

HIGHWAYS ACT 1980: SECTION 119**APPLICATION FOR A PUBLIC PATH DIVERSION ORDER**

**PLEASE SEEK THE ADVICE OF THE AREA RIGHTS OF WAY OFFICER
BEFORE COMPLETING THESE FORMS (CONTACT DETAILS ON PAGE 2)**

A. THE APPLICANT

1. Name of applicant: MICHAEL W METCALFE
Address: [REDACTED]

Daytime telephone number: [REDACTED]

2. Name of applicant's agent (if any): N/A
Address: [REDACTED]

Daytime telephone number: [REDACTED]

3. (a) Is the applicant the owner, lessee or occupier of land crossed by the path or way to be diverted?

YES/~~NO~~

Please give details of the applicant's interest in the land:

OWNER

B. THE PUBLIC PATH (to be diverted)

4. Is the path a footpath, bridleway or restricted byway? FOOT PATH

5. Number on Definitive Map 515/26 & 530/16

6. Description of:

(a) the present length of path to be diverted (and therefore extinguished):
735 metres [MARKED IN RED ON ATTACHED PLAN]

(b) the proposed new length of path to be created:
430 metres [MARKED IN BLUE ON ATTACHED PLAN]

(N.B. Both lengths of paths in 6(a) and (b) above should be clearly shown (and marked with different colours) on a plan, preferably an extract from the Ordnance Survey Map at a scale of 1:2500, to be submitted with this application.)

(c) width of the proposed path (see page 1)

3 METRES

(d) Will there be a physical limitation to the width of the path at any point?
If so, please provide details.

No

7. (a) Is the application to be considered concurrently with any other application to extinguish, create or divert a public path?

~~YES~~/NO

(b) If so, please give brief details of that other application:

(i) Purpose of application:

(ii) Definitive Map number of path concerned:

(iii) Date submitted:

(N.B. Any other such application for extinguishment of a public path must be made on separate forms.)

8. Name(s) and address(es) of the owner(s), occupier(s) and lessee(s) of **all** land crossed by (a) the path to be diverted (include the applicant if appropriate):

MICHAEL W METCALFE

and (b) the proposed diverted route of the path

MARK J. C. RUSSELL [SEE ENCLOSED LETTER]

9. Name(s) and address(es) of all owner(s) and occupier(s) of any other land served by the path to be diverted (e.g. it is used to access their property?):

NONE

10. (a) Is there any apparatus (e.g. buried pipes) belonging to, or used by, any statutory undertaker, in, upon, over, or across the land over which the path passes and any other land served by the path to be diverted?

~~YES~~/NO

(b) If yes, provide details of the location and nature of such apparatus:

N/A

REASONS FOR THE APPLICATION

11. State in full the reasons/circumstances why the applicant considers that it is in the interests of either the owner, lessee or occupier of land crossed by the footpath to be diverted or of the public that the length of path concerned should be diverted.
(Continue on a separate sheet if necessary.)

SEE ATTACHED ANNEX.

Signed:

MICHAEL METCALFE
.....
(The applicants)

Date:

22 AUGUST 2010

N.B. The following must be signed by the applicants:

I undertake:

- (i) To pay the Dorset County Council's full costs* in connection with this application including all costs if objections are made to this application. This is £600 plus the cost of advertisements.
- (ii) To pay these costs if an order is made (however, I understand that I may be entitled to a refund in certain circumstances – see page 5).
- (iii) To meet in full the cost of any necessary works and/or any compensation which payable in connection with this application and any order made pursuant to it.
- (iv) In the event of an objection being made to the proposed order, to provide evidence (whether or not at any public Local Inquiry) in support of this application and any order.

Signed:

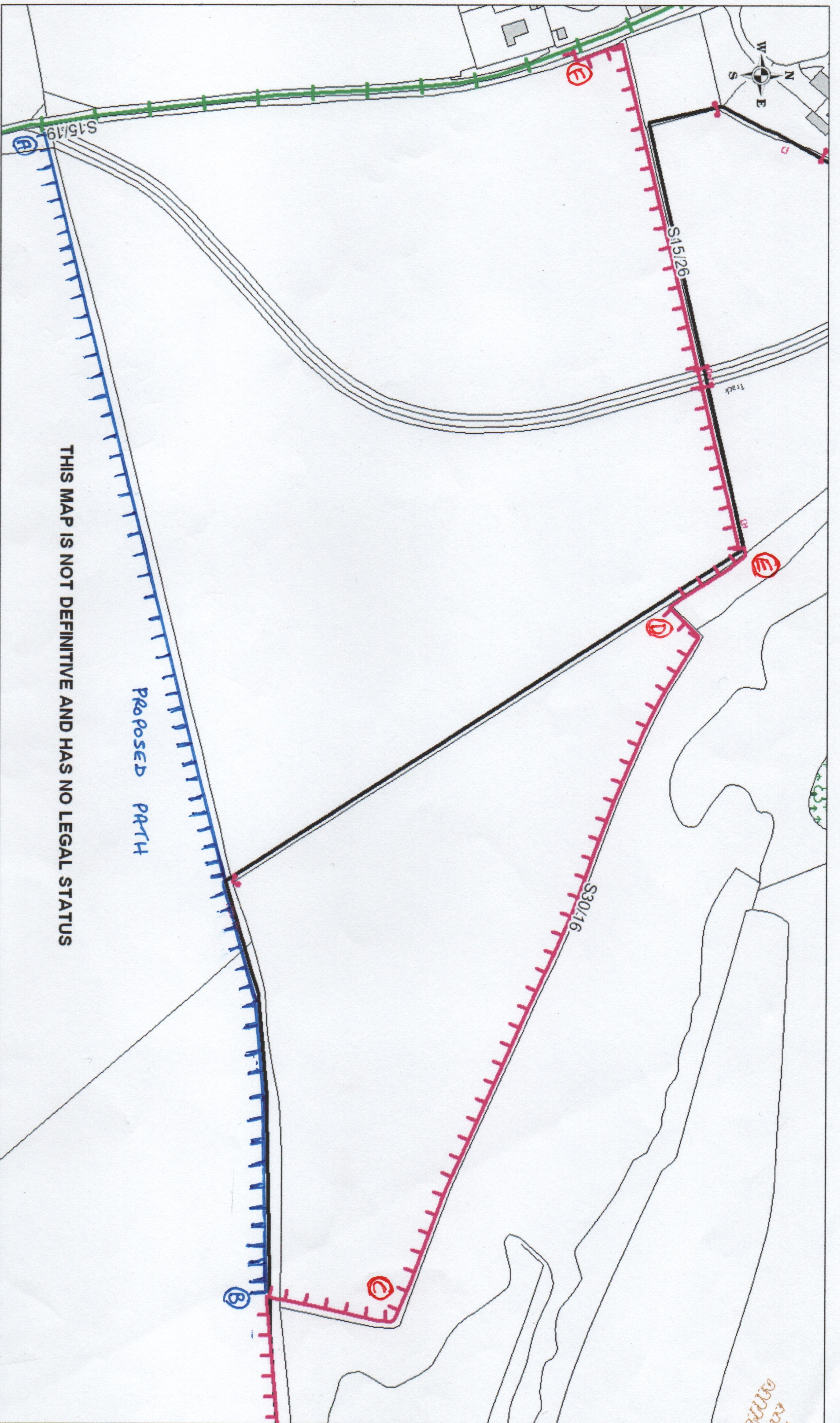
MICHAEL METCALFE

Date:

22 AUGUST 2010



* The County Council may charge for:

- The advertisements giving details of the order and confirming the order. The applicant has to pay for the cost of publishing a notice in one local newspaper twice, once on making and once on confirming the order. We will not charge if additional advertisements are made.
- Notifying the landowners, statutory undertakers, prescribed organisations (for example, the Ramblers' Association, the Open Spaces Society, other local authorities, any other required consultees) and posting notices.
- The charge may be reduced by £100 if evidence is submitted **with your application** that certain people and organisations have been consulted and do not object. (Please refer to Form 119/B attached and the explanatory notes on page 16.)
- Site inspections.
- Researching the status and history of the path.
- Negotiating with interested parties.
- Reporting the application to the Chairman / Roads and Rights of Way Committee.



APPLICATION BY MICHAEL METCALFE

22 AUGUST 2010

 PROPOSED PATH
 EXISTING PATH

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

PROPOSED PATH

Ref:

Date: 16/11/2009

Scale 1:2500

Drawn By:

Cent X: 374862

Cent Y: 101299

Map of Dorset, United Kingdom

APPLICATION BY MICHAEL W METCALFE

22 AUGUST 2010



Annex to FORM 119/A

APPLICANT **Michael W Metcalfe**

REASONS FOR THE APPLICATION

11.

It is in the interests of the owner of the land crossed by the existing section of footpath as it will make land management easier (e.g. location and maintenance of hedges and electric-fences).

It is in the interests of the public that this section of footpath is diverted because the new section of footpath will be:

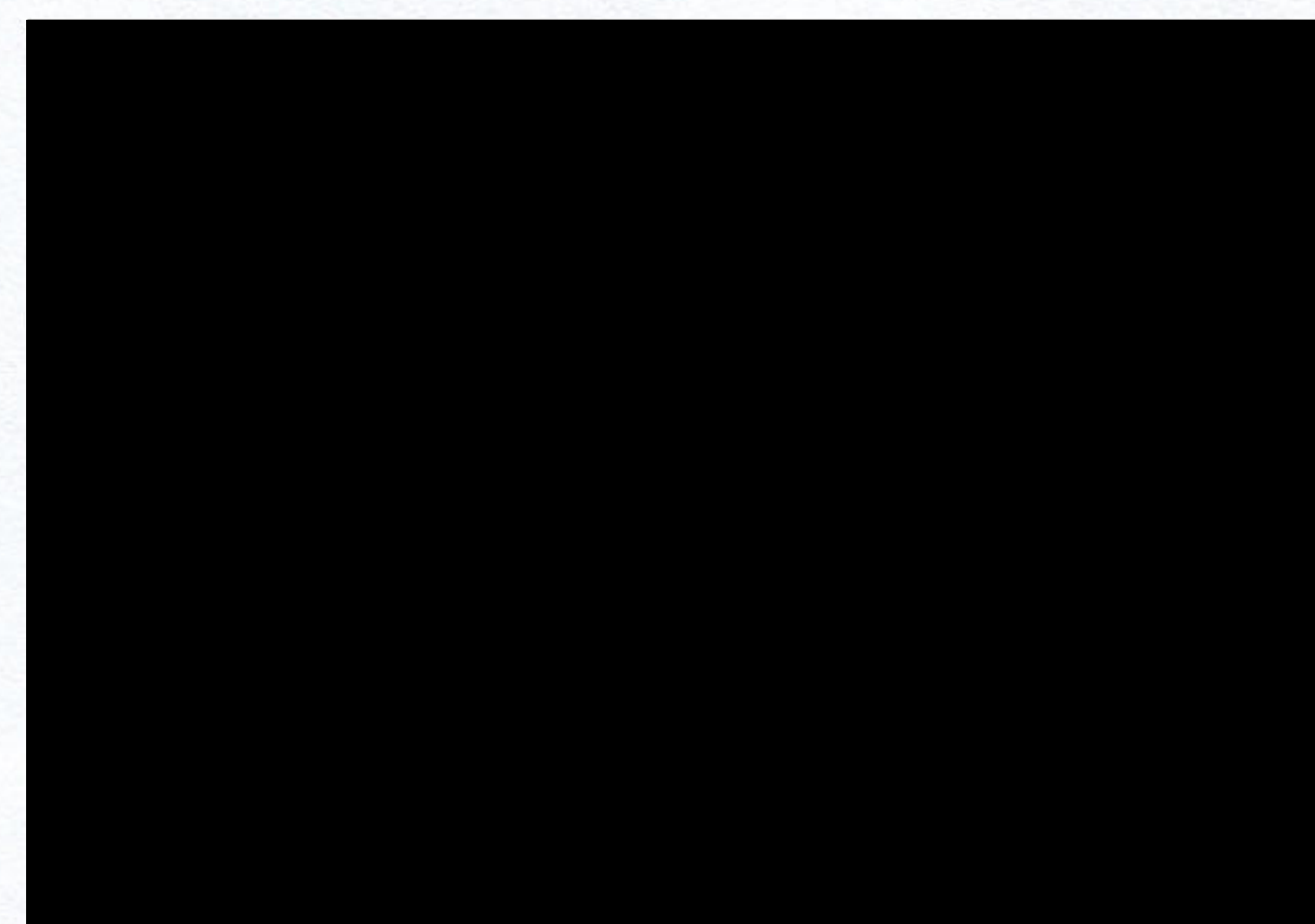
1. more convenient for all walkers and, in particular, less able walkers and should enhance public enjoyment as it is flatter, with no gates or stiles. The existing section has 7 gates and 1 stile;
2. safer, as it runs along the edge of arable fields that do not regularly require electric – fencing. The current section crosses pasture land where regular electric-fencing is necessary;
3. straighter and easier to follow (making it less likely that walkers will deviate from the footpath) and
4. more commodious as it is wider and more open.

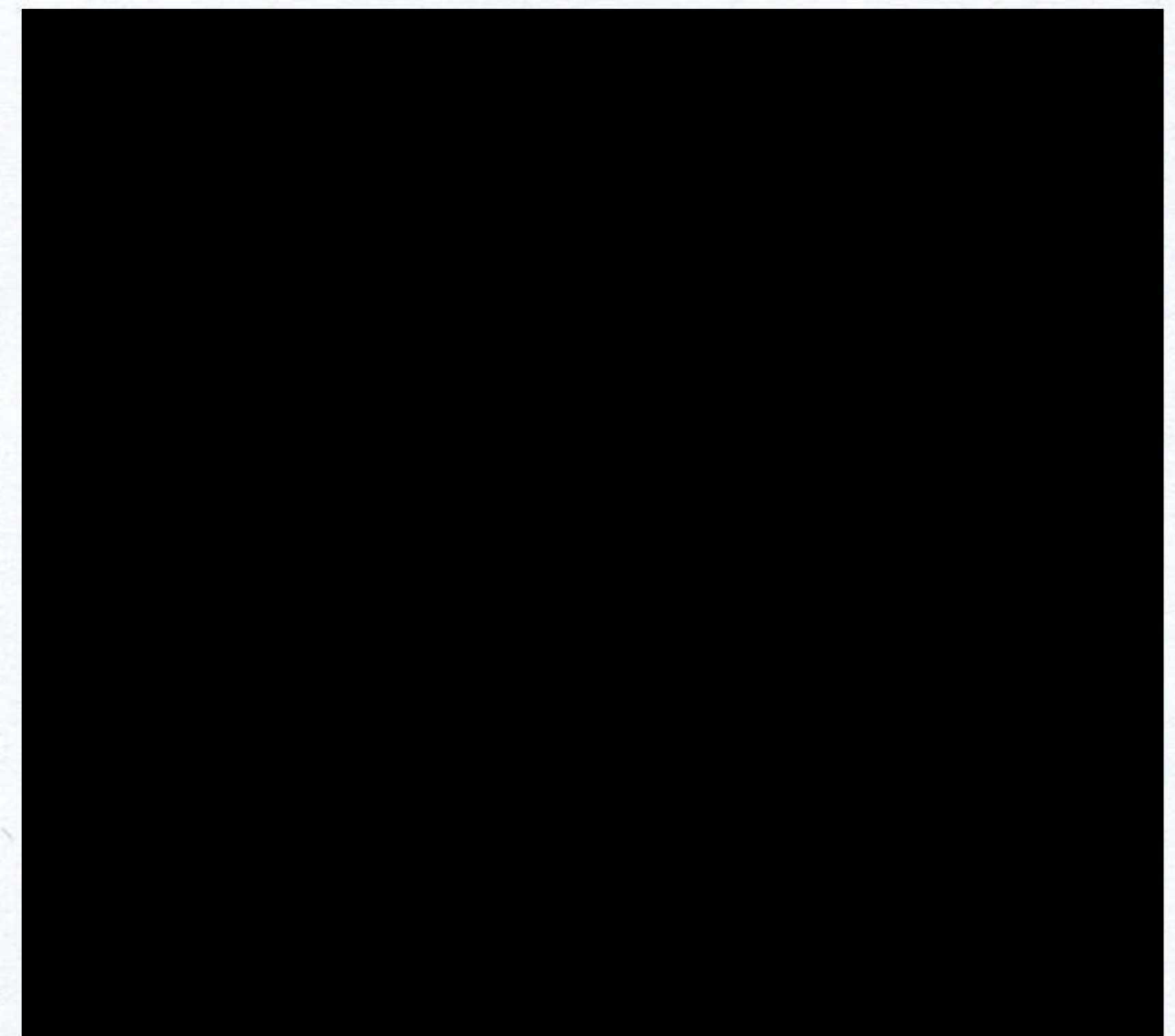
The Ramblers' Association have submitted a written objection (see their letter dated 19 July 2010), but only after their representative stated that they "had no objections" to the new path. The possibility of an objection was raised only after the applicant declined to agree immediately to dedicate a new footpath.

The objection, that "the new paths are less convenient to the user inasmuch as they involve an additional length of tarmac" is hard to understand because:

- users going to or from the nearest public highway would walk on a shorter length of tarmac;
- to many users the new path would be "a great improvement on the original section" (see the letter from Melcombe Horsey Parish) and
- the Parish Councils of Melcombe Horsey and Cheselbourne support the proposal along with The Friends of Dorset's Rights of Way and The British Horse Society. (See the enclosed Forms 119/B.)

22 August 2010





15 May 2010

Rights of Way
Environmental Services Directorate
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

Footpath Sections S15/26 & S30/16

I have studied the application by Michael Metcalfe to divert the above mentioned sections of footpath. The proposed new section [marked in blue in the attached drawing which I have initialled] is wholly on my land.

As the owner of the land crossed by the proposed footpath I have no objections to the path being diverted as per Michael Metcalfe's application.

As a user of this footpath, I wholeheartedly support this diversion for all the reasons stated in the application.

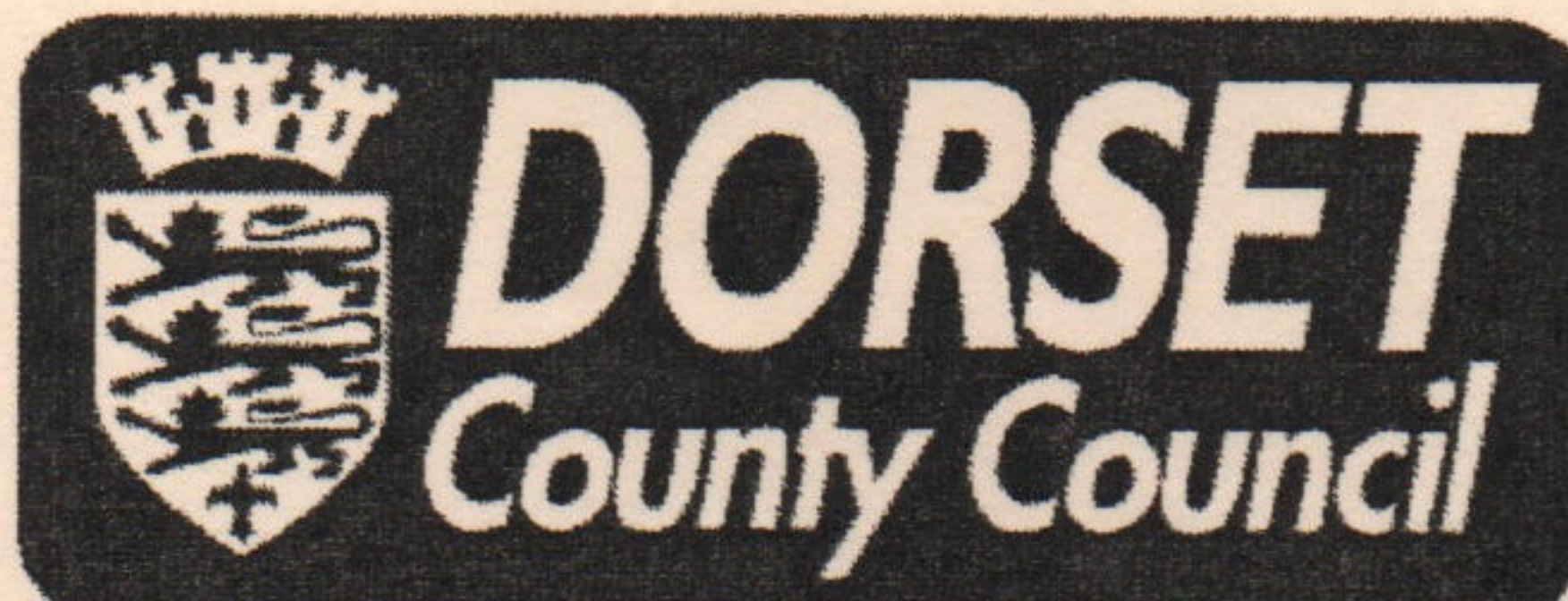
I shall not be seeking any compensation, now or in the future, from Mr Metcalfe or from any other person or organisation.

I urge you to accept this application.

Yours faithfully,

A black rectangular redaction box covering the signature of Mark J. C. Russell.

Mark J. C. Russell



FORM 119/B
(5 copies)

HIGHWAYS ACT 1980: SECTION 119

APPLICATION FOR A PUBLIC PATH DIVERSION ORDER – PRE-APPLICATION CONSULTATION

- To:
- (1) The Clerk to the Parish/Town Council(s) for the parishes affected
 - (2) The Parish Rights of Way Liaison Officer(s) for the parishes affected
 - (3) The Secretary of the Ramblers' Association ✓
 - (4) The Secretary of the British Horse Society
 - (5) The Friends of Dorset's Rights of Way

Dear Mv Panton

Date 16 MAY 2010

I intend to apply to Dorset County Council for an Order under Section 119 of the Highways Act 1980 to divert ~~all~~ /part of* the public path shown on the definitive map of rights of way in the parish of CHESELBOURNE as Footpath* ~~Bridleway*~~ /Restricted byway* No. S15/26 e S30/16

My proposal is that the section(s) shown IN RED [S15/26] + [S30/16] on the attached map should be diverted onto a new line shown IN BLUE to replace it.

The County Council has suggested that I contact you and the other bodies listed at the head of this letter to ascertain your views before an application is made. I would be happy to meet you by appointment to discuss the proposal on site. You have my permission to visit the proposed new path in advance if you wish.

You may feel able to respond without the need for a site visit. If this is the case I should be grateful if you would complete the form and return it to me at the address below to send to the County Council.

Yours [Redacted] (Print name) MICHAEL METCALFE

My address: [Redacted]

Post code: [Redacted] Tel no [Redacted] E-mail address: [Redacted]

(Respondent: please complete one of the statements below and delete the others and return the complete form)

~~*I see no reason at this stage to object to the proposed diversion(s), but reserve the right to do so later.~~

OR

~~*I support the proposal outlined above at the present time but reserve the right to withdraw support later.~~

OR

~~*I do not support the proposal outlined above for the reasons set out in the attached letter.~~

OR

~~*I am unable to comment at the present for the reasons set out in the attached letter.~~

Signed [Redacted] (Print name) G. G. HENSLY

On behalf of RAMBLERS ASSOCIATION DORSET and with their authority.

Address: [Redacted]

Post code [Redacted] Tel No [Redacted] E-mail address [Redacted]

[REDACTED]

Mr B Panton
Area Footpath Secretary
Ramblers' Association Dorset Area [REDACTED]
[REDACTED]

5 June 2010

Footpath Sections S15/26 & S30/16

Dear Mr. Panton

As you will see from the enclosed Form 119/B I am seeking the agreement of the Ramblers' Association to my application to divert a section of a footpath that crosses my land.

The proposed new section [marked AB in blue in the attached map & drawing] is wholly on Mark Russell's land. Mark has written to me stating that "no objections to the path being diverted as per [my] application" and that he "wholeheartedly support[s] this diversion for all the reasons stated in the application".

The reasons for applying to divert this footpath are as follows:

It is in the interests of the public that this footpath be diverted because the new section will be:

- straighter & easier to locate (making it less likely that walkers will deviate from the footpath)
- more commodious
- safer, as it is away from electric fencing and
- easier for less able walkers as it is flatter with no gates or styles (compared to 7 gates and a style along the existing section of footpath).

It is in my interests as the owner of the land because it will make land management easier in the fields that the existing footpath crosses (e.g. location of electric fences)

Please feel free to contact me on my mobile or e-mail (see below) should you require further information.

I would be grateful if you would request that the Association agree to my application and sign the Form 119/B accordingly.

Yours sincerely,

Michael Metcalfe
[REDACTED]

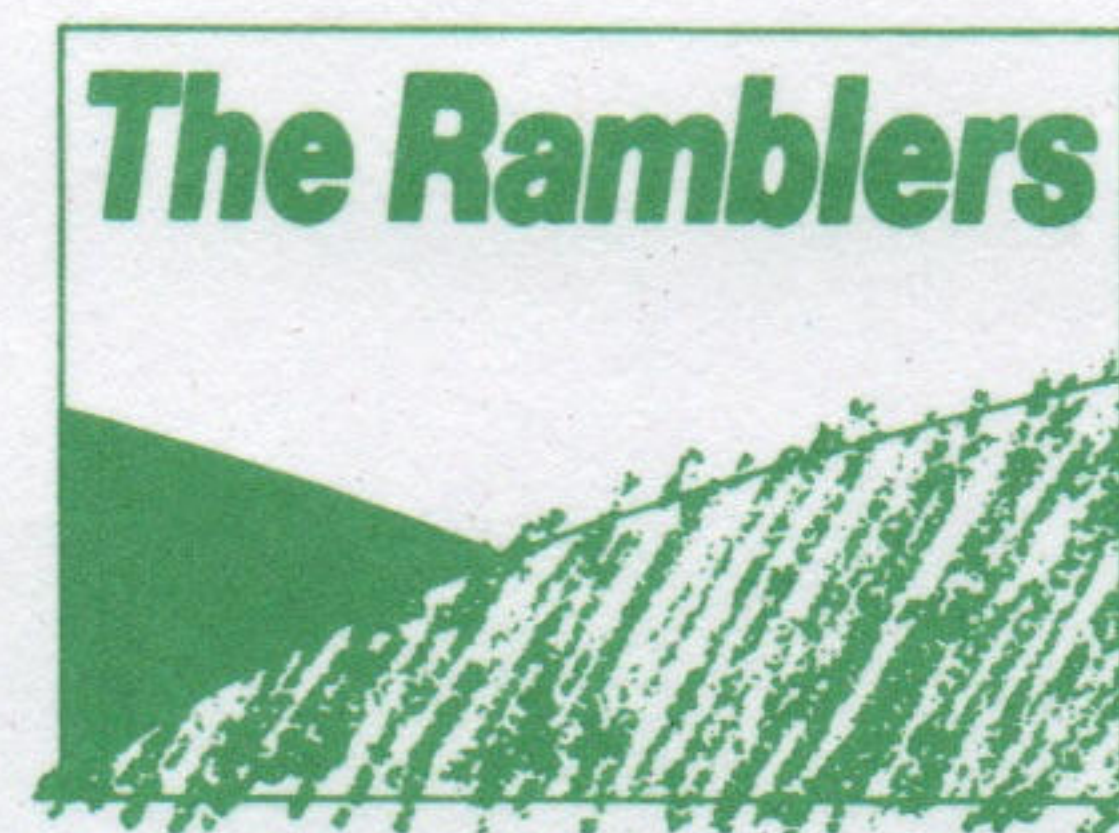
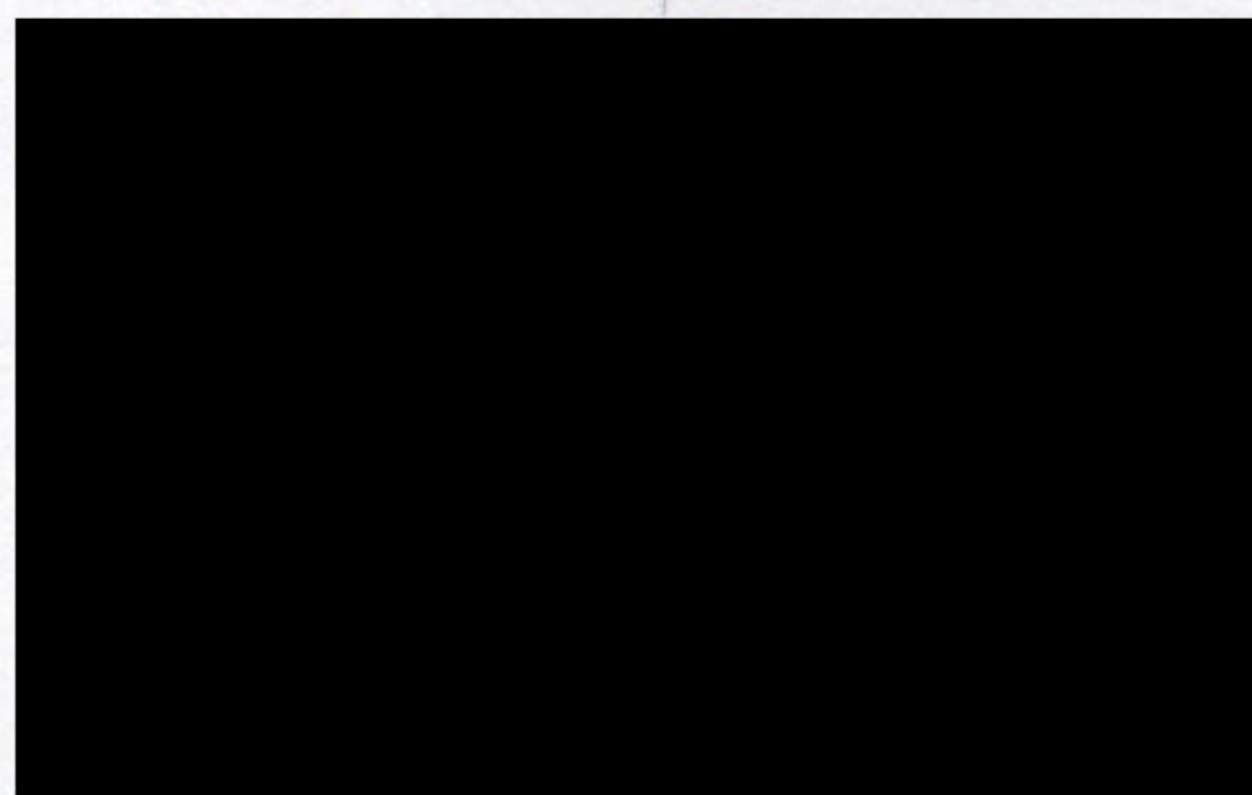
The Ramblers' Association

Working for walkers

Our ref: FPL/PAC/CB26MH16/BDP

Dated: 21st June 2010

Mr M.Metcalf,



Dorset Area ☐

Groups: East Dorset ☒

North Dorset ☐

South Dorset ☐

West Dorset ☐

19th July 2010

Dear Mr Metcalfe,

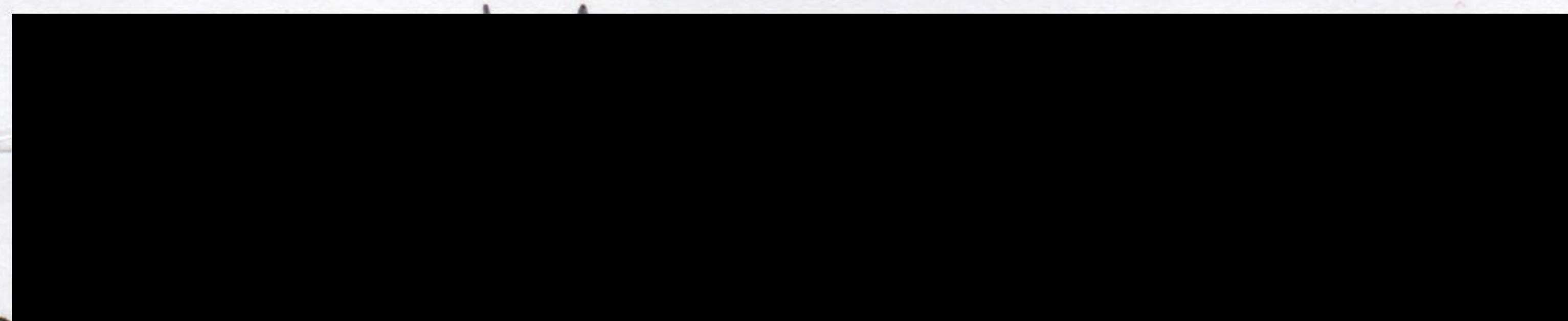
PROPOSED CHANGES TO PUBLIC RIGHTS OF WAY CHESELBOURNE FR S15/26 AND MELCOMBE HORSEY FP S30/16.

I walked both the current and the proposed routes on 22nd June 2010 to familiarise myself with the paths. Subsequently, on 4th July 2010, I visited you at Highdon House to discuss the issues, in the course of which I made a proposal to you that you might consider dedicating a new footpath on the east side of Highdon Hill to link two areas of open access land which would be of benefit to the public at large. I made this suggestion on the basis that I did not see any real benefit to users of the new path in your proposal. As I have not, to date, heard from you I assume you are not willing to take this suggestion forward.

Whilst I acknowledge that the new line of the paths 16/26 are clearly in your interest as they will no longer be on your land, the reasons given as in the interests of the public are, in my view, more accurately in the interests of the landowner. In my view the new paths are less convenient to the user inasmuch as they involve an additional length of tarmac path, BR19, between point F and point A.

As I do not believe that the proposal is in the interests of the public and is less convenient I do not support the proposal.

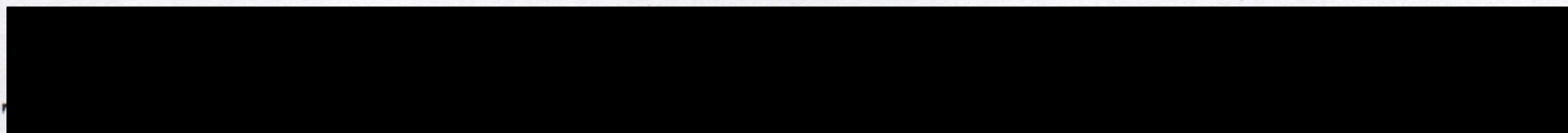
Yours sincerely,



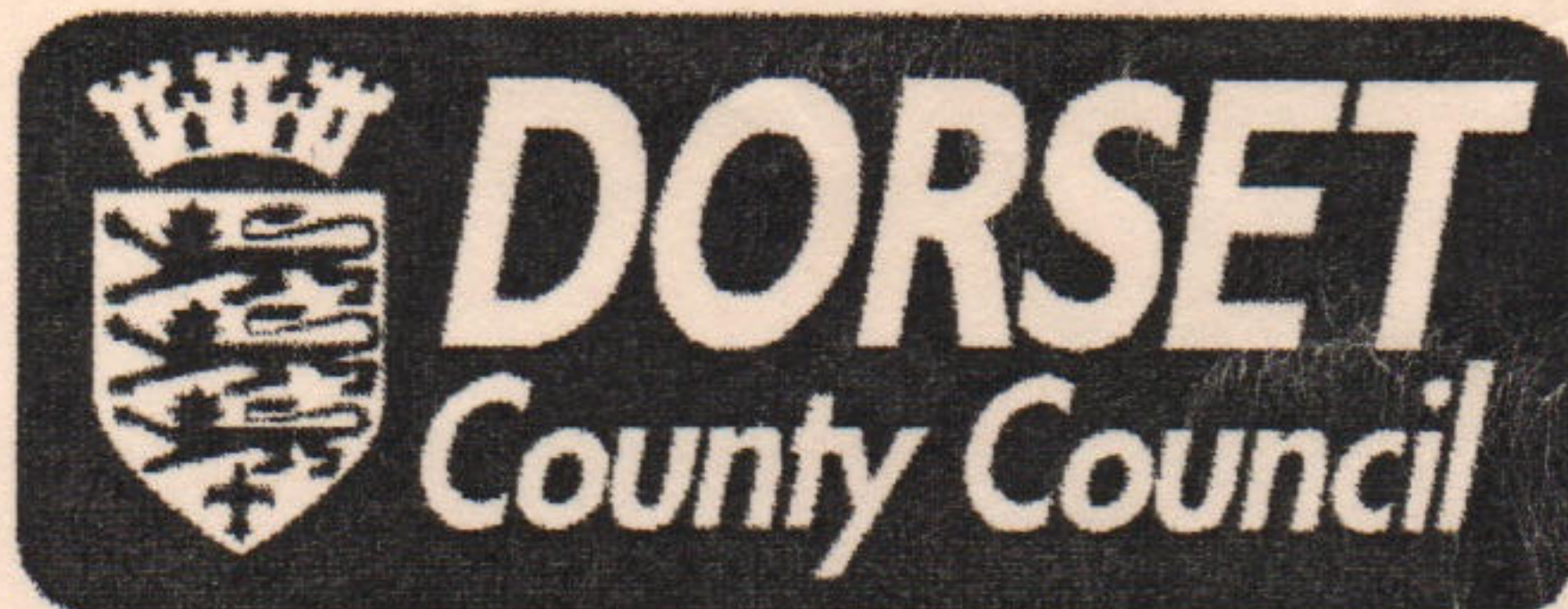
Graham Hemsley (Footpath & Countryside Co-ordinator)

Copy: B.D.Panton (Area Footpath Secretary)

Please reply to:



The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company Registration No.4458492. Registered Charity in England and Wales No.1093577. Registered Office: 2nd Floor, Camelford House, 87/90 Albert Embankment, London, SE1 7TW.



FORM 119/B
(5 copies)

HIGHWAYS ACT 1980: SECTION 119

APPLICATION FOR A PUBLIC PATH DIVERSION ORDER – PRE-APPLICATION CONSULTATION

- To:
- (1) The Clerk to the Parish/Town Council(s) for the parishes affected
 - (2) The Parish Rights of Way Liaison Officer(s) for the parishes affected
 - (3) The Secretary of the Ramblers' Association
 - (4) The Secretary of the British Horse Society
 - (5) The Friends of Dorset's Rights of Way

Dear MR CHADWICK

Date 5 JUNE 2010

I intend to apply to Dorset County Council for an Order under Section 119 of the Highways Act 1980 to divert ~~all~~ /part of* the public path shown on the definitive map of rights of way in the parish of MELCOMBE HORSEY as Footpath* / ~~Bridleway*~~ / ~~Restricted byway*~~ No. S15/26 + S30/16

My proposal is that the section(s) shown IN RED [S15/26 + S30/16] on the attached map should be diverted onto a new line shown IN BLUE to replace it.

The County Council has suggested that I contact you and the other bodies listed at the head of this letter to ascertain your views before an application is made. I would be happy to meet you by appointment to discuss the proposal on site. You have my permission to visit the proposed new path in advance if you wish.

You may feel able to respond without the need for a site visit. If this is the case I should be grateful if you would complete the form and return it to me at the address below to send to the County Council with my application.

Yours [Redacted] (Print name) MICHAEL METCALFE

My address: [Redacted]

Post code: [Redacted] Tel no. [Redacted] E-mail address: [Redacted]

(Respondent: please complete one of the statements below and delete the others and return the complete form)

~~*I see no reason at this stage to object to the proposed diversion(s), but reserve the right to do so later.~~

OR

~~*I support the proposal outlined above at the present time but reserve the right to withdraw support later.~~

OR

~~*I do not support the proposal outlined above for the reasons set out in the attached letter.~~

OR

~~*I am unable to comment at the present for the reasons set out in the attached letter.~~

Signed [Redacted] (Print name) JOHN P CHADWICK

On behalf of Melcombe Horsey P.C. and with their authority.

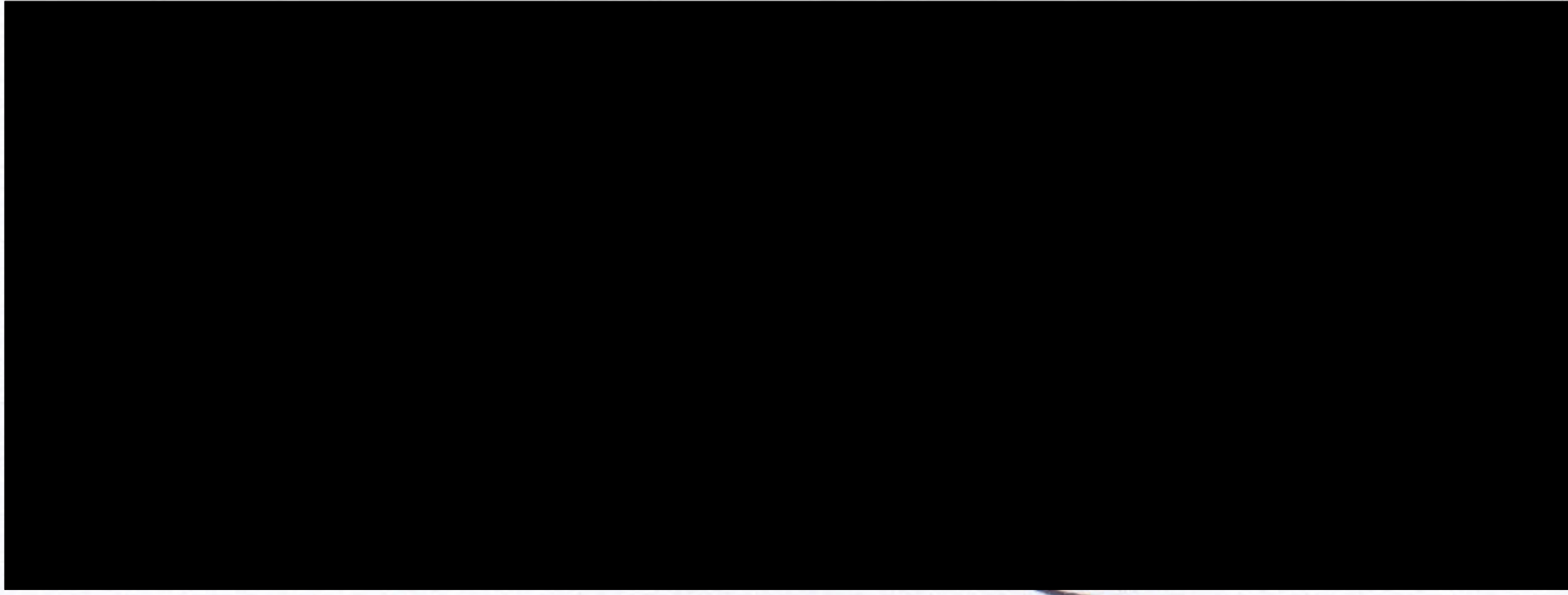
Address: [Redacted]

Post code: [Redacted] Tel No. [Redacted] E-mail address: [Redacted]

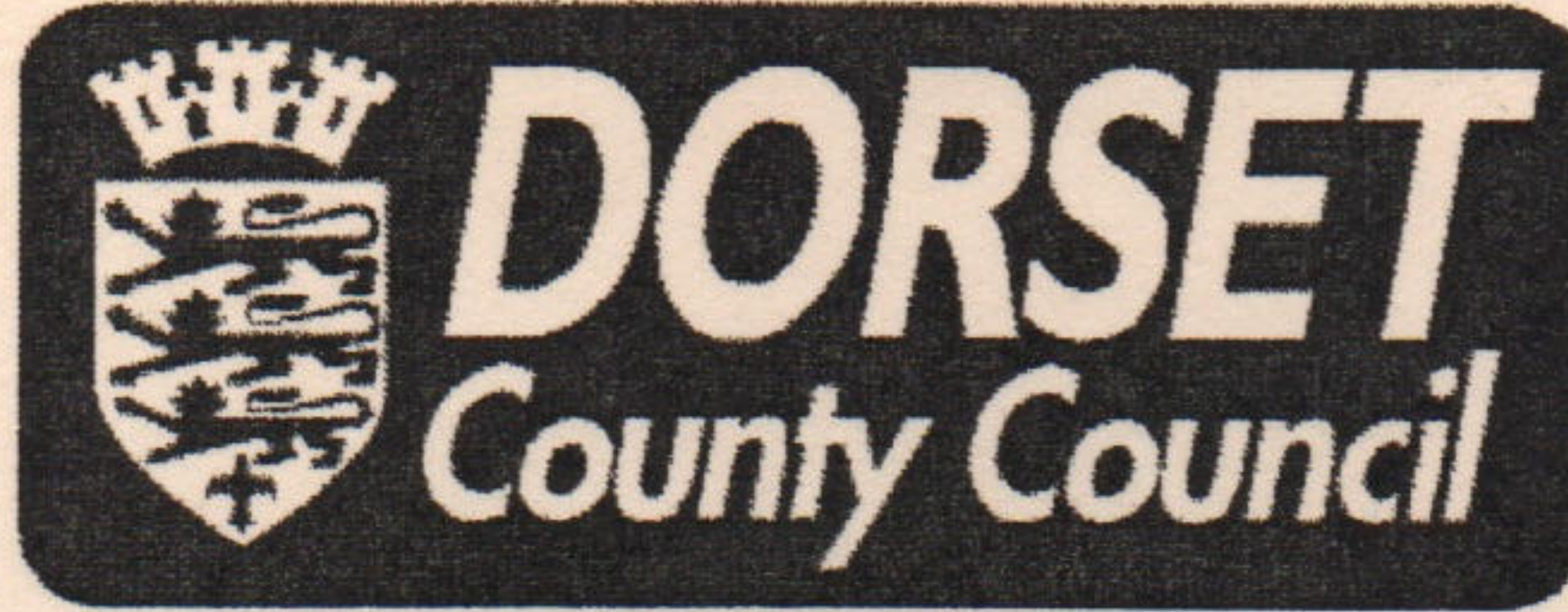
23.06.2010

Dear Mr Metcalfe,

On the 22.06.2010 ,the footpath liaison officer ,chairman and myself, the clerk for Melcombe Horsey walked your proposed diversion route and original footpath as it stands through your land. We all agreed that the new route would be a great improvement on the original section and therefore have no objection to your proposal at this time.



With regards, Parish Clerk



FORM 119/B
(5 copies)

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 - (3) The Secretary of the Ramblers' Association
 - (4) The Secretary of the British Horse Society ✓
 - (5) The Friends of Dorset's Rights of Way

Dear MRS SHOOPMAN

Date..... 16 MAY 2010

I intend to apply to Dorset County Council for an Order under Section 119 of the Highways Act 1980 to divert ~~all~~ /part of* the public path shown on the definitive map of rights of way in the parish of..... CHESELBOURNEas Footpath* / ~~Bridleway*~~ / ~~Restricted byway*~~ No... S15/26 + S30/16

My proposal is that the section(s) shown IN RED [S15/26 + S30/16]on the attached map should be diverted onto a new line shown IN BLUEto replace it.

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You may feel able to respond without the need for a site visit. If this is the case I should be grateful if you would complete the form and return it to me at the address below to send to the County Council with my application.

Yours..... [redacted] (Print name) MICHAEL METCALFE

My address:..... [redacted]

Post code:..... [redacted] Tel no. [redacted] E-mail address.. [redacted]

(Respondent: please complete one of the statements below and delete the others and return the complete form)

*I see no reason at this stage to object to the proposed diversion(s), but reserve the right to do so later.

OR

*I support the proposal outlined above at the present time but reserve the right to withdraw support later.

OR

*I do not support the proposal outlined above for the reasons set out in the attached letter.

OR

*I am unable to comment at the present for the reasons set out in the attached letter.

Signed..... [redacted] (Print name) CAROL J SHOOPMAN

On behalf of: BRITISH HORSE SOCIETY (DORSET) and with their authority.

Address..... Mrs Carol J. Shoopman

Post code..... [redacted] E-mail address..... [redacted]



FORM 119/B
(5 copies)

HIGHWAYS ACT 1980: SECTION 119

APPLICATION FOR A PUBLIC PATH DIVERSION ORDER – PRE-APPLICATION CONSULTATION

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 - (3) The Secretary of the Ramblers' Association
 - (4) The Secretary of the British Horse Society
 - (5) The Friends of Dorset's Rights of Way ✓

Dear MR. STUART

Date 5 JUNE 2010

I intend to apply to Dorset County Council for an Order under Section 119 of the Highways Act 1980 to divert ~~all~~ /part of* the public path shown on the definitive map of rights of way in the parish of CHESELBOURNE as Footpath* / Bridleway* / Restricted byway* No. S15/26 + S30/16

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You may feel able to respond without the need for a site visit. If this is the case I should be grateful if you would complete the form and return it to me at the address below to send to the County Council with my application.

Yours (Print name) MICHAEL METCALFE

My address:

Post code: Tel no. E-mail address.

(Respondent: please complete one of the statements below and delete the others and return the complete form)

~~*I see no reason at this stage to object to the proposed diversion(s), but reserve the right to do so later.~~

OR

~~*I support the proposal outlined above at the present time but reserve the right to withdraw support later.~~

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~~*I do not support the proposal outlined above for the reasons set out in the attached letter.~~

OR

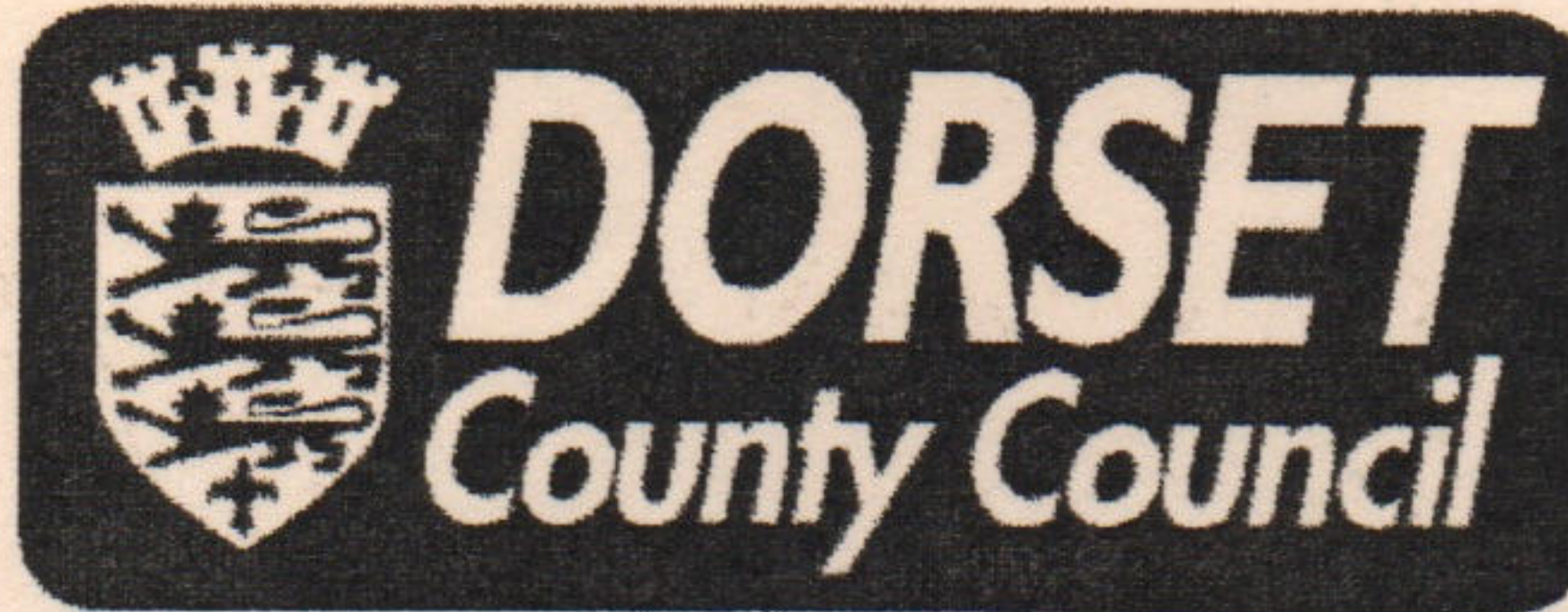
~~*I am unable to comment at the present for the reasons set out in the attached letter.~~

Signed (Print name) J. STUART

On behalf of: and with their authority.

Address:

Post code: Tel No. E-mail address.



FORM 119/B
(5 copies)

HIGHWAYS ACT 1980: SECTION 119

APPLICATION FOR A PUBLIC PATH DIVERSION ORDER – PRE-APPLICATION CONSULTATION

- To:**
- (1) The Clerk to the Parish/Town Council(s) for the parishes affected ✓
 - (2) The Parish Rights of Way Liaison Officer(s) for the parishes affected
 - (3) The Secretary of the Ramblers' Association
 - (4) The Secretary of the British Horse Society
 - (5) The Friends of Dorset's Rights of Way

Dear MRS GUBBINS

Date 16 MAY 2010

I intend to apply to Dorset County Council for an Order under Section 119 of the Highways Act 1980 to divert ~~all~~ /part of* the public path shown on the definitive map of rights of way in the parish of CHESELBOURNE as Footpath* / Bridleway* / ~~Restricted byway~~* No S15/26 & S30/16

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Yours [Redacted] (Print name) MICHAEL METCALFE

My address: [Redacted]

Post code: [Redacted] Tel no [Redacted] E-mail address [Redacted]

(Respondent: please complete one of the statements below and delete the others and return the complete form)

~~*I see no reason at this stage to object to the proposed diversion(s), but reserve the right to do so later.~~

OR

☒ *I support the proposal outlined above at the present time but reserve the right to withdraw support later.

OR

~~*I do not support the proposal outlined above for the reasons set out in the attached letter.~~

OR

~~*I am unable to comment at the present for the reasons set out in the attached letter.~~

Signed [Redacted] (Print name) Susan E. Williamson

On behalf of: Chechelbourne Parish Council and with their authority.

Address: [Redacted]

Post code [Redacted] Tel No [Redacted] E-mail address [Redacted]