

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY

**DORSET COUNCIL
(FOOTPATH 51, DORCHESTER AND FOOTPATH 6, WINTERBORNE MONKTON)
PUBLIC PATH DIVERSION ORDER 2020 ("THE ORDER")**

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

The Ramblers object to the Order for the following reasons:

- **Large holes along the southern edge of the fenced path (the eastern half of the path O – P) most likely badger setts (not active)**

Dorset Council's Senior Ranger inspected the above section on 6 Sept 2021 and advises that the new footpath is unaffected as all the holes are to the side of the route, the ground around them is very firm and it is unlikely that the holes will get any bigger. He confirms that if required badger sett warning signs will be put up in the future. The diversion order would only be confirmed after the new route has been inspected and certified by Dorset Council. In the event that the Order is confirmed by the Secretary of State, the diversion will not come into effect until any necessary works have been completed and path is inspected and certified by the Council.

- **Safety of route O – N along A35 with no barrier**

Vehicle restraint barriers along the A35 are the responsibility of Highways England who support the footpath diversion as it will improve safety for pedestrians. Highways England has indicated that they do not have any proposal in its forward programme to introduce such a barrier / extension of the existing barrier. Their Safety Team have confirmed that it is unlikely that a business case for a barrier at this location would be a good use of "limited public funds". The proposed footpath alongside the A35 O – N is considered by officers to be a much safer alternative to the current road crossing. There are several A roads in the area with an adjacent cycleway/footway which have no barrier, including the A354 Weymouth Relief Road. Photos which show the Weymouth Relief Road cycleway/footway are appended to the end of this document. The Senior Ranger considers that the diversion would be safer than the current route across the A35. There is a short section of the new footpath O – N alongside the A35 where the footpath is the same height as the carriageway.

- **Potential for flooding of underpass**

The Senior Ranger inspected the underpass on 6 September 2021 and states that the route is currently usable following a period of dry weather and there have been no recent complaints. The underpass was also inspected on 29 September 2021 by the case officer who also observed no issues with flooding or drainage. The Senior Ranger advised that to improve drainage and prevent future flooding it would be possible to raise the level of the path and create soak away drainage. Before the Order is confirmed, or if the Order is confirmed by the Secretary of State before the diversion comes into effect, works will be carried out at the

underpass to improve the drainage and surface to prevent future problems. It is noted that the alternative route suggested by the Ramblers uses the underpass, suggesting that, subject to improvement works, the underpass is acceptable to them.

- **The section H-G-F-E-D involves walking along a track, through ongoing development, and the access road of the business park along tarmacked surfaces before reaching Middle Farm Way (B3150).**

The additional concerns recently raised by The Ramblers in relation to Planning Application P/FUL/2021/00684 at Parkway Farm Business Park have also been considered. After discussion with the Planning Officer and the Senior Ranger, officers do not feel that the proposed diversion would pose an unacceptable risk to the public and the overall effect would be to provide a safer and enjoyable route, the greater part of which is through farmland. Part of the route through the business park is along existing footway, including a grass verge which will need to be cut if the diversion is successful. This will minimise the length of footpath along the carriageway.

- **Alternative route P – S – T – L – V – W – X – Y**

The landowner and tenant farmer created the proposed new footpath along a route which they considered expedient. Section 119 of the Highways Act 1980 allows a footpath to be diverted in the interests of the landowner, lessee or occupier subject to certain criteria. A public path diversion order cannot be confirmed as an unopposed order unless Dorset Council are satisfied that in the interests of the owner, lessee or occupier, the diversion to be effected by it is expedient. The Order is made in the interest of the landowner. The owner and tenant farmer find the proposed new route beneficial because it allows better land management. The field currently crossed by Footpath 6 is used either for crops or livestock. When cropped the footpath is reinstated, whereas the new route is fenced in and does not require reinstatement. There are significant problems with dogs fouling the field and worrying livestock which would be considerably reduced by the diversion. The suggested alternative route is not acceptable to the landowner or the tenant farmer and therefore it does not meet the legal tests. It should be noted that the proposed new route was created as a permissive route following consultation with interested parties several years ago. It was identified as the most suitable route and is already well used by walkers as a permissive path.

In addition, the additional increased length of the alternative route is of concern, particularly as the increased length of the diverted footpath is an issue that has been raised by another objector.

- **Diversion resulting in loss of a footpath due to status of proposed new route as permissive path**

With regards to the permissive path, as permission can be withdrawn at any time, the effect of the diversion is not equivalent to an extinguishment as suggested. If the diversion is successful, the permissive path would be protected in perpetuity by becoming the definitive footpath.

The local resident objects to the Order for the following reasons:

- **Your Order states that 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 lines of the paths should be diverted”. I fail to see how the diverted path is in the interests of the landowner as it involves construction of 0.6 miles of new path, the**

consequent loss of agricultural land, the installation of several gates, and new fencing. A more logical diversion would be to route the path round the edge of the field to the north of the existing path passing by Monkeys Jump roundabout.

Section 119 of the Highways Act 1980 allows a footpath to be diverted in the interests of the landowner, lessee or occupier subject to certain criteria. A public path diversion order cannot be confirmed as an unopposed order unless Dorset Council are satisfied that in the interests of the owner, lessee or occupier, the diversion to be effected by it is expedient. The above Order is made in the interest of the landowner. The owner and tenant farmer created the proposed new footpath along a route which they considered expedient because it allows better land management. The field currently crossed by Footpath 6 is used either for crops or livestock. When cropped the footpath is reinstated, whereas the new route is fenced in and does not require reinstatement. There are significant problems with dogs fouling the field and worrying livestock which would be considerably reduced by the diversion. The alternative route suggested is unlikely to meet the legal tests concerning the interests of the landowner or lessee.

- **The diversion materially degrades the landscape value of the path. Instead of passing across an open field with a view of Maiden Castle, the diversion passes through a business park, under the A35, and then along the edge of the main road before finally turning onto a path with a hedge between the path and the view to Maiden Castle**

Officers feel that the proposed diversion provides a safer and enjoyable route, the greater part of which is through farmland retaining views of Maiden Castle. The proposed new route is hedged along a short section, but this is considerably less than half of its length. There is a hedge along the southern side of the proposed new route between point O1 and point P (this section being approximately 227 metres long) which does partly obscure the views to the south. However, the proposed new footpath between points M – N – O – O1 (approximately 764 metres long) is double fenced with post and wire fencing and there are unobstructed views to the south. Therefore it is not considered that views of the landscape are materially affected by the diversion. The Strategic Planning Committee's decision on 23 September 2019 was that an Order be made subject to several provisos including that the hedge alongside the proposed new route O1 – P be either removed or cut back to the height of the fence before the Order comes into effect.

In addition, the dangerous road crossing over the A35 is eliminated which makes the footpath available to more users. The diversion has been discussed with the Planning Officer who endorses the route through the business park. The Council's Senior Ranger has also assessed the proposed diversion and is in support of the Order.

- **The diverted path is substantially longer than the original route. From Ladock Terrace (point A on the plan) to the junction with the Martinstown road (points C and R on the plan) is approximately 0.5 miles by the current path and 1.0 miles by the diverted path. If the diversion is implemented, the shortest route to Maiden Castle, by about 0.2 miles, would be via the bridge carrying Maiden Castle Road over the A35.**

Whilst the diversion would increase the overall length of the footpaths by 746 metres (more than double), this increase in length should be assessed against the safety and inconvenience of the current route which crosses the A35. The crossing point has a 60mph speed limit and a high volume of traffic. The crossing cannot be used by wheelchair or mobility scooter users, pushchairs, or people with impaired mobility. It is also particularly hazardous for walkers with young children or dogs. The new route, which has been available on a permissive basis for several years, offers walkers a safe route using an existing underpass to cross the A35. Many

walkers are already using the proposed new route in preference to the existing public footpaths.

• **While not strictly relevant to the Order, I would like to point out that the obvious route to Maiden Castle from the underpass at point L is to take the existing track south to join Maiden Castle Road at GR SY67368927 rather than the proposed diversion. Opening up this track would be much more beneficial to walkers from Poundbury than the proposed diversion.**

As discussed, the Order is made in the interest of the landowner and the proposed new route was created as a permissive route following consultation with interested parties several years ago. It was identified as the most suitable route and is already well used by walkers as a permissive path. The termination points for Footpath 51, Dorchester and Footpath 6, Winterborne Monkton (a continuous footpath) will be moved from point A on Ladock Terrace approximately 127 metres south east to point D on Middle Farm Way and from point C adjacent the C53 approximately 26 metres southwest to point R which connects with Bridleway 5, Winterborne Monkton, which leads directly to the C53 road. The termination points are substantially as convenient as the current ones, in accordance with the legal tests concerning termination points.

Weymouth Relief Road
Cycleway/footway
Google Maps – Street View

