



Order Decision

Site visit made on 31 January 2023

by **J Burston BSc MA MRTPI AIPROW**

An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 15 June 2023

Order Ref: ROW/3278588

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as Dorset Council (Bridleway 8 (part), Cheselbourne and Bridleway 18, Dewlish to be upgraded to Byways Open to All Traffic) Definitive Map and Modification Order 2020.
- The Order is dated 6 March 2020 and proposes to modify the Definitive Map and Statement for the area by upgrading of 2 (1 in part) existing bridleways forming a continuous route as shown in the Order plan and described in the Order Schedule.
- There were 2 objections outstanding when Dorset Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is proposed for confirmation subject to the modifications set out below in the Formal Decision.

Procedural Matters

1. I made an unaccompanied site inspection on 31 January 2023 when I was able to walk the whole of the Order route.
2. None of the parties requested an inquiry or hearing into the Order. I have therefore considered this case on the basis of the written representations forwarded to me and the observations made during my site visit.
3. In September 2004 the Friends of Dorset Rights of Way (FoDRoW) made an application to record the Order route in the definitive map and statement as a Byway Open to All Traffic (BOAT). A letter from FoDRoW, dated 4 October 2010, confirmed that from the date of the letter the management of this application rested with the Trail Riders Fellowship (TRF).

Main Issues

4. The Order has been made under section 53 (3) (c) (ii) of the 1981 Act. This provides that an order to modify the definitive map & statement ('DM&S') should be made following the discovery of evidence which (when considered with all other relevant evidence available) shows that a highway of one description ought to be there shown as a highway of a different description.
5. During the processing of the application the Council determined that it was invalid on the ground that the map accompanying the application was not drawn to the appropriate scale. The TRF judicially reviewed this decision. The question agreed by the parties to the Supreme Court was "*Does a map which accompanies an application and is presented at a scale of no less than 1:25,000 satisfy the requirement in paragraph 1(a) of Schedule 14 of being drawn to the prescribed*

scale in circumstances where it has been digitally derived from an original map with a scale of 1:50,000?". The Supreme Court held that the accompanying map was in accordance with the legislation, see case reference '*R (oao Trail Riders Fellowship & anor) v Dorset County Council [2015] ("Trail Riders Fellowship") UKSC 18*'. Notwithstanding later correspondence (5 November 2019), it is clear from the judgement that the Court only considered the question of the map scale and as such the consideration of the validity of the entire application was not under scrutiny.

6. In this respect an Objector asserts that because the application was not accompanied by all the evidence and the maps supplied were only extracts, which omit key elements, the application cannot have been validly made. This assertion was supported by Counsel's opinion which he sought.
7. Accordingly, the main issues in this decision are:
 - whether the 2004 application was a valid application;
 - whether the evidence discovered demonstrates, on a balance of probabilities that public vehicular rights subsist over the Order route such that it could be recorded as a BOAT; and
 - as this Order is concerned with a possible unrecorded vehicular route, it is also necessary to have regard to the provisions of Section 67 of the Natural Environment and Rural Communities Act 2006 (the 2006 Act) which extinguished rights of way for mechanically propelled vehicles (MPVs) subject to certain exceptions.

Reasons

Whether the 2004 application was a valid application

8. An application for BOAT status is made under s53(5) of the 1981 Act. To be valid, it must comply with paragraph 1 of Schedule 14 of the same Act.
9. Paragraph 1 of schedule 14 to the 1981 Act requires that "*An application shall be made in the prescribed form and shall be accompanied by – (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application*".
10. The application submitted to the Council comprised a signed and dated application form (dated 25 September 2004), the requisite certificates and notices, a map of the order route to the prescribed scale and a number of Inclosure Awards and Plans (contained within a CD). The CD also contained a number of Finance Act Maps, however the Council asserts that these did not cover the area of the Order Route. A further document explaining the relevance of the historic maps was submitted, which included the comment "*FoDRoW believes enough evidence is being submitted to justify the claim. Further evidence does exist and may be submitted at a later date*".
11. The Council accepted the application, however as the Supreme Court held at *R (oao Warden and Fellows of Winchester College and anor) [2008] (EWCA Civ 431) (Winchester)*, In Dyson LJ's view "*The application must be accompanied by copies of any documentary evidence which the applicant wishes to adduce. This must*

- mean any documentary evidence, whether it is already available to the authority or not.....The applicant is required to identify and provide copies of all the documentary evidence on which he relies in support of his application”.*
12. Furthermore, Winchester held that *“In my judgement, section 67 (6) requires that, for the purposes of section 67 (3), the application must be made strictly in accordance with paragraph 1. That is not to say that there is no scope for the application of the principle that the law is not concerned with very small things (de minimis non curat lex).....Thus minor departures from paragraph 1 will not invalidate an application. But neither the Tilbury application nor the Fosbury application was accompanied by any copy documents at all, even though it was clear from the face of the applications that both wished to adduce a substantial quantity of documentary evidence in support of their applications. In these circumstances I consider that neither application was made in accordance with paragraph 1.”*
 13. Winchester also confirmed that the ‘relevant moment’, or the date an application is considered valid, is when an application is made in accordance with paragraph 1 of schedule 14 to the 1981 Act. This is crucial in respect of the NERC Act, as the cut-off date for an application to be made under section 67(3) was fixed as the 20 January 2005.
 14. As established in Winchester, at paragraph 38, that *“A purported subsequent waiver of the obligation to accompany the application with copies of documentary evidence..”* which is in essence what the Council did in this case *“...cannot operate to alter the date when the non-qualifying application was made or to treat such an application which was made on a particular date as having been made in accordance with paragraph 1 when it was not.”* Paragraph 38 of Winchester continued *“All a waiver can do, with effect from the date of the waiver, is to permit the decision maker to treat itself as free to determine the application even though it was not made in accordance with paragraph 1.”* Lord Dyson continues at paragraph 42, *“There is no warrant for saying that an application which is in accordance with the first requirement of the paragraph, but not the second or third, is made in accordance with the paragraph.”*
 15. The first question relating to the validity of the application is the Objector’s argument that the extracts provided do not serve to make the application compliant with schedule 14. The concerns are that the extracts may omit qualifying wording which substantially alters the context, meaning and application of passages which superficially convey rights of way. These concerns are also reinforced through the Counsel’s opinion (reference: *In the matter of section 67 of the Natural Environment and Rural Communities Act 2006*) sought by the Objector, dated 26 January 2007.
 16. The legislation requires *“copies of any documentary evidence”*. A ‘copy’ in its ordinary language is *“a thing that is made to look like or be similar to another; something written or typed out again from its original form; one of a number of specimens of the same book or newspaper.”* (Oxford English Dictionary). In this respect I agree with Counsel’s opinion (reference: *In the matter of section 67 of the Natural Environment and Rural Communities Act 2006*), at paragraph 12, that *“Selected extracts, or summaries, or interpretations, of documents are very different from copies, which give the full picture and enable the reader to form his own impressions of the meaning and significance of the document.”* For any

person wishing to object to the application the extracts are difficult to read given the lack of any title, north arrow, scale or date for example.

17. In this regard I am reminded that the omission of 'copies' of the documentary evidence within the initial application cannot be considered as *de minimus* as its purpose is to enable those affected by an application to know the strength of the case they have to meet. The inability to identify a particular location or consider whether a map listed is provided by the applicant would negatively impact on this. This is not to say that enlarged extracts of maps are not useful, however these need to be seen in the context of the entire map so that the holistic treatment of all the highways in an area can be appreciated.
18. As commented by Maurice Kay LJ at paragraph 39 of the Dorset (TRF) Supreme Court judgement case "*the application for a modification order triggers an investigation. It is the start of a process. The natural purpose of the requirement placed on the applicant is to enable the council properly to understand and investigate the claim.*" The Council were fortunate to have access to the relevant maps to assist in this investigation. In any event as Dyson LJ states in Winchester, paragraph 58, "*Even if the Council had copies of all the documentary evidence which they wished to adduce (or the original documents), that fact would not mean the applications were made in accordance with paragraph 1.*"
19. Further documentary evidence was submitted by the applicant in 2006, which further assisted in the interpretation of the evidence. User Evidence Forms were also submitted, which were completed between January – March 2010. Given the applicant's comments that "*Further evidence does exist and may be submitted at a later date*" these submissions cannot be considered as an oversight or that the applicant was unable to obtain them. Indeed, it was at this point in time where the Council assessed the validity of the application and determined it should be rejected on the grounds that the Map accompanying the application was not at the prescribed scale.
20. As set out in paragraph 4 above, the TRF judicially reviewed this decision and in due course the Supreme Court held that the accompanying map was in accordance with the legislation and that the application, could be considered valid. It should be noted that the issue before the Court related to the requirement of the relevant regulations relating to the scale of the application map, rather than any discussion of the wider documentary evidence as set out in paragraph 5 above.
21. I accept that the Council stated in its Committee Report, dated 21 March 2019, that, '*even though the applicant commented that further evidence does exist and may be submitted, if the evidence listed on the application form is supplied with the application and is sufficient on its own to raise a prima facie case that the route should be recorded as a byway open to all traffic this does not prevent the statutory exemption from applying.*'
22. I have taken into account the Council's comments and the judgements referred to in my reasoning above. To my mind it was only at the point when the application was accompanied by all the documentary evidence to which the applicant wished to adduce, including the user evidence forms, which were necessary to evaluate the evidence as a whole, that it was made in accordance with Paragraph 1 of Schedule 14 of the 1981.

23. This finding is crucial with regard to the NERC Act, as the cut-off date for an application to be made under section 67(3) was fixed as the 20 January 2005. This in effect allowed no further opportunity for an applicant to improve his position by submitting further information and limiting pre-emptive applications in the period before the NERC Act came into effect.
24. In reaching this conclusion I acknowledge that the onus of confirming that the application was fully compliant with the provisions of paragraph 1 of schedule 14 lay and remained with the applicant. If there were errors, omissions or flaws in the application at the time it was submitted, the responsibility for those lay with the applicant, rather than the Council.
25. To conclude on this first main issue, I consider that as initially submitted the application, dated 25 September 2004, was not strictly compliant with the requirements of paragraph 1 of Schedule 14 of the 1981 Act due to the omission of evidence from the submission which the applicant was aware of. The application came to be valid following the submission of additional evidence by the applicant and investigations by the Council in 2010.

Whether the documentary evidence discovered demonstrates, on a balance of probabilities that public vehicular rights subsisted over the Order routes such that they could be recorded as BOATs

26. The case in support of the Order is based on both documentary and user evidence. Therefore, I will set out the documentary evidence first and then turn to the user evidence forms. I will then conclude by assessing all the evidence looked at in the round.

Inclosure Awards

27. In general, the Inclosure Maps show how the new enclosed fields were laid out, and who owned them; locations of roads and footpaths, waterways, quarries and major buildings. Whereas the Inclosure Awards include information about owners and tenants; the location and size of each allotment; physical features, roads, hedges, walls, wells and quarries. It should be borne in mind that there was no standard form for Inclosure Maps and each surveyor would have his own methods and style, which could be different from the surveyor in the next village.
28. The Dewlish Inclosure Award and Map of 1819 was made under the Dewlish Inclosure Act of 1815 and were subject to the provisions of the Inclosure Consolidation Act of 1801. However, the Map shows that the area of land through which the order route passes was not subject to enclosure.
29. The Dewlish Inclosure Map shows a double broken parallel line in black (marked 'from Piddle Hinton' and ending at a point noted as 'Chebbard Gate') which broadly follows the Order Route between points D and E. The line is not shaded or in a different colour to that of the base Map, neither is a width measurement shown. At Point E the route joins a brown coloured, double solid parallel line titled 'No' 1'. I acknowledge that the annotation of the route does show that there was probably public use of it to get to and from a location. However, similar tracks are shown without any annotation and as such I am unable to establish what public rights exist.

30. The Cheselbourne Inclosure Award and Map of 1844 was made under the General Inclosure Act 1836. The Map depicts a number of public carriageways highlighted in a brown colour (a darker colour than the background map). A double solid parallel line is shown from point A on the Order Map to Higher Cheppard Gate (point D on the Order Map), shaded brown, these are numbered No'6 and No'7 on the Inclosure Map. A double solid parallel line then appears to follow the alignment of Bridleway (BR) 8 in a northerly direction. No route is shown between Order route points D and E; however, I note that this marks the Parish boundary.
31. The applicant states that the Inclosure Award comments, at Order Route point D, that the public carriage road 'enters the parish of Dewlish' and the only direction it could continue was between points D – E. It is further submitted that the Piddlehinton and Piddletrenthide Inclosure Award Maps confirm the continuation of the route towards Blandford. I have some sympathy with this argument as such a route would be unlikely to be a cul-de-sac. Nonetheless, a track does continue on what is now BR18, which then joins an existing highway which returns to Dewlish.
32. I do not have a copy of the Inclosure Award before me, however the Council comments that the Award states that these carriageways (No'6 and No'7) were awarded widths of 30 feet, the minimum required under the Inclosure Act 1836. The Council has discovered no evidence to indicate that any public rights over these routes have since been extinguished or diverted.
33. The Council has provided written evidence of the Piddlehinton Inclosure Award and Map of 1835. Copies of these documents are not before me; however, I note the Council's comment that the Award does not provide any evidence that indicates the existence or status of the Order route.
34. The Inclosure Maps and Awards were the only relevant documentary evidence submitted by the applicant with the 2004 application. The Council states that these documents are sufficient, by themselves, to establish that vehicular rights exist. I disagree. I was interested to note the difference in the shading of parts of the claimed route shown on the Inclosure Maps, namely sections A-D as shaded with a recorded width, and D-E unshaded dotted line, with no width recorded. Other routes shown in brown also correspond with current public highways on the ground, however, I also saw on the Cheselbourne Map that a brown shaded route was known as a 'private halter path' which can mean a bridleway or a route for leading horses and cattle rather than a carriageway.
35. Accordingly, the Inclosure Map and Award evidence shows the existence of a significant through route and, on balance, the existence of the Order route from at least 1819. However, on its own it is insufficient to demonstrate the existence of a public vehicular highway. This evidence needs to be considered with all other available evidence.

Tithe Maps and Apportionment

36. Tithe documents were compiled to identify titheable land not to establish or record public rights of way. The Council suggests that the Dewlish Tithe Map, dated 1845, shows a route that corresponds with the Order Map between points D and E. From point D the Tithe Map shows a route, marked 'from Piddlehinton'. This would suggest some commonality between the Tithe Map and the Inclosure Maps. No apportionment details have been submitted.

37. Chelselbourne Tithe Map, dated 1840, shows a number of tracks depicted by a double black dotted line. A section of these tracks broadly follows the Order Route from A-D, however they do appear to be located slightly north of the Order Route alignment. No apportionment details have been submitted.

The Finance Act

38. The Finance Act Maps, dated 1912, were prepared following the introduction of the Finance Act 1910 which led to every property in England and Wales to be valued. There was a complex system for calculating the 'assessable site value' of land, which allowed for deductions. In this respect public vehicular roads were usually excluded as the land was held by a rating authority. Of relevance here is that the Highway Authority was a rating authority.
39. The maps do not appear to show the Order Route or other existing rights of way as left uncoloured, which is the usual system. However, I do note that the existing public rights of way are shown in red on the plan and the Order Route is shown in red in its entirety. It maybe that the 'red' lines were added after the map was drawn, particularly as the Council states that the accompanying valuation books do not show any deductions for rights of way. This is significant as it would have been in the interest of the owner(s) of the land to confirm a public highway and thus not taxable.

Ordnance Survey (OS) Maps

40. OS maps dated 1887, 1902, 1903, 1906, 1913, 1919 and 1945 show the Order route. These depict sections of the route differently. In particular the 1887 Map shows most of the Order Route as a double line, in the form of a walled or fenced lane, however, the western end of the route is depicted as a double dashed line in the form of a track. The 1906 Map shows the Order Route as an 'un-metalled road', whereas the 1913 Map shows it as an 'other road' and track.
41. The 1919 OS Map is a road map of Yeovil and Blandford at a scale of 1 inch to 1 mile, this shows the Order Route between A – C as a 'minor road - unfenced', between points C – E as a 'minor road – fenced'. However, I note that the map key mentions that private roads are uncoloured, as is the case here.
42. These OS documents provide a reliable indication of the existence of the Order route at the time they were prepared. However, they do not in my view indicate the status of the route.

Early published maps and commercial mapping

43. Taylor's Map of Dorsetshire 1765 and the Greenwood's Map 1826 are useful given that they are pre-Inclosure records. The maps depict a dotted black line / two broken parallel lines broadly running in a similar direction to the Order Route, albeit slightly to the north.
44. Bladen Estate Map 1928 appears to show a length of track, coloured orange, in a similar position to the Order Route between points D – E. The key points to this track being a Road 2nd Class.
45. The Ilchester Farm Sketch (undated), the Ilchester Estate Manor Map (undated) and the Ilchester Estate Map 1847 all appear to show a feature similar to the Order Route between points D – E. These Maps also show other tracks/roads that are

now acknowledged as public highways. In particular, the Farm Sketch notes the Order Route as the 'road to Piddlehinton'.

Parish Survey and Definitive Map and Statement

46. As part of the preparation of the First Definitive Maps, the National Parks and Access to the Countryside Act 1949 required Parish Council's to produce a map showing all the ways they regarded as public and wished to claim. Cheselbourne and Dewlish Parish Councils submitted Maps in 1951, which included a claim for a right of way between Order Points A - E. Cheselbourne Parish Council stated that section A – D was a public carriageway. Whereas Dewlish Parish Council stated that section D – E was a public bridleway.
47. The Order route was included on the Draft Definitive Map published in 1959 and the subsequent First Definitive Map in 1967 as a bridleway. It remained as a bridleway on all subsequent reviews, recorded as BR8, between Order Points A – C, and BR18, between Order Points D - E.
48. The Special Review of the Definitive Map and Statement (as a result of the Countryside Act 1968) received three objections to the Order Route being shown as a bridleway. The objections stated that the route should be a BOAT. One of these objections was a memorandum (dated 24 January 1977) from the County Council's Divisional Surveyor stating that the bridleway recorded as BR18 should be recorded as a BOAT. Nevertheless, the Special Review Committee determined that as there was no evidence of public use it should remain as a bridleway.

Other records

49. The Council referred to a number of other records, such as aerial photographs and highway records. However, these documents are not before me to confirm whether they add any weight to my considerations in regard to this Order.
50. An Objector commented that the conveyances, dated 29 September 1927 and 8 May 1978, for the sale of Chebbard Farm included the sale of a roadway, which is stated to be between points C – E. The use of this roadway was solely for agricultural vehicles. Nevertheless, I agree with the Council that such private rights do not affect any public rights that may also exist.

Conclusions on the documentary evidence

51. In assessing the documentary evidence, it is clear that there is consistency with which the Order route is shown on the various maps. However, much of the evidence does not detail the status of the way.
52. The role played by Cheselbourne Parish Council in the preparation of the Definitive Map for of the area is of particular importance. It is evident that even before the publication of the First Definitive Map the Parish Council considered the Order route (within its parish area) to be a BOAT, but this was erroneously disregarded due to lack of public use.
53. Taken individually, none of the individual documents submitted are in themselves conclusive. However, It's the difference between the cumulative weight of several items of evidence together against the synergy (co-ordination rather than repetition) of evidence. Accordingly, the documentary evidence builds a strong picture of the

Order route consistently being shown in the same way as other routes that are presently in use as public roads. I find this evidence to be persuasive.

Evidence of Users

54. Section 31 of the Highways Act 1980 does not specify the minimum number of users required to raise a presumption of dedication; however, it does require that their use must have been for a minimum period of 20 years from the date the right to use the route was brought into question.
55. Furthermore, dedication of a way may also be inferred at common law where it can be demonstrated that at some time in the past the landowner dedicated the way to the public, either expressly - the evidence of the dedication having been lost, or impliedly - by making no objection to the use of the way by the public.
56. It is my view that the status of the Order route was brought into question in 2004, when the application was initially submitted. As such the relevant 20-year period which would raise a presumption that the route has been dedicated as a BOAT in accordance with the provisions of the 1980 Act runs from 1984 to 2004 in this case.
57. The application was supported by 18 User Evidence Forms (UEFs), submitted to the Council in 2010. People described their use of the Order Route from the 1970s onwards primarily on motorcycles. The majority of the use was between 1986 – 2004. Of the submitted UEFs a maximum of 15 people used it within the relevant period.
58. Use of the route varied between once or twice a year and up to 20-25 times a year. Users generally stated that they had not met with any obstructions, had not seen signs restricting use, had not been challenged and had not received permission.
59. All of the witnesses mention meeting or seeing other users of the way either on foot or on motorcycles, but there were also references to other users on bicycle or on horseback. Given the level of use, the UEFs stated that the landowner(s) must have been aware of the way being used by motorcycles.
60. There is no clear evidence of a challenge to the public use of the way with vehicles prior to the application being made. Some of the representations, including those from landowners and the parish councils state that they were not aware of any use by motor vehicles. Moreover, they say that others would have or were told to challenge any public use they knew about. Only 1 Objector stated that their mother had stopped a group of motorcyclists from using the route in 2010. These statements absent any direct evidence about challenging users are not considered sufficient to outweigh the evidence from the users.
61. In considering the common law test, there is no evidence that the owner of the land did not have the capacity to dedicate the way as a vehicular highway over the length of path for which user evidence has been submitted.

Conclusions on the User Evidence

62. In light of the above, this number and frequency of use raises a presumed dedication of a byway open to all traffic under section 31 of the Highways Act 1980 and also at common law.

The Natural Environment and Rural Communities Act 2006 (NERC)

63. If confirmed, the Order would record the route in question as a byway open to all traffic. The definition of a byway open to all traffic is “*a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used*”. On the basis of the evidence presented in this case I am satisfied that the Order route meets this test.
64. Section 67(1) of NERC provides that an existing public right of way for mechanically propelled vehicles is extinguished, subject to subsections (2) to (8). However, Section 67(3)(a) indicates that Subsection 1 does not apply to an existing public right of way over a way if, before the relevant date, an application was made under section 53(5) of the 1981 Act for an order making modifications to the definitive map and statement so as to show a byway open to all traffic. The relevant date is stated at Section 67(4) of the 2006 Act as being 20 January 2005, and Section 67(6) indicates that the application must be in accordance with paragraph 1 of Schedule 14 of the 1981 Act.
65. The application was made on 25 September 2004 but, given my reasoning above did not become valid, in accordance with paragraph 1 of Schedule 14 of the 1981 Act, including the submission of documentary evidence until 2010 and therefore after the relevant date for the purposes of Section 67(4) of the 2006 Act.
66. Accordingly, the exemption at Section 67(3)(a) of the 2006 Act does not apply in this case.

Other Matters

67. Objections were received from many of the landowners and local residents in the vicinity of the claimed route. Concerns were expressed regarding the impact use of the BOAT would have on growing crops, biosecurity, security of equipment and machinery being used, health and safety of users and how vehicular users would negotiate the deeply rutted track.
68. Whilst I acknowledge these concerns, the definitive map process under section 53 of the 1981 Act is concerned with recording those public rights which are shown to subsist, not about recording those rights which may be desirable or preferable. The matters raised are not ones which I can take into account in reaching my decision.
69. Although some Objectors asserted that the Order route was not a public right of way or of higher status than a bridleway, no evidence to substantiate that assertion was submitted.

Conclusions

70. The documentary and user evidence adduced provides a persuasive case for the existence of public vehicular rights over the claimed route. In the absence of any evidence to show that the public carriageway rights over the route have been formally stopped up the rights remain in existence.
71. However, as a consequence of my findings above in relation to the NERC Act, public vehicular rights have been extinguished and the Order route should be recorded as a Restricted Byway, that is a right of way on foot, on horseback, and with non-mechanically propelled vehicles.

72. Having had regard to these and all other matters raised in the written representations, I conclude that the Order should be confirmed with modifications.

Formal Decision

73. I propose to confirm the Order subject to the following modifications:

On the Order map

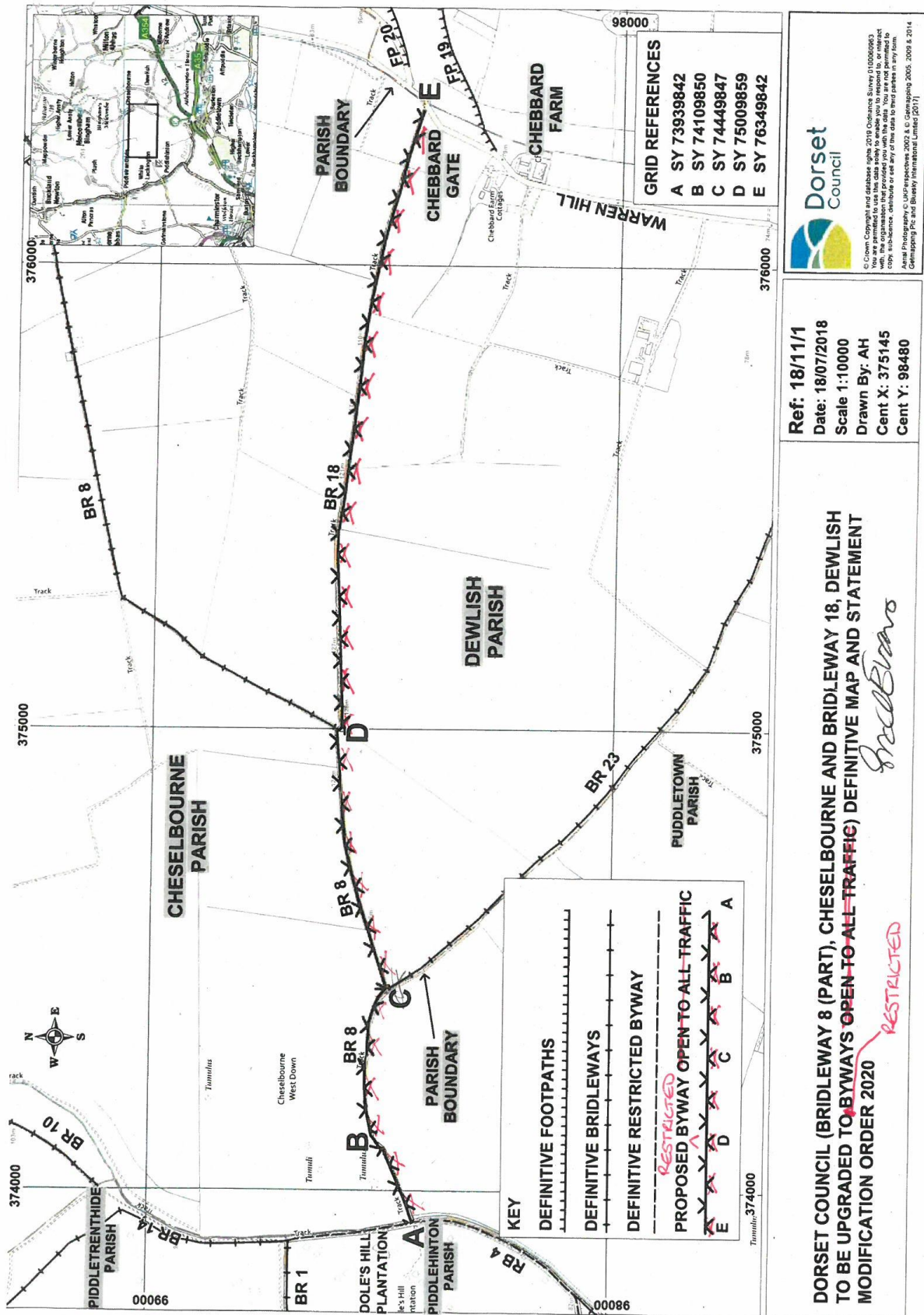
- Amend the notation used to depict section A -E so as to indicate “Restricted By-way to be added”.

In the Order schedule

- In Part I delete “To be numbered Byway 18, Dewlish” and substitute “To be numbered Restricted Byway 18, Dewlish”.
 - In Part I delete “To be numbered Byway 28, Cheselbourne” and substitute “To be numbered Restricted Byway 28, Cheselbourne”.
 - In Part II delete “Byway Open to All Traffic, 18, Dewlish” and substitute “Restricted Byway, 18, Dewlish”.
74. Since the confirmed Order would show as a highway of one description a way which is shown as a highway of another description in the Order as submitted, Paragraph 8 (2) of Schedule 15 to the Wildlife and Countryside Act 1981 requires that notice shall be given of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

J Burston

INSPECTOR



Dorset Council

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Drawn By: AH
Cent X: 375145
Cent Y: 98480

DORSET COUNCIL (BRIDLEWAY 8 (PART), CHESELBOURNE AND BRIDLEWAY 18, DEWLISH TO BE UPGRADED TO BYWAYS OPEN TO ALL TRAFFIC) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

Shall Brown

RESTRICTED