

**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**

History: The history of what is now known as Bridleway 18 is well recorded. Prior to WW2 it was simply a muddy farm path running from Frying Pan (the last house in the northern part of Mill Lane) down to Mill House and Seatown. It was gated shortly before Mill House. From Frying Pan to Mill House there were no other buildings, caravan parks, etc., it was simply open fields. The owner was the Weld Estate. During WWII it was taken over by The Ministry of Defence and a concrete track created over the footpath in order to collect shingle from the beach towards the war effort. The Defence Estates state that the path was handed back to the original owner after the war. In the 1953 Sale of 'Parts of the Chideock Estate' on behalf of the Weld family many 'lots' were sold that abutted the 'concrete track' including Mill House and adjoining land. At this time each 'lot' was advertised with all 'rights and easements' which led to 'lawful authority to drive a mechanical vehicle' over certain parts of the 'concrete track'. It is important to note that these 'rights to vehicular access' were given in 1953. The Sale Details including detailed information about each 'lot' and Maps of the 1953 Sale are all held on file.

Over the years many Landowners have been quoted as stating that they 'own the concrete path' but put to test none actually produced any evidence. It is without doubt that some have a legal right to use parts of the track which was at that time a footpath.



Section of Bridleway under dispute – concrete laid in 1943 still in place in 2015

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Background. (as quoted from DCC Report of 2015)

1.2. The extent of the County Road known as Mill Lane in Chideock and vehicular use of the adjoining public bridleway (bridleway18, Chideock) has been in dispute since at least August 2000. This is evidenced by a letter dated 22 August from Mr. R. Webb, at that time the Senior Rights of Way Officer, to Mr. I. St.Pierre, then the Clerk to the Parish Council.

Response:

The extent of the County Road was NOT in dispute at this stage. Senior Rights of Way Officers, Highway Superintendants and Road Safety Officers were all in agreement that the County Road ended at Roadstead Farm. The concerns were raised because of the vehicular/pedestrian conflict on the Bridlepath 18. At this time and up until 2012 there had never been any suggestion that the County Road extended further South than Roadstead Farm. Mr. Webb was in total agreement that the bridleway posed safety issues for pedestrians hence his ROW department supplying and financing signage. The question raised in 2000 and prior to 2000 was whether the local Caravan Park had a 'private right' to use the bridlepath. At this time in 2000 the owner was not prepared to give sight of his Deeds. From 1996 until 2012 there was never any mention either verbally or in correspondence of a 'dual status' and indeed no 'dual status' was mentioned in the 1996 Order confirmed by the Secretary of State. The signs for BRIDLEWAY 'authorised vehicles only' and other relevant bridleway signs were duly placed in the positions they remain in today, i.e. at Roadstead Farm at the location of Grid Reference 423 923 in accordance with the List of Streets and Grid Reference 4234 9232 of The Footpath Creation Order of Bridleway 18 of 1996.

Please see Appendix

1. Letter of 2000 from R.Webb Senior ROW Officer to I.St.Pierre – Clerk to Chideock Parish Council.
2. List of Streets
3. Letter from Mr. B. Turner, Highways Superintendent dated 20th April 1998.
4. Proposed Diversion of Rights of Way. Chideock Footpath upgrade to Bridleway. April 1996
5. Letter from Blair Turner, Highways confirming road repairs to The Cowshed and Golden Vista now called Roadstead Farm and Beeswing.
6. Public Path Creation Order 1996

Note: References to Point A – E are as in Drawing 15/08 Appendix 1 of DCC Report dated 28.2.15.

Note: For clarity headings in 'italic' refer to DCC Report.

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2.4 through 2.6 (From the report) Finance Act 1910. And 3.10, 3.11 – 3.20

Response: Whilst understanding the principles of the Finance Act 1910 and understanding that deductions were made for the existence of Rights of Way the evidence submitted in the DCC Report in 3.10 supports our argument that Mill Lane was excluded from valuation to approximately Point A, Grid Reference 4233 9235 i.e. close to the field boundary where Roadstead Farm was later built (see appendix 5 above). Paragraphs 3.11 through to 3.20 appear to relate to Mill Lane (north) and Seahill Lane and as such appear to have little relevance other than speculation that as Seahill Lane is regarded as being indicative of it being a public highway that the same should relate to Mill Lane. The evidence shows that Mill Lane 'public highway' begins at Duck Street and ends at Point A. (Roadstead Farm) We agree that Hereditament 96 could be described as being connected by 'good roads' (in probability Seahill Lane and Mill Lane) with Hereditament 154 Field Gates allowing access from Seahill Lane. However, the 1910 map shows Blackberry Lane (Field Ref 376) which was the only 'public' way to Seatown Mill shown in the 1838, 1843 and 1852 maps. Prior to 1910 there was no 'public' road to Seatown Farm, and this indicates that no assumptions can be made about the Southern part of Mill Lane.

2.7, 2.8, and 3.21 through to 3.26 Rights of Way Act 1932 The Chideock Estate

Response: The letter from H.Weld dated 19th July 1934 states "that the 'ways shown in green' on this plan are the only ways dedicated to the public as highways". The report assumes they are 'vehicular highways' albeit they agree it is not clear from the Statement accompanying the Plan. It is quite clear in the Plan that they are identified by FP i.e. Footpath. The footpath heading towards Doghouse Farm to the east is still a footpath to this day and the footpath from Seatown via Mill House towards Chideock was Footpath 18 which was extinguished in 1996 when the new Bridleway 18 Public Path Creation Order came into effect. As DCC correctly state this formed a large part of The Chideock Estate and our assumption is that whilst only being dedicated as Footpaths, access for farm carts, etc., would have been allowed with the owner's permission. In 1932 few mechanically propelled vehicles would be used in a small farming hamlet. In the 1953 Sale of ' Part of the Chideock Estate' Easements are given in the Title Deeds with regard to a Vehicular Right of Way over various parts of the Concrete Track and we would see this as conclusive evidence that the pathways indicated in Green Ink' on the 1932 Map are Footpaths only.

See Appendix 7 1953 Weld Estate Sale Map and Text

Paras: 2.8, 3.1, 3.2, 3.3, 3.4. Tithe Commutation Act 1836.

Response: We are in agreement that the Mill Lane highway terminates at approximately Point C at Grid Reference OS GR 4233 – 9231. Note the List of Streets Reference is the same i.e. 423 923 so the extra digit means the 1 adds another 10 yards to the north. The Bridleway Order Grid Reference of 4234 9232 gives the information to some 10 yards further to the north. However, Point E requires a Grid Reference of 423 922

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Paras: 3.5 to 3.9. Map of Chideock

We agree with the Report in as much as again the Map determines the road ending at approximately Point C. From historic verbal evidence we agree with the suggestion that it was gated at this point and was then just a muddy path used by farm workers. We agree with Para 3.9 that the route did not continue beyond Point C.

Paras: 3.27 to 3.38 Ordnance Survey Maps

After careful examination of the maps and comparing them against other documents in the Report we are of the opinion that they also show that the road terminates at Point C.

In Para 3.30 and 3.31 particular reference is made to the significance of shading and the indication that shading represented a 'metalled' road. It must be pointed out that the part of the Lane in question i.e. from C to E is NOT metalled and has never been metalled. The concrete surface that still exists to this day was laid during WWII and extended as far as Frying Pan. It is still possible to see the concrete underneath the tarmac in numerous places. The last re-surfacing in approximately 2012/2013 only went as far as Frying Pan. Previous road maintenance only went to Roadstead Farm. The tarmac laid from Roadstead Farm to Point C was not laid by the local authority. With regard to OS Maps 1968, 1992, 1945 and 1960 as mentioned in Paras: 3.35, 3.36, 3.37 and 3.38, the Report claims that Mill Lane was possibly a through route to Seatown. This would be strongly disputed by the Owners of the concrete track and those who have a private 'right of access' which is shown in the Deeds of the purchases of land and property in the 1953 Sale. We agree that 'private roads' are also depicted in a similar manner to public roads and, noting again that the track had never been metalled, the assumption in the Report that Mill Lane was a Public Road for its entire length or to Point E is both unreliable and unreasonable. It is also relevant that no road to Seatown Farm is shown until the 1888 OS Map, so there was no 'through road', far less a 'public' road connecting Chideock and the Seatown hamlet.

Roads on OS 1:2500 plans 1884-1912

Yolande Hodson, B.Sc., Ph.D., F.S.A., F.B.Cart.S., Map Historian

The symbol of the shaded line (a thickened line) drawn on some roads on Ordnance Survey 1:2500 scale plans has occasionally been used to suggest that such roads can be interpreted as public. This paper explores the possibilities of the interpretation of this symbol in relation to plans for England and Wales, and illustrates the complex issues that underlie the attempted explanation of any lines on the OS map. It is demonstrated that it is not possible to use the evidence of the shaded line to make an unequivocal distinction between private and public roads on the large-scale plans. The depiction of footpaths and bridleways, which are subjects in their own right, is not considered here.

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OS Maps 1 inch The one-inch was a standard topographic authority and included a wide range of information on the physical and human landscape: land-use, industry, quarries, farms, inns, canals, parks and gardens, relief, woodland, and even smithies were all shown. The maps were of course considerably generalised compared to the six-inch maps, especially regarding buildings, towns and place-names. The outline maps especially were also useful for administrative purposes, and both civil parish and county boundaries were shown, reflecting the significant changes of the Local Government Act of 1888. The outline maps were also used as base maps for various other purposes, including geology, boundaries of petty sessional divisions, and for indexes to larger-scale OS mapping.



Different styles for three classes of metalled roads, and another for unmetalled tracks

One of the most important changes to the previous New Series sheets was a revised road classification. Metalled roads (ie. using compacted gravel) were divided into three classes, all distinguished from unmetalled roads or tracks. Single and multiple-track railways were distinguished, with the latter evolving to a new chequered symbol, distinguished from the standard ladder symbol for single-track railways

See OS Map 1" 1898

View: Bridport (Hills), Sheet 327 - Ordnance Survey One-Inch to the mile, England a Page 1 of 1



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3.39 to 3.41 – Planning Applications

3.39 The Report refers to Planning Application of 1951 in respect of a licence to use the land identified as OS.388 as a temporary caravan site. OS388 refers to the small Millfield Caravan Park adjacent to the concrete track close to Mill House at the southern end of the bridleway. The tenant Mr. Colkett rented this from The Weld Estate and the Mill House and associated OS388 'grass' had permission from the Weld Estate to access this via the concrete track from Seatown in the south. In the 1953 Sale the Mill House and the OS388 parcel of land was put up for sale. Access from Point B is therefore not in question or relevant.

See Appendix No. 8 Lot. 27 Mill House & Grassland . Weld Estate Sale 1953

3.40 & 3.41 Planning Applications. One planning application is included in the Report, namely The Cottage, Mill Lane in the ownership of Mr. Bourne. This property is at the northern end of Mill Lane. The Map showing a 'From Chideock' and 'To Seatown' does NOT indicate with any legal substance that this was regarded as a through route to Seatown. In 1930 the 'concrete' had not been added and it has already been established that the rough cart path was in the ownership of The Weld Estate.

Paras: 3.42 to 3.46 The List of Streets.

The Report refers to the map accompanying the List of Streets in 1974 which depicts Mill Lane shaded in Blue to Point E. We would request to see 'the original' Map that this has been copied from. The 1974 Map attached to the Report is utilising a 1932 Map. When this List of Streets Map was created in 1974 it would seem very strange to use a 1932 Map. We note your comment in the Report that 6 figure grid references are only accurate to 100 metres and that commencement and termination points could fall anywhere within a 100 metre square. I am sure you will agree that Grid References only proceed north and for example the Grid Reference of 9233 could only extend northwards by 70 metres before you would reach Grid Reference 9240. It would be impossible for a Grid Reference to go backwards and southwards to reach Point E at Grid Reference 9220.

Please see Separate Appendix 2 of Grid References for Mill Lane Bridleway.

Paras: 3.47 to 3.50 Public Path Creation Order 1996

3.47. We agree with the wording of the Public Path Creation Order of 1996 confirmed and Sealed by the Chief Executive on 27th January 1997. On the Application Mr. M. Cox gave his permission and stated he was the owner of the concrete path – this was untrue.

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3.48 It is noted that the 8 figure Grid Reference of 9232 is only accurate to a 10 metre square. This equates to 10 metres northwards, i.e. 9233 would be a further 10 metres to the north.

3.49 It is clear that from the evidence given in The List of Streets and the accompanying Map of the Public Path Creation Order and the Public Path Creation Application (See appendix 4 & 6) that the county road known as Mill Lane terminates at 4234-9232 as stated on the Public Path Creation Order. It does not terminate 125 yards further south at Point E. We do NOT agree that an error was made. The Authors of the Report at Para 3.10 themselves give the Grid Reference as 4237 9235 which is 30 metres further north than the 1996 Public Path Creation Order.

Paras: 3.51 to 3.57 The NERC Act 2006.

We would maintain and evidence shows there is NO public right of way for motor vehicles along the Bridleway. Quote from Senior Rights of Way Officer, Mr. Rod Webb's letter of 22nd August 2000 'It should be noted that the vehicular use of the bridleway section of Mill Lane is by persons with lawful authority only. Authorised users include those persons who have a private right (lawful authority) and persons who have been given permission to use the route by those persons with lawful authority. Unauthorised vehicular use is an offence under Section 34 of the Road Traffic Act 1988 and provides that any person without lawful authority, drives a motor vehicle on any footpath or bridleway commits an offence.

Paras: 4.1 to 4.12 Conclusions

4.1 & 4.2 The Report claims that the Highway Inspected Layer differs from the Highway Maintained at Public Expense and in this case the Highway Maintained at Public Expense extends further south by approximately 100 metres. This is not borne out in the legal documents, i.e. List of Streets on which the HMPE is based. No evidence or documentation has been shown to prove that the HIL differs from the HMPE. The HMPE has never been maintained further south than Roadstead Farm.

4.3 The Report states that The Tithe Apportionment Plan 1843 suggests 'probable' public carriageway but depicts the route ending at Point C. This is over one hundred metres north from Point E. The Map of Chideock 1852 also shows the route ending at Point C. Neither map shows a continuation of any form of path or road south of this point.

4.4 The Finance Documents suggests and we agree that the extent of the Public Road is to Point A) and we see no compelling evidence to suggest it went as far as Point C let alone Point E.

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4.5 The declaration made by The Weld Estate under the Rights of Way Act 1932 is clearly with regard to footpaths. The Weld Estate owned all of the tracks at this time and no Easements or Rights had been given by way of title deeds. Any persons working on the Estate would have had permission from the Weld Estate to use any paths.

4.6 With regard to shading on OS Maps, and the knowledge that this concrete track has never been 'metalled' and is not 'metalled' to this day, it seems suspect to rely on the evidence of 'shading' to verify the status of a carriageway.

4.7 The List of Streets Grid References do not support the HMPE extending as far as Point E. The Finance Act 1910 does not support the HMPE extending to Point E. OS Map 'shading' is incorrect as had the track been 'metalled' there would have been no need to lay concrete over it in 1943.

4.8 The creation of the public bridleway in 1997 was over the exact positioning of both the Application for a Public Path Creation Order, and the Public Path Creation Order itself. If the HMPE extended along the proposed bridleway then someone in ROW/Highways departments would have been aware. The question could then have been asked as to why the bridleway simply did not end at Point E. It is quite clear that ROW Officers at the time referred to the List of Streets Grid Reference Numbers and the Order was made subsequent to those enquiries. Their 'correct' assessment led to the Bridleway Order specifying "A bridleway following the concrete driveway from the county road east at Grid Reference 42059184 (Point BS), east for 118 metres to grid reference 42179185 (Point AN), then north-east for 235 metres to grid reference 42349200 (Point BT), then north for 320 metres to the start of the county road (mill lane) at grid reference 42349232". This clear and unequivocal evidence is in total agreement with the List of Streets Grid Reference of 423 923. Warning and Safety Signs were erected by ROW in accordance the Public Path Creation Order 1996. The report states 'it is not known what records were consulted' which is insulting to those experienced ROW Officers who have now retired.

4.9 The Nerc Act 2006 will have, subject to any exemptions, led to the extinguishment of any unrecorded mechanically propelled vehicular rights. The DCC's presumption in stating that points B-C-D-E are a Highway Maintained at Public Expense and a Bridleway has led to inaccurate information being recorded on The Definitive Map. The accurate information is that this is a Bridleway ONLY. The Report confusingly states 'that this leaves a public vehicular route without rights for mechanically propelled vehicles, a restricted byway.' We agree that this section of the bridleway southwards from Roadstead Farm has no recorded vehicular rights.

4.10 Subsection 67(5) of NERC provides for a private mechanically propelled vehicular right extending to landowners, occupiers, tenants and visitors. We agree with this statement and anyone using this stretch of the concrete track must be prepared to show proof of their 'private right' to do so.

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4.11. Chideock Parish Councils considered opinion is based on lawful documentation, i.e. List of Streets, Public Path Creation Order, Past Correspondence, siting of warning signs in 2000, is that the HMPE extends as Far as Roadstead Farm at Grid Reference 42349232 and the HIL is actually shorter than the HMPE, confirming the 9232 end point for the county road.

4.12. The Report has twice referred to 'dual recorded' but in the first instance in Para 4.9. the impression is given that 'dual recorded' means recorded once on the List of Streets and once on the Definitive Map. In this Paragraph it appears to mean something different, i.e. dual recorded means that it is recorded both as an HMPE and also as a bridleway. For clarity this should be 'Dual Status'. Chideock Parish Council requests an extinguishment of this 'dual status' based on inaccurate information having been entered to the Definitive Map. All private rights are preserved.

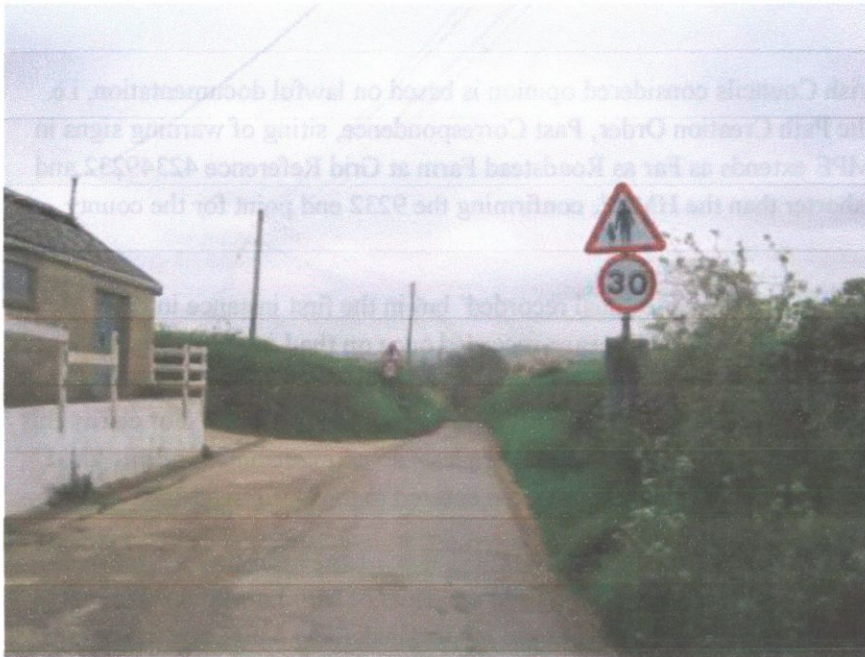
ADDITIONAL INFORMATION In July 1992 residents of Mill Lane and Chideock lobbied successfully for a 30 mile per hour limit to be installed along Mill Lane. Concerns were raised at the volume and speed of traffic. There is no pavement along the length of Mill Lane with many cottages being built directly on to the lane. The lane was then, and still is today, very dangerous for pedestrians. The necessary Traffic Regulation Order was made and Mill Lane became 30 mph. Signs were erected. 30mph signs were erected along the length of Mill Lane from its start at Duck Street until its end at Roadstead Farm – Grid Ref: 42349232. It is emphasised that the 30 mph signs do not extend to Point E.

DORSET COUNTY COUNCIL 'The London Gazette – 3rd July 1992
*The County of Dorset (Mill Lane, Chideock) (30 m.p.h. Speed
Limit) (Restricted Roads) (No.) Order 199*

Notice is hereby given that the Dorset County Council propose to make an Order under sections 82(2) and 83(2) of the Road Traffic Regulation Act 1984. The effect of the Order will be to impose a 30 m.p.h. speed limit on Mill Lane, Chideock from its junction with Duck Street, southwards for a distance of 460 metres. Full details of this proposal are contained in the draft Order, which together with a plan showing the length of road affected and a statement of the Council's reasons for proposing to make the Order, may be inspected from Monday to Friday during normal office hours at the Transportation and Engineering Department, Dorset County Council, County Hall, Colliton Park, Dorchester and West Dorset District Council, Council Offices, Mountfield, Bridport. Should you wish to make any observations on this proposal (whether you support or object to the proposal) and you should make them in writing to the undersigned by 24th July 1992. Any observations must specify the grounds thereof.

P. K. Harvey, Chief Executive, County Hall, Colliton Park, Dorchester. 3rd July 1992

Charmouth & Chideock Conservation Area Appraisal. See Appendix 9.



End of 30 mph signs at Roadstead Farm Grid Reference approx 423923.



Wooden Public Bridleway & Footpath sign at Point C.



Authorised Vehicles only Bridleway Sign at Roadstead Farm between A and B at Grid Reference 423923.

APPENDIX 1.

1. Letter of 2000 from R.Webb Senior ROW Officer to L.St.Pierre – Clerk to Chideock Parish Council.
2. List of Streets
3. Letter from Mr. B. Turner, Highways Superintendent dated 20th April 1998.
4. Proposed Diversion of Rights of Way. Chideock Footpath upgrade to Bridleway. April 1996
5. Letter from Blair Turner, Highways confirming road repairs to The Cowshed and Golden Vista now called Roadstead Farm and Beeswing.
6. Public Path Creation Order 1996

7. 1953 Weld Estate Sale Map and Text

8. Lot. 27. The Mill House and Grassland. 1953 Weld Estate Sale

9. Charmouth & Chideock Conservation Area Appraisal.



383/00

E N V I R O N M E N T A L S E R V I C E S

Guy Spencer • Director

Andrew Price • Head of Planning

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Fax: (01305 or 01202) 224835 • E mail rod.webb@dorset-cc.gov.uk • Minicom: (01305) 267933 • DX8716 Dorchester

Mr. I. St. Pierre
Clerk to the Council
Purbeck
North Chideock
Chideock
Bridport
DT6 6LG

Your ref:

My ref: RW RW/Chideock

Ask for: Mr Webb

Date: 22nd August 2000

Dear Mr. St. Pierre,

Mill Lane, Bridleway 18 Chideock

Following serious concerns and complaints from residents and other members of the public on the vehicular use of the bridleway section of Mill Lane D to F indicated on the enclosed plan. A meeting was held on the 8th August at Golden Cap Holiday Park attended by Mr. Martin Cox - Golden Cap Holiday Park, Mr. Howard Wicks - Parish Council Chairman, Mrs. Crisp - resident Mill Lane, Mr. Phil Drake - Area Rights of Way Officer County Council and Mr. Rod Webb - Senior Rights of Way Officer County Council.

The vehicular use of the bridleway section of Mill Lane was discussed and it was agreed to attempt to reduce the unauthorised vehicular use and increase public safety by the following.

1. At point A on the enclosed map a "No Through Road" sign together with a "No Turning Point" plate be erected. The County Council Traffic Management Section to discuss with the Rights of Way Section and carry out implementation.
2. Between points B and C where the unclassified county road is narrow consideration be given by the Area Highways Manager to install a passing place for vehicles.
- * 3. At point D a "No Entry" sign or similar with a plate "Access for authorised vehicles only".
Rights of Way Section to implement.
4. Between D and E consideration be given by Mr. Cox and the National Trust to provide vehicular passing places/pedestrian refuge. Mr. Cox and the National Trust to liaise.
5. At point F a "No Entry" sign or similar with a plate "Access for authorised vehicles only" be erected. Rights of Way Section to implement.

It should be noted that the vehicular use of the bridleway section of Mill Lane is by persons with lawful authority only. Authorised users include those persons who have a private right (lawful authority) and persons who have been given permission to use the route by those persons with lawful authority.

Unauthorised vehicular use is an offence under Section 34 of the Road Traffic Act 1988 and



INVESTOR IN PEOPLE

provides that any person who, without lawful authority, drives a motor vehicle on any footpath or bridleway commits an offence

Authorised vehicular users are still subject to other provisions of the Road Traffic Act where Section 2 makes it an offence to drive a motor vehicle recklessly and Section 3 carelessly and inconsiderately.

It is requested that the recipients of this letter take forward the recommendations and carry out implementation where applicable keeping the Rights of Way Section and Parish Council informed of any impending works.

If you require further information or wish to discuss the contents of this letter please contact Phil Drake or myself at this office.

Yours sincerely

REDACTED

ROD WEBB

Senior Rights of Way Officer (Operations)

Addressees: -

REDACTED



ROAD NO.	CLASS OF ROAD - UNCLASSIFIED	SCHEME OF ROADS				DIVISION NO. 1
		DISTRICT: WEST DORSET	MAP REFERENCE	PARISH	REMARKS	
D107	DESCRIPTION			PAVED FOOTWAYS	UNPAVED FOOTWAYS	LENGTH
BT	25. Junction D7(24) Symondsburys School - Broadoak	444936 - 437964		2.20		3.54
	26. Atrium Lane	446958 - 445952		0.36		0.58
	27. Blisby Lane	453948 - 457949		0.27		0.43
	28. Watton Lane	457948 - 458922		0.17		0.27
	29. Howes Eyre Lane	446905 - 445922		0.10		0.16
	30. Hill Lane	422928 - 423923		0.41		0.66
	31. Ridwood	421927 - 420927		1.455		0.16
	32. Pettycurate Lane	421926 - 419926 419926 - 417924		0.12	0.15 (0.31)	0.19
	33. Langdon Hill	420922 - 411934			1.05 (1.00)	
	34. Lower Eyre Farm Lane	448916 - 448917		0.06		0.13
	35. Mount Pleasant, North Allington	46069325 - 46139320		12.1274	0.06	0.10
	36. Pine View, Symondsburys	459926 - 459927		30.574	0.17	0.27
	37. St Giles Close, Allington	42119301 - 42209310		23.108	0.09	0.15
	38. Allington Close, Allington	42219304 - 42119298		23.108	0.06	0.10
	39. St. Giles Close, Symondsburys	42259304 - 42169308		24.10	0.03	0.10
	DORSET COUNTY COUNCIL				13.56	2.80
					2.10	2.10
						18.16
						18.34
						0

Allington
Symondsburys
Crick



ENVIRONMENTAL SERVICES

Guy Spencer - Director

Robert Blackstock - Western Area Highways Manager

Pullman Court, Station Approach, Weymouth Avenue, Dorchester, Dorset, DT1 1GA

Telephone (01305) 225404 Fax (01305) 225314

Mrs D M Bartlett
Clerk to Chideock Parish Council
1 Sunny Bank
West Road
BRIDPORT
Dorset
DT6 6AG

Your Ref:

My Ref: BT/CH/C47

Ask for: Mr B Turner

Date: 20th April 1998

Dear Mrs Bartlett

Thank you for your letter dated 13th April 1998 concerning various highway matters in Chideock

When I am next in Pettycrate Lane I shall investigate which hedges are overhanging the public highway and send the owners of the respective hedges hedge cutting notices.

The status of the road between the entry to Roadstead Farm to the Albalon Caravan site is either private or it is owned by the Ministry of Defence, it is not public highway.

After inspecting Pettycrate Lane I shall also visit Mill Lane with a view to clearing/unblocking any drainage. Any branches left on the verge or in the ditches must be cleared away by the owner of hedges/trees concerned.

Thank you for bringing these matters to my attention

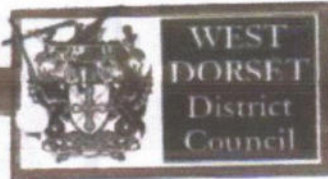
Yours sincerely

REDACTED

Highway Superintendent

Appendix 4. Application for Proposed Diversion of Rights of Way

ITEM 3



CORPORATE SERVICES DIVISION

Contact: Mr M J Hedges
(01305) 252219

Manager: FL Paul

Seraton House,
58/60 High West Street
DORCHESTER
Dorset. DT1 1UZ

Tel: (01305) 251010
Fax: (01305) 251481
DX: Dorchester 8724

Our Ref: MJH/DD/Bartlett

Your Ref:

1st April 1996

Mrs D M Bartlett
Clerk to Chideock Parish Council
1 Sunny Bank
West Road
BRIDPORT
Dorset
DT6 6AG

Dear Mrs Bartlett

PROPOSED DIVERSION OF RIGHTS OF WAY

Further to my letter of 1st May 1995, it has become necessary to include an addition to the National Trust proposals for Golden Cap.

The proposal is that Chideock Footpath 18 (A to B on the attached map), be upgraded to a bridleway and that the section of the path marked B - - C be diverted onto the line B - - - D. This is necessary in order to complete the planned bridleway route from Charmouth to Lower Eype.

Mr Martin Cox, the owner of the concrete track from A - D, has agreed to the proposal.

If you have any questions on this proposal please contact Mr Hedges on the above number.

Yours sincerely

REDACTED

Corporate Services Division

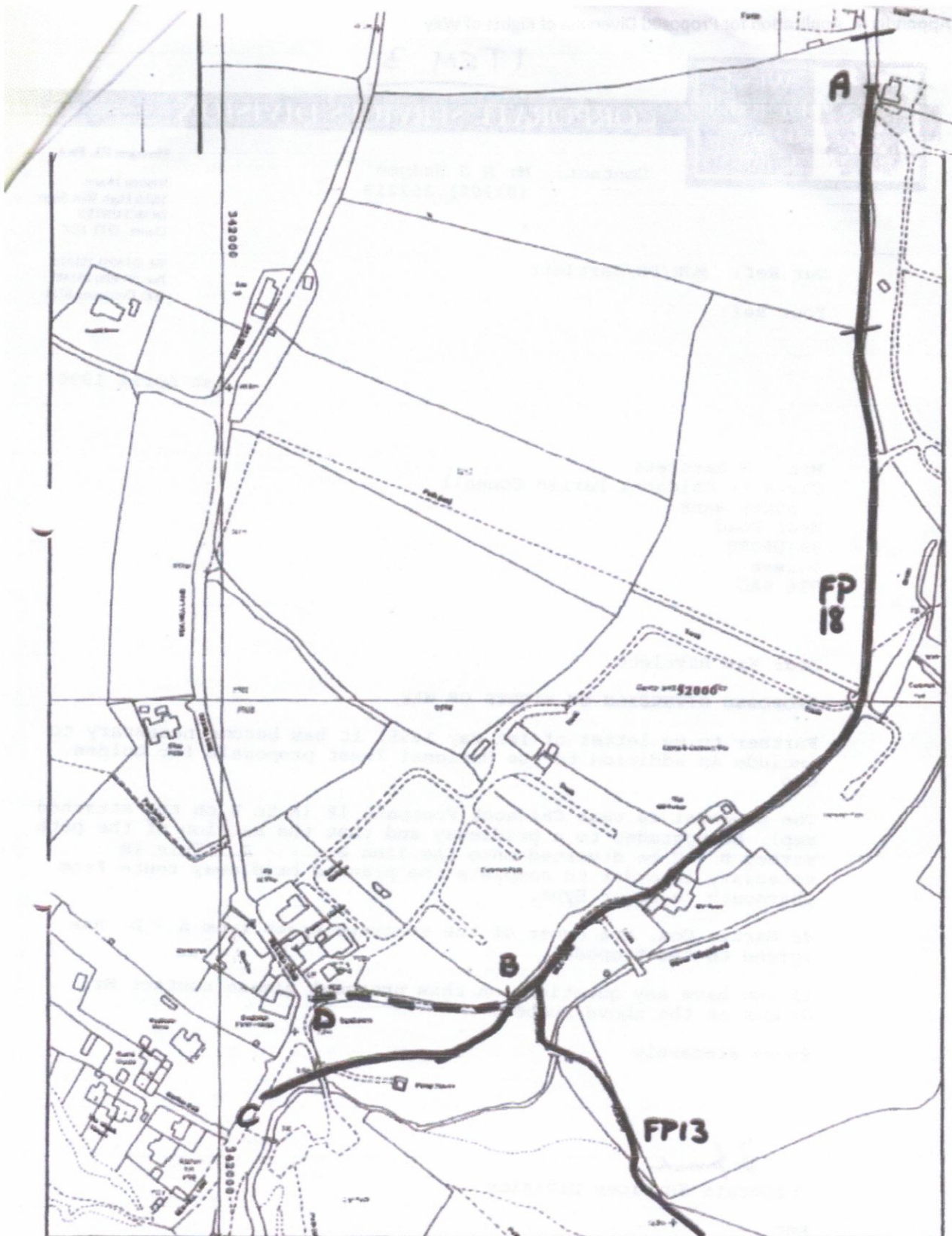
Enc

A Division of the Chief Executive's Department

Chief Executive

Director of Central Services

Director of Planning & Environmental Services



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 Crown Copyright. Licence No: 1000010 West Dorset
 Output On Plan Chest

Scale: 1:2500
 Plot Date: 1/3/1996
 By: mw
 Dept:

ENVIRONMENTAL SERVICES

Guy Spencer - Director

Robert Blackstock - Western Area Highways Manager
Pullman Court, Station Approach, Weymouth Avenue, Dorchester, Dorset, DT1 1GA
Telephone (01305) 225404 Fax (01305) 225314

Ms C Geraghty
Chairman to the Parish Council

REDACTED

Your Ref

My Ref: BT/HJL/C47

Ask for: Blair Turner

Date: 10 July 1997

Dear Ms Geraghty

Road Safety in Mill Lane

* Thank you for your letter dated 5 July concerning various highway matters in Mill Lane, Chideoc. You request I shall inspect the condition of Mill Lane to the limit that is mentioned by ourselves i.e. cow shed, past Golden Vista and carryout any necessary repairs.

Concerning the volume of traffic and the installation of speed ramps, I will forward a copy of your request to Mr Alan Jowsey of the Traffic Management Section at County Hall who may be able to help you with this request.

Regarding the alleged speeding by vehicle users I am afraid that this is a Police matter and you will need to contact them with reference to this.

Thank you for bringing these matters to our attention.

Yours sincerely

REDACTED

Highway Superintendent

chidcrea

**PUBLIC PATH CREATION ORDER
HIGHWAYS ACT 1980**

**WEST DORSET DISTRICT COUNCIL
WEST DORSET DISTRICT (CHIDEOCK)
PUBLIC PATH CREATION ORDER 1996**

This Order is made by West Dorset District Council ("the authority") under section 26 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that, having regard to the matters set out in Section 26(1), there is a need for public footpaths and bridleways over the land to which this order relates, and that it is expedient that the path and ways should be created.

The Dorset County Council and the Countryside Commission have been consulted as required by Section 26(3) of the 1980 Act.

BY THIS ORDER:

1. There shall be at the end of 28 days from the date of confirmation of this Order a public footpath and bridleways over the land at Chideock described in Part 1 of the Schedule to this Order and shown by a bold broken line on the map attached to this Order.

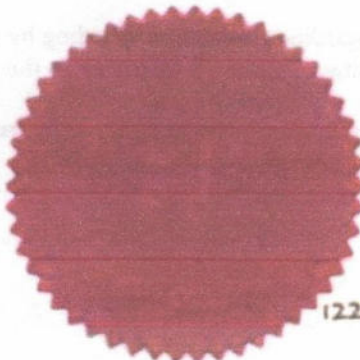
2. This Order may be cited as the West Dorset District (Chideock) Public Path Creation Order, 1996.

The COMMON SEAL of the WEST)
DORSET DISTRICT COUNCIL was)
hereunto affixed this 17th)
day of June 1996 in the)
presence of)

REDACTED

CHAIRMAN

CHIEF EXECUTIVE



1223/96

N-AO-BT-BU

A bridleway following the concrete driveway from the county road at grid reference 42059184 (Point BS), east for 118 metres to grid reference 42179185 (Point AN), then northeast for 235 metres to grid reference 42349200 (Point BT), then north for 320 metres to the start of the county road (Mill Lane) at grid reference 42349232 (Point BU).

3.0 metres

DATED 17th June 1996

The Council of the District
of West Dorset in exercise of
the powers conferred upon
them hereby confirm the
foregoing Order.

HIGHWAYS ACT, 1980

The COMMON SEAL
of the said
West Dorset District Council
was hereunto affixed this
27th Day of January 1997
in the presence of:

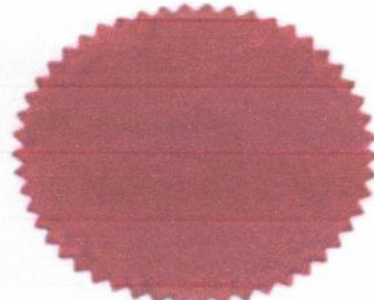
REDACTED

WEST DORSET DISTRICT
(CHIDEOCK)
PUBLIC PATH CREATION ORDER, 1996

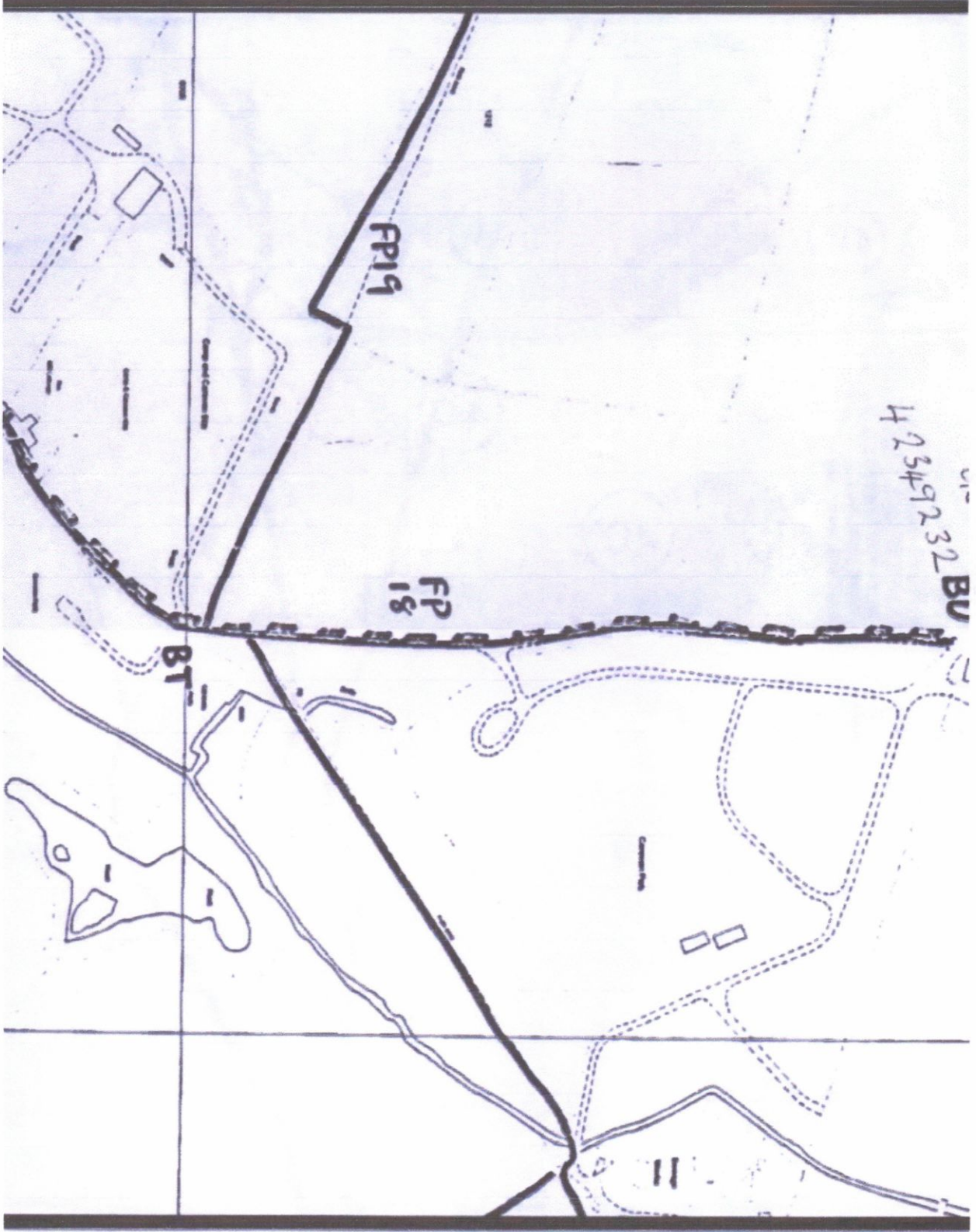
Chairman

REDACTED

Chief Executive



1614/97



Appendix 7 1953 Weld Sale Map and Text



The other branch continues westward across Ord. Nos. 148, 148a, 143, 91 and Pt. 93—all on Lot 50—supplying the homestead and cowhouse on Lot 50. The pipeline crosses Lot 50b where a branch supplies the house on Ord. No. 97 not belonging to the Vendor. It then crosses the road on to Ord. Nos. 98 on Lot 55 and 99 on Lot 54. A trough in the fence supplies these fields. Here the main branches into three.

One branch is laid in a northerly direction across Ord. No. 99 to supply Wells Farm, Lot 54; another branch is laid eastwards and crosses the road to supply property on the other side not belonging to the Vendor; the third branch crosses Ord. No. 99 in a westerly direction to supply property not belonging to the Vendor, and Lots 51 and 53.

The spring, tanks, main pipelines and 6 inches of soil around the same, together with the stopcocks and all accessories are reserved out of the sale of all the Lots to which this Special Condition is relevant (but excepting all the service pipes solely supplying any one Lot which shall be maintainable by the owner of such Lot) and are retained by the Vendor together with the right at all reasonable times to enter upon such Lot or Lots for the purpose of inspecting, repairing, maintaining, renewing and improving the same and installing stopcocks, meters and the necessary accessories.

The Vendor will covenant to supply water as at present enjoyed in similar manner to the arrangements set out in respect of water supplies "A" and "B", excepting that the owners for the time being of these said Lots shall pay to the Vendor sums of money annually as set out hereunder for the supply of water and shall pay a fair proportionate part of the cost of any major repair, renewal or improvement and the Purchasers will covenant in similar manner as in respect of supplies "A" and "B".

Lot 50, £20; Lot 51, £2; Lot 53, £2; Lot 54, £10; Lot 55, £3.

The owners of Lots 55, 50a and 50b shall each have the right to connect to the supply and take water therefrom for the purpose of supplying a house or cottage if erected thereon, covenantee in like manner in accordance with the water used.

The owner of Lot 50a having the right to lay and maintain a pipe across Lot 50b by the most convenient route by arrangement with the owner of Lot 50b, subject to making good damage.

The owners of Lots 55, 50a and 50b shall each pay for water used on a similar scale as that set out hereinafter.

(ii) **Rights of Water from Company's main.**

(a) *Lots 15 and 24.* Company's water is piped across Ord. No. 298 on Lot 13 supplying a trough in this field and the bungalow on Lot 24.

(b) *Lots 17 to 20.* The water pipe conveying water from the Company's main is laid under Lot 17 where there is a stopcock and the joint pipe supplies the cottages on these Lots.

(c) *Lots 21, 22 and 23.* Water is obtained from the Company's main by means of a joint pipe which enters through Lot 23 and supplies the three cottages.

(d) *Lots 43 and 44.* A joint water pipe from the Company's main supplies these Lots.

(iii) **Rights of Drainage**

(a) *Lots 3 and 13 and Property retained by the Vendor.* The drainage from Fryington Cottage is piped over Lot 15 to the stream between Lots 13 and 3.

(b) *Lots 21, 22 and 23.* The drainage from the three cottages is connected together, the joint drain emptying into the sewer in the road.

(c) *Lots 26, 28 and 31.* The drainage from Lots 26 and 28 is connected together, the joint drain crossing Lot 31 to the stream.

(d) *Lots 29 and 30.* The drains from Lot 29 are laid under Lot 30 and discharge into the stream.

(e) *Lots 42, 43 and 44.* The drains from the sinks on these Lots are connected together and discharge into the sewer in the road.

(iv) **Rights of Way**

(a) *Lots 3 and 4.* A right of way is reserved for Lot 4 over the road, Pt. Ord. No. 307, on Lot 3.

(b) *Lots 17 to 20.* The access to the four cottages is through a joint gate and over a joint path on Lot 17. The pathways at the rear (South side) of the cottages and down the gardens to the out-houses and wash-houses are used jointly.

(c) *Lots 21, 22 and 23.* The access to the three cottages is through a joint gateway and path on Lot 21. The pathway and the paths to the South side of the cottages and the paths to the gardens and outbuildings are used jointly.

(d) *Lots 26, 26a, 27, 29, 30, 33, 40, 40a and 41.* Rights of way are reserved for Lots 26, 26a, 29, 30, 33, 40, 40a and 41 over the concrete road, Pt. Ord. Nos. 410, 379, 407, 386 and 389 on Lot 27.

(e) A right of way is reserved for Lot 26 over the track on Lot 29, North West of Lot 28 and across Ord. No. 380 on Lot 29.

(f) *Lots 28 and 29.* The access to Lot 28 is over the roadway or track, Pt. Ord. No. 379 on Lot 29.

(g) *Lots 26, 34, 34a and 39.* Rights of way are reserved for Lots 26, 34, 34a and 39 over the grass track or old roadway, Ord. No. 376 on Lot 29.

(h) *Lots 26a and 30.* A right of way is reserved for Lot 26a over a track across Lot 30 from the gate by Seatown Farm to the bridge over the river.

(i) *Lots 43 and 44.* The cottages on Lots 43 and 44 have a joint porch entrance and a joint gate and path to the gardens.

(j) *Lots 47 and 48.* A right of way is reserved for Lot 48 over the track crossing Ord. Nos. 132 and 121a on Lot 47 with the right to improve the track.

(k) *Lots 46, 47 and 48.* Rights of way are reserved for Lots 47 and 48 by the tracks crossing Ord. Nos. 208, 209 and 211 on Lot 46 as shown on the plan by dotted lines and for Lot 47 only across the West side of Ord. No. 211 on Lot 46 as near to the western boundary thereof as conveniently possible, together with the right to improve the aforesaid tracks and roadways if desired.

(l) *Lots 51 and 53.* The access to Lot 53 is through a joint gateway and over a joint path across the garden of Lot 51.

The access to the rear or South side of the cottage on Lot 53 is over the grass plot on the West side of the cottage, Lot 51.

(v) **Other Matters**

(a) *Lots 17 to 20.* A joint wash-house for all four cottages is situated on Lot 17.

(b) *Lots 21 and 22.* The E.C.s. for Lots 21 and 22 are situated on Lot 21.

(vi) **As to Easements Generally**

(i) Where any advantage or privilege of the nature of an easement or quasi-easement in respect of access, way, water supply, drainage, or otherwise is expressly mentioned in the Particulars or these Conditions as being enjoyed or to be enjoyed in connection with any Lot over or against any other part of the Estate or other property, such Lot is sold with a right to enjoy such advantage or privilege together with any such liberties as the Vendor may consider proper of inspecting, repairing, renewing, maintaining or cleansing the subject-matter thereof (including, as the case may be, the ground, way, pump, well, pipeline, cesspool and other appurtenances).

REDACTED

LOT 26a
(Coloured Brown on Plan No. 1)

With Possession on Completion.

A Block of Well Watered and Productive

GRASS LAND

Situated at Seaton, near the Sea, and sloping down to the river, the whole extending to about

59a. 1r. 15p.

Ord. No.	Description	Area
SCHEDULE		
Childock Parish		
Pt. 420	Grass	5 451
Pt. 421	Do.	25 000
405	Do.	7 209
404	Do.	5 188
406	Do.	4 240
Pt. 419a	Brake	254
Pt. 419	Cliff	14 000

Total A. 59 342

This lot is at present let to Mr. E. R. Marsh, who has agreed to give possession on 11th October, 1953 (see Special Condition of Sale No. 17).

Apportioned Outgoings:

Tithe Redemption Annuity £8 5s. 11d.

Land Tax £2 4s.

With Early Possession

LOT 27

(Coloured Yellow on Plan No. 1)

THE MILL HOUSE & GRASSLAND

adjoining, overlooking the Sea, the whole extending to about

3a. 1r. 35p.

The Mill House is built of stone, cement faced, and slated, and contains: Two Sitting Rooms with fireplaces; Kitchen with sink; Pantry. Above are Two nice Double Bedrooms and Two Single Bedrooms.

Outside is an old Back Kitchen and the old Mill with two floors which could be added to the House if further accommodation was desired.

A stone and iron Open Implement Shed would make a good Garage.

Water is laid on from the Estate supply.

The sub-Tenant uses Ord. No. 388 as a site for caravans.

Ord. No.	Description	Area
SCHEDULE		
Childock Parish		
388	Grass	1 171
Pt. 379	Roadway	104
Pt. 410	Grass	0 10
Pt. 407	House, Buildings and Grass	720
Pt. 386	Road, etc.	540
387	Mill Pond	292
Pt. 389	Road	230
Total A.		3 474

The Mill House and the field Ord. No. 388 are occupied by Mr. C. A. Collett, who is quitting on the 1st February, 1954, when Vacant Possession will be given. Any rent payable up to that date in respect of this Lot will be retained by the Vendor.

Apportioned Outgoings:

Tithe Redemption Annuity 14s. 2d.

Land Tax 3s.

With Possession on Completion.

LOT 28

(Coloured Blue on Plan No. 1)

An Attractive

DOUBLE-FRONTED STONE HOUSE

nicely situated at Seaton with views of the hills and sea and extending with Garden and Paddock to about

1r. 18p.

It is built of stone, cement faced and has a slated roof. It contains: Two Sitting Rooms; Kitchen; Back Kitchen; Large Larder and Four Bedrooms.

Water is laid on from the Estate Supply and Electric Light is installed.

This Lot comprises Pt. Ord. Nos. 379 and 409 in Childock Parish. The House is occupied by Miss Bromfield to whom it is sub-let by Mr. E. R. Marsh, the Tenant of Seaton Farm, who has agreed to give possession on 11th October, 1953.

Apportioned Outgoings:

Tithe Redemption Annuity 4s. 7d.

Land Tax 2s.

The Purchaser shall erect and maintain stockproof fences on the unfenced boundaries.

As to the claim under the Town and Country Planning Act, see Special Condition of Sale No. 21.

REDACTED

Assessment of special interest

This includes two common core elements: location and setting; and historic development and archaeology; and a series of individual settlement descriptions of spatial and character analysis, providing detail on topics such as spaces within the developed areas, important edges, key views and vistas and a whole range of character components, such as land uses, building plan forms and types, the architectural and historic qualities of the buildings and structures, local details and building materials, the contribution made by greenery and the extent of loss, intrusion or damage.

A. Location and setting

The two settlements are situated in the western part of the District, Charmouth about 10kms and Chideock 4kms west of Bridport. The A 35(T) runs through Chideock and formerly ran through Charmouth, although the latter is now bypassed to the north. Charmouth extends south to the coast and the River Char flows into the sea on the eastern edge of the village. To the west are the two large masses of Fern Hill, rising to 172m and, forming a large area of unstable cliff, Black Ven and The Spittles, which extend to Lyme Regis. To the east is the impressive mass of Stonebarrow Hill, rising to over 120m. The coastal area is within the West Dorset Heritage Coast and the East Devon and Dorset Jurassic Coast World Heritage Site. The wider area is within the Dorset AONB.

Charmouth occupies the valley between the two large sea cliffs (seen clearly from along the coast at Lyme Regis). To the north of the village is an area of rounded hills dissected by tributaries of the Char. The historic core runs along the former main road, from a bridge across the Char west to Old Lyme Hill and Axminster Road, in a marked climb of 35m (about 130 feet).

Chideock lies about one kilometre inland from the coast at Seatown, firmly astride the A 35(T), with minor roads to the sea in Duck Street and Sea Hill Lane and Mill Lane that terminates at Roadstead Farm, connecting to bridleway No 18 which leads to Seatown, and a northern route via North Road to Chideock Manor and North Chideock. A small watercourse, the River Winniford, runs from Ryall south to Seatown, in a narrow valley between two high sea cliffs, Doghouse Hill to the east and the immensity of Golden Cap (rising to 191m) to the west. Chideock occupies the relatively level ground either side of the river but runs west about 100m in terms of levels up Chideock Hill.



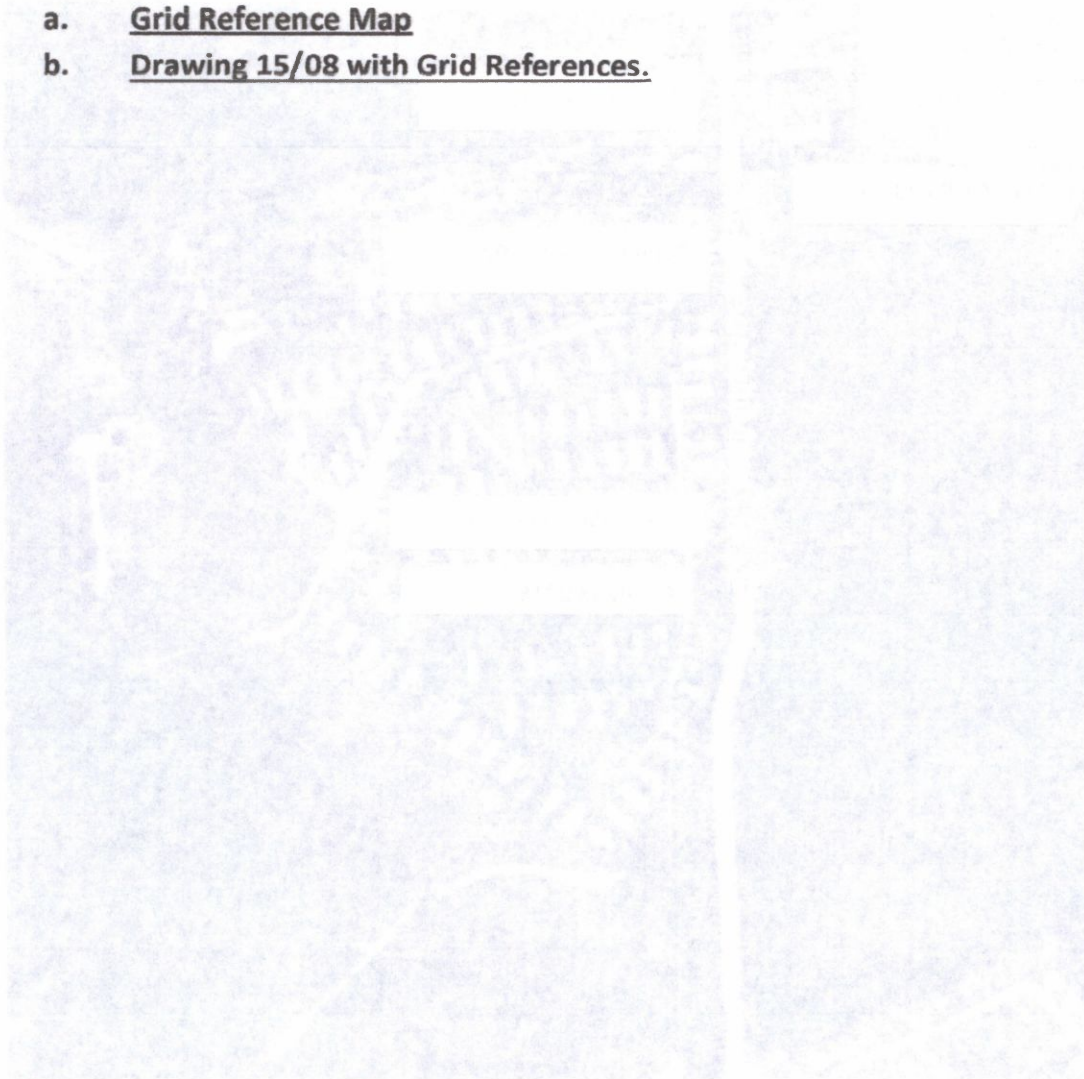
Fig 4. Location map
© Crown copyright. All rights reserved. (Licence Number 1000024307 2004)

B. Historic development and archaeology

The settlements have an interesting archaeology, with about 20 recorded sites or finds on the Dorset Sites and Monuments Record. Of these, one is a Scheduled Monument. These numbers may seem to indicate a relative paucity of material but there are, nonetheless, some particular features of interest and value. There was a Neolithic settlement at the foot of Doghouse Hill, at Chideock. The A 35(T) represents the line of the Roman road from Dorchester to Axminster and both The Street at Charmouth and Main Street in Chideock may be seen to be part of this route. The medieval period is well represented, with a deer park to the north of Chideock and strip lynchets on Quarry Hill to the east and the earthworks and moat of Chideock Castle to the north of the village. The Castle's gatehouse was illustrated by Buck and was destroyed in 1741. The Parish Church is largely C14 and C15. Old Lyme Road is a medieval greenway, now partly lost to landslips. Charmouth has a remarkably intact medieval plan form, running either side of the main road, with burgage plots well preserved on the north side. The layout seems convincingly to be associated with a planned settlement created by the

Appendix 2

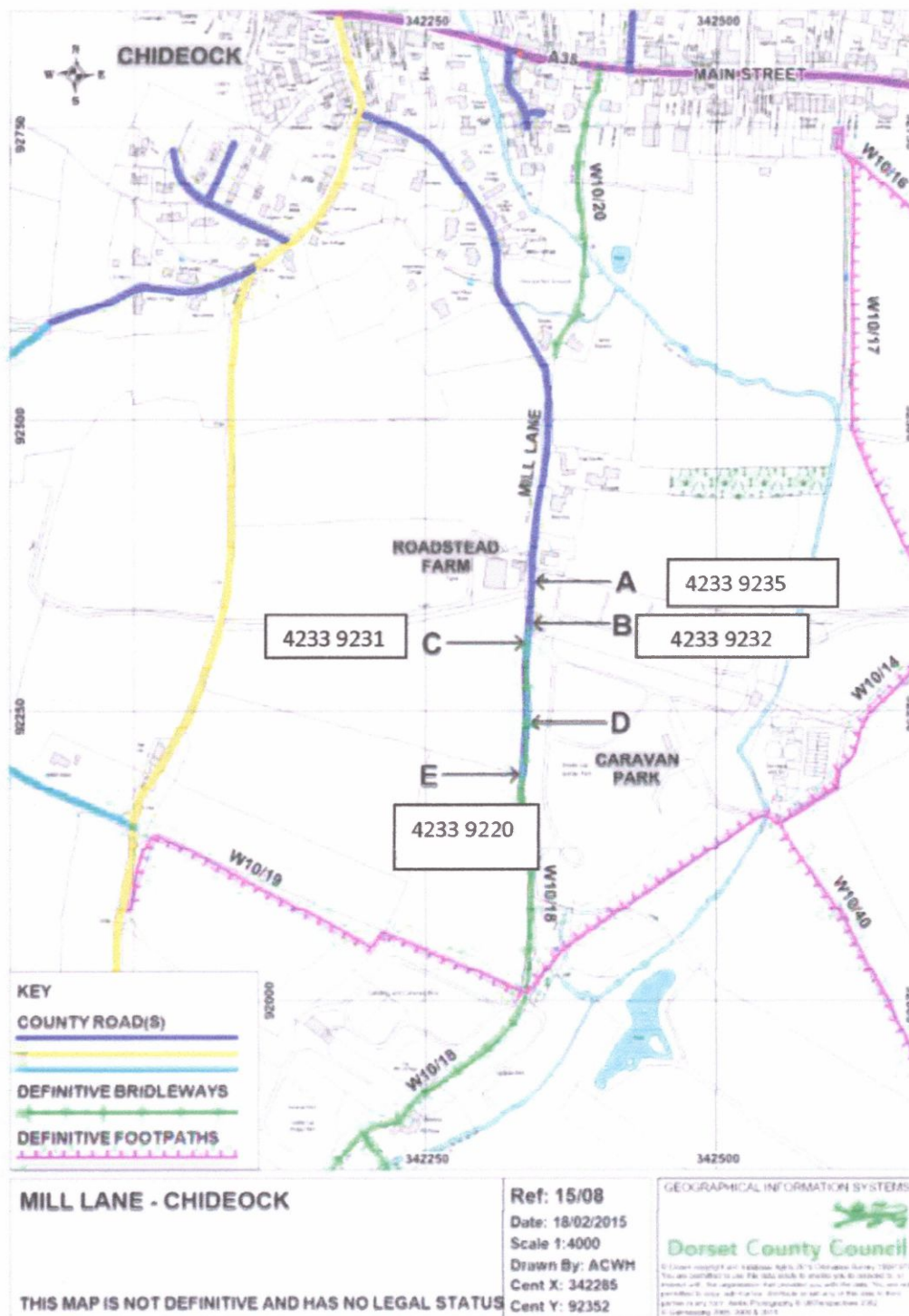
- a. Grid Reference Map
- b. Drawing 15/08 with Grid References.





Map showing position of Grid References A, B, C, E in conjunction with Page 15 – Drawing 15/08 from DCC Report.

Drawing 15/08 with added Grid References



APPENDIX 3

Old Photographs & 1843 Map of Mill Lane Bridleway

1843 Map of Seatown, Dorset

The 1843 Map shows clearly that there was no 'through road' to Seatown via Mill Lane. Seahill Lane only extends to Blackberry Lane. Access to Mill House is via Seahill Lane and Blackberry Lane not via Mill Lane.



Taken in the 1930's Marsh's Farm, now called Seatown Farmhouse, Seatown Farm on the right, now called Seatown Cottage. The footpath to the Mill can be seen leading off to the bottom and right of the picture. This is the track which in 1944 was covered in concrete by the War Ministry.



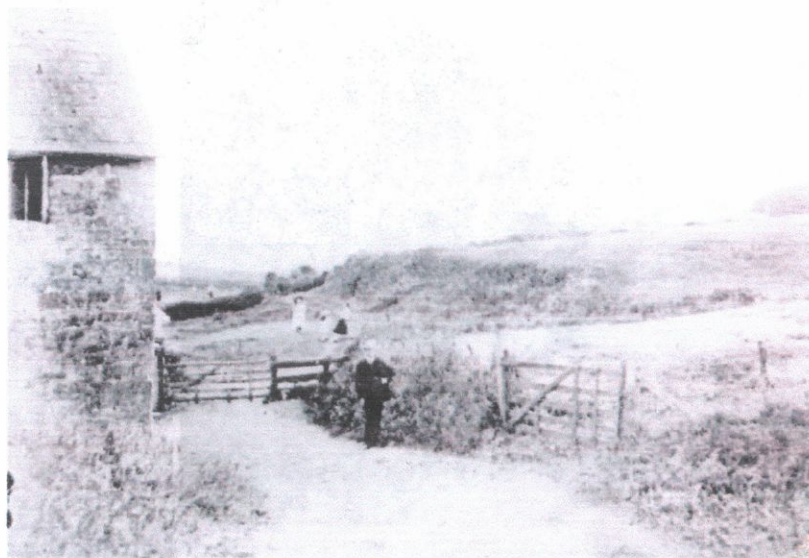
1933 occupant of Mill House walking on the path to Seatown – Mill House in the background



The Mill House in 1930's. The footpath from Seatown is a grass track and the old road from Seahill Lane (Blackberry Lane) can be seen coming from the field to the left of the Mill House. A gate across the road is just visible at the corner of the thatched barn, and another visible at the corner on the left hand side of the photo.



The old footpath to Seatown via Mill Lane. The track had to be gated to enclose the sheep and cattle but there was a stile for walkers. Blackberry Lane extends from Seahill Lane and then turns into a track to bring you to the Mill House through the gate on the right.



From a 1940 Film (screen shots) showing a walker walking along the old grass footpath from Mill House to the Beach. This follows the line of where the concrete was laid in 1943. The bottom photograph shows the walker closing the gate at the southern end of the track.



RE: Proposed Definitive Map Modification Order - Chideock



Phil C Hobson

To ○ Chideock Parish Clerk

 You replied to this message on 21/08/2017 18:03.

 Reply	 Reply All	 Forward	
---	---	---	---

Mon 21/08/2017 18:01

Sent: 21 August 2017 16:39

To: Phil C Hobson <p.c.hobson@dorsetcc.gov.uk>

Subject: Re: Proposed Definitive Map Modification Order - Chideock

Dear Mr Hobson

On behalf of Chideock Parish Council, I ask the following questions:

1. What is the proposal which is being considered by DCC?
2. Given that, according to the Natural England Guide to Definitive Map Orders 2008, the consultees at this stage of the modification process are any other local authority and the parish council, why has the information been sent to Mrs Lyn Crisp?
3. Who else has been sent a copy?

I look forward to hearing from you.

Sal Robinson

From: Martin Cox REDACTED
Sent: 21 August 2017 22:11
To: Phil C Hobson <p.c.hobson@dorsetcc.gov.uk>
Subject: RE: Bridleway18 - Mill Lane Chideock

Dear Phil

Thank you for this explanation.

I am aware that the public have enjoyed the use of the concrete road for many years; is there a level of use which would make it difficult to extinguish the public vehicle rights?

In view of the complexity of the issues surrounding the concrete road, I will refer this to our Solicitors for advice.

Kind Regards

Martin

Martin J Cox
West Dorset Leisure Holidays
REDACTED

Please think of the environment, do you need to print this email?

West Dorset Leisure Holidays Limited, registered in England & Wales No 1364778, Gowers, The Old School House, Hunton Bridge, WD48SZ

From: Phil C Hobson [mailto:p.c.hobson@dorsetcc.gov.uk]
Sent: 21 August 2017 18:14
To: Martin Cox < REDACTED >
Subject: RE: Bridleway18 - Mill Lane Chideock

From: Martin Cox REDACTED
Sent: 21 August 2017 / 15:19
To: Phil C Hobson <p.c.hobson@dorsetcc.gov.uk>
Subject: Bridleway18 - Mill Lane Chideock

Dear Phil

I have received the letter dated 15 August 2017 which informs me that the Council is considering a proposal to modify the definitive map and statement of rights of way relating to Bridleway 18. However, the letter does not appear to explain the reasons for the proposal, the wording of the incorrect status and the details of the proposed order.

The plan with the letter appears to show the proposed modification but not the existing map. I may be completely misunderstanding this?

Could you please give me more information

Regards

Martin

Martin J Cox
West Dorset Leisure Holidays
REDACTED

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From: Guy Mills

REDACTED

Sent: 21 August 2017 13:57

To: Jane L Cheeseman <j.l.cheeseman@dorsetcc.gov.uk>

Subject: Wildlife and Countryside Act 1981 - Proposed Definitive map Modification Order - Bridleway No. 18, Chideock

Your Ref: JLC RW/T539

I have received Mr. Harries' letter of 15 August 2017.

Please provide me with details of the proposal , what has given rise to it and from whence/whom it has come.

I should be grateful if you would reply by not later than 31 August 2017.

G.W.Mills

From: Phil C Hobson on behalf of [Phil C Hobson](#)
To: [Chideock Parish Clerk](#)
Subject: RE: Proposed Definitive Map Modification Order - Chideock
Sent: 21/08/2017 18:01:17

Dear Mrs Robinson

The proposal is to record a short section of existing bridleway, as identified on the accompanying plan, as a Restricted Byway on the Definitive Map and Statement in accordance with what your Parish Council was previously advised.

Whilst there is no requirement to consult with any persons, groups or organisations other than the District and Parish Councils, these being statutory consultees, it is good practice to consult with anyone who might have or has expressed an interest in the matter. Had you continued to read the paragraph you are quoting from you would have found the following passage "In practice many authorities do find it helpful to carry out such consultations. They are encouraged to do so by the Department of Environment Food and Rural Affairs (in circular 1/08) and by the Rights of Way Review Committee". I would also point out that the advice to which you are referring is completely out of date and I must confess that to see it still available is a little surprising. I would suggest that you 'google' the Wildlife and Countryside Act 1981 and refer to Schedule 15 for the legal requirements, however, please keep in mind that this does not include what would commonly be referred to as 'best practice'.

As to who has been also been consulted, as I would hope you will appreciate being a local council yourselves, I am not at liberty to divulge personal information. However, I can reveal that anybody who we feel may have an interest or has expressed an interest and those groups or organisations representing users will have been consulted.

Regards

Phil Hobson

Senior Definitive Map Officer
Dorset Highways
Dorset County Council
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel: 01305-221562 | p.c.hobson@dorsetcc.gov.uk

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APSE Service Awards 2016

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Rights of way advice: <http://www.dorsetforyou.com/rightsofway>
Interactive map: <http://explorer.geowessex.com/>
Register of DMMO applications: <http://mapping.dorsetforyou.com/countryside/dmmo>
Landowner Deposits: <https://www.dorsetforyou.com/article/413350/Landowner-deposits>
Dorset Newsroom: <http://www.dorsetforyou.com/news>

From: Chideock Parish Clerk [mailto:chideock@dorset-aptc.gov.uk]
Sent: 21 August 2017 16:39
To: Phil C Hobson <p.c.hobson@dorsetcc.gov.uk>
Subject: Re: Proposed Definitive Map Modification Order - Chideock

Dear Mr Hobson

On behalf of Chideock Parish Council, I ask the following questions:

1. What is the proposal which is being considered by DCC?
2. Given that, according to the Natural England Guide to Definitive Map Orders 2008, the consultees at this stage of the modification process are any other local authority and the parish council, why has the information been sent to Mrs Lyn Crisp?
3. Who else has been sent a copy?

I look forward to hearing from you.

Sal Robinson

Chideock Parish Clerk

----- Forwarded Message -----

Subject:Proposed Definitive Map Modification Order - Chideock

Date:Mon, 21 Aug 2017 06:18:24 +0000

From:Edward C Bristow <e.c.bristow@dorsetcc.gov.uk>

Dear Sir/Madam

Please find the attached information regarding a proposed modification of part of Bridleway 18, Chideock.

If you have any enquiries relating to this issue, please contact Phil Hobson (Senior Technical Officer) - p.c.hobson@dorsetcc.gov.uk

Yours faithfully

Ed Bristow

Technical Officer Assistant, Regulation Team

Dorset Highways

Dorset County Council

County Hall, Colliton Park

Dorchester

Dorset

DT1 1XJ

Tel: 01305-221567 | E.C.Bristow@dorsetcc.gov.uk

From: Phil C Hobson on behalf of [Phil C Hobson](#)
To: REDACT
Subject: RE: Bridleway18 - Mill Lane Chideock
Sent: 21/08/2017 18:14:09

Dear Martin

The proposed modification relates to the short section of bridleway that overlaps the highway (carriageway) on the List of Streets. Since the Natural Environment and Rural Communities Act came into force the Definitive Map takes precedence over the List of Streets and any vehicular rights are presumed extinguished unless an exception applies (they rarely do) in this case a Restricted Byway is proposed to be recorded over the short length that is 'double' recorded. Although the public vehicular rights are extinguished a private vehicular right is preserved for anybody requiring it for access to their land or property, as you already enjoy a private right you will not be affected as the new private right will fill any gap between the public carriageway and your existing private rights.

I hope that explains it but if you have any remaining concerns please let me know.

Regards

Phil Hobson

Senior Definitive Map Officer
Dorset Highways
Dorset County Council
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel: 01305-221562 | p.c.hobson@dorsetcc.gov.uk

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APSE Service Awards 2016

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[Report a road problem and make enquiries online](#)

Rights of way advice: <http://www.dorsetforyou.com/rightsofway>

Interactive map: <http://explorer.geowessex.com/>

Register of DMMO applications: <http://mapping.dorsetforyou.com/countryside/dmmo>

Landowner Deposits: <https://www.dorsetforyou.com/article/413350/Landowner-deposits>

Dorset Newsroom: <http://www.dorsetforyou.com/news>

From: Martin C

REDACTED

Sent: 21 August 2017 15:19

To: Phil C Hobson <p.c.hobson@dorsetcc.gov.uk>

Subject: Bridleway18 - Mill Lane Chideock

Dear Phil

I have received the letter dated 15 August 2017 which informs me that the Council is considering a proposal to modify the definitive map and statement of rights of way relating to Bridleway 18. However, the letter does not appear to explain the reasons for the proposal, the wording of the incorrect status and the details of the proposed order.

The plan with the letter appears to show the proposed modification but not the existing map. I may be completely misunderstanding this?

Could you please give me more information

Regards

Martin

Martin J Cox

West Dorset Leisure Holidays

REDACTED

Please think of the environment, do you need to print this email?

West Dorset Leisure Holidays Limited, registered in England & Wales No 1364778, Gowers, The Old School House, Hunton Bridge, WD48SZ

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From:

REDACTED

To:

Jane L Cheesemar

REDACTED

Subject:

Ref JLC RW/T539

Sent:

22/08/2017 20:43:52

Dear Mrs Cheeseman,

Thank you for the letter about a Proposed modification to Bridleway no18 in Chideock. I have read it a few times and still am unclear as to exactly what it means. There is very little information in it. It would be very helpful to know who has proposed a change, exactly what that proposed change is and why (ie what they are hoping to get out of it). It is very strange that someone has suddenly decided that approximately 150m of it might not be a bridleway but the rest of it still is . Has someone at the Council actually been to see the site? - it doesnt make any sense to me.

We have lived in Mill Lane for nearly 20 years and all that time have used the whole stretch from just south of Roadstead Farm to Seatown as a Bridleway and it has had street signs at both ends confirming this. We have on occasions met cars from the Campsites (either side of the Bridleway) on the Bridleway and on most occasions the occupants say they have not been made aware of this stretch being a bridleway. Despite there being signs at both ends it has always seemed likely that the Campsite hasnt made a lot of effort to inform their residents of this fact.

The Bridleway is used by countless locals and visitors as a peaceful and safe way to get from Chideock to the sea and any plan to change this would be a further erosion of the beauty of the area.

I hope you are able to give me further information (without me having to come to County Hall!)

Thank You.

Yours sincerely

Robert Neame

REDACTED

Phil C Hobson

From: Phil C Hobson
Sent: 22 August 2017 14:40
To: REDACT
Subject: RE: Bridleway18 - Mill Lane Chideock

Dear Martin

I have copied and pasted Section 67 of the Natural Environment and Rural Communities Act 2006 below. It lists all of the exceptions to presumed extinguishment.

One of the exceptions, para 2(a), relates to the use of the way for the five year period prior to commencement which to preserve the vehicle rights must have been the main lawful use throughout that period.

67 Ending of certain existing unrecorded public rights of way

This section has no associated Explanatory Notes

An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement—

(a) was not shown in a definitive map and statement, or

(b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

But this is subject to subsections (2) to (8).

(2) Subsection (1) does not apply to an existing public right of way if—

(a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,

(b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),

(c) it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,

(d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or

(e) it was created by virtue of use by such vehicles during a period ending before 1st December 1930.

(3) Subsection (1) does not apply to an existing public right of way over a way if—

(a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,

(b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application, or

(c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles—

(i) was reasonably necessary to enable that person to obtain access to the land, or

(ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.

(4) "The relevant date" means—

(a) in relation to England, 20th January 2005;

(b) in relation to Wales, 19th May 2005.

(5) Where, immediately before commencement, the exercise of an existing public right of way to which subsection (1) applies—

(a) was reasonably necessary to enable a person with an interest in land to obtain access to the land, or

(b) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only,

the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.

(6) For the purposes of subsection (3), an application under section 53(5) of the 1981 Act is made when it is made in accordance with paragraph 1 of Schedule 14 to that Act.

(7) For the purposes of subsections (3)(c)(i) and (5)(a), it is irrelevant whether the person was, immediately before commencement, in fact—

(a) exercising the existing public right of way, or

(b) able to exercise it.

(8) Nothing in this section applies in relation to an area in London to which Part 3 of the Wildlife and Countryside Act 1981 (c. 69) does not apply.

(9) Any provision made by virtue of section 48(9) of the Countryside and Rights of Way Act 2000 (c. 37) has effect subject to this section.

Hope that is of use, the full text of the legislation is available on line.

Regards

Phil Hobson

Senior Definitive Map Officer
Dorset Highways
Dorset County Council
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel: 01305-221562 | p.c.hobson@dorsetcc.gov.uk

Phil C Hobson

From: Phil C Hobson
Sent: 23 August 2017 14:31
To: **REDACTED**
Subject: RE: Wildlife and Countryside Act 1981 - Proposed Definitive map Modification Order - Bridleway No. 18, Chideock

Dear Mr Mills

This issue has some history, I will be as succinct as possible. I believe that it was the Chideock Parish Council that first raised a question as to whether Mr Cox, the owner of the Caravan Park at the end of Mill Lane, could permit his visitors to drive along the bridleway in order to access the site. It was explained to the Parish Council that Mr Cox, having a private right of access to the site, could permit guests to use the route, in effect exercising his private right through invitation.

A brief investigation followed and a report was produced that was provided to the interested parties. A meeting with the Parish Council followed, which was also attended by the local MP, Mr Letwin. As a result of that it was determined that the County Council should make a Definitive Map Modification Order in order to reflect the findings of the original investigation.

The proposed modification relates to the short section of bridleway as shown from point A to B, that overlaps the highway (carriageway) as shown on the List of Streets. Since the Natural Environment and Rural Communities Act came into force the Definitive Map takes precedence over the List of Streets and under Section 67 of the Act any vehicular rights that may coincide with recorded public rights of way are presumed extinguished unless an exception applies. In this case a Restricted Byway is proposed to be recorded over the short length that is 'double' recorded, thereby correcting the Definitive Map and Statement as required under statute. Although the public vehicular rights are extinguished a private vehicular right is preserved for anybody requiring it for access to their land or property.

Regards

Phil Hobson

Senior Definitive Map Officer
Dorset Highways
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Tel: 01305-221562 | p.c.hobson@dorsetcc.gov.uk

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Phil C Hobson

From: Phil C Hobson
Sent: 23 August 2017 14:18
To: REDACTED
Subject: Proposed DMMO Mill Lane Chideock

Dear Mr Neame

This issue has some history, I will be as succinct as possible. I believe that it was the Chideock Parish Council that first raised a question as to whether Mr Cox, the owner of the Caravan Park at the end of Mill Lane, could permit his visitors to drive along the bridleway in order to access the site. It was explained to the Parish Council that Mr Cox, having a private right of access to the site, could permit guests to use the route, in effect exercising his private right through invitation.

A brief investigation followed and a report was produced that was provided to the interested parties. A meeting with the Parish Council followed, which was also attended by the local MP, Mr Letwin. As a result of that it was determined that the County Council should make a Definitive Map Modification Order in order to reflect the findings of the original investigation.

The proposed modification relates to the short section of bridleway as shown from point A to B, that overlaps the highway (carriageway) as shown on the List of Streets. Since the Natural Environment and Rural Communities Act came into force the Definitive Map takes precedence over the List of Streets and under Section 67 of the Act any vehicular rights that may coincide with recorded public rights of way are presumed extinguished unless an exception applies. In this case a Restricted Byway is proposed to be recorded over the short length that is 'double' recorded, thereby correcting the Definitive Map and Statement as required under statute. Although the public vehicular rights are extinguished a private vehicular right is preserved for anybody requiring it for access to their land or property.

Regards

Phil Hobson

Senior Definitive Map Officer
Dorset Highways
Dorset County Council
County Hall, Colliton Park
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Tel: 01305-221562 | p.c.hobson@dorsetcc.gov.uk

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Jane L Cheeseman

From: Paul Ramsden
Sent: 01 September 2017 11:07
To: Jane L Cheeseman
Subject: Bridleway 18, Mill Lane, Chideock (JLC RW/T539)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mrs Cheeseman,

I have received a letter regarding a proposed map modification order for the northern section of Bridleway 18, Mill Lane, Chideock and, as a resident of Mill Lane this is of great interest to me. Would you be able to supply any further information regarding this matter as I am unable to tell from the letter what is being proposed?

Can you also tell me if the proposal has come from a new application or if it is part of the long running discussions regarding Bridleway 18?

I look forward to hearing from you.

Best regards

Paul Ramsden

REDACTED

Jane L Cheeseman

From: Jane L Cheeseman
Sent: 04 September 2017 11:03
To: REDACTED
Cc: Phil C Hobson
Subject: RE: Bridleway 18, Mill Lane, Chideock (JLC RW/T539)

Dear Mr Ramsden

Thank you for your email.

My colleague, Phil Hobson is the case officer for this but is away on holiday until next week and so I have copied him in to this response.

However, my understanding is that the proposed modification relates to the short section of bridleway that overlaps the highway (carriageway) on the List of Streets. Since the Natural Environment and Rural Communities Act came into force the definitive map of rights of way takes precedence over the List of Streets and any public vehicular rights are presumed extinguished unless an exception applies (they rarely do).

So far the evidence we have points to the short length that is 'double' recorded therefore being upgraded from bridleway and recorded on the definitive map as a restricted byway (public rights on foot, on horseback, leading a horse, for vehicles other than mechanically propelled vehicles e.g. cycles, horse drawn carriages). Although the public vehicular rights are extinguished a private vehicular right is preserved for anybody requiring it for access to their land or property.

The currently recorded bridleway and adopted road extent is shown on Dorset Explorer [here](#). The blue adopted road layer can be turned off by clicking the layer control button on the right of the screen and then clicking the Adopted Roads layer in the Highways folder.

The proposal does indeed result from the Parish Council's request that the extent of the carriageway/bridleway be clarified.

If you have any queries please contact Phil on his return, email p.c.hobson@dorsetcc.gov.uk.

With regards

Mrs Jane Cheeseman

Definitive Map Technical Officer (Orders), Regulation Team

Dorset Highways

Dorset County Council

County Hall, Colliton Park

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Dorset

DT1 1XJ

Tel: 01305-221560 | j.l.cheeseman@dorsetcc.gov.uk

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From: [Chideock Parish Clerk](#)
To: Jane L Cheeseman
Subject: Proposed Definitive Map Modification Order - Chideock Parish Council
Sent: 10/09/2017 10:17:32

The Parish Council was advised, at the meeting with DCC and Sir Oliver Letwin on 24 July 2015, that no comment should be made by the Parish Council at this stage of the process.

All relevant evidence is contained in the 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" which was sent to DCC Rights of Way in July 2015.

Sal Robinson
Chideock Parish Clerk

From: [Chideock Parish Clerk](#)
To: Jane L Cheeseman
Subject: Fwd: Byway 18/Mill Lane Chideock
Sent: 10/09/2017 10:20:24

Please see e-mail below.

Sal Robinson
Chideock Parish Clerk

----- Forwarded Message -----

Subject: Byway 18/Mill Lane Chideock

Date: Thu, 7 Sep 2017 21:38:56 +0100

From: Sue Allen **REDACTED**

To: chideock@dorset-aptc.gov.uk

Dear Sal,

Please would you forward the following comments to the appropriate committee? I could not find the application on the planning site. Thanks

There is no safe way to walk to the beach at Seatown from Chideock by path. However, with the choice of either Sea Hill Lane or Mill Lane, the latter is far preferable, especially during the holiday season, as it is not a through route to traffic . The proposed removal of the restriction would encourage guests at the camp sites to use Mill Lane with their vehicles materially increasing the risk to pedestrians and likely causing traffic chaos as there are no passing places on the single track road between the playing field and Roadstead Farm. We would like to see the bridleway classification maintained as this does at least restrict the traffic and make it safer particularly for local or visiting children.

Sue and Cliff Allen

The Mill House Seatown Bridport Dorset DT6 6JX

11 September 2017

Ref JLC RW/T539

Mrs J Cheeseman
Dorset Highways
County Hall
Colliton Park
DORCHESTER
DT1 1XJ

ENVIRONMENT
DIRECTORATE
REDACTED

Dear Mrs Cheeseman

Proposed Definitive Map Modification Order – Bridleway No 18, Chideock

I write, as requested, with evidence regarding the use of Mill Lane, Bridleway Number 18, Chideock.

My family and I live at Mill House at the sea end of Mill Lane and the house has been in the family for 65 years, we therefore feel we are well placed to provide historical and present day usage of the bridleway.

There has been a mill on this site since the Domesday Book and has milled corn here up until the 1st World War, when it fell into disuse. The wheel and the leat are all long gone.

However there are two carters tracks to bring the corn to the mill. From the West, still visible up until the 1931 OS maps but now non-existent and the second from the North (Mill Lane) and as we know, still in use.

Mill Lane was in fact a mere muddy track and petered out almost to a footpath past the Mill House, up until 1943 when the war effort used concrete to pave the entire lane for stone extraction from the beach. These pebbles were then used in the construction of the runways at Dunkerswell for the Air Force.

Recent history has had issue with the battle of car usage versus pedestrians, worsening at peak holiday times. Mill Lane is a much safer walking option for local people to walk to Seatown beach, since the higher road is narrow with no safe walk way. We have horses and daily ride the horses, we also walk, cycle and drive the lane.

Hoping that this information is of help.

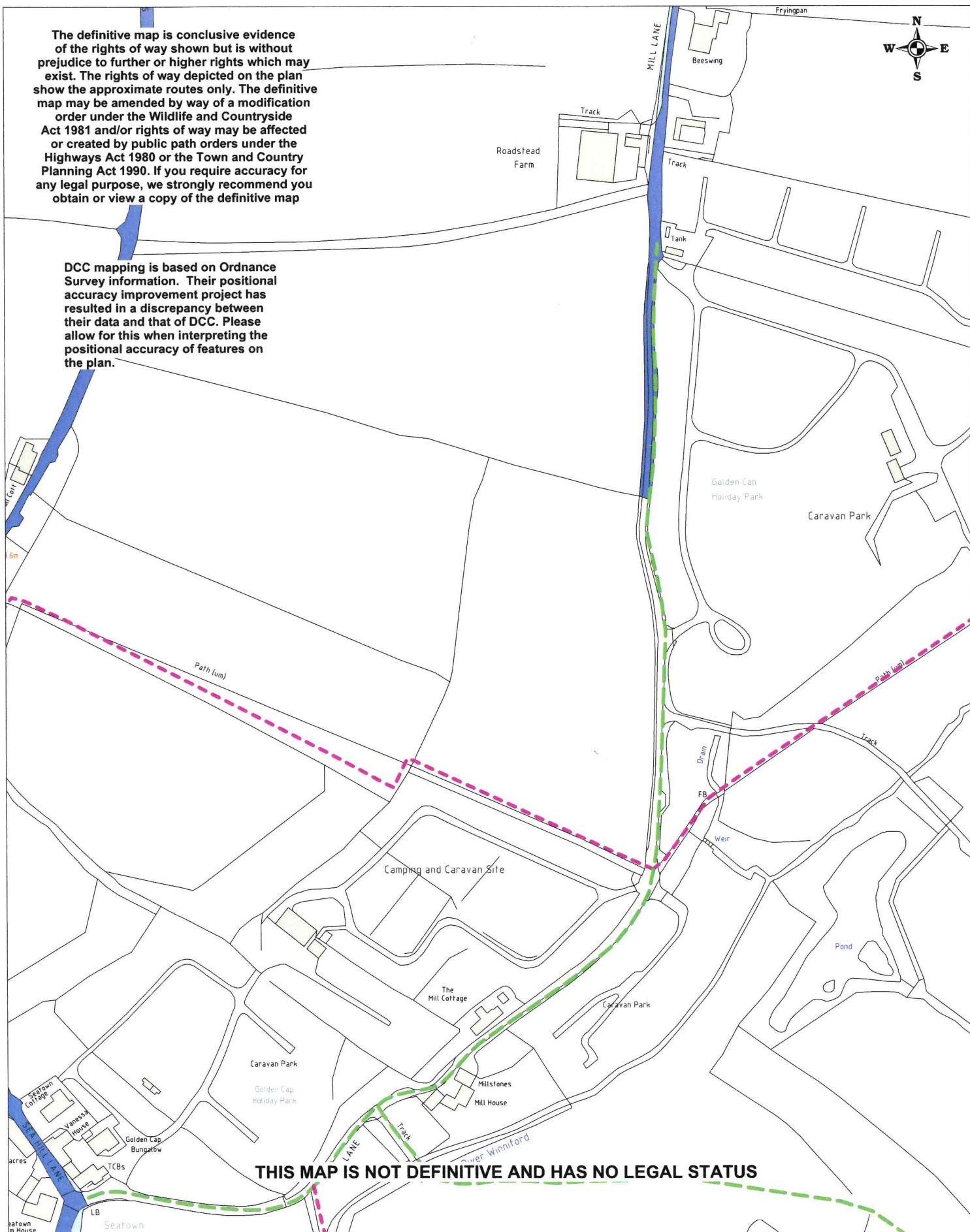
Yours sincerely

REDACTED

Ian Stoker and Karen L. Cox

The definitive map is conclusive evidence of the rights of way shown but is without prejudice to further or higher rights which may exist. The rights of way depicted on the plan show the approximate routes only. The definitive map may be amended by way of a modification order under the Wildlife and Countryside Act 1981 and/or rights of way may be affected or created by public path orders under the Highways Act 1980 or the Town and Country Planning Act 1990. If you require accuracy for any legal purpose, we strongly recommend you obtain or view a copy of the definitive map

DCC mapping is based on Ordnance Survey information. Their positional accuracy improvement project has resulted in a discrepancy between their data and that of DCC. Please allow for this when interpreting the positional accuracy of features on the plan.



Maintainable Highway Extent

Public Rights of Way

Ref:

Date: 18/09/2012

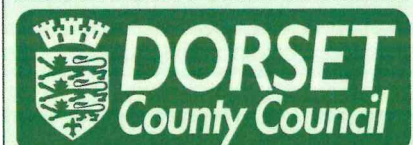
Scale 1:2500

Drawn By:

Cent X: 342255

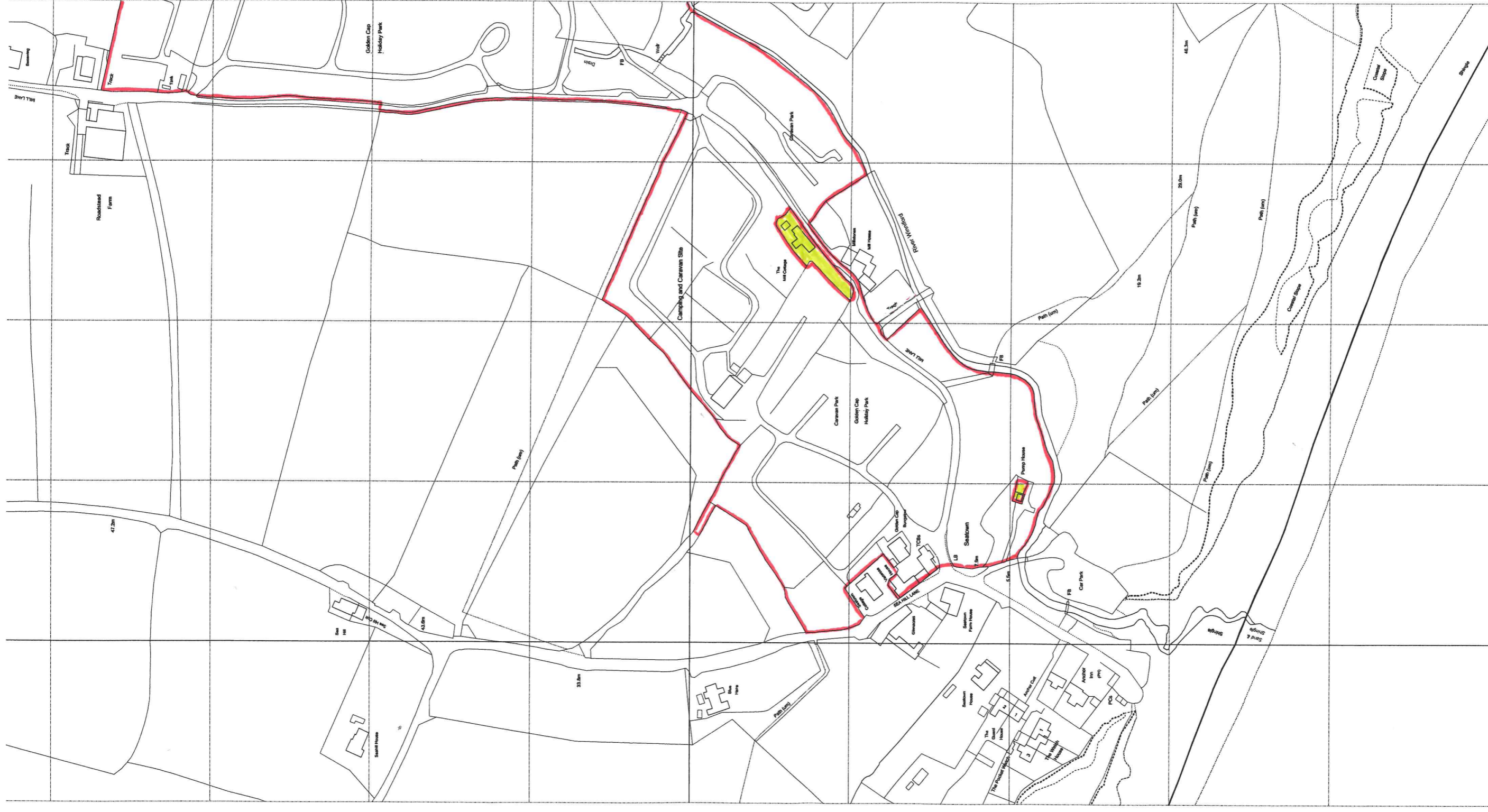
Cent Y: 92132

GEOGRAPHICAL INFORMATION SYSTEMS



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COMPOSITE
PLAN



APPROX. EXTENT

SCALE 1:2500



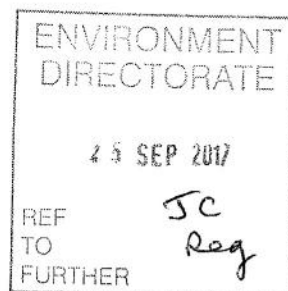
KITSON TROTMAN

SOLICITORS

Your ref: JLC RW/T539
Our ref: JH/JH/W862/6

22 September 2017

Mrs J L Cheeseman
Dorset Highways
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ



The Champions
Beaminster
Dorset
DT8 3AN
T 01308 862313
F 01308 862033

By e-mail: j.l.cheeseman@dorsetcc.gov.uk and post

Dear Sirs

Wildlife and Countryside Act 1981
Proposed Definitive Map Modification Order – Bridleway No. 18, Chideock
Our client: West Dorset Leisure Holidays Limited

We act on behalf of West Dorset Leisure Holidays Limited.

Our client has provided us with a copy of your letter of 15 August 2017 and the accompanying Drawing 17/21.

The following response is provided for and on behalf of our client.

Background

Our client is the registered proprietor of freehold land and property which abuts the section of Bridleway 18 shown marked between points 'A' and 'B' on Drawing 17/21 ('the **Section Under Investigation**').

Our clients land:

- lies immediately to the south of point B of the Section Under Investigation; and
- lies immediately to the east of the Section Under Investigation.

Our client's land also includes other sections of Bridleway 18 and land in the vicinity of points the Section Under Investigation. We **enclose** a composite plan which shows the extent of our client's ownership outlined in red.

also at

BRIDPORT
T 01308 427436

LYME REGIS
T 01297 442580

WEYMOUTH
T 01305 341400

PARTNERS

Richard King
Tracy Scammell
Jason Hodnett

CONSULTANT

Michael Conroy

Relevant evidence and comments

Use

Our client, those employed by our client and/or visiting our client's property have used the Section Under Investigation for well over 20 years in common with other members of the public as a public highway. The use has been with or without vehicles and at times and is consistent with highway usage.

To the best of our client's knowledge no one has ever stopped or sought to stop access over the Section Under Investigation.

All use of the Section Under Investigation has been open free and without the consent of anyone or any statutory or other body.

The Highways Authority has maintained the Section Under Investigation.

The Section Under Investigation is referred to as designated adopted highway on the **enclosed** highways search plan obtained by this firm for our client dated 18 September 2012.

Preregistration deeds and documents

The pre-registration deeds and documents of title of the Weld Estate (predecessors in title of our clients) show that the extent of public highway was considered to include the Section Under Investigation.

Relevant history

Mill Lane consists of adopted highway and a section of 'The Concrete Road'.

The Concrete Road was originally a track which was taken over by the Ministry of Defence in the Second World War. The hard concrete surface was laid to improve the access for vehicles taking gravel from Seatown Beach for the construction of airfields in this area. The control of the unadopted parts of The Concrete Road was returned to the Weld Estate after the Second World War came to an end.

The unadopted parts of The Concrete Road were disposed of by the Weld Estate. The Weld Estate also granted rights of way over the unadopted parts of The Concrete Road as part of the disposal.

The Section Under Investigation has and continues to be used for access by members of the public. It has done so for well in excess of the requisite period such that dedication and acceptance of public highway rights must exist at common law.

The 2015 Report

A report of The Director for the Environment and the Economy dated 27 February 2015 relating to the 'Status and extent of public highway rights at Mill Lane, Chideock' ('the 2015 Report') was published in 2015.

We would ask for your confirmation that the 2015 Report is being considered as part of the information and evidence being investigated as part of this matter.

According to the 2015 Report:

1. In the early mapping of Chideock Mill, Lane was depicted "in a manner that suggests it was regarded as a public highway, probably a public carriageway. Those that are shaded in the conventional manner, light brown, depict the route extending at least as far as point C [on the plan/drawing attached to the 2015 Report]".
2. The Finance Act 1910 documents referred to in the 2015 Report, "suggest that Mill Lane was excluded from valuation, this being indicative of the road being regarded as a public highway, in all probability a public carriageway. The extent of the public road would have been at least as far as point E [on the plan/drawing attached to the 2015 Report] although there is no compelling evidence to determine that the public road ended at this point, indeed it may have continued further".
3. The Weld Estate made declaration under the Rights of Way Act 1932 which "provides conclusive evidence to the fact that the estate admitted the existence or dedication of a public highway". This declaration is consistent with the extent of public highway inferred from the pre-registration deeds and documents of title of the Weld Estate
4. The Ordnance Survey Maps support the conclusions reached in respect of the Finance Act 1910 evidence and "indicates that Mill Lane was regarded as a public carriageway at least as far as point E [on the plan/drawing attached to the 2015 Report]".
5. The route of the public highway is recorded on the List of Streets as extending as far as point E [on the plan/drawing attached to the 2015 Report].
6. Bridleway 18 was created by West Dorset District Council (**WDDC**) in January 1997. The 2015 Report states:
 - "3.49 Although the route is described as terminating at the "start of the county road (Mill Lane) at grid reference 4234-9232 (point BU)" it is clear from the evidence already examined that the publicly maintained county road (Mill Lane)

terminated approximately 125 metres south of this point (point E on drawing 15/08) [on the plan/drawing attached to the 2015 Report]

- 3.50 It appears that the Order may have been made with reference to the grid reference for the termination point of Mill Lane as contained within the List of Streets with no reference being made to the accompanying plan or any other documents. Although the Order is clear as to the course and extent of the newly created bridleway it does appear that an error or assumption has led to the creation of a bridleway over part of an existing publicly maintainable highway, a public carriageway, Mill Lane, as shown between points C and E [on the plan/drawing attached to the 2015 Report]...”

The 2015 Report further states:

“4.8 The creation of a public bridleway in 1997, the effect of which led to that part of it as shown between points B-C-D-E [on the plan/drawing attached to the 2015 Report] being created over an existing part of a publicly maintainable carriageway, Mill Lane, is not an unknown situation. It is not known what records were consulted in arriving at the termination of the Bridleway at B. **A later creation of a lesser highway does not extinguish a pre-existing highway of a higher status. Accordingly, the creation of the public bridleway would have had no effect, at that time, over any existing higher public rights whether or not they had been recorded...**”

Our instructions are that Bridleway 18 was designated with the co-operation of various landowners (including our client) to facilitate a bridleway link from West Bay to Charmouth. This link was to pass over the Section Under Investigation.

Clearly it would not have been the intention to create a new bridleway over an existing adopted highway as no such rights would have been necessary. This duplication must have been an administrative oversight.

Legal authority

According to Halsbury's Laws of England Volume 55 (2012) at para. 202:

“Where a highway has been... expressly dedicated to and accepted by the public, as a particular kind of way, no question may arise as to the minimum rights over it, for its rights cannot be diminished by non-user. Where a highway originates in an inferred dedication, it is a question of

fact for what kind of traffic it was dedicated, having regard to the character of the way and the nature of the use before the date at which the dedication is inferred; and a right of passage once acquired will extend to more modern forms of traffic reasonably similar to those for which the highway way originally dedicated..."

According to the recent case of *Trail Riders Fellowship v Secretary of State for Environment, Food and Rural Affairs* [2017] EWHC (Admin 1866), details of lists of streets under s 36(6) of the Highways Act 1980 were relevant to the application to modify the Definitive Map Status, but not decisive, as they do not need to precisely delineate such streets.

Conclusion

The information and authority contained or referred to in this letter demonstrates there had been dedication and acceptance of public highway rights prior to the making of the Order in 1997. It is clear that a public highway has existed over the Section Under Investigation for many years. The 2015 Report concludes:

"On balance, the extent of Mill Lane that is actually publicly maintainable highway, a public carriageway, is considered to extend as far as point E [on the plan/drawing attached to the 2015 Report]."

This extent accords with the Section Under Investigation.

The use as a public highway existed long before and prior to the Order creating the Bridleway status over the Section Under Investigation. As the 2015 Report has concluded, the later creation of a lesser highway could not extinguish a pre-existing highway of a higher status and nor can there be any subsequent question over the minimum highway rights over it. Therefore, the act of making the Order did not change or alter the public highway status in relation to the Section Under Investigation.

Further, the Order could not have had legal effect because there were pre-existing higher public rights in existence. Section 67 of the Natural Environment and Rural Communities Act 2006 (**NERCA**) provides that an existing public right of way for mechanically propelled vehicles is only extinguished if it is over a way which, immediately before commencement, was not shown in a definitive map or statement, unless immediately before commencement it was shown in a list required to be kept under the Highways Act 1980, s 36(6). As such, we consider that the Bridleway status did not take legal effect over the Section Under Investigation.

This means that there is, in fact, no duality of highway rights over the Section Under Investigation and the presumptive provisions of the NERCA do not apply to the Section Under Investigation.

Accordingly, the definitive map should be amended to remove Bridleway 18 insofar as it relates to the Section Under Investigation to correct the administrative error.

From a practical perspective:

- Even if the bridleway designation by WDDC could be considered valid, which is not admitted, it is the bridleway designation that should be cancelled rather than the adopted highway status. To alter the adopted highway status has the effect of unduly reducing/restricting use, when highway use is established;
- When The Concrete Road was constructed, it was clearly intended to include a right of way for motor vehicles and heavier propelled forms of transport. That was its purpose. To seek to change this now seems unreasoned;
- It is noted that the extent of Bridleway 20 stops at the adopted highway. We would have thought that the extent of Bridleway 18 should be dealt with similarly without changing the extent of the adopted highway.

Please acknowledge safe receipt of this letter.

Yours faithfully

REDACTED

From: REDACTED
To: Jane L Cheeseman
Subject: WILDLIFE AND COUNTRYSIDE ACT 1981 - PROPOSED DMMPO - BRIDLEWAY NO 18 CHIDEOCK - T539
Sent: 25/09/2017 13:25:11

Dear Jane

Referring to your letter and map, I have to advise you that we have no evidence to support this application. However, it would seem to be logical that Bridleway 18 continued north and not end at the junction with Bridleway 19, but continue northwards along Mill Lane to join Bridleway 20 and on towards the A35.

Thank you for consulting with us.

Kind regards

Carol



Carol Shoopman
County Access and Bridleways Officer
REDACTED

Anne Brown

From: Anne Brown
Sent: 05 March 2018 12:26
To: REDACTED
Subject: Your reference: JH/JH/W862/b

Wildlife and Countryside Act 1981, Proposed Definitive Map Modification Order for Bridleway 18, Chideock

Dear Mr Hodnett,

Thank you for your response to the consultation on the above case, on behalf of West Dorset Leisure Holidays Ltd. (dated 22 Sept 2017).

I apologise for the delay, which was caused by the long-term absence of a colleague, but I have now begun analysing all the evidence prior to submitting a report to the Regulatory Committee. I see in your letter that you refer to some documentary evidence contained in the pre-registration deeds and documents of title from the Weld Estate. To enable me to consider this evidence I would be most grateful if you could forward me copies.

I can confirm that the 2015 report to which you refer will form part of my analysis.

Yours regards,

Anne Brown AIPROW
Definitive Map Technical Officer (DMMO),
Regulatory Team
Dorset Highways
Dorset County Council
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel: 01305 221565

Email: Anne.K.Brown@dorsetcc.gov.uk

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13326

KITSON TROTMAN

SOLICITORS

Our ref: JH/JH/W862/6
Your ref: JLC RW/T539

10 May 2018

Mrs J L Cheeseman
Dorset Highways
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

By e-mail: j.l.cheeseman@dorsetcc.gov.uk; Anne.K.Brown@dorsetcc.gov.uk and post

Dear Sirs

Wildlife and Countryside Act 1981
Proposed Definitive Map Modification Order – Bridleway No. 18, Chideock
Our client: Mr D C Everidge

We act on behalf of Mr D C Everidge.

Our client has asked us contact you to confirm that he concurs with the response to your letter of 15 August 2017 and the accompanying Drawing 17/21 which was provided on behalf of West Dorset Leisure Holidays Limited by our letter of 22 September 2017.

A copy of the letter of 15 August 2017 and the accompanying Drawing 17/21 has been supplied to our client by West Dorset Leisure Holidays Limited

The following further information is provided for and on behalf of Mr Everidge:

- Our client and his family has owned Land at Roadstead Farm Mill Lane Chideock Bridport DT6 6JS and land lying to the west of Mill Lane Chideock Bridport since the early 1950's.
- Until 1987 our client's father owned the land known as Alberlon Caravan Park Mill Lane Chideock Bridport which abuts the concrete road until that land was acquired by West Dorset Leisure Holidays Limited.
- Since 1965, land at Seatown Farm Chideock Bridport, lying to the east of the concrete road has and continues to be tenanted by our client's family. Access is taken via two gates off the concrete road.

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CONSULTANT

Michael Conroy

- Our client has confirmed to us that ever since his family acquired the land at Roadstead Farm Mill Lane Chideock Bridport DT6 6JS and land lying to the west of Mill Lane Chideock Bridport the concrete road including the section of Bridleway 18 shown marked between points 'A' and 'B' on Drawing 17/21 ('the Section Under Investigation'):
 - Has been used by farm workers for vehicular access to transport:
 - Farm goods and crops;
 - Farm animals; and
 - Farm equipment and machinery,
 - Such use has been in common with all others so entitled.

The current parties using the concrete road with vehicles including the Section Under Investigation under arrangements with our client are:

- West Dorset Leisure Holidays Limited to access a camping area which lies to the east of the river Winniford (including those staying at the camp site);
- D S Symonds – for thatching and arable crops;
- Nick Shannon – cabinet maker; and
- David Legg – shepherd/herdsman

Our client considers that he, those mentioned above and others such as private home owners (and removal vans), Wessex Water, Royal Mail, refuse collectors and others have used the Section Under Investigation for many years in common with other members of the public as a public highway. The use has been with or without vehicles and at times and is consistent with highway usage.

To the best of our client's knowledge no one has ever stopped or sought to stop access over the Section Under Investigation.

All use of the Section Under Investigation has been open free and without the consent of anyone or any statutory or other body.

Please acknowledge safe receipt of this letter.

REDACTED

KITSON TROTMAN

SOLICITORS

Our ref: JH/MW/W862/6

11 May 2018

Ms Anne Brown
Definitive Map Technical Officer
Regulatory Team
Dorset Highways
Dorset County Council
County Hall, Colliton Park
Dorchester DT1 1XJ

Dear Ms Brown

Wildlife and Countryside Act 1981
Proposed Definitive Map Modification Order – Bridleway No. 18, Chideock
Our client: West Dorset Leisure Holidays Limited

Further to your recent telephone conversation with my offices and following confirmation from my client, I enclose as follows:-

1. Copy Conveyance dated 27th January 1954 made between (1) Humphrey Joseph Giles Weld, Elinor Mary De Poher Weld (2) Humphrey Joseph Giles Weld and Joseph William Weld (3) Elinor Mary De Poher Weld and (4) Herbert Alexander John Burry
2. Conveyance dated 15th December 1956 made between (1) Herbert Alexander John Burry and (2) Seatown (Dorset) Limited

Our interpretation is that the conveyances demonstrate rights of way being granted over the concrete road link to the public highway which began at point C shown marked on the conveyance plans.

I would be grateful if you could acknowledge safe receipt.

REDACTED

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Michael Conroy

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From:
To: Anne Brown
Cc: Jane Cheeseman
Subject: Wildlife & Countryside Act 1981 Proposed definitive Map Modification Order - Bridleway No. 18, Chideock Our client: Everidge
Sent: 18/05/2018 16:55:42

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Brown

Thank you for your email dated 15th May 2018 acknowledging safe receipt of our letter of 10th May 2018 by email and post.

My client has asked me to clarify that the third bullet point of my letter should be read and construed as follows:-

'Since 1965, land at Seatown Farm, Chideock, Bridport, lying to the east/west of the concrete road has and continues to be tenanted by our client's family. However, since 1992 this has been only the land to the west and access is taken via two gates off the concrete road.'

We look forward to hearing from you further in due course.

Kind regards,

Jason

Jason Hodnett
Partner

Tel: 01308 862313
E-mail: j.hodnett@ktlaw.co.uk
Fax: 01308 862033

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