



25th June, 2019

Ms. Vanessa Penny,
Definitive Map Team Manager,
Planning & Community Services
Dorset County Council,
County Hall, Colliton Park,
Dorchester
DT1 1XJ
Reference: RW/T539.

Dear Ms. Penny,

**Re: Dorset Council (Part of Bridleway 18, Chideock at Mill Lane
To be upgraded to Restricted Byway)
Definitive Map and Statement Modification Order 2019**

This is a letter of OBJECTION to the above Definitive Map and Statement Modification Order 2019 for the following reasons:

1. We refer you to the meeting at Dorset County Council in July of 2015 at which no agreement could be reached between Dorset County Council and Chideock Parish Council/Community Group with regard to the status of Bridleway 18 and legal definition of Mill Lane County Road. Arguments and reports were put forward from both sides and the following suggestion was made by Dr.Oliver Letwin, M.P. for West Dorset.

Oliver Letwin: What would happen if DCC made a Definitive Map Modification Order in regard to the bridleway which was challenged and then went to the Inspector? Could this not resolve the issue one way or the other?

Sarah Meggs: If the definitive map is wrong then it needs to be amended by a Definitive Map Modification Order, which can be objected to, in which case it has to go to an Inspector who would look at all evidence and then determine if the DMMO was valid or invalid.

Oliver Letwin: suggested that this could be the solution and asked DCC for details of the process and time scales. He said that DCC should look at the Response produced by Chideock in case it changes their mind in any way - DCC agreed to do this and look again at their assumption before making a DMMO.

Sarah Meggs: DCC has the power to make a DMMO when there is evidence of an error in the definitive map. The process involves an application for a modification, then an initial consultation - if objections are received then it goes to the DCC Regulatory Committee, who decide whether to proceed or not. If they decide it should proceed then an order is made which has to go to public consultation - if any

objection is made then the order has to go to the Inspector for determination. If BW18 is given priority then the whole process will take 2 - 3 years.

Q. Who is consulted?

A. Parish Council, local residents, landowners, Ramblers Association etc.

The meeting ended on the understanding that the DMMO process would be invoked.

As you are aware this was agreed at the Regulatory Committee held on 18th October 2018.

2. We strongly contest the evidence of the DCC Report whereby they state that the Mill Lane County Road extends to Point E on the attached Map to the Order. Our evidence supports the County Road ending north of Point B on the attached Map at Roadstead Farm. Our evidence further presents that the Bridleway 18 extends to this same point as indicated in the 1996 Bridleway Order and The List of Streets. Please see attached Report **STATUS AND EXTENT OF PUBLIC HIGHWAY RIGHTS AT MILL LANE, CHIDEOCK RESPONSE TO REPORT TO THE DIRECTOR FOR THE ENVIRONMENT AND THE ECONOMY – DORSET COUNTY COUNCIL DATED 27TH FEBRUARY 2015.**

We would also state the following:

- a. The List of Streets is the primary legal document defining the end of the Mill Lane County Road, and has consistently shown, from as far back as DCC has been able to provide copies, an end grid reference of 433.923.
- b. The 1996 Bridleway PPCO is a corroborating legal document which confirms the end of Bridleway 18 as coinciding with the southern limit of the Mill Lane County Road at Grid Reference 4234.9232
- c. The Definitive Map Bulk Modification Order 2015 is a further corroborating legal document which confirms the end of Bridleway 18 as coinciding with the start of the County Road at the same grid reference 4234.9232.
- d. We have seen no legal documents or orders which unequivocally prove a County Road Highway Maintainable at Public Expense (HMPE) status for the short section over the northern part of the Bridleway from its end grid reference 9232 south to grid reference 9220.
- e. The only reference to dual status which we have been able to discover is in an e-mail of 12 November 2012 from Suzie Ricketts (WDDC Senior Legal Executive (Planning)) to Chideock Parish Council and Mrs [REDACTED] (Chideock Community Representative) where Carmel Wilkinson (DCC Rights of Way Manager) “assured” WDDC “that there is a full public vehicular right of way along the dual status part of Mill Lane”.
- f. It would appear that Carmel Wilkinson’s “assurances” were not backed up by any documentary legal proof, despite challenges, and that, in the context of a formal contested Planning Application, Suzie Ricketts, not being a consultee, “must accept her (Carmel Wilkinson’s) decision on this matter as final, in her capacity as formal consultee”.
- g. Our understanding is that HMPEs are highways accessible to the public and that the List of Streets is the legal document defining the extent of HMPEs. For Mill Lane

County Road, the Parish Council takes the formal, legally declared extent of the HMPE to be as far as grid reference 4234.9232 at Roadstead Farm.

- h. Prior to the List of Streets, the grid reference 4233.9235 is apparently given for the extent of Mill Lane exempt from valuation as a Public Road under the 1910 Finance Act. The Parish Council further notes that this is 30 metres shorter (i.e. further north) than the extent given in the 1996 PPCO for Bridleway 18.
- i. Our understanding is that the Highway Inspected Layer (HIL) for Mill Lane County Road has in the past been much shorter than the HMPE, terminating at Brook Cottage, then Frying Pan, then Beeswing (when it was built in the 1950's) and finally Roadstead Farm, when the status of Cattle Shed was changed to a Thatching Business. The Parish Council has no knowledge of the HIL ever extending beyond the end of the HMPE at grid reference 4234.9232, and there is no evidence of any maintenance by DCC Highways south of the HIL / HMPE end at grid reference 4234.9232 at any time, present or past.

Our purpose and intent has always been to make a safe environment for everyone to walk along Bridleway 18 in comfort. The constant **vehicular/pedestrian conflict** between walkers often with young children, perambulators and dogs and vehicles from the neighbouring caravan parks using this as an 'access road' is not conducive to safety or wellbeing. We do not believe that any 'private rights' are held over the Bridleway between point E to Roadstead Farm where the County Road begins. We are disappointed that the ROW deem 'not to hold' such 'rights of way' as stated in their recent email communication to resident Mr. [REDACTED]

Dear Mr [REDACTED]

Further to the clarification provided by my colleague Kerry Smyth, I can confirm that the upgrading of part of Mill Lane, Chideock to restricted byway would not permit public use with motor vehicles over the affected section. However, any private rights already in existence would be unaffected by the order. We do not keep a record of private rights so cannot comment on them.

Kind Regards,

Anne Brown
Definitive Map Technical Officer
Planning and Community Services
Dorset Council

We feel that as Highway authorities have a general duty "to assert and protect the **rights** of the public to the use and enjoyment" of paths in their area it should also be part of their duty to keep a record of any private rights or at least give 'clarity' as to whether any private rights exist. In this particular instance it is the owner of a large holiday park giving permission for all park customer vehicles to use this bridleway which is causing the vehicular/pedestrian conflict. We feel that it is the duty of the ROW to clarify whether a private right exists as opposed to randomly deciding that it is now part of the County Road so these vehicles are allowed.

Many of the residents of Chideock are extremely worried about what would happen if there was a serious accident along this stretch of bridleway. Clarity is what is needed and not the series of mistakes and obfuscations made by Dorset ROW over the last 25 years. We sincerely hope that an Inspector can give clarity and the necessary legal enactments can take place.

We, the undersigned OBJECT to this Definitive Map Modification Order.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted].....