

PLANNING INSPECTORATE REFERENCE: ROW/3314535

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

Dorset Council (Footpath 51, Dorchester & Footpath 6, Winterborne Monkton) Public Path Diversion Order 2020

Determination by way of written representations, May 2024

RESPONSE TO STATEMENT OF CASE BY THE RAMBLERS

We would respond to The Ramblers' Statement of Case as follows:

At paragraph 8, The Ramblers state:

It is the view of the Ramblers that use of the alternative routes, either side of the A35, as set out in the Order would have a serious detrimental impact on public enjoyment of these paths as a whole."...

The Council's response is as follows:

Parts of the current and proposed footpath are clearly visible from the A35 and regular use of the proposed new route by walkers has been observed by officers over several years, in contrast to the current footpath, which has rarely been observed being used by the public.

Few objections were received to the proposed diversion prior to making the order and only one local resident objected to the order. Taking these two factors into account, officers believe that there would be a minimal impact on public enjoyment of the route.

At paragraph 12 The Ramblers state:

"We proposed alternative routes to the Order-making authority both at consultation and when the Order was made but these were dismissed by the OMA. We believe that these alternatives would improve public enjoyment of the paths in question....."

And at paragraph 13 The Ramblers state:

"North of the A35/underpass: the Ramblers proposes an alternative to the route D – E – F – G – H, through the Parkway Business Park. This is shown as V – W – X – Y – Z".....

The Council's response is as follows:

The alternative route suggested by Ramblers as shown H – V – W – X – Y on Appendix F to their Statement of Case, meets the legal tests with regards to convenience, termination points and public enjoyment in the view of officers. It would be for the applicant to confirm whether this would be in the interest of the landowner, and therefore whether this amended diversion would be in the interest of the landowner.

At paragraph 14 The Ramblers state:

“South of the A35: so that users do not have to walk in close proximity to the A35 between points O and N on the Order plan, the Ramblers’ suggested alternative would run from point L on the Order plan.....to point T...then north to point S.....”

The Council’s response is as follows:

Whilst the merits of the alternative route submitted by the Ramblers which routes the footpath away from the A35 (Appendix F to their Statement of Case) are evident in terms of public enjoyment, the tenant farmer has indicated that he does not support this route, and therefore the amended diversion would not be in the interest of the landowner.

At paragraph 15 The Ramblers state:

“An alternative proposal to mitigate the impact of the A35 on users of the section O – N on the Order plan would be to move the line of the path slightly to the south-west....A hedge could then be planted between the path and the fencing alongside the road.....”

The Council’s response is as follows:

This proposal has not been discussed with the applicant so officers cannot comment on whether this would be in the interest of the landowner, and therefore whether this amended diversion would be in the interest of the landowner.

At paragraph 17 The Ramblers state:

“....the section from just north of N to M has been deeply channelled by water erosion....This will require considerable maintenance to become wheelchair/mobility scooter friendly.”

There is provision in the order that the diversion will not come into effect until works are completed on the new footpath to the satisfaction of Dorset Council. If the diversion order is confirmed, the applicant will be asked to carry out works on the new footpath to bring it up to the required standard, which includes surface improvements. Dorset Council would then take on future maintenance of the surface.