

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

DORSET COUNCIL (PART OF BRIDLEWAY 80, BEAMINSTER AT CHANTRY FARM)

PUBLIC PATH DIVERSION ORDER 2023

AND

DORSET COUNCIL (PART OF FOOTPATH 79, BEAMINSTER AT CHANTRY FARM)

PUBLIC PATH EXTINGUISHMENT ORDER 2023

Comments on representations and statements of case 11th March 2026

1. Statement of Common Ground

There is no objection to the diversion and new route of both the Bridleway B80 and Footpath F79 around the farmyard G - H - J - K - P - O, providing that the route then joins existing B80 adjacent to point O (shown in red as X - see Document 5) and B80 is unobstructed and rehabilitated from that point to Point F, at least to footpath standards. F79 could then be upgraded to bridleway standards which would satisfy horse riders and mountain bikers. This would also separate walkers from livestock.

There is no objection to the southern point of entry of B80 being moved from Point C to red X. providing that the route then joins existing B80 adjacent to point O (shown in red as X) and B80 is reopened and rehabilitated from that point to Point F.

There is no objection to the existing Highway D11211 being closed from Point G - Point C, providing that the route B80 and F79 then joins existing B80 adjacent to point O (shown in red as X) and B80 is reopened and rehabilitated from that point to Point F.

This is not a new suggestion but was made at a site meeting with the landowner and Dorset Council Greenspace Team in February 2023; in my submission to the second consultation P266 16th March 2023 (see Document 8) and to the Strategic and Technical Planning Committee 26th

July 2023.

If this compromise which would satisfy the concerns of the public, landowner and his tenants regarding the security and safety within the farmyard and the legal obligations of the landowner and Dorset Council to maintain rights of way for the use and enjoyment of the public, had been considered and agreed, the time and costs of both public and private resources would have been saved and could have been used for the rehabilitation of B80 and upgrade of F79.

Comments supporting the Application because of concerns to safety and security of the public and landowner and their tenants walking through the farmyard are not relevant.

See Document list -

Document 5 - Map

Document 6 - link to Committee

<https://www.youtube.com/watch?v=auuwXoaON4A>

The relevant section commences at 2 minutes 54 seconds.

Document 8 - 16th March 2023 submission

2. **Strategic and Technical Planning Committee 26th July 2023**

See Doc 6 - link to Committee

<https://www.youtube.com/watch?v=auuwXoaON4A>

Commencing 2 minutes 54 seconds

Although the committee voted to support the Application, the Councillors acknowledge that they are not, understandably given their professional backgrounds and time constraints, conversant with the legalisation regarding Rights of Way. The Councillors agree that Dorset Council has a legal obligation to maintain rights of way and keep them free of obstruction, which clearly hasn't been the case with B80. Notwithstanding this, they vote on the basis that " we are where we are ", which to my mind is not a

reason in law. I hope that PINS with their legal expertise, knowledge and time to consider the evidence will carefully look at the legal implications as well as the impact that approving this Application will have on public enjoyment of the route and the future consequences should landowners and Councils obstruct routes without lawful authority. It is not enough to only consider the Committee Report, which is written by the OMA, but to also look at the presentations and Councillors' reasoning in voting for the Application.

3. Convenience to the Public and Effect on Public Enjoyment

Both the footpath and the bridleway heading north from points A and C, are seriously suboptimal regarding i) landowner and tenant security, safety, privacy, efficient and safe commercial farming activity; ii) public enjoyment, convenience, safety and accessibility, and iii) the environmental and biodiversity conditions

This is because the Footpath and Bridleway have been obstructed, without lawful authority, by barbed wire and vegetation. If maintained and the section around the farmyard redirected, there would be no issues of

- i) landowner and tenant security, safety, privacy, efficient and safe commercial farming activity;
- ii) public enjoyment, convenience, safety and accessibility would be significantly improved
- iii) the environment and biodiversity would also benefit from maintained public rights of way

If the Footpath and Bridleway were passable and maintained, the walking public would enjoy the views, diverse flora and fauna, safety and historic significance of the route without the inconvenience and loss of enjoyment of sharing it with horse riders, bicyclists and livestock. The local hunt tried to use B80, as it is marked on the OS and Definitive Map: as it is obstructed by barbed wire and vegetation, the hunt proceeded down F79. Fortunately no pedestrians were injured but part of the route was nearly impassable for some time subsequently, as the horses had churned up the muddy ground. If the Application is successful, there will be a substantial increase in traffic from horse riders and mountain bikers, who have previously not had access to the Bridleway, as it is obstructed. Although some but not all walkers, with or without children, and dog walkers are accustomed to sharing public routes with livestock, it is unnecessarily inconvenient when there is an alternative Right of Way, should it be unobstructed and useable by the public. There are other walkers who will not walk when livestock, especially cattle, are

present. It would also benefit the owner of the livestock to be separated from walkers as illustrated in comments by the landowner and their farming tenants.

See photos 6 and 7 showing maintained hedgerows on W43/1 and W43/3 Stoke Abbott

With the present condition, due to obstruction, of B80 and F79 it is impossible for the public to make an informed comparison as to the Convenience and Public Enjoyment. When the routes are rehabilitated and maintained, the public can then make an informed choice as to enjoyment and convenience. Our network of public access to the countryside would soon be substantially reduced, if it was lawful for landowners and Councils for their convenience, to obstruct a right of way, ignore requests to maintain it and then subsequently apply to extinguish it, because it was impassable.

4. Environmental and Educational Benefits

The alternative route aligns strongly with the aims of the Brit Valley Project to balance farming, wildlife conservation, and public access. It offers opportunities for:

- *Interpretation of complex habitat management*
- *Engagement with landscape-scale nature restoration*
- *Improved public understanding of responsible dog ownership in grazing areas*

Other local rights of way have been maintained by landowners. The hedgerows Footpath W43/1 and Bridleway W43/3 in Stoke Abbott, a similar environment and right of way to F79 and B80, approximately 3,000m west of Chantry Farm have been rehabilitated and provides a most attractive walk with views, good habitat management and engagement with nature restoration.

See photos 6,7 and 8 - showing maintained hedgerows on W43/1 and W43/3 Stoke Abbott

Rehabilitating B80 would perfectly align with the aims of the Brit Valley Project. Whereas extinguishing the route will result in the permanent loss of the opportunity to demonstrate: interpretation of complex habitat management, engagement with landscape-scale nature

restoration and improved public understanding of responsible dog ownership in grazing areas.

A continuation of B80 north of Beaminster Down forms part of the Monarch's Way, the historic 625 mile walk following the escape route of Charles 11 after the battle of Worcester in 1651. This section has been maintained and is a delightful walk providing diverse environments and flora and fauna.

- see photo 15 from Appendix Statement of Case taken 02.06.2025 B80 north of Beaminster Down

- see photo 13 of orchid in B80 north of Beaminster Down

Dormouse

Ecological evidence demonstrates that dormouse populations thrive in managed hedgerows with their ample supply food supply and safe nesting places. Hedgerows with bramble or rose margins are especially good at meeting these needs. The method of laying down hedges in West Dorset and East Devon can provide particularly good habitats because the banks offer safe and secure sites for winter nesting. Although any hedge is better than none, at least for dispersing dormice, a thriving population of dormice needs an ample food supply together with safe nesting places.

We have offered to write an information sheet for Beaminster Council and module for Beaminster School on the history, ecology and recreational value of holloways, historic routes and public rights of way.

Hell and Shute's Lanes in Symondsburry are now world famous attractions, providing much needed revenue for Symondsburry Estate. If B80 is diverted and F79 extinguished, the public will be trespassing should they wish to use and enjoy the route and Beaminster will lose an attractive tourist destination.

With the present obstructed and unmaintained condition of B80 and F79, it is impossible to establish the Environmental and Educational benefits. It is only after the unlawful obstructions have been removed and B80 is rehabilitated that the full benefits to Beaminster and the public will be realised.

See photos 6,7 and 8

See Document 7 - BBC Radio Open Country - Hedgerow havens

5. Drainage

Although sympathetic to concerns of flooding, the landowner must have known about these conditions prior to purchasing Chantry Farm. Like most properties in our valley, we also have concerns regarding flooding on the rights of way outside our property which can occur after persistent and heavy rain. We manage this, not by applying to divert and extinguish the right of way, but by putting in appropriate drainage and a consensual approach to flood protection with our neighbours and adjacent landowners.

Evidently, obstructing B80 has not resulted in an improvement to the drainage and a lessening of the risk of flooding. If B80 was unobstructed and maintained, the causes of the potential flooding risk could be better evaluated and a lasting solution reached without extinguishing the route.

6. Conclusion

For the reasons given, the Application supports the convenience and benefit of the landowner over that of the public. Sympathetic rehabilitation and maintenance would enable the public to use and enjoy the rights of way which is of educational, historical, recreational and ecological importance. Diversion of B80 and extinguishment of part of F79 will result in the public trespassing should they wish to use and enjoy this historic route which is on the Definitive Map. The landowner will still be able to use the route for their own, their friends' and their holiday / therapy customers' benefit but the public will be excluded.

Should PINS approve the Application, our public rights of way network could be seriously compromised by landowners and Councils obstructing rights of way, without lawful authority;

ignoring concerns from the public that the right of way is obstructed; allowing it to deteriorate through lack of use and then applying to extinguish it on the basis that it is obstructed and thus not needed for the public to use and enjoy.

I request that PINS reject the Application as it stands and consider the variation.

The landowner and OMA divert F79 and B80 around the farmyard. The landowner and Council remove the obstructions and rehabilitate B80 to footpath standards and upgrade part of F79 to bridleway standards, so that the public can use and enjoy the route.

This variation would then meet the legal tests; fully address the landowner, their tenants and the public's security and safety concerns; would reopen the route for horse riders and mountain bikers without compromising the safety and enjoyment of walkers; and would align with the aims of the Brit Valley Project and Dorset Council's RoWIP.