

Appendix 11

Attachment F

The application made to the surveying authority.

This application lists the evidence submitted with the application, and this is appended here (indexed) using item references, a.a., b.b., et seq to and including o.o. The application includes the notices associated with the application.



T354

DORSET COUNTY COUNCIL

FORM A

APPLICATION FORM FOR A MODIFICATION TO THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY Wildlife and Countryside Act 1981

To: Chief Executive Dorset County Council County Hall Colliton Park DORCHESTER Dorset DT1 1XJ

BR 17 & BR35, BEAMINSTER

I/We (i)

Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH,

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by *:-

(a) Deleting the footpath / bridleway / byway open to all traffic * which runs

from:

to:

(b) Adding the footpath / bridleway / byway open to all traffic * which runs

from: 1 - ST 49555 03010 2 - ST 50485 02165

to: 1 - ST 50150 02640 2 - ST 50700 01660

(c) Upgrading/downgrading to a footpath / bridleway / byway open to all traffic * the footpath/bridleway/byway open to all traffic which runs

from: 1 - ST 49105 03415 2 - ST 50150 02640

to: 1 - ST 49555 03010 2 - ST 50485 02165

(d) Varying/adding to the particulars relating to the footpath / bridleway / byway open to all traffic *

from:

to:

by providing that

and shown on the map annexed hereto (see overleaf).

I/We attach copies of the following documentary evidence [including statements of witnesses] in support of this application:-

(iii) Please see attached report for details of evidence submitted in support of this claim.

Copies of documentary evidence has been supplied on CD, viewable on any Windows PC.

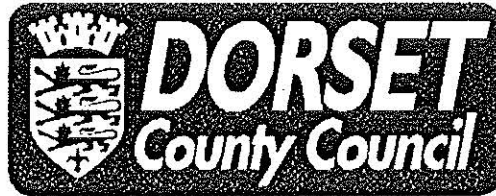
Signed:

Date: 21st December 2004

(i) In (ii) In

(iii) Insert list of documents * Delete as appropriate





**NOTICE OF APPLICATION
FOR A MODIFICATION TO THE DEFINITIVE MAP AND
STATEMENT**

Wildlife and Countryside Act 1981

NOTICE IS GIVEN that on 21st December 2004 the FRIENDS OF DORSET'S RIGHTS OF WAY made application to the Chief Executive, Dorset County Council, County Hall, Dorchester, Dorset DT1 1XJ that the Definitive Map and Statement of rights of way for the area be modified by:

- (1) Upgrading the Bridleway which runs from ST49105 03415 to ST49555 03010 to a Byway Open to all Traffic**
- (2) Adding a Byway Open to all Traffic to run from ST49555 03010 to ST50150 02640**
- (3) Upgrading the Bridleway which runs from ST5015002640 to ST50700 01660 to a Byway Open to all Traffic**

DATE: 14th January 2005

PLEASE REFER TO MAP BELOW

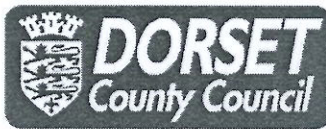
FODROW EVIDENCE CD NOVEMBER 2004

Including:

**Beaminster BR17, BR35 (T354)
ST505022, which is BR17-UCR-BR35**

This claim is for route ST491034 to

| | | |
|--|---------|---|
| Isaac Taylor Map 1796 | 212.jpg | DRO reference M14 Isaac Taylor Map 1796 |
| Beaminster Roads | 147.jpg | DRO reference D/RGB:LL. Plan of roads in neighbourhood of Beaminster c.1800. |
| Greenwood 1826 1 | 134.jpg | DRO reference M116 |
| Greenwood 1826 2 | 135.jpg | DRO reference M116 |
| Beaminster Tithe | 130.jpg | DRO reference T/BE Beaminster Tithe map 1843. |
| Beaminster Inclosure Map | 124.jpg | DRO reference Inclosure 65 Beaminster inclosure has two maps. This image is an extract showing a potential claim on the East Fields map. PCR B is on the route of this claim. |
| Beaminster Inclosure Award 1 | 127.jpg | DRO reference Inclosure 65 |
| Beaminster Inclosure Award 2 | 128.jpg | DRO reference Inclosure 65 |
| OS Old Series 1" of OS Old Series 1". | 122.jpg | DRO reference D626/25. David & Charles copy |
| Isaac taylor 1765 | 121.jpg | DRO reference D626/25. |



DORSET COUNTY COUNCIL

FORM C

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER
THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

I/We(i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

Signed:  Date: 31st December 2004

NOTES FOR GUIDANCE

This certificate should only be completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

We have been unable to identify all landowners; the landowners identified are listed below and an application to post a Site Notice is enclosed.

Notice of Application Sent To:

| Name | Address |
|-------------------|--|
| 1. Mr G Neal | Westleaze Farm, Whitesheet Hill, Beaminster, Dorset. |
| 2. Mrs GA Langton | Higher Meerhay Fm, Beaminster, Dorset, DT8 3FB. |
| 3. CWW Dupont | Langdon Manor, Beaminster, Dorset, DT8 3NN. |
| 4. | |
| 5. | |

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s) 21 September 2004

the claimed route to the NE of the inclosure map's carriage road. Both parts of the road are shown in the same way and as continuous, thus supporting the argument that the route was continuous and the same rights, ie those documented in the inclosure award, would apply to the entire route.

Dorset Records Office document D/RGB:LL is a "Plan of roads in neighbourhood of Beaminster c.1800". This clearly shows the claimed route as a continuous road. Although the map is a rough sketch the roads clearly correspond to modern roads. Furthermore the objective of the map's creator appears to be to show public roads with no lesser routes shown and the length of commonly travelled routes marked.

Isaac Taylor's map of 1796 clearly shows the entire route as a continuous road. There is no distinction between what is now the sections of BR, UCR and county road, indicating the route has a single status. This map also appears to only show public roads. Relatively few roads are shown, those included correspond well to modern public roads, and there appears to be no intention to show bridleways or footpaths.

Greenwood's map of 1826 also shows the entire claimed route as a continuous road with no indication the status changes at any point. The route's depiction is consistent with other minor public roads in the area. Similarly, The 1st Edition "Old Series" OS map and Isaac Taylor's map from 1765 both show the claimed route as a continuous road and in the same way as other public roads in the area. Isaac Taylor's map shows very few roads and it appears only the more significant public roads are shown.

Finally, one must question why there be a public road to Higher Langdon, the modern county road from the B3163, when this is a private farm? It is more sensible to believe the road continued over what is today BR35 to join the unpaved UCR. In Dorset UCRs have the reputation of being public roads. This is confirmed by Dorset County Council letters and minutes from the 1950s and 1960s. Those document DCC's decision to not create RUPPs but instead classify unpaved roads with public vehicular rights as UCRs. The UCR in the claimed route goes nowhere and it is most likely the dead end UCR and county road were connected by a road over what is now BR35.

The inclosure map and award provides conclusive evidence of public vehicular rights over much of the claimed route. The tithe map and other small scale maps indicate the claimed route was a public road and also show it as a continuous route with the same status as the section shown on the inclosure map. The *Eyre vs New Forest Highways Board* case directs us that the whole route would have the same rights, ie those of a public carriage road, and there is no contrary evidence to assume the current BR-UCR-BR classification is correct.

Byway Claim for Bridleways 17 & 35 Beaminster

Introduction

This document supports FoDRoW's DMMO claim for byway status on a route in the parish of Beaminster. The claimed route runs over what is currently two bridleways, an unpaved unclassified county road (UCR) and a section with no recorded public rights of way. The route extends from ST 49105 03415 to ST 50700 01660. The entire route is highlighted on the enclosed map, which is an enlarged OS 1:50000 map printed at 1:20000 scale. This route is currently partly recorded as two bridleways, namely:

Beaminster BR17, ST 49105 03415 to ST 49555 03010.
Beaminster BR35 , ST 50150 02640 to ST 50485 02165.

No evidence has been found to indicate this road has ever been stopped up. Thus on the basis of the evidence presented below FoDRoW believes the route should today be a byway.

FoDRoW believes enough evidence is being submitted to justify this claim. Further evidence does exist and may be submitted at a later date. However, having considered the volume of claims likely to be submitted in the coming years this claim is being submitted now to avoid a future flood of claims when they are all fully researched.

Documentary Evidence

The following evidence is being submitted to support our DMMO application:

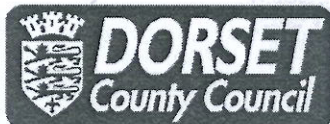
- Isaac Taylor Map 1796, DRO reference M14.
- Plan of roads in neighbourhood of Beaminster c.1800, DRO reference D/RGB:LL.
- Greenwood's map 1826, DRO reference M116.
- Beaminster Tithe map 1843, DRO reference T/BE.
- Beaminster Inclosure Map & award, DRO reference Inclosure 65.
- Ordnance Survey Old Series 1" map, DRO reference D626/25.
- Isaac Taylor's map 1765, DRO reference D626/25.

Analysis of Documentary Evidence

The evidence submitted indicates the claimed route is part of a longer route that historically had public vehicular rights. The original route started at ST 49105 03415, proceeded over BR17, then along the UCR, over BR35, over a section with no recorded public rights and along what is now a minor county road to Dirty Gate at its junction with the B3163, and over what is today an unpaved UCR on Hackthorn Hill. This claim covers the NE section of the original road, upto the point which is today a minor county road.

The Beaminster inclosure map and award identifies the central part of the claimed route as a public carriage road (PCR 'B'), thus this certainly had public vehicular rights. Furthermore, a map annotation at the south east end of the road describes the road as continuing "To Hook Village". This is confirmed by the description in the award which also states the road continues to Hook and it is sensible to assume the status of the road remained the same. The north east end of the road on the inclosure map shows a crossroads. This indicates the road continued NW beyond what is shown on the inclosure map.

The Beaminster tithe map shows the NE half of the claimed route as an unapportioned shaded road, indicating this was a public road. It includes much of the road shown on the inclosure map and all of



DORSET COUNTY COUNCIL

FORM G

PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

PATH DETAILS:-

PARISH: Beaminster DISTRICT: West Dorset

BELIEVED STATUS OF PATH: ~~footpath / bridleway~~ / byway open to all traffic [delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM: ST 49105 03415

TO: ST 50700 01660

I/We (i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

have carried out research at the County Records Office and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

Document DRO/PRO Reference

Please see enclosed report for full list of evidence submitted to support this claim

- Inclosure Award and Map*
Tithe Apportionment and Map*
Finance Act 1910 Maps*
Ordnance Survey Maps*
Railway/Canal Survey Maps and Schedules*
Estate Maps and Records*
Quarter Session Rolls*
Sale Catalogues*
Highway Board Minute Books*
Others

Signed: [Redacted] Date: 21st December 2004

(i) Insert address of applicant(s) * Delete as appropriate



DORSET COUNTY COUNCIL

FORM D

APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS BY SITE NOTICE

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

PATH LOCATION DETAILS:

PARISH: Beaminster DISTRICT: West Dorset

CLAIMED STATUS OF WAY: Footpath/Bridleway/Byway Open to All Traffic [delete as appropriate].

DESCRIPTION OF PATH [include a map]:

FROM: ST 49105 03415

TO: ST 50700 01660

I/WE (i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

have carried out an investigation in an attempt to discover the owners and occupiers of the land affected by the application. I have made enquiries of: [delete those that are not applicable].

- * Adjoining landowners
* Local inhabitants
* Post Office
* Parish Council
* Register of Electors
* Land Registry
* Other appropriate sources [please state] - Please see enclosed explanation.

I have been unable to discover ownership of the land, and I request the Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

Signed: [Redacted Signature]

Date: 21st December 2004

(ii) Insert address of applicant(s)

Application for Permission to Notify Landowners by Site Notice

FoDRoW is applying for permission to post a site notice to inform landowners about the DMMO application that accompanies this form. Not all the owners of land crossed by the claimed route have been identified using the process described below and we wish to use a site notice to notify the those landowners.

FoDRoW follows the procedure outlined below to identify the owners of land crossed by the route of a DMMO claim:

1. Request the Land Registry identify the titles of land crossed by the route. Where the land is registered we obtain copies of the title and plan to identify the landowner and the boundaries of the land they own. If owners cannot be identified for the entire length of the track the following steps are taken.
2. Attempt to identify other local landowners, EG farms, using the Land Registry, OS maps, Royal Mail address books, etc.
3. Write to the landowners identified in steps 1 and 2. If other farms or possible major landowners are located near the route and their details were not identified in steps 1 & 2 then write to those farms and landowners too. All farms in the vicinity of the claimed route will be considered and contacted if appropriate.

The letter sent includes a clear map showing the claimed route and a form for the landowner to return. The form allows the landowner to indicate whether he owns all of the land crossed by the claimed route, none of the land or some of the land. In the latter two cases we ask the landowner to supply the details of the correct landowners if they are known. A copy of the letter, map and form can be supplied to Dorset County Council if requested.

4. At least 28 days are provided for the landowners to respond before a DMMO claim is submitted.

This process was developed in consultation with Gillian Parkinson at DCC. It was felt that a thorough Land Registry search followed, if necessary, by letters to local farms and relevant landowners was a reasonable effort to make to identify landowners. If the land was not registered and local landowners were unwilling or unable to supply the ownership details when contacted then all reasonable steps had been taken.



CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

I/We(i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

Signed: [Redacted] Date: 6th February 2005

NOTES FOR GUIDANCE

This certificate should only be completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

Re: Beaminster BR17, BR35, "Crabb's Barn Lane. Unable to identify all landowners; site notices posted at ST 491 034 & ST 507 016 on 6th February 2005.

Notice of Application Sent To:

Table with 2 columns: Name, Address. Contains 5 rows of recipient information, including Mr G Neal, Mrs GA Langton, and CWW Dupont.

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s) 21 September 2004

