

Strategic and Technical Planning Committee

14 March 2025

Application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield

For Decision

Cabinet Member and Portfolio:

Cllr S Bartlett, Planning and Emergency Planning

Local Councillor(s):

Cllr Jane Somper

Executive Director:

J Britton, Executive Director for Place Services

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Report Status: Public

Brief Summary:

This report considers representations received to the Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024, whether or not to submit it to the Secretary of State for confirmation and the stance that the Council should take if submitted.

Recommendation:

That:

- (a) The Order be submitted to the Secretary of State for determination:
and
- (b) The Council supports the confirmation of the Order.

Reason for Recommendation:

- (a) As there has been an objection to the Order, Dorset Council cannot confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and
- (b) The proposed diversion meets the legal criteria set out in the Highways Act 1980

Report

1 Background

- 1.1 Dorset Council received an application from Ashcombe Estates trading as Compton Abbas Airfield in the parish of Compton Abbas to divert Footpath 11 at Compton Abbas Airfield.
- 1.2 Following the pre-order consultation, a Report to the Interim Lead for Place (attached as Appendix 1) was approved under the Local Scheme of Nomination for Planning Services recommending that an order be made.
- 1.3 Details of the application are set out in 1.1-1.5 of the earlier Report to the Interim Lead for Place (attached as Appendix 1)
- 1.4 The Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024 was sealed on 22 August 2024 (attached as Appendix 2), and published on 05 September 2024 with a deadline of 4 October 2024 for representations.
- 1.5 One objection has been received, from Compton Abbas Parish Council, on 17 September 2024, attached as Appendix 3.
- 1.6 As there has been an objection to the Order, Dorset Council cannot confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation.

2 Law

Highways Act 1980

Wildlife and Countryside Act 1981

Equality Act 2010

Human Rights Act 1998

Levelling Up and Regeneration (LUR) Act 2023

- 2.1 The relevant law is set out in paragraphs 2.1 to 2.12 of the earlier delegated report (see Appendix 1)
- 2.2 Subsequent to the original report Section 85(A1) CRoW Act as amended by Section 245 of the Levelling Up and Regeneration Act 2023 introduced a duty on the relevant authority to seek to further the purposes of designation (of National Landscapes). See separate section below on Landscape for discussion on this topic.

3 Consultation

- 3.1 The pre order consultation is discussed at paragraphs 3.1 – 3.4 of the Report to the Interim Lead for Place (attached as Appendix 1) and summarised at Appendix 2 of that report.
- 3.2 Representations in response to the Order
- 3.3 The Councillor for Beacon Ward, Cllr Jane Somper, was consulted on the Order and made no comment.
- 3.4 The Ramblers were consulted and had no objection.
- 3.5 The Cranborne Chase National Landscape were consulted, see separate section on Landscape.
- 3.6 Compton Abbas Parish Council submitted a document outlining their objections to the order. This is attached as Appendix 3.
- 3.7 The airfield operator submitted a rebuttal document to the Parish Council's objection. This is attached as Appendix 4.
- 3.8 It is noted that Compton Abbas Parish Council were consulted during the pre-application and pre-order consultation and raised no objection to the proposal.
- 3.9 The Parish Council introduce their objection with reference to the history of the footpath, background of the airfield and its setting within the National Landscape. Where relevant to the legal tests the points raised are dealt with below.

Legal Tests

- 3.10 The tests for making an order are set out and broken down in the following paragraphs. The objector's position is also set out along with officers' comments

- 3.11 Legal test: A footpath or bridleway (or part of one) can be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.

Officer comment: Officers consider the proposed diversion is in the interest of the landowner and airfield operator due to improved safety. The application was made on this point. However, officers also consider the safety extends to users of the airfield (including pilots) and the public using the footpath

- 3.12 Legal test: A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway; or

(b) (where it is on a highway) otherwise than to a point which is on the same highway or a highway connected with it, and which is substantially as convenient to the public.

- 3.13 Objection: “The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.”

Officer comment: The termination points of Footpath 11 are unaffected by the order therefore this objection is not well founded.

- 3.14 Legal test: The Secretary of State shall not confirm a public path diversion order ... unless (s)he ... is satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of its diversion and that it is expedient to confirm the order having regard to the effect which—

the diversion would have on public enjoyment of the path or way as a whole;

the coming into operation of the order would have as respects other land served by the existing right of way; and

any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

3.15 The objector sets out a number of reasons that the Diversion Order has a “substantial detriment to public enjoyment of the path as a whole” (only points relating to the legal tests included below):

3.16 Objection: “A significant aspect of public enjoyment in the case of an active airfield is safety.”

Officer comment: Officers agree with this as a general point.

3.17 Objection: “the present footpath allows pedestrians to cross the runway “with full unencumbered visibility to the east and west of any light aircraft whether on the ground or in the air”.

Officer comment: The proposed route also has good visibility to both east and west and is safer for users as it does not cross the runway.

3.18 Objection: The airfield has two runways namely 26 from west to east (sic: east to west) and 08 in the reverse direction. The proposed routing covers some 950metres all of which is airside of the airfield. From point B the proposed route has three legs.

3.19 The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footpath would be within 45 metres of the runway.

Officer Comment: Although the proposed route is longer, officers believe the gentle slope, coupled with a slightly higher elevation with better views to the west, mean the route is at least as enjoyable as the current route.

3.20 Objection: “The current footpath distance between point A and B is 375 metres. For less than half that distance the footpath user is either on the runway or within 45 metres of it which “allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane.”

Officer comment: The current definitive footpath crosses the runway diagonally although signage installed by the airfield directs the public across the runway along the shortest perpendicular route. The proposed new footpath directs the public around the runway which officers believe is a safer route.

3.21 Objection: “The location of the current route permits users to ‘enjoy’ the view of Compton Down to the west.”

Officer comment: The new route of Footpath 11 is on a slightly higher elevation than the current route and officers consider that it provides better views to the west towards Compton Down.

- 3.22 Objection: “The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08¹ (sic runway 26) the area close to C to D is used for power checks by aircraft departing runway 08 (sic) wherein pilots and pedestrians would be subject to maximum noise and turbulence known as ‘prop wash’.”

Officer comment: Technical guidance from the airfield operator states that prop wash, the air displaced by the propellor whilst in motion, will have dissipated over the distance between the aircraft and any pedestrians in the vicinity, which has been observed by the case officer. The engine test zone has also recently been moved even further away from the proposed route, See plan at Appendix 5. There is no specified ‘safety distance’ that the operator is required to adhere to.

- 3.23 Objection: “The proposed new footpath between points C to D covers an identified overshoot area for aircraft which is ‘de facto’ a danger to any pedestrian, child or dog in its path.”

Officer comment: Pedestrians have a good view of arriving/departing aircraft and, even if crossing the overshoot area when a plane is approaching/departing, this is still considered inherently safer than crossing the runway whilst aircraft are approaching/departing.

- 3.24 Objection: “To the east of the proposed footpath between points C - D is “a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight...”

Officer comment: The trees form a small copse to the very north east of the airfield boundary. They do not appear on the Order plan. The case officer has walked this route on numerous occasions and considers that the trees do not obscure the view of approaching aircraft whilst walking the new footpath in either direction. The airfield advise that aircraft at the start of the approach are at approximately 300m dropping to 100m as they pass the boundary (where the trees are). The trees are estimated to be 25-30 m high and therefore officers believe they do not block the view of either pilots or pedestrians.

¹There is one runway at Compton Abbas airfield known as Runway 26 from east to west, and Runway 08 from west to east

- 3.25 Objection: “The proposed diversion does not accord with the plan (Dorset Council’s Rights of Way Improvement Plan 2011-2021) and is discriminatory to protected groups as defined in the Equalities Act 2010 as the new footpath is the longer, more difficult and more dangerous than the current footpath.”

Officer comment: The proposed route is longer, but not substantially so. The footpath is not on a “commuter” route and may be considered a leisure route. Therefore, it is considered that the longer distance affords the user better enjoyment of the views. The new footpath has a gentler gradient improving the accessibility. The airfield has also made a commitment to replace the stiles on the original route with kissing gates, again enhancing both accessibility and therefore the enjoyment of the National Landscape. The diversion accords with the Council’s ROWIP as described in paragraphs 2.13 – 2.15 of the earlier Report to Interim lead for Place at Appendix 1.

- 3.26 Objection: “Compton Abbas has a control room (sic: operations room) on the ground floor facing north. Should any of the scenarios indicated take place they would be at 600 metres distance from the room and could not therefore be seen...The current footpath, as it crosses the runway, is in view of the control room.”

Officer comment: The airfield has installed a CCTV system that adequately covers the ends of the runway. On the current route, pedestrians have to cross the path of taxiing aircraft, see plan at Appendix 5. The new route guides pedestrians to the side of the airfield and across the end of the runway, therefore at no point do pedestrians cross the path of taxiing aircraft. The proposed route is inherently safer in this regard.

- 3.27 Legal Test (repeated from above): ...and that it is expedient to confirm the order having regard to the effect which—

the coming into operation of the order would have as respects other land served by the existing right of way; and...

...any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

Officer comment: The diversion is wholly within the land under the ownership of the applicant. Therefore, there is no impact on other land served by the existing right of way and the impacts on the applicant's land are considered above. As a result, officers consider that the test in s119(6) is met.

Other issues to be considered

National Landscape

- 3.28 Section 85(A1) CRoW Act as amended by Section 245 of the Levelling Up and Regeneration Act 2023 introduces a duty on the relevant authority to seek to further the purposes of designation (of National Landscapes).
- 3.29 The Cranborne Chase National Landscape team made no representation to the Order, however at the pre-order consultation stage they asked how the Order satisfies the duty above.
- 3.30 In discussion with the Cranborne Chase National Landscape team, this duty entails enhancements that the applicant is offering to comply with conserving and enhancing the National Landscape over and above the basic minimum that would be needed in an undesignated location.
- 3.31 In addressing this duty, the effect of the order will be;
- route the path at the higher end of the runway to provide users with an enhanced view of the landscape,
 - to confirm the width as changing from 'no recorded width' to 2.5m,
 - To remove the narrow barbed-wire portion of the path at A.

In addition, the applicant has agreed:

- to replace the stiles with kissing gates,
- 3.32 The officer believes these actions satisfy the duty to enhance the National Landscape by increasing the enjoyment and improving the accessibility of the route. However, if the Order is confirmed by PINS, the Order will not come into effect until the works have been certified.

4 Other points made by the Objector, not relevant to the legal tests.

- No incidents of pedestrian accidents have been reported in the 63 years of the airfield's operation
- Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.
- The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys
- The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.
- The Dorset Council Legal team have confirmed that the runway was extended by 44 metres some 22 years ago and they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the ends of both runways.
- The conditions of the airfield's 2009 CAA Licence (P851 Refers) require "Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that 'any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.'" It is the Parish Council's understanding from correspondence with the CAA that no such approval has either been sought or obtained.

5 Discussion

5.1 As objections have been received, the Council is unable to confirm the order itself and must either submit the Order to the Secretary of State for confirmation or abandon the order.

5.2 The options now available to the Council are:

To submit the Order to the Secretary of State and

To support the Order; or

To take a neutral stance; or

To abandon the Order.

- 5.3 Officers consider that the Council should support the Order. The diversion satisfies the relevant legal tests and in particular with regard to the interests of the landowner and the termination points of the path and that the new route is not substantially less convenient to the public and it does not negatively impact on public enjoyment of the route. Supporting the Order maintains the position of the Council to date; If the 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.

6 Financial Implications

- 6.1 The applicant has agreed to pay in accordance with Dorset Council's usual scale of charges and also for the cost of advertising the order and subsequent notice of confirmation. The law does not permit Dorset Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if the order is the subject of an objection. If the Council decides to abandon the Order, no further action is taken but the applicant may be entitled to a refund of his expenditure to date.

7 Natural Environment, Climate & Ecology Implications

- 7.1 The Order, if confirmed will not have any effect on carbon emissions and supports alternative methods of transport to the car.

8 Well-being and Health Implications

- 8.1 Use of public rights of way promotes a healthy balanced lifestyle.

9 Other Implications

n/a

10 Risk Assessment

- 10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
Current Risk: Low

Residual Risk: Low

11 Equalities Impact Assessment

- 11.1 The surface and gradient of the proposed new footpath are no less accessible than the current route. The applicant has made a commitment to change the stiles on an adjacent footpath outside the area of the application to more accessible 'kissing gates' to meet the requirements of British Standard BS5709:2018.

11 Conclusion

- 12.1 The objection remains outstanding; it is therefore necessary for an Inspector appointed by the Secretary of State to consider the confirmation of the Order or for Dorset Council to abandon the Order.
- 12.2 The recommendation is that
- (a) The Order be submitted to the Secretary of State for determination; and
 - (b) The Council supports the confirmation of the Order
- 12.3 This would enable an independently appointed Inspector to decide if the Order meets the legal tests for making and confirmation.

13 Appendices

- 1) Report to the Interim Lead for Place August 2024
- 2) Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024 Copy of Order
- 3) Objection to the Order
- 4) Rebuttal to the objection from the applicant
- 5) Plan showing details of aircraft movement

14 Background Papers

The file of Executive Lead for Place (ref: RW/P262)

Report to the Interim Lead for Place

Application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield

For Decision

Cabinet Member and Portfolio: Cllr Shane Bartlett, Planning and Emergency Planning

Local Councillor(s): Cllr Jane Somper

Executive Director: Jan Britton, Interim Lead for Place

Report Author: Alastair Beaven
Title: Definitive Map Technical Officer
Tel: 01305 224058
Email: alastair.beaven@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

This report considers an application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield as shown on drawing P262/24/1 and assesses whether an Order should be made under the Highways Act 1980. The proposal is unopposed and deemed to meet the legal tests for order making and order confirmation under Section 119 of the Highways Act 1980. Therefore, the recommendation is that a Diversion Order be made.

Recommendation:

That:

- (a) The application to divert part of Footpath 11, Compton Abbas at Compton Abbas airfield be accepted and an order made;
- (b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
- (c) If the Order is unopposed, and is considered to meet the legal tests it be confirmed by the Council.

Reason for Recommendation:

- (a) The proposed diversions meet the legal criteria set out in the Highways Act 1980.
- (b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- (c) Accordingly, the absence of objections may be taken as acceptance that the proposed diversion is considered expedient and therefore Dorset Council can itself confirm the order.

Report

1 Background

- 1.1. Dorset Council has received an application from the owner of the land at Compton Abbas airfield, in the parish of Compton Abbas, to divert part of Footpath 11, as shown on Drawing P262/24/1 attached as Appendix 1.
- 1.2. The current definitive route of Footpath 11 runs from Point A generally north west to Point B. The current route from A-B is approximately 390 metres long.
- 1.3. The proposed new route of Footpath 11 runs from Point A north east along the northern side of the hedge to Point C next to the emergency access gate off Boundary Lane and then north north west to the east of the end of the runway to point D then generally west south west along the southern edge of the hedge to Point B. The proposed new route is approximately 930 metres long. This adds approximately 540 metres to the route of Footpath 11.
- 1.4. The width of the new route will be 2.5 metres from A-C-D-B.
- 1.5. This proposed diversion would be in the interests of the landowner to improve safety for the public and users (pilots and passengers) of the airfield.

2 Law

Highways Act 1980

- 2.1 Section 119 of the Highways Act 1980 allows a footpath, bridleway or restricted byway (or part of one) to be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.
- 2.2 A diversion cannot alter the termination point of the path if the new termination point: -

- (i) is not on a highway; or
- (ii) (where it is on a highway) is otherwise than on the same highway or a connected highway, which is substantially as convenient to the public.

2.3 A public path diversion order cannot be confirmed as an unopposed order unless the Council are satisfied that:

- (a) in the interests of the owner, lessee or occupier or of the public, the diversion to be affected by it is expedient;
- (b) the diversion would not result in a path that is substantially less convenient to the public;

and that it is expedient to confirm the order having regard to:

- (c) the effect the diversion would have on public enjoyment of the footpath as a whole;
- (d) the effect the diversion would have on other land served by the footpath; and
- (e) the effect on the land over which the diversion will run and any land held with it.

2.4 Any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.

2.5 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion or extinguishment orders Dorset 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.

2.6 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that the extinguishment of the existing public right of way "is not to come into force until the local highway authority for the new path or way certify that the work has been carried out".

2.7 Dorset Council may itself confirm the order if it is unopposed. If it is opposed, it may be sent to the Secretary of State for confirmation.

Wildlife and Countryside Act 1981

- 2.8 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.

Equality Act 2010

- 2.9 Section 149 of the Equalities Act 2010 puts a duty on public authorities to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights Act 1998 – Human rights implications

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

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property.

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

Rights of Way Improvement Plan

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

Theme 1: The ROWIP's links with other strategies

- Theme 1.6 Improve accessibility of the network.

3 Consultation

- 3.1 The Council carried out a wide consultation in June 2024 based on drawing P262/24/1 (Appendix 1) and no objections were received.
- 3.2 Cllr Jane Somper, Dorset Council member for Beacon Ward was consulted on the application and made no comment.
- 3.3 The Ramblers, following a site visit during 2023 , support the diversion on the grounds of safety.
- 3.4 All consultation responses are summarised in Appendix 2

4 Discussion

Diversion

- 4.1 This proposed diversion would be in the interests of the landowner to improve safety for the public and users (pilots and passengers) of the airfield by positioning the Right of Way around the runway rather than directly across it. The current footpath starts at a public highway and travels in a north westerly direction across the runway to the opposite hedge. The proposed diversion travels broadly north east then north north west across the field to the east of the runway to the opposite hedge then broadly west south west to the existing route.
- 4.2 The current termination points of Footpath 11 are unchanged.
- 4.3 The diversion will increase the route of Footpath 11 by approximately 540m.

- 4.4 When considering the increase in length of the route, the increase is significant but, in the context of the safety, the diverted route is just as easy to walk as the current route but much safer as it does not cross a 'live' runway. Therefore, the diverted route is not substantially less convenient than the current route.
- 4.5 The width of the new route is 2.5m between points A-C-D-B with similar views to the west across Compton Down and to the east towards Ashmore Down, thereby allowing for an enjoyable and convenient walk.
- 4.6 The diversion would have no material effect on the land served by the current route or over which the new route runs.
- 4.7 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 4.8 The proposal affects the applicant's land only and therefore no compensation would be payable under Section 28 of the Highways Act 1980.
- 4.9 The following works will be carried out before the order is confirmed:
- 2.5m Gap created in the hedge to the east of point A
 - Vegetation clearance and surface improvements to be carried out if needed along the new route.
- 4.10 Although not part of the diversion, the stiles south of point A and north of point B are to be replaced with kissing gates to British Standard BS5709:2018.
- 4.11 The works will be carried out and funded by the applicant.
- 4.12 The order will be confirmed only on completion of these works. If confirmed by the Secretary of State, the order will provide that the diversion is not effective until the works have been completed and certified.
- 4.13 If the diversion order is unopposed the order should be confirmed as the tests for making and confirming a diversion order (as set out in paragraphs 2.1-2.3) have been met.

Rights of Way Improvement Plan

- 4.14 The diversion order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space:

Theme 1.6 Improve accessibility of the network

5 Financial Implications

- 5.1 The applicant has agreed to pay in accordance with Dorset Council's usual scale of charges and for the cost of advertising the order and subsequent notice of confirmation. The law does not permit Dorset 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.

6 Natural Environment, Climate & Ecology Implication

- 6.1 The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car.

7 Well-being and Health Implications

- 7.1 Use of public rights of way promotes a healthy balanced lifestyle.

8 Other Implications

- 8.1 n/a

9 Risk Assessment

- 9.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

10 Equalities Impact Assessment

- 10.1 The furniture on the proposed route will meet the requirements of British Standard BS5709:2018. The surface and gradient of the proposed new footpath are no less accessible than the current route.

11 Conclusion

- 11.1 The application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield meets the legal tests under Section 119 of the Highways Act 1980 and therefore should be accepted and a Diversion Order made.
- 11.2 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.
- 11.3 If there are no objections to a public path order, as the criteria for confirmation have been met, the order should be confirmed.

12 Appendices

1 Drawing P262/24/1

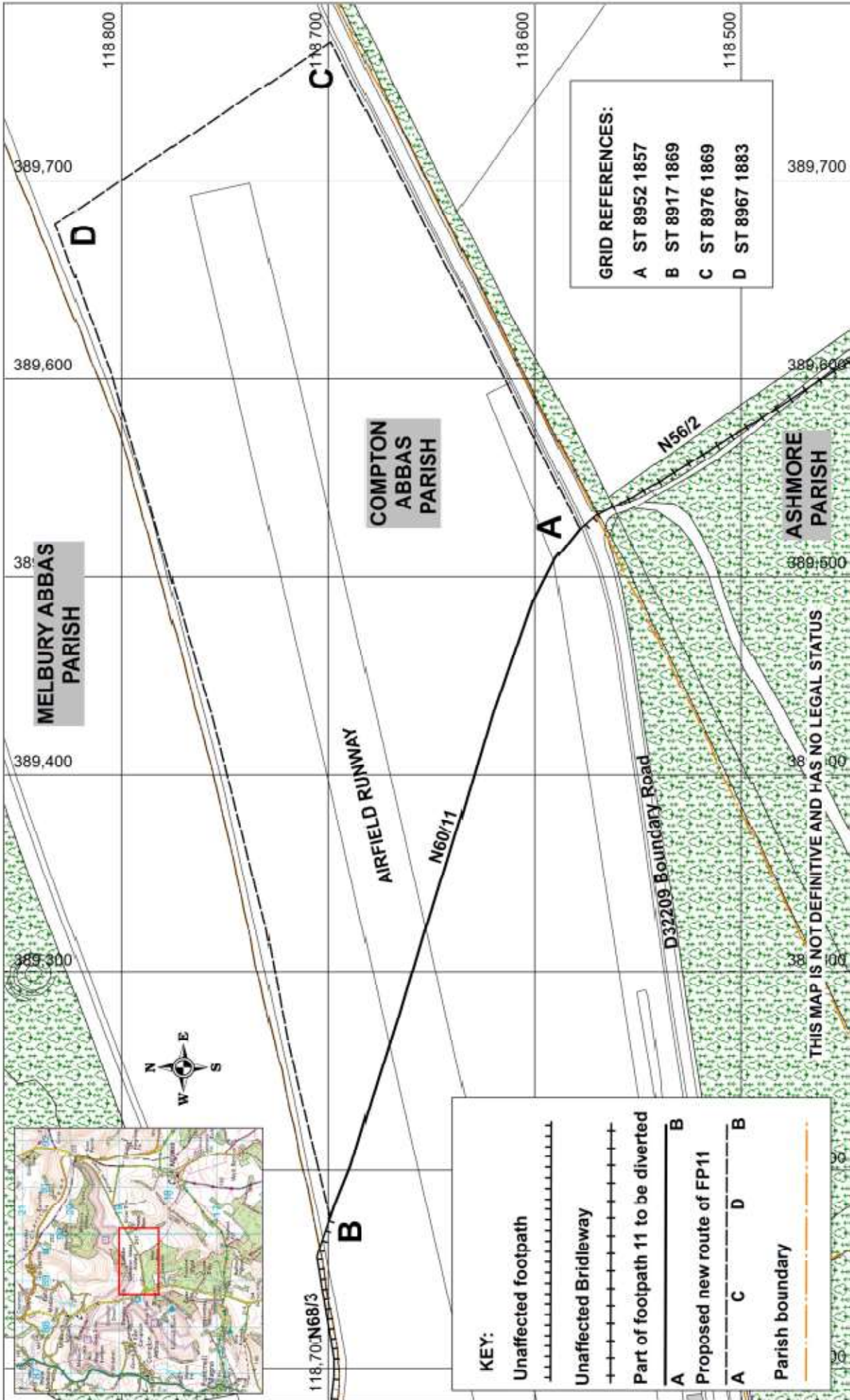
2 Summary of consultation responses

13 Background Papers

The files of the Interim Lead for Place (ref.RW/P262).

August 2024

Application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield



Ref: P262/24/1
 Date: 01/08/2024
 Scale: 1:2500 @ A4
 Drawn by: ASB
 Cent X: 389,436
 Cent Y: 118,651

HIGHWAYS ACT 1980
 APPLICATION TO DIVERT FOOTPATH 11, COMPTON ABBAS AIRFIELD

Summary of consultation responses

Appendix 2 to the
August 2024 report

June 2024

Responses received:

Name	Comments
The Ramblers	Although the diverted route is almost 2½ times longer than the definitive route, we feel that in this situation, and in the interests of safety, we have no objection to the proposed diversion
Senior Archaeologist, Dorset Council	<p>With reference to your email/letter of 26 June, there are at present no recorded archaeological finds or features or historic buildings on or in the immediate vicinity of the routes affected by this proposal.</p> <p>Consequently, I do not feel that historic environment considerations constitute a constraint in the context of this proposal</p>
Historic England	<p>Thank you for consulting us on this application.</p> <p>As no heritage assets will be affected by the proposals we have no comment to add.</p>
Highways Improvements, Dorset Council	Looking at the plan and the proposed diversion. We the Highway Improvements team have no need to respond as it does not affect our proposed works
Openreach	<p>Thank you for your letter and drawing dated 26/06/2024</p> <p>P262 Rights of Way Consultation: Diversion of part of footpath 11, Compton Abbas</p> <p>Openreach records indicate that apparatus exists within the area of your proposed footpath alterations. However We are not affected in any works to change the footpath in this area</p> <p>Please note that a site survey has not been carried out at this stage, and this is just for Notification for your and Our Records recording process</p>

Recommendations accepted:

Signed:

.....V Penny.....

Date:.....6 August 2024.....

Vanessa Penny

Definitive Map Team Manager

Spatial Planning



**Dorset
Council**

Appendix 2

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

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

**Dorset Council (Part of Footpath 11, Compton Abbas)
Public Path Diversion Order 2024**

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

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Dorset definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Ashcombe Estates LLP t/a Compton Abbas Airfield has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Compton Abbas Parish Council has been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

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

contained in this Order and thereupon the County of Dorset definitive map shall be modified by adding that path to it.

4. The County of Dorset definitive statement shall be modified as described in Part 3 of the Schedule to this Order.

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 path

Footpath 11, Compton Abbas:

- A-B The whole width of the footpath from point A (ST 8952 1857) generally north west to point B (ST 8917 1869)
(No recorded width)

Part 2

Description of site of new path

Footpath 11, Compton Abbas:

- A-C-D-B From point A (ST 8952 1857) north east along the northern side of the southern field boundary to point C (ST 8976 1869) then north west across the field to the east of the end of the runway to point D (ST 8967 1883). Then generally south south west along the southern side of the northern field boundary to the unaffected part of footpath 11 at point B (ST 8917 1869).
Width: 2.5m

Part 3

Modification of Definitive Statement

Variation of particulars of path

Footpath 11, Compton Abbas:

Delete:

From: 895185 To: 891187

Parish boundary half mile east of Gore Clump north to parish boundary (this is a connecting link from Ashmore to Melbury Abbas).

Add:

From: ST895185 To: ST891187

Parish boundary half mile east of Gore Clump north to ST 8952 1857, then north east along the northern side of the southern field boundary to ST 8976 1869, north west across the field to the east of the end of the runway to point ST 8967 1883. Then generally south south west along the southern side of the northern field to ST 8917 1869 then north to the parish boundary (this is a connecting link from Ashmore to Melbury Abbas). Width: 2.5 metres between ST 8952 1857 and ST 8917 1869.

Dated this 22nd day of August 2024

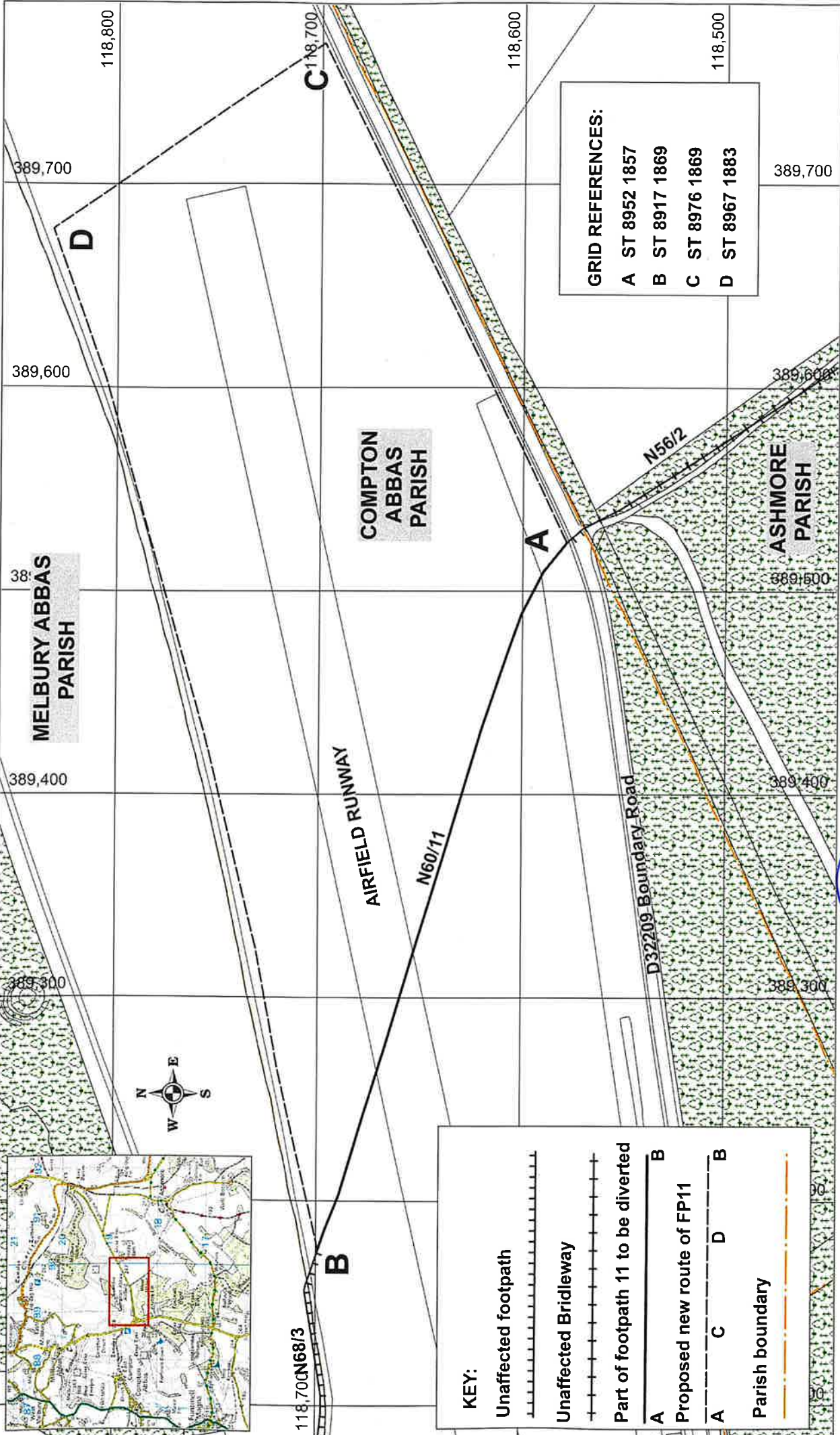
THE COMMON SEAL of
DORSET COUNCIL
was affixed in the presence of:-

Jonathan Hall



Authorised signatory

642/24



GRID REFERENCES:
 A ST 8952 1857
 B ST 8917 1869
 C ST 8976 1869
 D ST 8967 1883



KEY:

- Unaffected footpath
- Unaffected Bridleway
- Part of footpath 11 to be diverted
- Proposed new route of FP11
- Parish boundary

Ref: P262/24/2
Date: 07/08/2024
Scale: 1:2500 @ A4
Drawn by: ASB
Cent X: 389,436
Cent Y: 118,651

Dorset Council
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DORSET COUNCIL (PART OF FOOTPATH 11, COMPTON ABBAS) PUBLIC PATH DIVERSION ORDER 2024

Sarwan Khan

Ref: RW/P262

The Notice of Making a Public Path Diversion

and

Definitive Map and Statement Modification Order

Highways Act 1980

Wildlife and Countryside Act 1981

Dorset Council (Part of Footpath 11, Compton Abbas)

Public Path Diversion Order 2024 made on 5th September 2024

In compliance with the published timescale for objections to be made Compton Abbas Parish Council (the council) wishes to present an **objection**. This objection is in accordance with Section 120(2) of the Highways Act wherein the council has been previously consulted and it then advised that it 'reserves the right to make an objection at a later date'. The following facts are detailed below.

1. The current footpath (Footpath 11) has been in existence since at least 1888 (Dorset Explorer Definitive Map National Library of Scotland OS 1888-1913 refers)
2. In 1962 an airfield was established the runway of which crosses the current footpath
3. During the ownership of the airfield period 1962 to 2023 no 'expedient need' to divert the footpath has been expressed
4. In 2023 the ownership of the airfield changed
5. In 2024 the airfield hosted an air display under a two-day CAP 403 licence from the CAA to a third party. The CAA identified a safety concern with the footpath as part of the application for the licence.
6. As part of that display an application was made and granted for a Temporary Closure of Footpath 11 on the grounds of 'health and safety' (TCPF N68/3 N60/11 refers)
7. The expedient claim of the owner, supported by Dorset Council, for this application is based partly upon the requirements of a CAA licence which is not, and cannot be held, by the airfield operator.
8. The airfield lies wholly within Cranborne Chase National Landscape (formerly AONB therefore Dorset Council has a statutory responsibility under the Countryside and Rights of Way Act 2000 to preserve and enhance the AONB.
9. The proposal in this application will cause a substantial loss of convenience and public enjoyment to a right of way which has been in existence for 136 years.

Basis of the Objection

Section 119(2) Highways Act 1980 states:

A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway; or

(b)(where it is on a highway) otherwise than to a point which is on the same highway or a highway connected with it, and which is substantially as convenient to the public.

The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.

Section 119(6) Highways Act 1980 states:

The Secretary of State shall not confirm a public path diversion order ... unless (s)he ... is satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of its diversion and that it is expedient to confirm the order having regard to the effect which—

(a) the diversion would have on public enjoyment of the path or way as a whole;

(b) the coming into operation of the order would have as respects other land served by the existing right of way; and

(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

With respect to a) above it is the view of the council that the diversion proposed in the order would have:

1. a substantial detrimental impact on public enjoyment of the path as a whole, and that therefore the test set out at section 119 (6) (a) has not been met. We set out our reasoning below:
 - I. A significant aspect of public enjoyment in the case of an active airfield is safety as confirmed by the operators themselves with the TCPF N68/3 N60/11 cited above.
 - II. The positioning of the pathway at present facilitates pedestrians to cross the runway with full unencumbered visibility to the east and west of any approaching light aircraft whether in the air or on the ground.

- III. The distance between points A and B currently is some 375 metres. For less than half of that distance the footpath user is either on the runway or within 45 metres of it. This allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane. The original basis of this arrangement being that any pilot seeking to take evasive action would risk injury or death either on final approach landing or after 'point of no return' on take-off. The maximum time to make the total crossing of the airfield for a pedestrian is around 4 minutes.
 - IV. No incidents of pedestrian accidents have been reported in the 63 years of the airfield's operation.
 - V. The location of the current route permits users to 'enjoy' the view of Compton Down to the west of the airfield as advertised in the numerous walking guides identifying the local walks.
 - VI. Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.
 - VII. The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys.
 - VIII. The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.
2. With respect to c) above it is the view of the council that the diversion proposed would have a significant detrimental effect on the safety of pedestrians, children and dogs using the proposed footpath.
- I. The airfield has two runways namely 26 from west to east and 08 in the reverse direction. The proposed routing covers some 950 metres all of which is airside of the airfield. From point B the proposed route has three legs.
 - II. The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footpath would be within 45metres of the runway.
 - III. The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08 the area close to C to D is used for power checks by aircraft departing runway 08 wherein pilots and pedestrians would be subject to maximum noise and turbulence known as 'prop wash'. These power checks take some while. Should a child or dog break free of adult supervision a pilot would not be able to hear any alarm and in any event be unable to quickly stop the propellor of their aircraft to preserve the safety of the child or dog. Regarding runway 26 the area C to D covers the identified overshoot area within the Pooleys guide. Any such aircraft needing to use the overshoot is 'de facto' a danger to any pedestrian, child or dog in its path.

- IV. The Dorset Council Legal Team have confirmed that the runway was extended by 44 metres some 22 years ago and that they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the end of both runways.
- V. To the east of the line CD is a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight at that point and thereby jeopardise their safety.
- VI. Pooleys states domestic pets and animals are not allowed airside of the aerodrome, for safety reasons, but as users of the diverted public footpath there would be no such constraint nor indeed no constraint on children whether supervised or not. Dorset Council's latest Rights of Way Improvement Plan 2011-2021 cites Action Point 1.6 "Improve accessibility of the network (to include younger, older, disabled people and ethnic minorities)". The proposed diversion of a longer, more difficult and more dangerous routing than the current footpath does not accord with the plan and indeed is discriminatory to protected groups as defined in Equalities Act 2010.
- VII. Compton Abbas airfield has a control room on the ground floor facing north. Should any of the scenarios indicated in III) above take place they would be at 600 meters distance from the room and could not therefore be seen to radio taxiing aircraft and raise the alarm. The current footpath, as it crosses the runway, is in view of the control room.
- VIII. Since 2023 the airfield has regularly hosted historic warbird ex WW2 planes. These planes, such as a Spitfire, have no nose gear thus obscuring any forward visibility by the pilot. These aircraft are advertised widely and therefore parked to the extreme west of the airfield in front of the clubhouse for the benefit of the public. This means these aircraft are required to cover the maximum distance of taxiing west to east. This requires that pilots conduct a 'crabbing' action in the early part of the taxi away from other aircraft of the airfield close to the control room before progressing the current taxiway which will be clear of pedestrians. Under the proposed diversion pedestrians, children and dogs would all be following point C to A to complete the diversion putting them close to the taxiing aircraft and associated prop wash thereby exacerbating the danger to them. In addition, the proposed routing is behind hangers not shown on the map which precludes the footpath users a view of Melbury Beacon which is one of the main features of the footpath.
- IX. The conditions of the airfield's 2009 CAA Licence (P851 Refers) require "Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that 'any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.'" It is the Council's understanding from correspondence with the CAA that no such approval has either been sought or obtained.

Conclusion

It is the view of the council that the need to ensure safety and enjoyment of pedestrians, children and companion animals is greater than the expedient wish of the landowner for such a diversion. The proposal is ill conceived, unnecessary, potentially unlawful and dangerous. The proposal in this application will **cause a substantial loss of convenience and public enjoyment** to a right of way.

The Notice of Making a Public Path Diversion
and
Definitive Map and Statement Modification Order
Highways Act 1980
Wildlife and Countryside Act 1981
Dorset Council (Part of Footpath 11, Compton Abbas)
Public Path Diversion Order 2024 made on 5th September 2024

Response by the GM of Compton Abbas Airfield to the **objection** made by Compton Abbas Parish Council (the council) to the sealed notice.

1. **Point 3.** During the ownership of the airfield period 1962 to 2023 no 'expedient need' to divert the footpath has been expressed.

Response. *H&S (and other) legislation has changed markedly over this period. The current operator cannot, and should not be, bound by previous owners' acts or omissions in respect of this. A risk assessment by new management identified a risk which can be mitigated to As Low as Reasonably Practicable by diverting the footpath.*

2. **Point 7.** The expedient claim of the owner, supported by Dorset Council, for this application is based partly upon the requirements of a CAA licence which is not, and cannot be held, by the airfield operator.

Response. *This is factually incorrect. This 'CAA licence' mentioned appears to refer to an Article 86 permission which is granted by the CAA to a nominated Flying Display Director (FDD). The FDD would hold that 'CAA Licence' on behalf of the operator. In any case, this is completely irrelevant with regards to this application to divert the footpath. This application is wholly independent of any air display considerations which would still attract an application for temporary closure of the footpath regardless of this change. This application is based on a review of airfield operating procedures which highlighted a need to conduct a Risk Assessment of a public right of way across an active runway. That Risk Assessment concluded that, in line with accepted Health and Safety legislation and practice, there is a requirement to reduce the risk of an incident involving aircraft, staff and the general public to As Low As Reasonably Practicable. Diverting the footpath around rather than across the runway is a viable solution to this.*

3. **Point 9.** The proposal in this application will cause a substantial loss of convenience and public enjoyment to a right of way which has been in existence for 136 years.

Response. *This is a subjective, rather than objective, statement that is not made out in the text of this objection.*

Basis of the Objection

Section 119(2) Highways Act 1980

Objection. The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.

Response. *Factually incorrect. Points A and B are on an established right of way (public footpath). Under common law a highway is an area of land which the public at large have the absolute right to use to 'Pass and Repass without let or hindrance'. Under section 328 of the Highways Act 1980, a highway is a way over which the public can freely pass and repass, at all seasons of the year, without let or hindrance. The footpath is therefore a highway in accordance with the law. As the proposed diversion's points of commencement and termination are on the current footpath (highway) the proposed alteration is legal and therefore Section 119(2) of the Highways Act 1980 does not apply.*

Section 119(6) Highways Act 1980 states:

The Secretary of State shall not confirm a public path diversion order ... unless

Objection 1 (I). A significant aspect of public enjoyment in the case of an active airfield is safety as confirmed by the operators themselves with the TCPF N68/3 N60/11 cited above.

Response. *As stated above, this application is wholly independent of the TCPF cited. A temporary closure of the footpath, whether current or diverted, would still be required under the same considerations of that TCPF for relevant events, such as displays. By default, being safer will improve the 'significant aspect' of public enjoyment.*

Objection 1 (II). The positioning of the pathway at present facilitates pedestrians to cross the runway with full unencumbered visibility to the east and west of any approaching light aircraft whether in the air or on the ground.

Response. *The proposed new route allows at least the same degree of visibility of approaching aircraft, as demonstrated in the attached photographs, and is safer for users.*

Objection 1 (III). The distance between points A and B currently is some 375 metres. For less than half of that distance the footpath user is either on the runway or within 45 metres of it. This allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane. The original basis of this arrangement being that any pilot seeking to take evasive action would risk injury or death either on final approach landing or after ‘point of no return’ on take-off. The maximum time to make the total crossing of the airfield for a pedestrian is around 4 minutes.

Response. *Elements of this are factually incorrect. The footpath from A to B is a diagonal across the runway. The shortest possible route is to cross perpendicular to the line of the runway and is circa half the distance (on the runway). How has the timing of 4 minutes to cross been calculated? I (a fit 6’2” male) take circa 4½ to complete the crossing at a normal walking pace. To declare 4 mins as a maximum time is misrepresentative of the full range of users, many of whom take additional time on the crossing to enjoy the views, because of restricted mobility or because they are slowed by the pace of accompanying children.*

The comment on the “original basis of this arrangement” does not make sense.

Objection 1 (IV). No incidents of pedestrian accidents have been reported in the 63 years of the airfield’s operation.

Response. *This application will further reduce the likelihood (potential) of an incident occurring so that we can say the same in another 63 years. This comment displays a lack of understanding of risk assessments.*

Objection 1 (V). The location of the current route permits users to ‘enjoy’ the view of Compton Down to the west of the airfield as advertised in the numerous walking guides identifying the local walks.

Response. *The raised elevation of the crossing leg C-D will provide a similar, if not slightly better view, as shown in the photographs.*

Objection 1 (VI). Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.

Response. *This fact is irrelevant and appears to be included solely as an attempt to make a weak argument appear stronger.*

Objection 1 (VII). The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys.

Response. *Pooleys is NOT a DEFINITIVE guide. This is made absolutely clear in the disclaimer on page xii of the current edition. Pooleys produces its guide based on information provided by the airfield operator and the CAA. If approved, the new routing will replace the current one in this guide.*

Objection 1 (VIII). The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.

Response. *As above. Quoting a guide that is not a definitive document to support the objection demonstrates a lack of understanding of the technical issues involved in this application. The crossing point of the new footpath can also be highlighted as a hot spot, albeit a safer one.*

Objection 2 (I). The airfield has two runways namely 26 from west to east and 08 in the reverse direction. The proposed routing covers some 950 metres all of which is airside of the airfield. From point B the proposed route has three legs.

Response. *Factually incorrect. Runway 26 is from east to west, 08 from west to east. A minor point perhaps, but one underlining a basic lack of due diligence and understanding in preparing this objection.*

Objection 2 (II). The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footpath [*sic*] would be within 45metres of the runway.

Response. *The closest point along B to D is just over 45m from the runway edge markers, and over 60m from the runway centerline. What is the significance of 45m?*

Objection 2 (III). The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08 the area close to C to D is used for power checks by aircraft departing runway 08 wherein pilots and pedestrians would be subject to maximum noise and turbulence known as ‘prop wash’. These power checks take some while. Should a child or dog break free of adult supervision a pilot would not be able to hear any alarm and in any event be unable to quickly stop the propellor of their aircraft to preserve the safety of the child or dog. Regarding runway 26 the area C to D covers the identified overshoot area within the Pooleys guide. Any such aircraft needing to use the overshoot is ‘de facto’ a danger to any pedestrian, child or dog in its path.

Response. Elements of this are factually incorrect. Power checks for aircraft departing 08 are conducted at the West end of the runway, some 800m (1/2 mile) away. The closest any user of the proposed footpath would be to an aircraft conducting a power check at the 26 end is circa 47m, a distance over which propwash from most types of aircraft operating at the airfield will have dissipated. What is the council's definition of "some while"? The phase of a final check which involves increasing the engines power output (power check) varies between aircraft types but takes no longer than 30 seconds. A reasonable person is unlikely to concur that this can be described as "some while". Pilots check their surroundings prior to commencement of and during a power check. If people or animals are observed in proximity they will abort or not begin a power check. In addition, this area is observable from the ops room. This is an unusual argument when one considers that any aircraft on the runway is a danger to any pedestrian, child or dog in its path, and vice-versa. Under current conditions, this is far more likely than under the proposed re-routing. The LINE C-D is at the eastern end of the undershoot for 26 (overshoot for 08). Statistically an aircraft is significantly less likely to be on the under/overshoot than on the runway.

Objection 2 (IV). The Dorset Council Legal Team have confirmed that the runway was extended by 44 metres some 22 years ago and that they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the end of both runways.

Response. This element is irrelevant. However, in the interests of clarity it should be noted that the 1976 Section 52 agreement is clear that nothing in it prevents use of land at either end of the runway being used as an under/overshoot. With regards to the runway extension, section 115 of the Levelling Up and Regeneration Act 2023, amended section 171B of the Town and Country Planning Act 1990 as of 25th April 2024. Under this provision planning authorities have now been empowered to enforce against unauthorised operational developments, encompassing construction, engineering, mining activities, and other operations, as well as changes of use to dwellings, for a period of 10 years from the date of the breach. After this duration, the development gains immunity from enforcement actions, **regardless of its lack of planning permission or a certificate of lawfulness.** This objection confirms the runway extension occurred at least 22 years ago and has not been challenged. Ergo, if this is considered to be a breach no enforcement action is possible; the runway is therefore irrevocably established at 799m long.

Objection 2 (V). To the east of the line CD is a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight at that point and thereby jeopardise their safety.

Response. *Factually incorrect as shown in the photos; the small number of trees in a clump are simply not tall enough, nor positioned in such a way as to, obscure the view of aircraft on the downwind leg, base leg and final approach to land.*

Objection 2 (VI). Pooleys states domestic pets and animals are not allowed airside of the aerodrome, for safety reasons, but as users of the diverted public footpath there would be no such constraint nor indeed no constraint on children whether supervised or not. Dorset Council's latest Rights of Way Improvement Plan 20112021 cites Action Point 1.6 "Improve accessibility of the network (to include younger, older, disabled people and ethnic minorities)". The proposed diversion of a longer, more difficult and more dangerous routing than the current footpath does not accord with the plan and indeed is discriminatory to protected groups as defined in Equalities Act 2010.

Response. *The prohibition on pets and animals being airside is also true of the current footpath. In either case, they must remain on the footpath which is/would be a known route. Any deviation from the marked footpath constitutes a criminal offence under the Civil Aviation Act 1982. Whilst the diversion is inarguably longer, the ground conditions are no different and it is a point of fact that it is a less dangerous route than the current footpath by virtue of it not crossing an active runway. The characteristics that are protected by the Equality Act 2010 are: age; disability; gender reassignment; marriage or civil partnership (in employment only); pregnancy and maternity; race; religion or belief; sex; sexual orientation. The council have not provided any explanation to substantiate their assertion that the proposed diversion discriminates against each of, or indeed any of, these groups?*

Objection 2 (VII). Compton Abbas airfield has a control room on the ground floor facing north. Should any of the scenarios indicated in Ill) above take place they would be at 600 meters distance from the room and could not therefore be seen to radio taxiing aircraft and raise the alarm. The current footpath, as it crosses the runway, is in view of the control room.

Response. *As a point of law, the facility described as a "control room" in this objection cannot be, or act as, a control room. It is an operations room which has a view of the active part of the aerodrome from west clockwise to east. The operations room is equipped with binoculars. As the new route is beyond the East end of the runway, and aircraft will cross at height, reduced view of this area is less critical than it would be for pedestrians on the runway proper. That said, operations staff will still be in a position to warn approaching and departing aircraft of the presence of pedestrians. Arguably, they pedestrians would be in better view as walkers on the crossing leg are silhouetted (skylined) by the background.*

Objection 2 (VIII). Since 2023 the airfield has regularly hosted historic warbird ex WW2 planes. These planes, such as a Spitfire, have no nose gear thus obscuring any forward visibility by the pilot. These aircraft are advertised widely and therefore parked to the extreme west of the airfield in front of the clubhouse for the benefit of the public. This means these aircraft are required to cover the maximum distance of taxiing west to east. This requires that pilots conduct a ‘crabbing’ action in the early part of the taxi away from other aircraft of the airfield close to the control room before progressing the current taxiway which will be clear of pedestrians. Under the proposed diversion pedestrians, children and dogs would all be following point C to A to complete the diversion putting them close to the taxiing aircraft and associated prop wash thereby exacerbating the danger to them. In addition, the proposed routing is behind hangars not shown on the map which precludes the footpath users a view of Melbury Beacon which is one of the main features of the footpath

Response. *Forward vision is not obscured as this suggests; the comment appears to be no more than a supposition (guess) made by a non-pilot. By moving the crossing point off the runway, any residual risk is significantly reduced as the aircraft will be (higher) in the sky at the point of crossing the footpath, rather than on the ground as per the current path. To be clear, in Law the ultimate responsibility of any deconfliction lies with both the Public Right Of Way user to look and listen for aircraft prior to crossing the taxiway/runway areas, and the Pilot In Command of an aircraft operating at the aerodrome. The parking area mentioned is circa 370m east of the extreme west of the airfield, which is circa 1450m in length west to east. The aircraft in this instance would taxi circa 600m. The point on aircraft moving along the taxiway demonstrates a lack of understanding. When the ‘Warbirds’ are operating there is a substantial ground crew component airside who are always focused on assuring safety of the aircraft on the ground, static and moving. The taxiway runs the full length of the runway, on the south side of it and is always in full view. Unlike the current arrangement, the proposal will ensure the complete length of the taxiway is always clear of pedestrians. Close is a relative term; at the closest point the footpath is over 45m away from taxiing aircraft. As shown in the photographs, the view is not obstructed by the hangars in any meaningful way that differs from the current route. It is also important to note that even if it were true this short stretch would not constitute a detrimental effect on public enjoyment of the path or way **as a whole**.*

Objection 2 (IX). The conditions of the airfield’s 2009 CAA Licence (P851 Refers) require “Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that ‘any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.” It is the Council’s understanding from correspondence with the CAA that no such approval has either been sought or obtained.

Response. *Relevant signage is and will be in place and inspected by the relevant authority before the diverted footpath comes into use. Graham Stanley, Dorset CC received a written UK CAA Airfield Advisory Team planning response for a Public Path Diversion Order (Highways Act 1980: Sect 119) dated 4 Aug 2023. This document supports the application. It is also worth noting that although the 2009 CAA licence referred to was withdrawn and reissued on change of ownership the condition mentioned remains extant and has been complied with.*

Conclusion

It is the view of the council that the need to ensure safety and enjoyment of pedestrians, children and companion animals is greater than the expedient wish of the landowner for such a diversion. The proposal is ill conceived, unnecessary, potentially unlawful and dangerous. The proposal in this application will **cause a substantial loss of convenience and public enjoyment** to a right of way.

Response. *This is a highly subjective opinion which the objection has utterly failed to make out. Given the fact that this is the only objection raised after lengthy consultation with both statutory bodies and the general public, it can be safely assumed that this objection represents a gross distortion of the views of the vast majority of those who would be affected (users). It may also be wise to consider this objection in the context that Compton Abbas Parish Council have, over the preceding months, submitted or supported the submission of several complaints about activities at the airfield to the CAA and Dorset CC, none of which have been upheld to date.*

The proposed route is safer. It has the north/south leg (C-D) at a higher elevation providing a better vantage and the additional length along the east/west legs provides more time to enjoy the views. Together, these points can only enhance public enjoyment of this footpath.

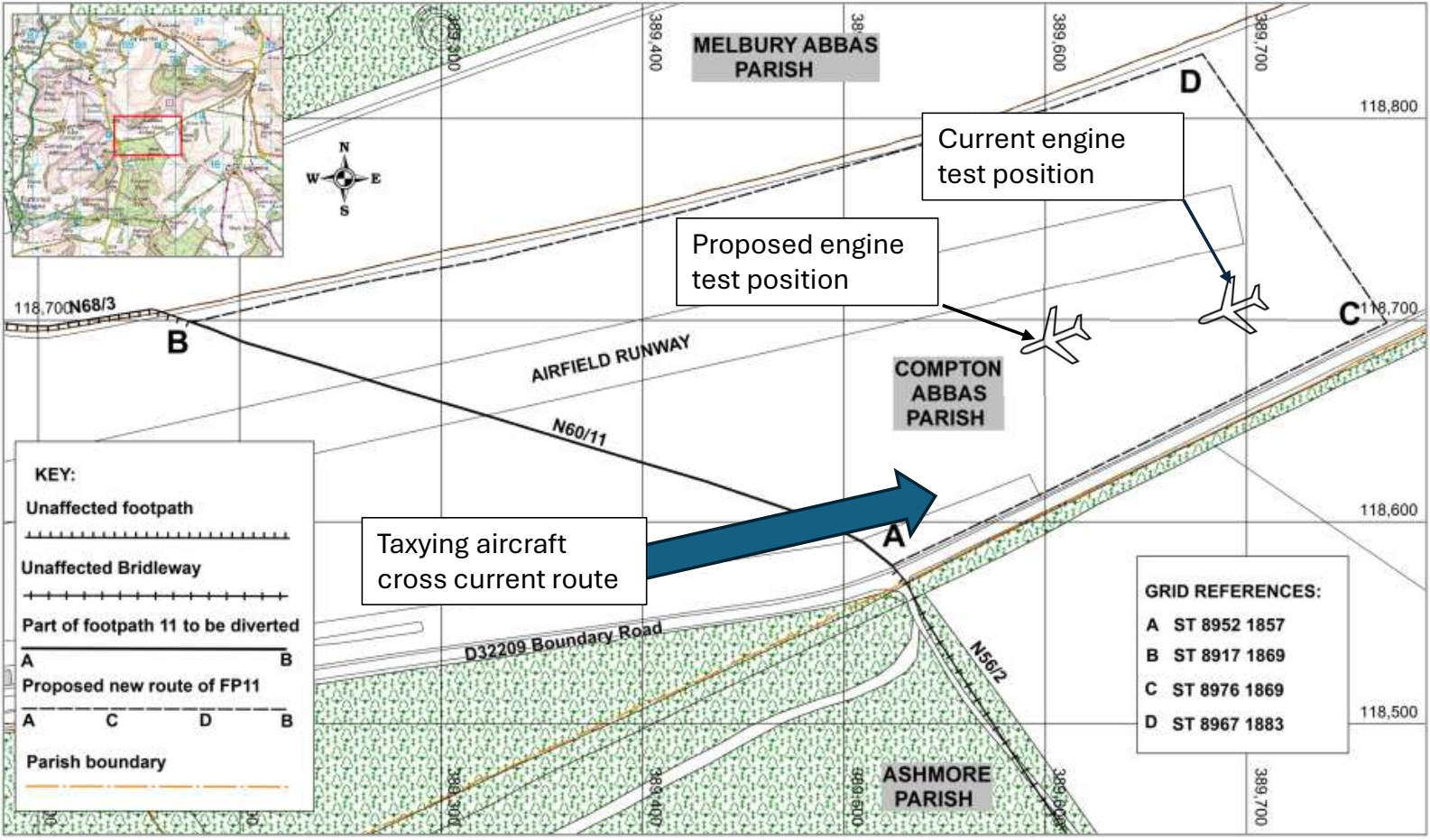
Any reasonable person would struggle to describe any loss of convenience caused by this application being successful as substantial. The law requires risk to be reduced to As Low as Reasonably Practicable; I would strongly question any decision that places convenience over safety.

Photographs

	View from centre of current footpath as it crosses runway centreline	View from centre of proposed footpath as it crosses extended runway centreline
Looking West		
Looking East		

Current view from footpath entrance/exit point on south side (which will not change) showing minimal obstruction of view by Hangars at worst point.

	
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**DORSET COUNCIL (PART OF FOOTPATH 11, COMPTON ABBAS)
PUBLIC PATH DIVERSION ORDER 2024**

Ref:P262/24/2
Date: 07/08/2024
Scale: 1:2500 @ A4
Drawn by: ASB
Cent X: 389,436
Cent Y: 118,651



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