

WILDLIFE AND COUNTRYSIDE ACT 1981

**COUNTY OF DORSET
DEFINITIVE MAP AND STATEMENT**

**DORSET COUNCIL (PART OF BRIDLEWAY 18, CHIDEOCK AT MILL LANE TO BE
UPGRADED TO RESTRICTED BYWAY)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019**

**STATEMENT OF DORSET COUNCIL
CONTAINING COMMENTS ON THE OBJECTIONS**

Objections to the Order

There are 11 objections to the Order.

Objection: [REDACTED] – Claims limits of bridleway have not been established, and that private rights have not been explained. Considers it would be safer if cars were encouraged to use another route.

OMA comment – The report to the Council's Regulatory Committee on 18th October 2019 ('the Report')(Appendix 4 to the OMA's statement of case) establishes the limits of the bridleway and explains that private rights may exist in addition to public rights. The convenience and safety of the route are not matters that can be considered.

Objection: [REDACTED] – Dispute the evidence of extent of bridleway presented in the Report, refer to evidence they had submitted in 2015 which is discussed in the Report. Refer to other documents discussed in the Report and to earlier interpretations of these. Express concern about the potential for an accident and a desire to ensure a safe environment for walkers. Claim that private rights do not exist and express disappointment that the Council does not hold a list of private rights, feel that the Council has a duty to keep a record of private rights.

OMA comment – Objection offers no new evidence which has not already been considered in the report. Safety cannot be considered. Recording and supervision of private rights are not the responsibility of the Council.

Objection: [REDACTED] – Allege that an error was introduced in the extent of carriageway as a result of a planning application in 2012 and requests that an inspector establishes the extent of public and private vehicular rights. Dispute the evidence presented in the report with respect to the List of Streets and the validity of the creation order of 1996. Revisit earlier interpretations and suggest alternative interpretations. Aims are to preserve quiet enjoyment of horse-riders and walkers, and a safe route. Suggest that the order should be refused because it is not needed.

OMA comment – No new evidence is submitted which has not already been considered in the Report. The Report only considers the evidence of public rights and consideration cannot be given to private rights. Safety, desirability and need are not factors that can be considered.

Objection: Chideock Parish Council – Endorses the objection of [REDACTED] et al. Says that the proposed order will not resolve the issue of 'dual use'. Disputes the extent of highway maintainable at public expense referred to in the Report.

OMA comment – The issue discussed in the Report is one of ‘dual recording’ on the List of Streets and the Definitive Map. This is not the same as ‘dual use’. The evidence for extent of HMPE is discussed in the Report.

Objection: Rt Hon Sir Oliver Letwin – agrees with the parish council that the section of bridleway considered in the Report is not part of Highway Maintainable at Public Expense.

OMA comment – No evidence is given to support this view.

Objection: [REDACTED] – Interprets a bridleway as not permitting use by anyone other than emergency services with vehicles. Considers that bridleway status must be preserved on safety grounds.

OMA comment – private rights are discussed in the Report and safety matters cannot be considered.

Further objection post formal objection period

[REDACTED] - comment that the definitive map has not been changed with respect to the order; an image attached taken from Dorset Explorer showing a different extent for Highway Maintainable at Public Expense (HMPE), and a map reputedly submitted by West Dorset Leisure Ltd showing rights of way and claims with regard to Bridleway 18, as part of a planning application in 2012. Requests that the bridleway is either gated or has ununlockable bollards fitted until the case can be decided by PINS.

OMA comment – The definitive map cannot be changed until an order is confirmed. The extent of HMPE is discussed in the Report. The additional document submitted (part of a planning application) is of such poor definition that it is not possible to determine what it shows. Any rights of way admitted by the part and adjoining landowner in 2012 are not of material interest. There is currently no valid reason to authorise gates or bollards on this route.