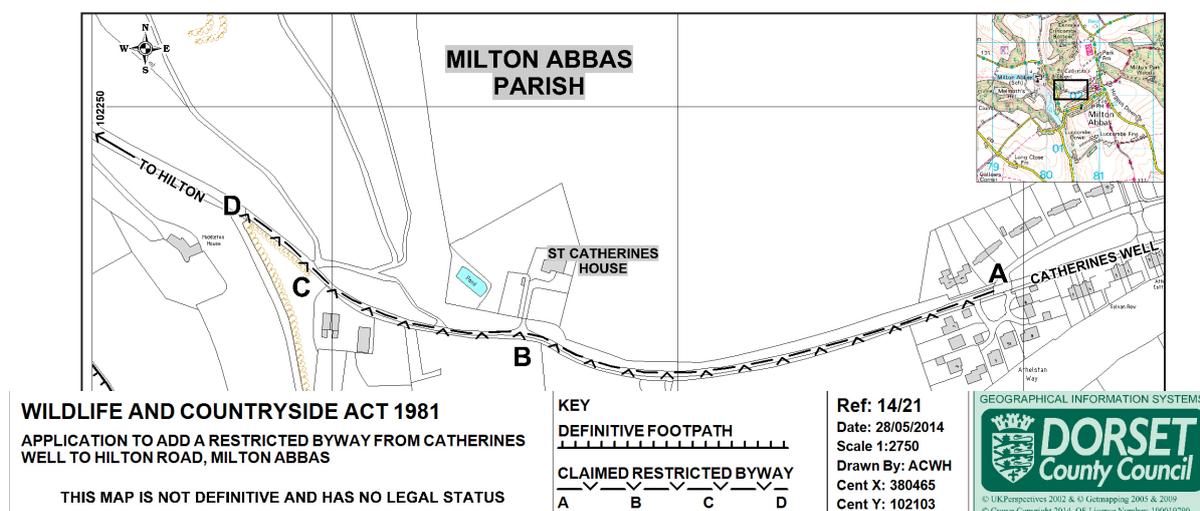


Bulletin Supplement

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Track's Status under Review



This map indicates the track from Catherine's Well to the Hilton Road. It has been used by villagers for at least 70 years as a route from Catherine's Well to the Hilton Road, to St. Catherine's Chapel and to the Abbey and more recently by employees of the the Abbey School. When it was owned by the Cox family; most recently the late Michael Cox, there were no restrictions imposed on its use as a right of way.

However, in September 2009 the new owner decided to restrict its usage and impose conditions which then led to this application to the County Council, by Carol Shoopman, Dorset branch of the British Horse Society, as explained in her letter below:-

Wildlife and Countryside Act 1981 **Application for a definitive map modification order** **Track from Catherine's Well to Hilton Road, Milton Abbas**



2 Deer Park Cottages,
Milton Abbas, Dorset DT110AY
Telephone 01258-880318
carolshoopman@btinternet.com

Dear Parishioners,

In my role as County Access and Bridleways Officer for Dorset British Horse Society, I shall endeavour to explain in "layman's language" the story behind the Restricted Byway Claim I lodged with Dorset CC some 5 years ago under the above act.

Firstly you may be wondering what the "Definitive Map" is. It is a legal document/map & statement held by DCC showing all the public rights of way in Dorset. If you wish to change the status of a Footpath (walkers only), a Bridleway (walkers, cyclists and horse riders), a Restricted Byway (all of the previous plus non-motorised vehicles) or a Byway Open to all Traffic (all of the previous, including motorised vehicles) then you can apply to DCC to have the map changed by applying for a Definitive Map Modification Order. Finally, wheels have now been set in motion and DCC have sent out consultation letters to statutory consultees, made up of the Landowners, Parish Councils, The Ramblers, The British Horse Society, Cycling Clubs and many more.

This application was made under the umbrella of the Dorset British Horse Society in September 2009. It has taken this long to reach the top of the pile (they have many to deal with). An Officer has now been appointed to investigate the application. Some of you have already completed what we call "user evidence" forms (I have copies), whether you used the route on foot, bicycle, horse or a vehicle and these will now be looked at by the Officer. His report, which may take several months, will be presented to the Roads and Rights of Way Committee to determine the status of the route. You will have the chance to make a deputation (3 minutes only) to that Committee if you wish, but only evidence will be accepted. It will not be determined on the suitability of the track etc.

Many of you, including myself, have used the track in question numerous times. The track then changed hands, the new landowner challenged people, stating that it was a private road. Briefly, to apply for a map change I had to present DCC with evidence going back 20 years and more, of use by the public.

In January 2005 a new Act (NERC) has made it very difficult to claim a Byway Open to all Traffic. However, many have used the track with motorised vehicles, although there are exceptional circumstances, it is possible that the route could be recommended as a Byway open to all Traffic. If the Committee agree to a new status, an Order will then be made. However, objections can still be made up to 6 weeks from the date of the Order. Providing no objections are received then a confirmation Order will be processed and details entered onto the Definitive Map and Statement. Any objections will be looked at and another process may occur, such as a Public Inquiry. It is a lengthy process, but I'm afraid there is not much we can do about it.

Shortly notices will be placed along the route by DCC you may then write to DCC with any new evidence (or you can contact me) for a "user evidence" form before **22nd August 2014**. The claim has been lodged mainly on "user evidence" but historic evidence is also vital.

Carol Shoopman – BHS County Access and Bridleways Officer – July 2014

What You can do if you wish to give evidence to assist the review

The DCC via their Roads & Rights of Way Committee will be reviewing evidence produced at the time of the initial application in 2009. As importantly, it is inviting also further evidential information with regard to *present* as well as *past* usage. This can be in the form of photographs, or even memories of track usage documented and supported by signed statements. Below is an extract from the DCC's notification to Owners, Occupiers and interested parties:

"Dorset County Council has a duty to investigate the matter to assess the available evidence and decide whether to make a legal order. The effect of the modification order, if granted in accordance with the application, would be to recognise and record the right of the public to use the route on foot, with horses or bicycles and horse-drawn vehicles (excluding mechanically propelled vehicles). In addition, the evidence may lead the County Council to make another type of order." It then goes on to explain the process:

*"Please note that applications for DMMOs do not seek to create new public rights but to record those rights that already exist". Our investigations will evaluate the evidence, from users of the route and from historical documents, and make a recommendation in a report to a meeting of the Roads and Rights of Way Committee in the near future. However, if there is no indication of opposition the Director for Environment, after consultation with Chairman of the Committee and the local County Council member, has delegated powers to decide whether an order should be made and published... It is hoped to bring the matter before the Roads and Rights of Way Committee (or the Chairman and local member) for consideration in the near future. They will be acting in a quasi-judicial capacity and will have to base their decision solely on the evidence. The desirability, suitability or necessity of adding the route are not matters that can be taken into account under the Wildlife and Countryside Act 1981 and information on these points is not required. **However, information on the following points would be of assistance: -***

- 1. The use of the route by the public.*
- 2. Any actions taken to prevent the public from using the path as a public right of way.*
- 3. Any documentation recording or relating to the route.*

*Any evidence received by **22 August 2014** may be incorporated in the Director for Environment's report and will be treated as public information (please refer to the Data Protection information at the end of this letter). In any response it would be helpful if you could give an email address for future correspondence. If you need additional time in which to respond please let me know. The file is available for public inspection at the Rights of Way offices by appointment Members of the public are allowed limited public speaking at a Committee meeting. If the case is to be brought before the Committee we will write to those directly affected to advise them. If you wish to be informed of the details of the meeting please let me know".*

Yours faithfully,

Phil Hobson

email p.c.hobson@dorsetcc.gov.uk

Rights of Way Officer

Definitive Map Team

Dorset County Council, Dorchester.

Website www.dorsetforyou.com