

Agenda item:

Regulatory Committee

8

Dorset County Council



Date of meeting	29 January 2015
Subject of report	Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014
Executive summary	This report considers an objection to the Order and recommends that it be sent to the Secretary of State and that the County Council supports confirmation of the Order as made.
Impact Assessment:	<p>Equalities Impact Assessment: See previous report to the Roads and Rights of Way Committee 16 January 2014 (Appendix 1)</p>
	<p>Use of Evidence: See previous report to the Roads and Rights of Way Committee 16 January 2014 (Appendix 1)</p>
	<p>Budget Assessment: There is no statutory provision for charging applicants for the cost of public inquiries and associated expenditure. If the County Council does not send the Order to the Secretary of State for confirmation, the applicant may be entitled to a refund of any monies paid for the process to date.</p>
	<p>Risk Assessment: Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW</p>
	<p>Sustainability implications: See previous report to the Roads and Rights of Way Committee 16 January 2014 (Appendix 1).</p>

	Community safety implications: See previous report to the Roads and Rights of Way Committee 16 January 2014 (Appendix 1).
Recommendations	That (a) The County Council supports confirmation of the Order as made; and (b) The Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 be sent to the Secretary of State for confirmation.
Reason for Recommendations	<p>The diversions, which are the subject of the Order, comply in all respects with the law and therefore the Order should be confirmed.</p> <p>Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:</p> <p>Enabling Economic Growth</p> <ul style="list-style-type: none">• Ensure good management of our environmental and historic assets and heritage <p>Health, Wellbeing and Safeguarding</p> <ul style="list-style-type: none">• Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset• Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live• Enable people to live in safe, healthy and accessible environments and communities
Appendices	Appendix 1 - Report to the Roads and Rights of Way Committee 16 January 2014 Appendix 2 - The Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 Appendix 3 - Letter of objection from The Ramblers
Background Papers	The file of the Director for Environment and the Economy (ref. RW/P118), which will be available to view at County Hall during office hours.
Report Originator and Contact	Carol McKay, Rights of Way Officer (Public Path Orders), Definitive Map Team Tel: (01305) 22 5136 email: c.a.mckay@dorsetcc.gov.uk

1 Background

- 1.1 Following the receipt of a public path order application to divert Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne, a full consultation exercise was carried out. As an objection was received to the proposals a report was considered by the Roads and Rights of Way Committee in January 2014 (Appendix 1), which resolved that an order should be made as recommended. (The proposed diversion is shown on Drawing 13/34/2 attached to the Order at Appendix 2.)
- 1.2 The Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 was sealed on 29 August 2014 and published on 18 September 2014 (Appendix 2).
- 1.3 As there has been an objection to the Order the County Council is unable to confirm it itself; instead it may be sent to the Secretary of State for confirmation. In these circumstances the Secretary of State, through the Planning Inspectorate, may hold a local Public Inquiry at which issues can be explored fully before an Inspector decides whether the Order should be confirmed. Alternatively, at the discretion of the Inspector, the matter may be considered by way of written representations.

2 Law

- 2.1 The relevant law is set out in paragraphs 2.1 to 2.9 of the earlier report (Appendix 1).
- 2.2 The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 will apply. The County Council may charge an applicant for the costs incurred in making an order, including advertisements. The County Council shall, if asked, refund a charge where, having received objections, the Council fails to submit the Order to the Secretary of State for confirmation without the agreement of the applicant.

3 Representations and objections to the Order

- 3.1 Both Cheselbourne and Melcombe Horsey Parish Councils **support** the proposed diversion.
- 3.2 Melcombe Horsey Parish Council states that “the new route would be a great improvement on the original section”.
- 3.3 There is one outstanding **objection** to the diversion Order. A copy of the objection is included at Appendix 3.
- 3.4 The Ramblers object to the Order on the grounds that the proposed new route is less enjoyable for footpath users than the existing route.
- 3.5 They consider that the current route offers a more interesting and varied route in terms of scenery, surface type and elevation than the proposed route.
- 3.6 In particular they highlight the following features along the current route:
 - Valleys and inclines

- A variety of directional views, including the deep valley of Open Access land, sheep grazing pastures and arable land
 - Added height along B – C
- 3.7 The proposed new route is described as a “flat, level path with one-directional view”.
- 3.8 The Ramblers acknowledge that the proposed diversion has no furniture but feel that easy access is not needed in this rural location as it would be in a more urban or village setting.
- 3.9 In addition, the proposed diversion is 195 metres shorter than the current footpath.
- 3.10 The Ramblers consider the views from the new route A – D to be the same as the current route between B – C but prefer the higher aspect from B – C, which also has views of pasture.
- 3.11 With regard to the points raised by the applicant at the Roads and Rights of Way Committee meeting on 16 January 2014, the Ramblers comment that:
- The proposed diversion applies to a footpath and two of the groups supporting the application (British Horse Society and Friends of Dorset’s Rights of Way) do not have user rights on the affected route.
 - The current route follows field headland paths and uses existing gates and a gap and one stile so the claim for better land management is “puzzling”.
 - The electric fences along the route do not cause any problems for footpath users providing there are warning signs and hand grips.
 - Any route is straightforward providing it is well signed.

4 Comments on objections

- 4.1 Although the current route offers more variety in terms of gradient and type of landscape, the proposed new route is more accessible as it is flatter and there are no stiles, gates or electric fences along the route.
- 4.2 The views from the proposed new route are extensive and panoramic.
- 4.3 The diversion of the footpaths would enable easier land management, in particular the location and maintenance of electric fences and hedges.
- 4.4 As indicated in the previous report (Appendix 1), the applicant has agreed to install a kissing gate in the field boundary approximately 12 metres east of point A, which will provide access from Footpath 25, Cheselbourne onto the Open Access Land. This is conditional upon the successful diversion of Footpath 26, Cheselbourne and Footpath 16, Melcombe Horsey.
- 4.5 The proposed diversion meets the legal tests under Section 119, Highways Act:

- The proposed diversion is in the interests of the landowner.
- The new termination points connect with public rights of way and are as convenient to the public.
- The proposed diversion is expedient and is no less convenient to the public.
- The proposed diversion would not diminish public enjoyment of the route as the new route offers excellent views.

5 Conclusions

- 5.1 The objection raised remains outstanding. It is therefore necessary for an Inspector appointed by the Secretary of State to consider the confirmation of the order.
- 5.2 The diversions, which are the subject of the Order comply in all respects with the law and therefore the Order should be confirmed.
- 5.3 Sending the Order to the Secretary of State for confirmation would be consistent with the decision made by the Roads and Rights of Way Committee in January 2014.
- 5.4 If the County 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.

Mike Harries

Director for Environment and the Economy

January 2015

Roads and Rights of Way Committee

Agenda item:

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Dorset County Council



Date of meeting	16 January 2014
Officer	Director for Environment
Subject of report	Application for a public path order to divert Footpath 26, Cheselbourne and Footpath 16, Melcombe Horsey near Highdon House
Executive summary	This report considers an application to divert Footpath 26 Cheselbourne and Footpath 16, Melcombe Horsey to enable better land management.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>There is no furniture on the proposed new route.</p> <p>Use of Evidence:</p> <p>The applicant consulted the local Parish Council and key user groups before submitting the application.</p> <p>A full consultation exercise was carried out in September 2013 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. In addition notices explaining the application were erected on site.</p> <p>All comments have been discussed in this report.</p>

	<p>Budget :</p> <p>The applicant has agreed to pay in accordance with the County Council's usual scale of charges and also for the cost of advertising the Order and subsequent Notice of Confirmation. However, the law does not permit the County 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.</p> <p>Risk Assessment:</p> <p>As the subject matter of this report is the determination of a public path order application the County Council's approved Risk Assessment Methodology has not been applied.</p> <p>Other implications:</p> <p>Sustainability –</p> <ul style="list-style-type: none"> • The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car. • Any work to the new route will use natural resources from local suppliers. • Use of public rights of way promotes a healthy balanced lifestyle. <p>Property and Assets – not affected</p> <p>Voluntary Organisations – not affected</p> <p>Community Safety – There are several gates and a stile on the current routes of Footpath 26 Cheselbourne and Footpath 16 Melcombe Horsey whereas the proposed new route of Footpath 26, Cheselbourne has no furniture and therefore improves accessibility.</p>
Recommendations	<p>That:</p> <p>(a) The application to divert:</p> <ol style="list-style-type: none"> a. Footpath 26, Cheselbourne as shown from B – C to A – D; and b. Footpath 16, Melcombe Horsey as shown A – B; <p>on Drawing 13/34/1 be accepted and a public path diversion order made;</p> <p>(b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and</p> <p>(c) If the Order is unopposed, or if any objections are withdrawn, they be confirmed by the County Council without further reference to the Chairman.</p>

Reasons for Recommendations	<p>(a) The proposed diversion meets the legal criteria as required by the Highways Act 1980.</p> <p>(b) The inclusion of these provisions in public path orders 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.</p> <p>(c) The proposed diversion also meets the criteria for confirmation as required by the Highways Act 1980. Further, the absence of objections may be taken as acceptance that the application is expedient and therefore the County Council can itself confirm the order.</p>
	<p>Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and achieve the corporate aim:</p> <ul style="list-style-type: none"> • To safeguard and enhance Dorset's unique environment and support our local economy.
Appendices	Drawing 13/34/1
Background Papers	The file of the Director for Environment (ref. RW/P118)
Report Originator and Contact	<p>Carol McKay Rights of Way Officer (Public Path Orders), Definitive Map Team Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk</p>

1 Background

- 1.1 The County Council has received an application to divert Footpath 26, Cheselbourne and Footpath 16, Melcombe Horsey as shown on Drawing 13/34/1 attached as an Appendix.
- 1.2 The current routes of the footpaths form a continuous route that crosses the parish boundary.

Footpath 16 Melcombe Horsey

- 1.3 The current definitive route of Footpath 16, Melcombe Horsey runs from the parish boundary at point A along a field edge and into a second field along the parish boundary, joining Footpath 26, Cheselbourne at point B. There is one stile and two field gates along this footpath.

Footpath 26 Cheselbourne

- 1.4 The current definitive route of Footpath 26, Cheselbourne runs from its junction with Footpath 16, Melcombe Horsey at the parish boundary at point B, south into a field and then west southwest along the field boundary, then south south east and west to join Bridleway 19, Cheselbourne at point C. There are five gates along this footpath.
- 1.5 The proposed new route of Footpath 26, Cheselbourne is 2 metres wide and runs from its junction with Footpath 25, Cheselbourne at point A west south west along an arable field edge to point D where it joins Bridleway 19, Cheselbourne. There is no furniture along the proposed new route.
- 1.6 The proposed diversion is beneficial to the landowner because it allows better land management.

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 and which is substantially as convenient to the public.
- 2.3 A public path diversion order cannot be confirmed as an unopposed order unless the County Council are satisfied that, in the interests of the owner, lessee or occupier or of the public:
 - (a) the diversion to be effected 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 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 orders the County 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.

2.5 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that a diversion is not brought into force until any necessary works have been carried out.

2.6 Under Section 28 of the Highways Act 1980 compensation may be payable to a landowner if his land depreciates in value as a result of a public path diversion, extinguishment or creation order.

2.7 The County 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 provides that provisions to amend the definitive map and statement required by virtue of a diversion order may be included in the diversion order instead of being the subject of a separate legal event order.

Human Rights Act 1998

2.9 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.

- (a) Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:

- (i) Everyone has the right to respect for his private and family life, his home and his correspondence.

- (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

- (b) Article 1 of the First Protocol provides that:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

3 Compliance with the law

- 3.1 The proposed diversion is in the interest of the landowner as it allows better land management.
- 3.2 The eastern termination point of Footpath 26, Cheselbourne will be moved from point B, at its junction with Footpath 16, Melcombe Horsey, to point A, at its junction with Footpath 25, Melcombe Horsey, thereby maintaining connection with the local network of paths. The western termination point of Footpath 26, Cheselbourne will be moved from its junction with Bridleway 19, Cheselbourne at point C, 269 metres south southeast along the same bridleway to point D.
- 3.3 If the order is unopposed the order should be confirmed as the diverted route is expedient and would not result in a path that is substantially less convenient to the public.
- 3.4 The lengths of the footpaths will be affected as shown in the table below.

Path	Current Length (affected section)	Proposed Length (affected section)	+/- Length
Footpath 26	B – C 290 metres	A – D 598 metres	+ 308 metres
Footpath 16	A – B 503 metres		- 503 metres
All Footpaths	793 metres	598 metres	- 195 metres

- 3.5 The overall effect of the proposed diversion is to decrease the combined length of the affected footpaths by 195 metres.
- 3.6 However, the western termination point of Footpath 26, Cheselbourne has moved 269 metres south south west, therefore to reach C via the proposed route of Footpath 26, Cheselbourne and Bridleway 19, Cheselbourne would be 867 metres which is an increase of 74 metres.

- 3.7 The current route of Footpath 16, Melcombe Horsey includes a stile and two field gates. The proposed new route of Footpath 26, Cheselbourne is flatter than Footpath 16, Melcombe Horsey and there will be no furniture, therefore the overall effect of the diversion is to provide a more accessible footpath for walkers.
- 3.8 The diversion would have no effect on the enjoyment by the public of the route as a whole and would be beneficial to land currently served by the path. It would have no adverse effect on the land over which the new path runs and land held with it.
- 3.9 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 3.10 Compensation for loss caused by a Public Path Order may be payable under Section 28 of the Highways Act 1980 to a person with an interest in the land.
- 3.11 The proposed new route of Footpath 26 runs along a neighbouring landowner's land. He has agreed to the proposed diversions, and has stated, in writing, that he will not be seeking compensation. Therefore it is unlikely that a claim for compensation would be made to the County Council.

Improvements

- 3.12 No works need to be carried out on the new route to improve it for public use.
- 3.13 However, if the Orders are successful, the applicant has agreed to install a kissing gate to provide an access point from Footpath 25, Cheselbourne onto the Open Access land to the north of this path.

4 Consultation

- 4.1 The County Council carried out a wide consultation in September 2013 and one objection was received, from the Ramblers' Association.
- 4.2 A summary of the consultation responses is shown in the table below.

Name	Comments
RESPONSES IN SUPPORT OF THE PROPOSED DIVERSIONS	
Cheselbourne Parish Council	The diversion will be much more straightforward for walkers.
Melcombe Horsey Parish Council	The diversion makes more sense.
RESPONSES OPPOSING THE PROPOSED CHANGES	
Ramblers' Association	Object to the proposal. The proposed new route of Melcombe Horsey is substantially less convenient to the public, particularly when walking north – south, as it involves an additional length of tarmac path on Bridleway 19 between points C and D to gain access to the new route of Footpath 26. The proposal would also remove potential links to Open Access Land.

OTHER RESPONSES	
British Horse Society	No objection
Southern Gas Networks	There is High Pressure apparatus in the vicinity. This information has been passed to the applicant.
Marrina Neophytou, Archaeologist	A bowl barrow is recorded in the vicinity of the footpath but it is not Scheduled. 1940s and 2009 aerial photos indicate that the new route will not affect any remains of the possible barrow.

5 Discussion

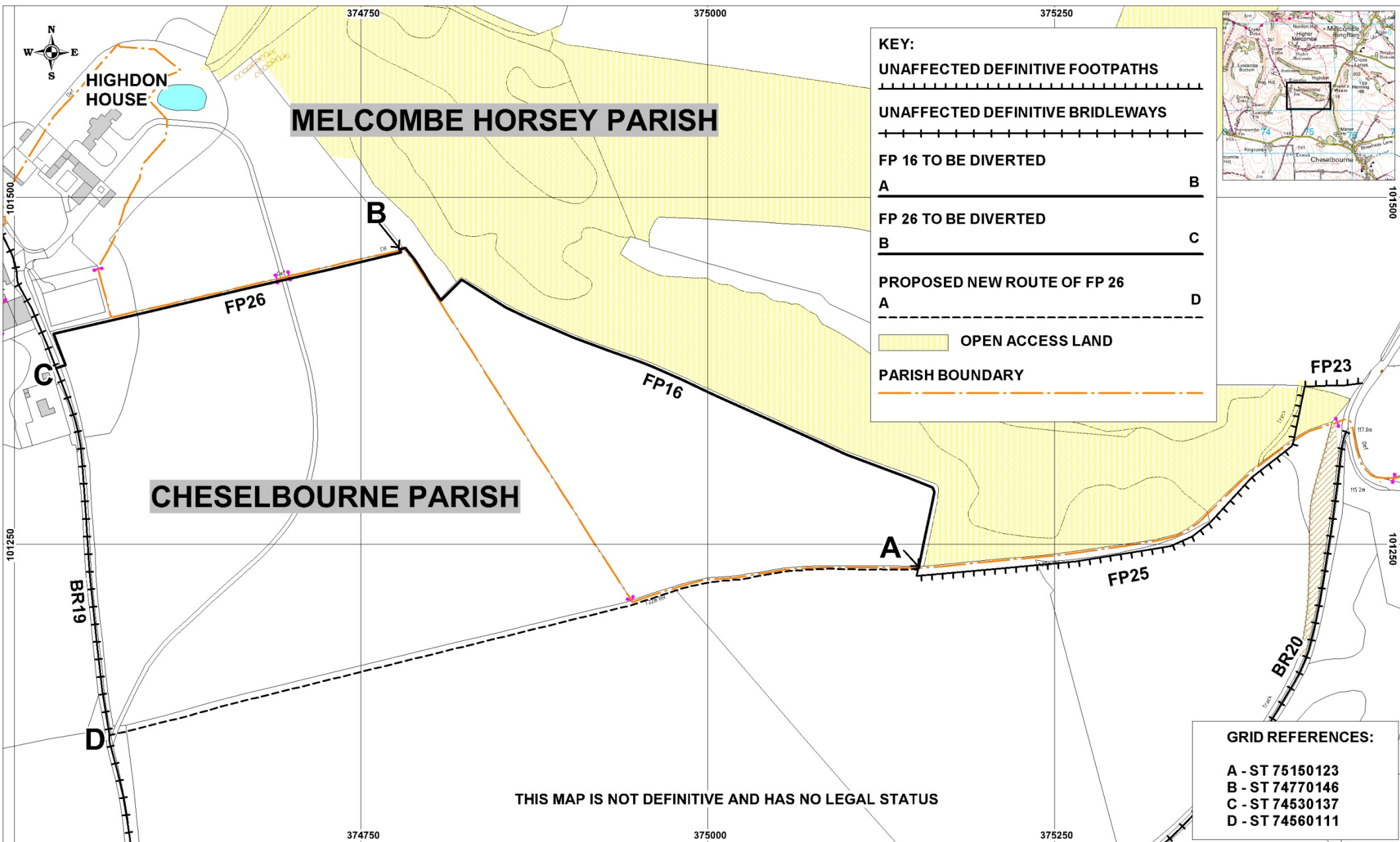
- 5.5 The Ramblers' Association have objected to the proposed diversion because it is less convenient to the public as it involves an additional length of tarmac path on Bridleway 19, Cheselbourne between points C and D.
- 5.6 The width of Bridleway 19, Cheselbourne is recorded as 30 feet (approximately 9 metres) and therefore the bridleway surface includes 3 metres of tarmac in the middle, with 3 metres of grass either side. There will be additional walking between points C and D to gain access to the new route of Footpath 26, but for walkers travelling along Bridleway 19, Cheselbourne either south from point D, or north to point D the proposed diversion is more convenient as the route is shorter.
- 5.7 The overall effect of the proposed diversion will be to improve accessibility:
- There are five gates along the current route of Footpath 26, Cheselbourne and one stile and two gates along the current route of Footpath 16, Melcombe Horsey whereas the proposed new route of Footpath 26, Cheselbourne has no furniture.
 - The current line of Footpath 16, Melcombe Horsey runs downhill from point A along the edge of the field and then uphill to point B. The proposed new route of Footpath 26, Cheselbourne is a much flatter route with open views to the south.
- 5.8 The Ramblers' Association state that the proposal would also remove potential links to Open Access Land.
- 5.9 There is a field gate north of point A from Footpath 16, Melcombe Horsey linking to the Open Access Land shown on Drawing 13/34/1. However, this is not an official access point. In response to the comments made by the Ramblers' Association, the applicant has agreed to install a kissing gate in the field boundary approximately 12 metres east of point A, which will provide access from Footpath 25, Cheselbourne onto the Open Access Land. This is conditional upon the successful diversion of Footpath 26 Cheselbourne and Footpath 16, Melcombe Horsey. There is also access from Footpath 23, Melcombe Horsey, which crosses the south eastern corner of the Open Access Land as shown on Drawing 13/34/1.
- 5.10 The proposals are supported by Cheselbourne and Melcombe Horsey Parish Councils.
- 5.11 The diversion is expedient and would result in paths which are no less convenient to the public.

6 Conclusions

- 6.1 The application to divert Footpath 26, Cheselbourne and Footpath, 16 Melcombe Horsey meets the tests set out under the Highways Act 1980 and therefore should be accepted and the public path diversion order made.
- 6.2 The order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.
- 6.3 If there are no objections to the public path orders, the criteria for confirmation may be presumed to have been met as the Committee would already have considered the relevant tests and therefore the orders should be confirmed.

Miles Butler
Director for Environment

December 2013



SECTION 119, HIGHWAYS ACT 1980
APPLICATION TO DIVERT FOOTPATH 26, CHESELBOURNE AND FOOTPATH 16, MELCOMBE HORSEY

Ref: 13/34/1
Date: 18/12/2013
Scale 1:2500 at A3
Drawn By: CAM
Cent X: 374996
Cent Y: 101336



Appendix to
January 2014
Committee
Report

Dorset County Council



APPENDIX 2

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

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

**Dorset County Council (Footpath 16, Melcombe Horsey and
Footpath 26, Cheselbourne)
Public Path Diversion Order 2014**

This Order is made by Dorset County 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 footpaths described in paragraph 1 of this order it is expedient that the line of the paths 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

Mr Michael Metcalfe 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.

West Dorset District Council, Melcombe Horsey Parish Council and Cheselbourne Parish Council have 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 Melcombe Horsey and Cheselbourne 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 and thereupon the County of Dorset definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding this order Southern Gas Networks shall have the following rights over the land referred to in paragraph 1 namely: full and free access for purposes connected to the use and maintenance of their apparatus now existing under, over or on the land referred to in paragraph 1.
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 Cheselbourne 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 paths

Footpath 16, Melcombe Horsey in the West Dorset District:

- A – B From its junction with Footpath 25, Cheselbourne at the parish boundary at point A (ST 75150123) north north east then north west on the western and south western sides of the eastern and north eastern field boundary, then south west on the south eastern side of the north western field boundary to the parish boundary and continuing north north west into the next field, on the north eastern side of the south western field boundary, parallel with the parish boundary, then crossing west south west into the next field to its junction with Footpath 26, Cheselbourne, south east of Highdon House at point B (ST 74770146). Width: 1.5 metres.

Footpath 26, Cheselbourne in the West Dorset District:

- B – C From its junction with Footpath 16, Melcombe Horsey at the parish boundary, south east of Highdon House at point B (ST 74770146), south into a field, then west south west, on the southern side of the northern field boundary, to the south western corner of the field, continuing south south east then west to its junction with Bridleway 19, north north east of Nettlecombe Farm at point C (ST 74530137). Width: 1.5 metres.

Part 2

Description of site of new path

Footpath 26, Cheselbourne in the West Dorset District:

- A – D From its junction with Footpath 25 at the parish boundary, south east of Highdon House at point A (ST 75150123), west south west, on the southern side of the northern field boundary, parallel with the parish boundary for 210 metres, and continuing west south west along the field edge to its junction with Bridleway 19, south south east of Nettlecombe Farm at point D (ST 74560111). Width: 2 metres.

Part 3

**Modification of Definitive Statement
Variation of particulars of paths**

Footpath 16, Melcombe Horsey in the West Dorset District:

Delete:

From: ST 75150125 To: ST 74760145

From its junction with Footpath 25, Cheselbourne at the parish boundary crossing the stile into field OS 9930 and running northwards for 60 metres then west northwestwards along the northern boundary of that field for 375 metres then south westwards for 15 metres, through a gate into Field OS 7458 and skirting the north eastern corner of Field OS 7029 to the entrance to the field at the parish boundary at its junction with Footpath 26, Cheselbourne. Limitation: Gates at ST 74800142 & ST 74760145. Stile at ST 75150123. Width: 1.5 metres.

Footpath 26, Cheselbourne in the West Dorset District:

Delete:

From: ST 74760145 To: ST 74530138

From its junction with Footpath 16, Melcombe Horsey at the parish boundary, westwards along the northern boundary of field OS 7029 for 250 metres and southwards for 20 metres to its junction with Bridleway 19 at Nettlecombe Farm. Width 1.5 metres.

Add:

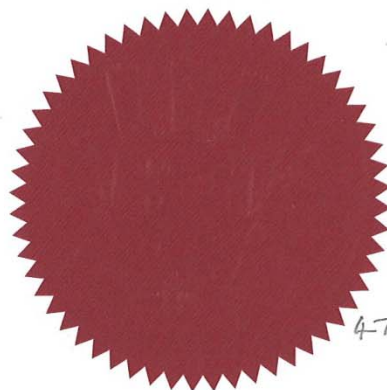
From: ST 75150123 To: ST 74560111

From its junction with Footpath 25 at the parish boundary, south east of Highdon House at ST 75150123, west south west on the southern side of the northern field boundary, parallel with the parish boundary for 210 metres, and continuing west south west along the field edge to its junction with Bridleway 19, south south east of Nettlecombe Farm at ST 74560111. Width: 2 metres.

Dated this **29TH** day of **AUGUST** 2014

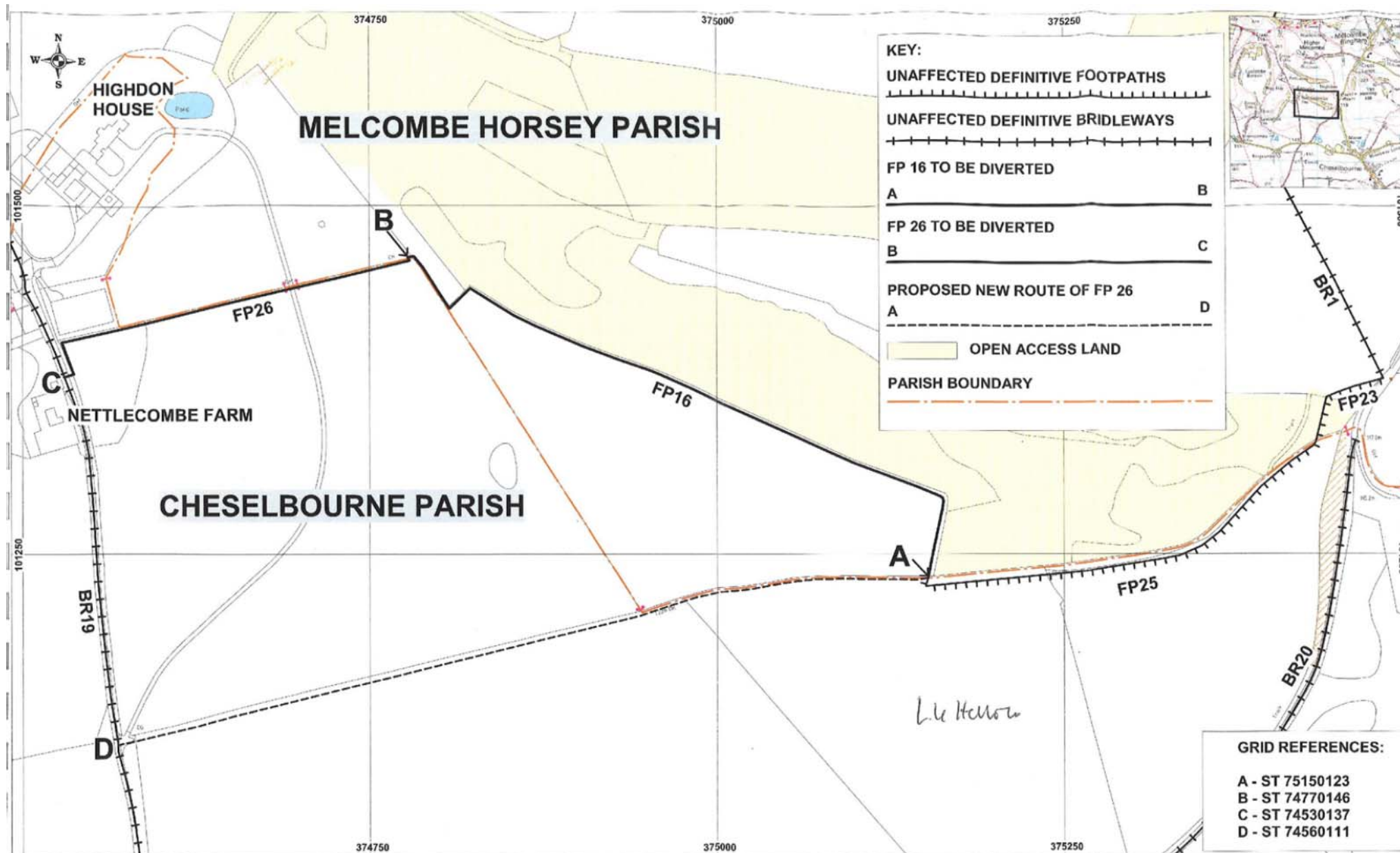
THE COMMON SEAL of THE
DORSET COUNTY COUNCIL
was affixed in the presence of:-

L. G. Hellow



4-76/14

Authorised signatory



Ref: 13/34/2
 Date: 18/12/2013
 Scale 1:2500 at A3
 Drawn By: CAM
 Cent X: 374996
 Cent Y: 101336

GEOGRAPHICAL INFORMATION SYSTEMS
Dorset County Council
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Rambles, Dorset A

APPENDIX 3

Phone: [REDACTED]
e-mail: [REDACTED]
www.dorset-ramblers.org.uk

BY E-MAIL

Ms Vanessa Penny
Definitive Map Team Manager
Environment and the Economy Directorate
DCC, County Hall
Colliton Park
Dorchester
DT1 1XJ

15 October 2014

Your Reference: KJS RW/P118

Dear Ms Penny

Highways Act 1980
Wildlife and Countryside Act 1981
Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne)
Public Path Diversion Order 2014

I have received a copy of above Order, and I wish to object to it, on behalf of both the South Dorset Group of the Ramblers, and the Dorset Area of the Ramblers.

Background

In July 2010 the Ramblers were consulted at the pre-application stage about the proposed diversion, which we did not support. At that time it was stated to be in the interest of the public. Despite our lack of support, in September 2013 the application went ahead, this time being made in the interest of the landowner. We again objected, but the Officer's recommendation to the Roads and Rights of Way Committee (16 January 2014) that an Order be made was accepted and resulted in this current Order.

The South Dorset Group Footpath Secretary and I made a site visit on 11 October 2014, and we agreed that our objection should be maintained, for the reasons set out below.

Recreational walkers do not walk merely to get from (figuratively speaking) A to B: routes are selected using rights of way which take walkers through locations and landscapes which are full of interesting features and sometimes challenging. Walkers in the countryside do not necessarily enjoy flat, uninteresting, straight-line paths, but look for variety in scenery, surface type and elevation. It is therefore disappointing that this proposed diversion has no redeeming features: a comparison of the two routes can be summarised as follows:

Existing route (A-B-C):

- valleys and inclines
- a variety of directional views, including the deep valley of the Open Access land, sheep grazing pastures and arable land
- added height along B-C

Proposed route (A-D)

- nearly 600 metres of flat, level path with one-directional view.

We acknowledge that the route of the proposed diversion has no furniture, which would be ideal in an outer-urban/small village locality, where more users might need easy access, but this location is neither of those.

Furthermore, the proposed diversion (A-D) is some 195 metres shorter than the currently walked route (A-B-C) which equates to a loss of nearly 25%. The route of bridleway 19, Cheselbourne is already in existence as a public right of way, therefore cannot be used in any calculation of either 'gain' or 'loss'; it is purely the length of the existing and proposed routes which should be compared.

It could be argued that the views south from the proposed route A-D are the same as those from footpath 26, Cheselbourne (B-C): however, A-D is some 20 metres lower than B-C, and the only immediately visible view from A-D is a large arable field, whereas from B-C there is pasture (for sheep), and the arable field is mostly hidden, giving panoramic views.

I would like to address points made by the applicant¹. The Minutes of the aforementioned Roads and Rights of Way Committee meeting state that the applicant '... confirmed that he had the support of the parish councils, the British Horse Society and The Friends of Dorset's Rights of Way.' Could I point out that the proposed diversion applies to a *footpath* on which neither of the two latter groups has user rights? We agree that the proposal for the diversion is in the landowner's interest: it removes the route from his land, but why this should allow better land management is puzzling. If the footpaths were cross field paths then this would be more understandable, but the route hugs the headland, uses existing gates and a gap, and has only one stile. In the Countryside Code² visitors to the countryside are advised '...to leave gatesas you find them.....'. The fact that there are electric fences along routes does not cause problems, providing there are warning signs visible, and hand grips provided when these are crossed. Any route is straightforward providing that it is well signed.

Finally, I attach an extract taken from Dorset Explorer, showing the route of the footpath as it was in 1902 (or thereabouts), which is far closer to the existing route than that proposed.

We therefore object to the Order on the grounds that the proposed route is less enjoyable for the user than the existing route.

Yours sincerely

Jan Wardell

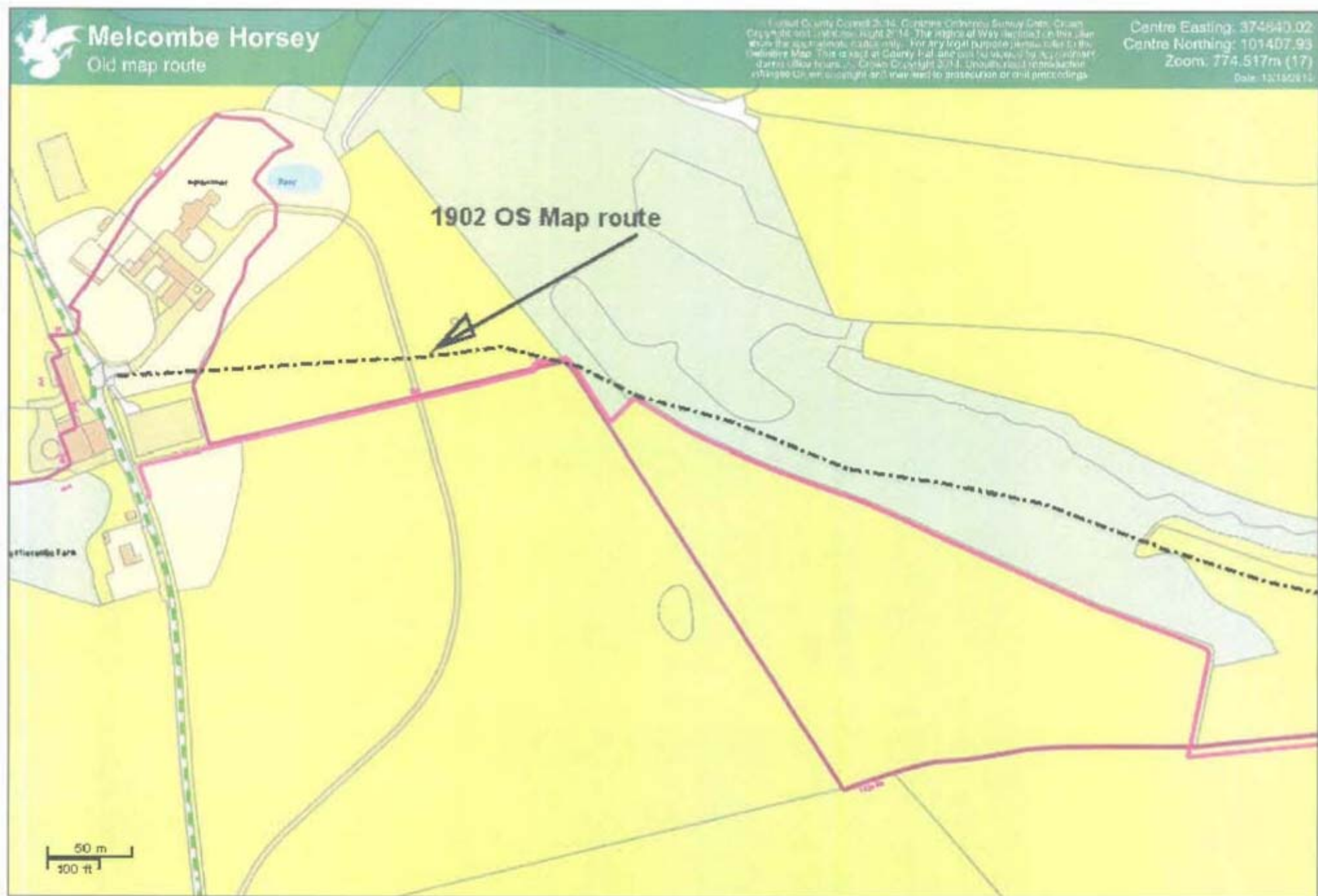
Mrs Jan Wardell
Area Footpath Secretary
Ramblers, Dorset Area

Kate Gocher

Ms Kate Gocher
Footpath Secretary, South Dorset Group

¹ Minute 10.7 from Roads and Rights of Way Committee, 16 January 2014

² Natural England and Department for Environment, Food & Rural Affairs: 19 August 2014



Regulatory Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 29 January 2015.

Present:

Councillors

Daryl Turner (Vice-Chairman – in the Chair)

Pauline Batstone, Steve Butler, Barrie Cooper, Beryl Ezzard, Ian Gardner Mike Lovell, David Mannings, Margaret Phipps, Peter Richardson, Mark Tewkesbury, David Walsh and Kate Wheller.

Officers attending:

Mike Harries (Director for the Environment and the Economy), Andrew Brown (Manager – Traffic Engineering), Phil Crowther (Solicitor), Mike Garrity (Team Leader), Carol McKay (Rights of Way Officer), Sarah Meggs (Senior Solicitor), Vanessa Penny (Team Manager – Definitive Map), Huw Williams (Principal Planning Officer) and David Northover (Senior Democratic Services Officer).

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Regulatory Committee to be held on **12 March 2015**).

Apologies for Absence

1. Apologies for absence were received from David Jones and Mervyn Jeffery.

Code of Conduct

2. There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Minutes

3. The minutes of the meeting held on 18 December 2014 were confirmed and signed.

Public Participation

Public Speaking

- 4.1 There were no public questions received at the meeting in accordance with Standing Order 21(1).

- 4.2 There were no public statements received at the meeting in accordance with Standing Order 21(2).

Petitions

- 4.3 There was one petition received in accordance with the County Council's petition scheme at this meeting, minutes 12 to 14 refer.

Planning Matters

2/2014/1393/PLG - Provision of sports lighting to existing netball courts – Blandford School, Milldown Road, Blandford Forum

- 5.1 The Committee considered a report by the Head of Economy on planning application 2/2014/1393/PLG for the provision of sports lighting to illuminate the existing netball courts at the Blandford School, Milldown Road, Blandford Forum.

5.2 With the aid of a visual presentation officers explained the application, which was designed to provide eight, eight metre high lighting columns as replacement floodlighting to serve the existing netball courts at the school. The luminosity of the lights was described. The proposed floodlights would include a cowl to limit light pollution and an integral baffle to reduce glare and enhance performance, this being designed to solely provide illumination of the courts and minimise light spill. The Design and Access Statement which accompanied the application explained that this lighting arrangement would achieve a Sport England designated Class II standard, which was suitable for principal local clubs and county competitions.

5.3 Photographs and plans were shown to the Committee which showed the form and size of the lighting and its relationship with other school building development and existing lighting, with the Leisure Centre and its setting within the character of the surrounding landscape. The Committee was informed that the lighting columns had already been erected but had not as yet been used and would not be until such time as planning permission was granted.

5.4 The setting of the netball courts within the context of the other sporting facilities on site was shown, particularly the relationship with the synthetic turf sports pitch, which was illuminated, and which lay directly to the south of the application site.

5.5 Members were informed that whilst the site was not covered by any landscape designations, it was adjacent to The Crown Meadows and former deer park. This provided a pastoral parkland setting on the western fringe of the town and was identified as an “important open or wooded area” in the North Dorset District-Wide Local Plan.

5.6 The application was also accompanied by a Heritage Impact Statement which presented a detailed analysis of the impact of the proposal on the Blandford, Blandford St Mary and Bryanston Conservation Area and adjacent listed buildings and a Landscape and Ecology Management Plan.

5.7 The Landscape and Ecology Management Plan had been produced in May 2014 in connection with the synthetic turf pitch application and included an assessment and evaluation of the importance of the landscape and setting of the school campus within its river meadow context and how this should be managed. The implementation of those management proposals had been secured under the existing grant of planning permission for the synthetic turf pitch.

5.8 The report set out details of the consultation exercise undertaken and the representations received in response, which confirmed that no objections had been received from the County Councillor for Blandford, Blandford Forum Town Council or Natural England. Officers reported the receipt of two late representations, from Blandford School and the North Dorset Netball Club, both supporting the proposals which they considered would benefit pupils and community use.

5.9 However, North Dorset District Council had raised concerns regarding the impact of the proposed development on heritage assets including the character, appearance and setting of a designated conservation area. Notwithstanding the concerns expressed, officers considered that there would be no significant additional adverse effect on the identified heritage assets, the character and appearance of the area or on amenity. They considered that the proposal provided for the continued and enhanced community use of an important school facility and recreation resource and was considered to be in accordance with the development plan.

5.10 In response to a series of questions, officers confirmed that the lighting was deemed to be adequate in meeting the required needs for county standard netball competition. Officers could see no reason for the lighting to be left on when the courts were

not in use and confirmed that a condition could possibly be imposed to secure that. Some Members suggested that so as to ensure that lights were not left on inadvertently, whatever condition was in place to constrain the synthetic pitch lighting, could also be applied as a condition for the netball courts. However officers explained that no such condition existed.

5.11 Consensus in relation to what time the lighting should be switched off in the evening could not be reached but Members considered that the lights should not remain illuminated when the courts were not in use. Officers explained the difficulty in enforcing this but were satisfied that this would be largely self regulating as it would not be in anyone's interest for them to remain lit unnecessarily.

5.12 Members, whilst expressing concern over light pollution, were reassured by officers that the lighting units were designed to be confined solely to the courts and any spillage would be minimal. Similarly, the Committee were again assured that the quality of lighting met the necessary standard for competition.

5.13 In response to another question, officers were unaware of any restrictions covering the cumulative affect of the lighting on site other than any lighting arrangements should not compromise the site context noticeably. Similarly they were unaware of guidance for cumulative wattage levels within a conservation area. However, officers explained that, by law, special attention had to be given to preserving or enhancing the character and appearance of the Conservation area and any harm caused by a proposal to a significant heritage asset. Where this harm was deemed to be less than substantial, this assessment should be weighted against the benefits to be derived from the proposal and its viability by the community and, in this case, the pupils of the school and a balanced judgement made on that basis.

5.14 Some concern was expressed that the application was effectively for retrospective planning permission, given that the masts had already been installed. They were disappointed that this was the case, particularly given that the application was a County Council one. Whilst mindful of the Committee's views, officers suggested that the opportunity might have been taken to install the columns to coincide with the works to install the synthetic pitch. Officers confirmed that the courts had previously been illuminated by temporary mobile floodlight units but the cost of providing this was becoming unsustainable. Officers confirmed that the height of the proposed masts was less than those already being used to illuminate the synthetic pitch and the netball courts were situated at a lower elevation.

5.15 Officers were asked if English Heritage had been consulted on the application, given that they had previously lodged an objection in respect of the Heritage Impact Statement and Landscape and Ecology Management Plan. This had played a significant part in the development of the North Dorset Local Plan and the length of time it took to adopt. In response to confirmation that English Heritage had not been consulted, one member considered that given the strength of objection from English Heritage to the proposed Crown Meadows development and the weight placed on this by the District Council in sustaining their objection to the application, further consideration of the application should be deferred subject to English Heritage being consulted and given the opportunity to express their views.

5.16 The Solicitor clarified the position regarding the circumstances in which English Heritage should be formally consulted. He explained that the statutory requirement to consult was limited and there was no obligation to consult on small level applications like the one being considered. Nevertheless one councillor considered that what was being considered still had consequences for The Crown Meadows and therefore he considered

that English Heritage's objection to The Crown Meadows development still carried significant weight and they should be given the opportunity to comment.

5.17 The County Councillor for Blandford, as the local member, took the opportunity to clarify that whilst English Heritage had indeed been consulted on the implications for The Crown Meadows as part of town development within the Local Plan, this application was on a considerably smaller scale and therefore did not warrant their input.

5.18 He confirmed that he had no objections to the application, nor did Blandford Forum Town Council. Additionally any concerns that the District Council Environmental Health Officer had over light spillage had been negated by the assurances given by officers. Furthermore the application site was situated within the confines of already existing development on the school site complex, and adjacent to existing lighting columns and would be an asset to the school and community alike. Accordingly he could see no reason why the application should not be approved on that basis.

5.19 Other Members were of a similar view to that of the local councillor, considering that the floodlighting would be an important asset and provide the ability for the courts to be used to their full potential. As part of the County Council's corporate aim of health, well being and safeguarding, it would serve to provide opportunities to encourage participation in sport. They also were of the view that the conservation area would not be unduly affected by this proposal given the other development on site. They also considered that there was sufficient mitigation to allay any concerns over light pollution and that all should be done to ensure the school remained as vibrant and viable as it could.

5.20 Whilst recognising the comments of the Solicitor on the need to consult English Heritage on planning applications, in order to allay the concerns some councillors still had that they should have been consulted formally, the Committee considered that, if necessary, in lieu of a formal consultation, an informal discussion might suffice between the Chairman of the Committee and English Heritage in order to keep them abreast of what the proposal entailed.

5.21 However some members still maintained that English Heritage should be consulted before the application was determined as they considered that it had a bearing on the character of the conservation area. It was proposed that further consideration of the application should be deferred subject to consultation with English Heritage. On being put to the vote, the proposal to defer further consideration of the application was lost.

5.22 It was then proposed that planning permission be granted subject to the conditions recommended in the officer's report. On being put to the vote, the Committee decided that planning permission should be granted, subject to the conditions contained in paragraph 8 of the report.

Resolved

6. That planning permission be granted, subject to the conditions set out in paragraph 8 of the Head of Economy's report.

Reason for Decision

7. As summarised in paragraphs 6.12 of the Head of Economy's report.

Refenestration to part of rear of Dorchester Library

8.1 The Committee considered a report by the Head of Economy on planning application WD/D/14 003123 which sought permission for the refenestration to part of the rear elevation of the former Dorchester Library in Colliton Park, Dorchester. The building was

located within a designated Conservation Area, wherein special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. On that basis, an objection to the proposal had been received from West Dorset District Council on the grounds that the proposed windows were not in keeping with such a distinctive building and the proposed replacement windows could not be justified and would fundamentally change the building's character.

8.2 With the aid of a visual presentation officers explained the application, which was designed to provide for the replacement of a section of existing fenestration on the south facing (rear) elevation of the building. The proposed work was part of the programme of works associated with the conversion of the former library to address the accommodation needs of the County Council, designed to enable a more efficient use of Council premises and the means by which they could be better used.

8.3 Photographs and plans were shown to the Committee which provided an understanding of the design of the windows and the context of their setting, including how the elevation backed onto Homechester House, which was a retirement/sheltered housing scheme built in 1984, consisting of some 51 flats.

8.4 Officers explained that the existing windows comprised "Crittall" windows with narrow metal frames which were proposed to be replaced by new polyester coated aluminium double glazed pivot windows. In all, twelve windows would be replaced. Supplementary information provided with the application noted the poor condition of the existing windows and also pointed out that windows in the other three facades of the building had already been replaced with more modern windows.

8.5 The report set out details of the consultation exercise and the representations received in response. Councillors noted that the statutory consultation period for this application process did not expire until the following day, 30 January, so any decision made would be subject to any further representations received. Notwithstanding the District Council's objection, no other objections had been received from any other consultee, Dorchester Town Council included. Officers reaffirmed that many of the windows on the building's other elevations had been replaced over previous years with windows of a similar design. However those being proposed would be more efficient and provided for the necessary ventilation, illumination and improved insulation required of a modern office space.

8.6 Officers confirmed that the proposal provided for the continued beneficial use of an existing building and would preserve the character and appearance of the Dorchester Conservation Area. The proposal was considered to be in accordance with the Development Plan and there were no material considerations indicating that the application should be determined other than in accordance with the Plan. On that basis, they were seeking the granting of planning permission.

8.7 Councillors asked if the windows would be opaque, as now, or transparent and how this would affect the flats at Homechester Court in their being overlooked. Officers confirmed that whilst they currently were opaque, the replacements were proposed to be transparent, in that they were designed to achieve improved natural lighting levels for the building's new office use. The importance of the quality of lighting levels was emphasised by the Director in order to take advantage of natural daylight, whenever possible.

8.8 The distance between the library building and Homechester Court was described by officers who confirmed that whilst some views of each building would be

apparent from upper storeys, the intervening distance between the two buildings was sufficient so as to not be considered too imposing.

8.9 The Chairman of the West Dorset District Council's Planning Committee commented that it should be borne in mind that the objection received had emanated from District Council officers and that the application had not been considered by the District Planning Committee. He thought the proposal would enhance the conservation area and could see no reason why the application should not be supported.

8.10 Other councillors shared this view, particularly after establishing that the windows in Homechester Court were of similar design and materials to those being proposed, with this too being situated within the conservation area. Consequently, on being put to the vote, the Committee agreed to grant planning approval.

Resolved

9. That, subject to the receipt of no further representations on the application prior to the expiry of the statutory consultation period, the Head of Economy be given delegated authority to grant planning permission, subject to the conditions set out in paragraph 8.2 of the Head of Economy's report.

Reason for Decision

10. As summarised in paragraph 6.12 of the Head of Economy's report.

Review of Development Management Activities – Third Quarter 2014/15

11.1 The Committee considered a report by the Head of Economy which updated them on the activities of the Development Management Team for the third quarter of the year 2014/15.

11.2 Attention was drawn to the appendices which listed all decisions taken under delegated powers and outstanding applications and to levels of performance. Officers explained that this detail was provided so that the information was in the public realm and to show what was being progressed under delegated authority.

Noted

Traffic Regulation Matter

Petition to reduce the speed limit beyond the West Elworth Junction on the B3157 at Portesham

12.1 The Committee considered a report by the Head of Highways on the receipt of a petition containing 50 signatories requesting the reduction of the speed limit from 50 mph to 30 mph, so as to extend the existing speed limit south westwards past the West Elworth Junction on the B3157 at Portesham. The request was also supported by Chesil Bank Parish Council.

12.2 With the aid of a visual presentation officers explained that the petition was asking for a reduction of the speed limit over that length of the B3157 in the interests of road safety, as it was considered that in the absence of any footway provision, there was currently no safe access from the western end of the village to use the facilities beyond, particularly to use the tennis courts, the playing field/recreation ground and the allotments. They considered that there was evidence that the junction was a safety hazard and by reducing the speed of vehicles, from both directions, in advance of reaching that junction would assist considerably in reducing the risks associated with manoeuvres to and from that junction.

12.3 Photographs and plans were shown to the Committee which provided an understanding of the context of the road, its character and its setting and how its relationship with the West Elworth junction had raised such concern. Officers confirmed that the requested length of road covered a section where there was no frontage development and therefore would ordinarily preclude that length of road from warranting a speed limit. Accordingly officers considered that the current 30mph speed limit began at the most practicable and obvious location at the start of the village development. Officers also confirmed that the length of road did not meet the criteria set out in the Dorset Speed Limit Policy for villages qualifying for 30mph speed limits.

12.4 Councillors were provided with details of accident records along that stretch of road, the last of which was in January 2011, since which time the carriageway had been re-profiled and resurfaced with the addition of coloured strips and SLOW markings in advance of the junction to further highlight this location.

12.5 Officers also explained how the request from the Parish Council for a footway had been addressed, explaining that the costs and viability for this and how it was prioritised meant that it was unlikely to proceed anytime in the near future.

12.6 Officers explained that if the Committee was minded to agree to the petition request being taken forward, the site and suitability of the request should be assessed and prioritised against other proposals to establish if it was appropriate and met the necessary criteria.

12.7 The County Councillor for Chesil Bank supported the essence of what was being requested given the character of the road over that length and, particularly, the hazards which he considered existed around that junction. Given the acceleration of vehicles exiting the village and those decelerating late upon entering, he was of the view that the current 50 mph limit was situated too close to the settlement. Whilst he acknowledged that considerable improvements had been made over the past few years to the condition of the B3157 to improve safety, concerns still remained and needed to be addressed, particularly in the absence of any swift solution to the footway issue.

12.8 However officers explained that, generally, speed limit signs would be erected as close as was practicable to the built up settlement and would not be ordinarily extended into open countryside, as it was considered that this would dilute the effect of what was trying to be achieved.

12.9 Nevertheless, given the popularity of the amenities requiring access at that end of the village and the lack of means of being able to safely access them, the Committee generally considered that the petition had substance and that there should be further research into what might be able to be achieved. As part of this, they considered that the Parish Council should be asked to play its part in commissioning a traffic/speed survey to determine what speed limit might be appropriate, given that there was not one readily available.

12.10 Upon receipt of this information, the Committee noted that the request would be assessed in the usual way to determine if it met the criteria for the reduction of a speed limit and prioritised accordingly to where it was adjudged to be ranked against other such schemes.

Resolved

13. That the petition be noted and the petition organiser be informed that further research should be undertaken and submitted in support of an application for a speed limit which should be made in the usual way by the Chesil Bank Parish Council to the County Council. The application would then be assessed in the usual way to determine if it met the necessary criteria and prioritised accordingly in being ranked against other such competing schemes.

Reason for Decision

14. To facilitate the democratic process and provide the ability to engage with local councils.

Rights of Way Matter

Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014

15.1 The Committee considered a report by the Director for Environment and the Economy on an objection to the Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 and which consequently recommended that it be sent to the Secretary of State and that the County Council support confirmation of the Order, as made. Officers explained that as there has been an objection to the Order, the County Council was unable to confirm it itself.

15.2 With the aid of a visual presentation, officers explained the background to this. Photographs and plans were shown to the Committee by way of illustration. These showed the proposed route, its character and setting in the countryside and the views which could be seen. Both Cheselbourne and Melcombe Horsey Parish Councils had supported the proposed diversion.

15.3 However, the Ramblers had objected to the Order on the grounds that the proposed new route was less enjoyable for footpath users than the existing route, in considering that the current route offered a more interesting and varied route in terms of scenery, surface type and elevation than the proposed route. Conversely, they considered the proposed route to be unrewarding.

15.4 However officers confirmed that, although the current route offered more variety, in terms of gradient and type of landscape, the proposed new route was more accessible as it was flatter and there were no stiles, gates or electric fences along the route. The views from the proposed new route were considered to be extensive and panoramic and the proposed diversion was some 195 metres shorter than that which currently existed. Furthermore, the diversion of the footpaths would enable easier land management, in particular the location and maintenance of electric fences and hedges. Finally, the proposed diversion met the legal tests under Section 119 of the Highways Act.

15.5 The Committee considered that the proposed diversion would be beneficial and provided for greater accessibility along the route without unnecessarily compromising its convenience to the public.

Resolved

16.1 That the County Council supports confirmation of the Order as made.

16.2 That the Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 be sent to the Secretary of State for confirmation.

Reasons for Decision

17.1 The diversions, which are the subject of the Order, comply in all respects with the law and therefore the Order should be confirmed.

17.2 Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:

- Enabling Economic Growth
 - Ensure good management of our environmental and historic assets and heritage
- Health, Wellbeing and Safeguarding
 - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset
 - Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live
 - Enable people to live in safe, healthy and accessible environments and communities

Questions for County Councillors

18. No questions were asked by members under Standing Order 20(2).

Meeting duration
10:00am – 11.50 am