

**ROW/3350303 & ROW/3350304 Dorset Council (Part of  
Bridleway 80, Beaminster at Chantry Farm) Public Path  
Diversion Order 2023 & Dorset Council (Part of Footpath 79  
Beaminster at Chantry Farm) Public Path Extinguishment  
Order 2023**

**Order Making Authority's (OMA) response to statements of  
case received.**

Mark Oppe's SOC - objection

**The OMA has numbered the pages of Mr Oppe's SOC for ease of  
reference.**

**Page 2 – various references to BR80 as a 'Holloway'.**

The OMA acknowledges the importance of Holloways and the public enjoyment that may be derived from walking/cycling/riding along them but there is some uncertainty about the status of BR80 as a Holloway. In addition, there are concerns that the works needed to reinstate BR80 as a usable bridleway would damage natural features and risk disturbing the current flora and fauna.

As discussed in the Committee Report (Appendix 3 to the OMA's SOC) 4.40 – 4.45, Dorset Council's Senior Archaeologist's view is that although the upper part of the bridleway, F – E, appears to be a Holloway, the route is much less distinct as it continues south from E. They also state that the amount of work needed to open up the route is such that it would be in danger of having a detrimental effect on the historic fabric and impinge on the integrity of the monument.

The OMA notes Mr Oppe's comparison with the Holloways known as Hells Lane and Shutes Lane in Symondsburry. The Council agrees that these Holloways do attract many visitors to Symondsburry each year due to their reputation as excellent examples of ancient sunken lanes. These Holloways are however very different to the current bridleway and it is unlikely that it would attract the same level of visitors if reopened.

**Page 2 – 3 – paragraphs numbered 2.4 to 2.6**

***'2.4. This section has been obstructed, without legal authority, by vegetation and barbed wire for some time.***

***- See Photo 1 taken 24.02.2023 point F: photo 2, 07.06.2023 point C: photo 3, 08.09.2023 point E: photo 4, 30.10.2025 point D***

***2.5. I first brought this to the attention of Dorset Council on 23/01/2022 Dorset Council reference MT55067. Previous reports under Dorset Council reference***

***MNT 54100 on 30/09/2021 and subsequent reports including MNT60133 on 12/06/2023 also report the obstructions. There has been no meaningful action to resolve the obstructions so the public can use and enjoy the route.***

***2.6. Reluctantly, I also served Form 1 “ notice of request to a local authority to secure the removal of an obstruction from a highway “ on Dorset Council on 25/07/2023. Dorset Council firstly claimed to have mislaid the documents and subsequently when shown proof of delivery stated that they would not carry out any action to remove the obstructions from B80 as there was an Application to divert and extinguish the public right of way. Consequently the right of way is still obstructed and has further deteriorated so that additional costs are required to rehabilitate.’***

The OMA does not require landowners to make available obstructed public rights of way when there is an active application to divert or extinguish the routes and there is no legal requirement to do so. Applicants are expected to make the current route available if it is possible to do so, whilst the application is being processed, for example if a gate is locked. However, this is not always reasonable (particularly with PROW that have been obstructed for many years) due to the amount of work required to make the path available.

There is no evidence that the bridleway has ever been in a usable condition since it was claimed by the parish council in 1951 (see committee report 4.25 -4.33. Its reinstatement would require major works (see committee report 4.34 4.35). Dorset Council’s stance is therefore that it would be unreasonable for a landowner or DC to use resources to open a route that may be diverted in the near future.

### ***Page 3***

***‘5.7 Significantly fewer objections were received to the revised proposals (5 compared with 27 to the first consultation)***

***1. This is because most objectors considered that their primary objections would carry onto the revised proposals’***

Several of the objections to the first pre-order consultation were made on the grounds that access to the riverside path (O - Q on the Order plan) would be lost. See Committee Report - Appendix 3 to DC’s SOC paragraph 3.3. It appears that O – Q was being walked in preference to the definitive route of Footpath 79 Q – A. The Council believes that the concerns raised were addressed by the revised proposal which includes O – Q in the diversion of BR80. There is no evidence that “most objectors considered that their primary objections would carry onto the revised proposals”.

**5.8 Comment on supporting comments 6 July – 18 July**

**‘1) . Comments that reference a preference for not walking through the farmyard are not relevant as there is no opposition to the diversion around the farmyard.’**

Objections to the diversion implicitly oppose the diversion around the farmyard as the current route C - D - E- F would be diverted G - H - I - J - P - O - Q - B - M - N - F which means that bridleway users would no longer use Chantry Lane from G to C and hence not through the farmyard.

**‘4) Comments that reference the ecology of the Holloway are not relevant as the landowner has now introduced game birds, invasive species, which are harmful to native species, to the environment. The Holloway has its own ecosystem which will only be protected by removing the obstructions, rehabilitation and subsequent regular use.’**

The OMA understands that the applicant keeps guinea fowl as a means of pest control. The Applicant has addressed this further in his statement of case.

6)

No source is given for the statement that 3% of the population ride. If Mr Oppe is suggesting that horseriders are a small percentage of bridleway users this does not support his contention that the bridleway will be difficult to use if shared with horses.

The diversion has been in use on a permissive basis for several years. The OMA is not aware of any problems with shared use of the permissive route (which is the proposed new bridleway). The OMA believes that issues with sharing the bridleway would be more likely along the current bridleway which is enclosed with deep mud and with running water in places, than the proposed route which is unfenced and on firmer ground.

**‘I refer to my comments 16th March 2023 and the suggestion that B80 is rehabilitated to Footpath standards so walkers can use and enjoy it’s historic and ecological features. F79 could then be upgraded to Bridleway standards which would appear to meet the support of these letters submitted in July 2023. Walkers, the clear majority would then have the option of using and enjoying a path not churned up by horses.**

**Dorset Council and the landowner have not commented on or considered this solution which, though more costly than the extinguishment of the Holloway, would almost certainly be less costly than rehabilitating the Holloway to**

***Bridleway standards, the present lawful status and, I believe, the lawful solution.***

***I would ask the Secretary of State to consider this compromise which I believe would satisfy all objections and supporters of the Application.'***

The OMA has made Orders to divert BR80 and extinguish part of FP79. It is beyond the Inspector's powers to amend orders to this extent.

## **Page 5**

***'3. There is considerable evidence that less agile walkers will not use this route in muddy conditions, it is incorrect for Dorset Council to state otherwise'.***

The OMA is not aware of any evidence to support the statement that 'less agile walkers will not use the route in muddy conditions'. The permissive path has been available to the public for some time and although it is agreed that part of the route can become muddy, the Council has not received any complaints relating to this. The proposed new route is considered far more accessible than the current definitive route.

## **Page 7**

### **Interest of the landowner (6.1.3 (1))**

The Applicant has responded directly on the points regarding flood management in his statement of case.

The diversion order was made in the interests of the landowner. The extinguishment was made on the basis that it is not needed for public use, by virtue of the route of the new diversion.

## **Pages 7-8**

***'The extinguishment of the Holloway will be a great loss to the enjoyment of the public and residents of Beaminster, due to its historic, ecological, educational and recreational value.***

***The primary reason for this Application is shown in a email exchange between the landowner and Carol McKay of Dorset Council 14th July 2022. This exchange can be viewed at Dorset Council offices in Dorchester. The landowner asks " Please can I ask for clarity; does " diversion " mean that there will no longer be a bridleway or public access between points C-E."***

***15th July 2022 Carol McKay replies to " Hi Many Thanks for confirming. Yes,***

***that is right, the bridleway will effectively be extinguished.”***

***responds 15th July 2022. “ Perfect V Happy to proceed as you have suggested  
“***

**- See Doc 4 - Email exchange 14.07.22**

This email exchange clarified the overall effect of the diversion order, i.e. that it would, in practical terms, extinguish part of the bridleway.

A diversion order under Section 119 of the Highways Act, extinguishes the current route and creates a new route as the Order effectively stops up part of Bridleway 80 and creates a new route.

**Page 9**

**Conclusion**

**2) BR80 not considered easy to use for less mobile.**

See Hazlehurst comments page 9 (14d).

## **OMA's Comments on Statements made in Support:**

### **Ramblers**

The Ramblers support Dorset Council's ('DC') view that the orders should be confirmed as they believe the diversion to be safer and more enjoyable, and the extinguishment to be a practical option. The Diversion Order avoids the need to reinstate the bridleway which would necessitate removal of vegetation including trees, and therefore loss of habitat which concurs with DC's opinion on reinstatement of the current BR.

Appendix A illustrates the narrow and deep topography of the current route of BR80 at points U and Z, supporting DC's view that the current bridleway would not be suitable if reinstated.

Appendix C gives examples of local Holloways and suggests that BR80 may not be a Holloway, but instead shows characteristics of a lane between two hedgebanks.

Appendix D suggests that although claimed as a BR there is weak evidence that the BR80 should have bridleway status.

**Binny Matthews**

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers.

"In my experience, the existing footpath and bridleway are extremely difficult to use....[I] would be very unlikely to use it even if it were reopened"

### Martha Loewy

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers, and that opening the current bridleway would be counter productive as it has become a natural highway for wildlife

"[the new path] has my full support because it is so much more accessible to all; quieter, peaceful, wider, flatter, prettier, drier and firmer under foot with lovely views through the woodland and stream."

### Kerry Noel

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers and there would be no problems sharing the route with horseriders.

"encounter with horses and other walkers have never posed any difficulty".

### Liz Davenport

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers, and that opening the current bridleway would be detrimental to wildlife.

"In my opinion, repairing the route for use would unnecessarily disturb and destroy this lovely sanctuary for no good reason when the proposed path is so much better in every way."

### Hesther King

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers.

"I use the local paths frequently and would very much welcome a route that is easier, safer and more pleasant to walk."

### Rufus Martin

Supports DC's view that the proposed new BR route is safer and more enjoyable for walkers and there would be no problems sharing the route with horseriders.

“Sharing this route with horse riders has not presented any difficulty during this time, owing to its width, visibility and firm surface”

### Dr Sam Rose – West Dorset Wilding

Supports DC’s view that the proposed new BR route is safer and more enjoyable for the public, and confirms the views that opening the bridleway would be detrimental to wildlife and that there would be no problems sharing the route with horseriders.

“The alternative route aligns strongly with the aims of the Brit Valley Project to balance farming, wildlife, conservation, and public access.”

### Bob Grave

Supports DC’s view that the proposed new BR route is safer and more enjoyable for horseriders and confirms the views that opening the bridleway would be detrimental to wildlife.

“Riding through the alternative route I would happily recommend to the Riding for the Disabled who I host at my stables. The ground is well drained, stable under foot with good visibility and plenty of light coming through the trees”

### Alice Wilson

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers and horseriders

“In every respect, the permissive path is more convenient, more enjoyable and far more likely to be used by the public. “

### Name withheld

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers, and that opening the current bridleway would be detrimental to wildlife

“If the bridleway is cleared and made safe, then all the wildlife will be cleared out too.”

### Robbie & Kelly Roskell

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers.

“We have used the revised permissive route in recent times and found it very pleasant.”

### Rowan Galvin-Wright

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers.

“[the current bridleway] simply no longer exists, it is a collapsed water gully and has been for decades.”

### Alex and Louise Pole

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers.

“The proposed “new” route has been proven to work over the last 18 months, it is a beautiful and peaceful.”

### Duncan Campbell

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers, and that sharing the route with horseriders is not perceived as a problem.

“Sharing this path with horses has never cause any difficulty because of its width and firm surface”

### Richard Pinney

Supports DC’s view that the proposed new BR route is safer and more enjoyable for walkers and horseriders and that opening the BR up would damage its ancient quality.

“The new proposals not only make the route up the hill safer and more usable for more people, it also saves the historic paths from having the required improvements imposed to bring them up to the standard required for public safety”

### Stuart Hayball

Farmer

Cites several health and safety concerns resulting from the current location of the footpath and bridleway which allow the public to walk . ride though the farmyard.

“Supporting the new pathway is common sense, and would help to minimise all these risks, as well as help to ensure the safety of both us as farmers and our animals, as well as members of the public and their animals, without compromising on the route, and improving the scenery, and enjoyment for the public using it.”

## Spencer Skinner

Walker and rider

“I can’t see any rider or walker wanting to use [the current bridleway] in preference to the permissive path we’ve enjoyed for family walks with dogs and occasional rides for the last 18 months or so - it is sunken, dark, with difficult access and potentially dangerous for riders, particularly youngers, if having to pass dog walkers in there”

## Oliver Hugh-Jones

“As someone who has worked at Chantry Farm for the past eighteen months and uses the paths daily as a dog walker, I believe the proposed route would be beneficial to all involved.”

“My company has carried out work on the water supply and discovered several land drains and natural springs along that section which cannot realistically be moved. These make the ground saturated and in places almost impassable (we have photos which we are happy to supply on request), and this is also where the main stop-cock sits for six houses. I would not choose to walk this route, and I doubt many others would either, given the constant mud, bogs, and tight sections with no views.”

“I am very comfortable sharing this path with riders, as there has been no negative impact on the ground despite regular use. The route is also more accessible for those with reduced mobility, due to its gentle gradient and firm surface.”

## James Bramble

“I would not choose to use the old bridleway even if reopened, due to its condition, safety concerns and lack of enjoyment. I would not use the current footpath below Point P when wet, as it is often impassable. I would continue using the new diverted route, and so would my family and visiting friends, as it is the best, safest and most pleasant option.”