point where the word FP22 is marked on the map, diagonally to the point K on the map. We would also like to point out that we are confused to the start of this footpath as some of the field has been fenced off and a permissive path put in. We feel that if the footpath were removed completely, that the landowner could subsequently remove the permissive path at any time afterwards. We often use these footpaths for walking although we never use the end part which goes to the bypass.

In particular we feel that the part between N and W should remain intact as this is more accessible for people coming from the West Bay area.

- Footpath FP23: Again, only part of this footpath crosses the bypass and that the majority of the footpath is perfectly safe and allows walkers, including ourselves, to cut off a corner in order to reach point A from point C on the map. Again, we feel that it would be more feasible to divert only part of this footpath at the point marked A and divert it to point K, thus still allowing a short cut to point K from A and being able to use the tunnel at Watton to pick up our proposed diversion of FP22 at point K.

- With regard to BW28, this is a well established bridleway and is currently used by horses. We feel that the bridleway would be spoilt if modifications were to be made to it.
- Footpath FP26: We, personally, have used this footpath since the 1970's as a short cut across the field to Bridport. It is widely used by walkers including local residents of Eype and Watton and holiday makers from Highlands End Caravan Park. The alternative footpath at the edge of the field is not as popular as the main users are those cutting across the path from the direction of Bridport and Watton. The walk from Bridport is a steep climb and it is a welcome sight to be able to cross the field to get to our cottage at Mount Lane. The alternative footpath FP27 means that we would have a greater time on the verge of the road as well as steep and dangerous steps into the road especially in the rain as the steps are of earth and get very slippery. We have enclosed photos of the steps. I have joint pain in my knees and I find that I am unable to climb down these steps safely especially with my dog as I have to go down sideways to grab the handrail. In addition it adds valuable time onto my journey. Earlier in the year I slipped and fell on these steps. I also find the gate too tall due to the steepness of the hill.

As the field has been dissected by the bypass, and then dissected again by a private road, we do not feel that land management is of great issue as the land area is relatively small for farming. We believe the field is only rented for sheep grazing and that the field is already full to its capacity when the sheep are in there. The sheep do not cause any problems for walkers or vice versa as until the recent addition of a gate at the end of FP27, to which we were not aware of any plans for this, the field was only accessible to the public by stile. Most of the time the field is empty.

We also feel that by allowing the footpath to be removed will allow the landowner to fence off the field and place more signs around the area which are unsightly. This has been carried out in various parts of previously open land already by Highlands End and we have also enclosed photographs of that. Fencing the field would also give less land to the sheep. We feel that the land is often already over-grazed and any fencing would increase this.

We would also like to point out that the field has only been ploughed once in all the years which I have lived here which was last autumn and no crops were planted. The footpath was also ploughed and was left as mud for a large part of the season as it was not in the growing season and has resulted in the growth of deep rooted thistles whereas before it was just grass. We have enclosed pictures.

With regard to all other paths, we have found that the plans are extremely confusing to the layman, especially to those with poorer eyesight and that it is not possible to study them in great detail. We were able to take a copy because we live so close to the signs but it may not be possible for walkers and those passing by. We seem to have many planning applications from



Highlands End and it is not possible for us to visit the planning office at such regular intervals. These plans in particular, seem to be rather overwhelming and we are concerned that by not commenting it may prejudice our right to an objection on parts we are unsure of. We do however, feel that any closure or diversion of any of these footpaths and bridleways could have repercussions that we are not aware of but it would be safe to say that we are concerned at any changes which in our opinion and also comments made by tourists in the Bridport News, may increase the over development of Highlands End Caravan Park on our scenic Jurassic Coastline.

In addition, although the notice has been displayed in several positions, it has sometimes only been displayed at one end of the affected footpaths and not the required two. We are particularly aware of this on FP26. The only sign we saw was the one opposite Mount Cottages which is not always apparent for those coming from the Bridport area.

We do not know whether this is relevant to this objection, but we spoke to a gentleman who also saw these plans and he thought it was just about a slight diversion on FP22 and he was not aware of the other implications of closures to existing footpaths. We want to point this out as we feel that others may not realise.

We appreciate your help in this matter.

Yours faithfully

signed J F Leggett ACIB and A M Harding BSc

19<sup>th</sup> October 2013

Dorset County Council  
Countryside Access  
County Hall  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Your Ref: MNT25159

Dear Ms Exton

We have received your letter of 16<sup>th</sup> October 2013 informing us in a peremptory manner that the part of Bridleway 28, over which we have right of way including a right of way for our vehicles, is, at some future time, to have broken road surfacing debris laid by employees of West Dorset Leisure Holidays hereafter referred to as WDLH.

We are writing to object most strongly to this course of action, as this broken surfacing is totally unsuitable for the proposed purpose and for the following reasons:

- The path which has already been gravelled in this manner has spoilt the bridle path and not enhanced it. In the summer this material became burning hot to walk on and spoilt the enjoyment of the walk as it hurt our feet. In addition our dog was injured by loose gravel in the path and ruts have formed from rainfall which can cause people to trip. We would imagine it wouldn't be too good for horses either and as that is what a bridle path is intended for, it seems ludicrous that this type of gravelling was used. The chalk gravelling which was put on before was also not ideal but was far better than this black gravel. The white chalk also allowed the grass to grow through so it retained its rural charm.
- We feel that the bridle path is a rural path and part of a conservation area, thus extreme care should be taken when improving surfaces which we feel is not carried out properly by WDLH. Since the gravelling, we have found that there has been more flooding at our end. The water has to go somewhere and if there is not adequate drainage other problems may arise. We also have a manhole situated in the bridle path which has already been covered up once by staff members of WDLH which is when we had to contact the council and were

Please notice the date and a comment we made in this letter stating in advance what would happen. We have ringed it.



given this quote "Oh, yes, they often do little jobs for us". Those are the exact words that the lady uttered.

- Also, we feel that there are too many of these "little jobs" carried out by WDLH staff which could have further implications when they submit planning applications. We have noticed a pattern that when they do work for the council an application usually follows which only benefits WDLH. The same applies to the Parish Council and the use of a field for car parking during church events. Since then we have noticed that planning applications are always supported by the Parish Council and these are on record in your planning department. We have numerous instances which we could quote which are fact and on record. We feel that if WDLH are doing it purely for the good of the community, they would spend more time doing essential work such as lopping over grown oak trees which are in danger of harming both walkers and our property and not disrupt a beautiful scenic path and replace it with unsightly gravel which hurt feet and animals. A bridle path is supposed to be a bit muddy. This is a rural area not a town.

- If this work goes ahead by WDLH, we would be interested to see how long it takes for the next planning application to be submitted by WDLH and whether it is passed or not irrespective of objections.

- We feel that if work is necessary, that it is carried out by either yourselves or qualified conservationists and not by a third party who may or may not have alternative vested interests. We feel it should not be just waste gravel tipped onto the path which risks injury to animals on a path intended for animals.
- In addition, we are not happy with the assumption that the work will be carried out at your convenience and that our inconvenience is not being considered. We are having a surveyor out at the end of next week regarding essential repairs to our roof which has had damage to it. This has already been arranged. If all goes well we may have to have a new flat roof at the back erected which is far more important to us than the gravelling of a bridle path especially as the winter is now on us and we may be limited to the weather. This could mean that there will be essential work vans here over which we have no control. We have right of access over the bridle path to our parking space which was confirmed when the search was carried out by our solicitor. It is unreasonable to assume that workmen cannot park their vans temporarily on the bridle path when there is no other option for them. These repairs are essential and not just a whim, unlike the gravelling of a bridleway. Number 2 is also having extensive work carried out at the moment. In addition, when main drainage was being put in for number 2, the workmen had complaints made to them even though the work was being carried out by the water company themselves. We feel that there is a vendetta against the occupants of these two cottages as other people seem to be allowed to do what they want around here, yet we get complaint after complaint. There have been a number of instances which we believe are aimed directly at these cottages.
- You made a comment regarding vehicles on the bridleway. There are no private vehicles on the bridleway nor have there been for some time. However, as previously mentioned, there

are work vehicles here as essential work is being carried out next door. We do not have control over these vehicles and as the owner of the property is over 80 years old, we suggest you contact the builders directly and not harass an old age pensioner. She was very worried about the copy of the letter which you sent her. We would have thought Dorset County Council has already had enough bad publicity in the press lately from wasting Council Tax money without adding harassment to it. We would also like to remind you that as Council Tax payers, we pay your wages and that we deserve some consideration in the decisions which you make.

- If we have more damage to our property due to delays in being able to have our roof fixed due to gravelling the bridle path, or vet bills and damage to our car wheels due to inadequate gravelling, we will hold Dorset County Council directly responsible as the gravelling is being carried out on your behalf and it is your responsibility to make sure that it is carried out properly by qualified people and not WDLH casual maintenance staff who are also often rude and unhelpful. Waste gravel can harbour all sorts of sharp objects which can be harmful to animals and people.

We would appreciate a response to this letter along with a complaints form, in case we need to use it.

Yours sincerely



signed J F Leggett ACIB and A M Harding BSc

**Letter from Ms Crockford**

**16<sup>th</sup> July 2014**

Definitive Maps Team  
County Hall  
Dorchester DT1 1XJ (fao C A McKay)

Dear Madam

**PUBLIC PATH CREATION ORDER 2014 – PARISH OF SYMONDSBURY**

I wish to make the following comments on the proposals for modifying footpaths around Highlands End Holiday Park in the Parish of Symondsburry. My family has been coming to Highlands End for over 50 years and know the area very well. We have walked over many of the rights of way in this area, and will continue to seek to do so in future.

**Bridle Way 29**

In respect of the extinguishing of Bridle Way 29 through the centre of the Holiday Park I welcome the tidying up of some 'loose ends' which are no longer relevant to walkers in the area.

**FP23 and FP25**

I understand that one of the main objectives of changes is to eliminate the right of way that currently crosses the A35 on the level by diverting walkers along a safe route under the by-pass. This must be considered a benefit to walkers. However I note that one of the consequential revisions appears to have F23 diverted along a field as part of FP25 and then continues along Broad Lane in front of the houses. I understand that this latter section is not technically part of the Order, nevertheless I submit that the new Order should not be implemented until such time as the original line of the path on the bank in front of the houses (and NOT along the road) has been reinstated. It would be ironic if the removal of the dangers to walkers in crossing the A35 were to place a diversion along a narrow and increasingly busy road where the historical line of the path has been moved by default.

I shall write to you separately on this issue, as I believe it is a matter for the Footpath Rangers, albeit one that must be considered in parallel with the Order.

Yours faithfully,

Jennifer H Crockford



**Letter from Mrs Morrissey objecting to proposals**

Dated 23 June 2014

FURTHER  
Re: public path extinguishment order. Highlands end,

Dear Sirs

you ask if we object to the "extinguishment" of public footpaths that Martin Cox of Highlands End proposes - & my answer is a hearty

Yes - Very much! it seems a crying shame to privatise - ancient public footpaths that we have used daily since we moved here nearly 15 years ago.

We do no harm, personally I always have my golden retriever bitch on a lead - she never upsets or makes a mess (as she does it at home!) & we only access the near edge of Highlands end to use the path down to Lower Eye - & the other running down toward Westbay - beside the pitch & put.

We pass by very rapidly & it's a boon to have it, as it makes a nearby round walk.

I am nearly 75 & do not want to go further afield. I do understand that

The Cox's are running a business at Highlands End - but the present signage is extremely clear & certainly those of us who are immediate locals - cause no noise, bother or trouble.

I do hope we might have a dispensation because I really like Highlands End, the people there always say 'good morning' and it's so quiet, well run & pleasant, let's hope we can find a happy solution.

Yours Sincerely

Signed Susan Morrissey

Letter from Mrs Morrissey withdrawing objection to proposals

Dear Ms McKay Aug 23<sup>rd</sup> 2014  
this is to confirm that I am  
not objecting to proposed  
changes - as you have explained  
to me that they will not curtail  
the walks I do at the moment  
& have done for some 15 years - which  
includes - going through the  
first part of Highlands End  
Caravan park - to access  
the existing foot paths  
down into lower Eye - & the  
one that runs toward West  
Bay - & then cuts across <sup>or beside</sup> the pitch  
& put to the telephone pylon road.  
Hope this is okay. Yours sincerely

Signed Susan Morrissey



**Letter from Mr Cox in response to objection by Mr Leggett and Ms Harding**



*A World Heritage Coastline on your Doorstep*

Ms Vanessa Penny  
Definitive Map Team Manager  
Environment Directorate  
Dorset County Council  
Dorchester  
DT1 1 XJ

**Highlands End Holiday Park**  
Eype, Bridport, Dorset DT6 6AR

**Golden Cap Holiday Park**  
Seatown, Chideock, Bridport, Dorset DT6 6JX

**Graston Copse Holiday Park**  
Annings Lane, Burton Bradstock, Bridport, Dorset DT6 4QP

**Larkfield Holiday Park**  
Bredy Road, Burton Bradstock, Bridport, Dorset DT6 4ND

**Sandyholme Holiday Park**  
Moreton Road, Owermoigne, Dorchester, Dorset DT2 8HZ

**Tel:** (01308) 422139 **Fax:** (01308) 425672  
**Email:** holidays@wdlh.co.uk **Website:** www.wdlh.co.uk

27 August 2014

Your Ref:



Dear Vanessa

**Highlands End Holiday Park – Ref: RW/P109**

I refer to the letter dated 19 June 2014 submitted by Mr J Leggett and Ms A Harding about the footpath orders (RW/P109)

With regard to the objection that *'it would take too long for us to walk that way'*, may I point out that I walked both routes early this week and the revised route for FP26 took 30 seconds longer walking at the same pace. I cannot believe that this will have an impact on a decision whether to walk to Bridport or Eype using the footpath.

In addition it is clear that the revised footpath will be suitable for walkers approaching in all directions including the village and it has to be noted that no other objections have been received from the community.

I am very disappointed that Mr Leggett and Ms Harding are implying that we do 'favours' for the Council. I assume they must regularly use the footpaths across the holiday park and the surrounding land in the ownership of the company and they must have noticed the high standard of maintenance on the paths which are carried out by our staff in addition to some support from the Council team.

The financial cuts have had an impact on the Council's resources and we have undertaken some maintenance to steps, paths and hedges to ensure that our footpaths are easy and enjoyable to use by the local community and visitors.

For the last 30 years, we have taken an interest in the public rights of way on land and many in the local community appreciate our contribution. Each year we have a 'project' and this year we are going to improve FP30. I am surprised that Mr Leggett and Ms Harding have such a negative view towards our approach.

For the record, may I confirm that we did not initiate the recent maintenance in Mount Lane which involved the cutting and laying of the hedge on both sides of the lane to avoid further landslides.

I was approached by the landowner on the west side of the lane who was involved in similar maintenance about 25 years ago and asked if we were willing to cut our side of the lane at the same time to allow the two teams to work together and have one road closure for 5 days which would be of minimal inconvenience to the village community.

We shared her pro-active approach to land management and to complete the exercise we provided an alternative route through the park driveway. Many people have congratulated us on the standard of the work and no complaints have been received.

The work was not connected to any planning applications and our main entrance is no longer via Mount Lane. With such an evolving business there will be regular planning applications and I can assure you there is no relationship between our maintenance of our hedges and footpaths and planning applications. We simply acknowledge the importance of the rights of way to our visitors and the work we do to improve the footpaths is to the benefit of everyone.

We are disappointed that this single objection from Mr Leggett and Ms Harding will have an impact on the processing of the Order which has involved a considerable amount of work over the last 5 years and will improve the network of footpaths and in particular will remove a very dangerous path crossing the A35 which I had hoped would be closed before now.

Yours sincerely

  
Signed Martin Cox