



Definitive Map Team

Spatial Planning

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Ms Helen Sparks
The Planning Inspectorate

By email:
helen.sparks@planninginspectorate.gov.uk

Date: 15 August 2023

Your Ref : ROW/3278588

Our Ref: VP RW/T339

Officer: Vanessa Penny

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Dear Ms Sparks

Wildlife and Countryside Act 1981 - Section 53

Order Making Authority: Dorset Council

Title of Order: (Bridleway 8 (part), Cheselbourne and Bridleway 18, Dewlish to be upgraded to Byways Open to All Traffic) DMMO 2020

With regard to the proposed modifications to the above Order, Dorset Council raises the following points in objection:

1. The Council wishes to address an issue raised by the Inspector in his decision letter regarding the effect of the Supreme Court's Order. It appears to the Council that the Inspector has not seen the Court's Order and so the Order is attached to assist the Inspector.
2. The judgement of the Supreme Court does indeed focus on the issue of whether the maps submitted with the application were to the prescribed scale (paragraph 1(a) of Schedule 1 of the WCA 1981). However, the Supreme Court's Order includes a declaration that the application was 'made in accordance with paragraph 1 of Schedule 14 to the Wildlife and Countryside Act 1981' (copy enclosed). The effect of the Supreme Court's Order was set out in the Council's Statement of Case in paragraphs 4.8 and 4.11.
3. The Supreme Court's Order confirms that the application complied with the whole of paragraph 1 of Schedule 14 and not only paragraph 1(a). If there was any doubt about that, it was resolved by Lord Carnwarth's direction sent by email dated 5 November 2019 which followed an application to the Court from the Council.
4. The Council's position is that neither the Council nor the Inspector can go behind the Supreme Court's Order even if the reported judgement was limited to consideration of compliance with paragraph 1(a). The Council respectfully submits that if the Inspector decides, in line with their conclusion in paragraph 25 of the decision dated 15 June 2023 it will be contrary to the Order of the Supreme Court and so subject to challenge.

5. As a result, the Council considers that the Inspector should reconsider this point before making a final determination.

Enclosure:
Copy of Supreme Court Order 2015

Yours sincerely

V Penny

Vanessa Penny
Definitive Map Team Manager
Definitive Map Team

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