



Spatial Planning

County Hall
Colliton Park
Dorchester
DT1 1XJ

☎ 01305 221000

🌐 www.dorsetcouncil.gov.uk

Mrs Sarah Mitchell, Clerk,
Buckland Newton Parish Council
by email

Date: 18 December 2020

Ref: ASB RW/T580

Officer: Alastair Beaven

☎ 01305 224058

✉ Alastair.beaven@dorsetcouncil.gov.uk

Dear Mrs Mitchell

**SECTION 53, WILDLIFE AND COUNTRYSIDE ACT 1981
APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER – T580, Buckland Newton**

I am writing to let you know that an application has been made to modify the definitive map and statement of rights of way in your parish. The effect of the application, if successful, will be to alter Dorset Council's record of public rights of way by adding a bridleway and upgrading part of a footpath to a bridleway in the parish of Buckland Newton. I attach a plan showing the claimed route.

The application is based solely on documentary evidence. Officers will also consider user evidence, I attach a sheet of examples of what is relevant evidence, as irrelevant issues cannot be considered. Your parishioners can be most helpful by submitting relevant evidence that can be included in a report, after investigation by officers. People should submit their evidence as soon as it is available but a full consultation exercise will also be carried out before the report is written. The report will be considered by Senior Managers / Officers.

Such applications must be decided on the basis of the law as it is (not how people would like it to be) and upon the balance of evidence as to whether the rights claimed already exist or not. It is a recording process that does not add to or take away people's rights. It records what they are and therefore an application should be accepted or refused accordingly. It is not about whether the application is desirable or not.

Modification applications are rarely straightforward and the investigation process can be prolonged, as I am sure you are aware. Unfortunately our queue of applications has grown rapidly in the past few years and so it may be some considerable time before this application is investigated. Occasionally one is accelerated if it fulfils one of the exceptions in our Statement of Priorities because of special circumstances, for example, a development being affected, but generally queue jumping is avoided as it sets back other outstanding applications.

Whatever decision is made it is likely to disappoint somebody. There is an appeals process to the Secretary of State who will usually decide to hold a public inquiry locally at which evidence can be tested more thoroughly than the Council is able to do.

However, in some instances owner and applicant may agree to a course of action that would enable the application to be withdrawn before it is investigated by Dorset Council and this approach is encouraged.



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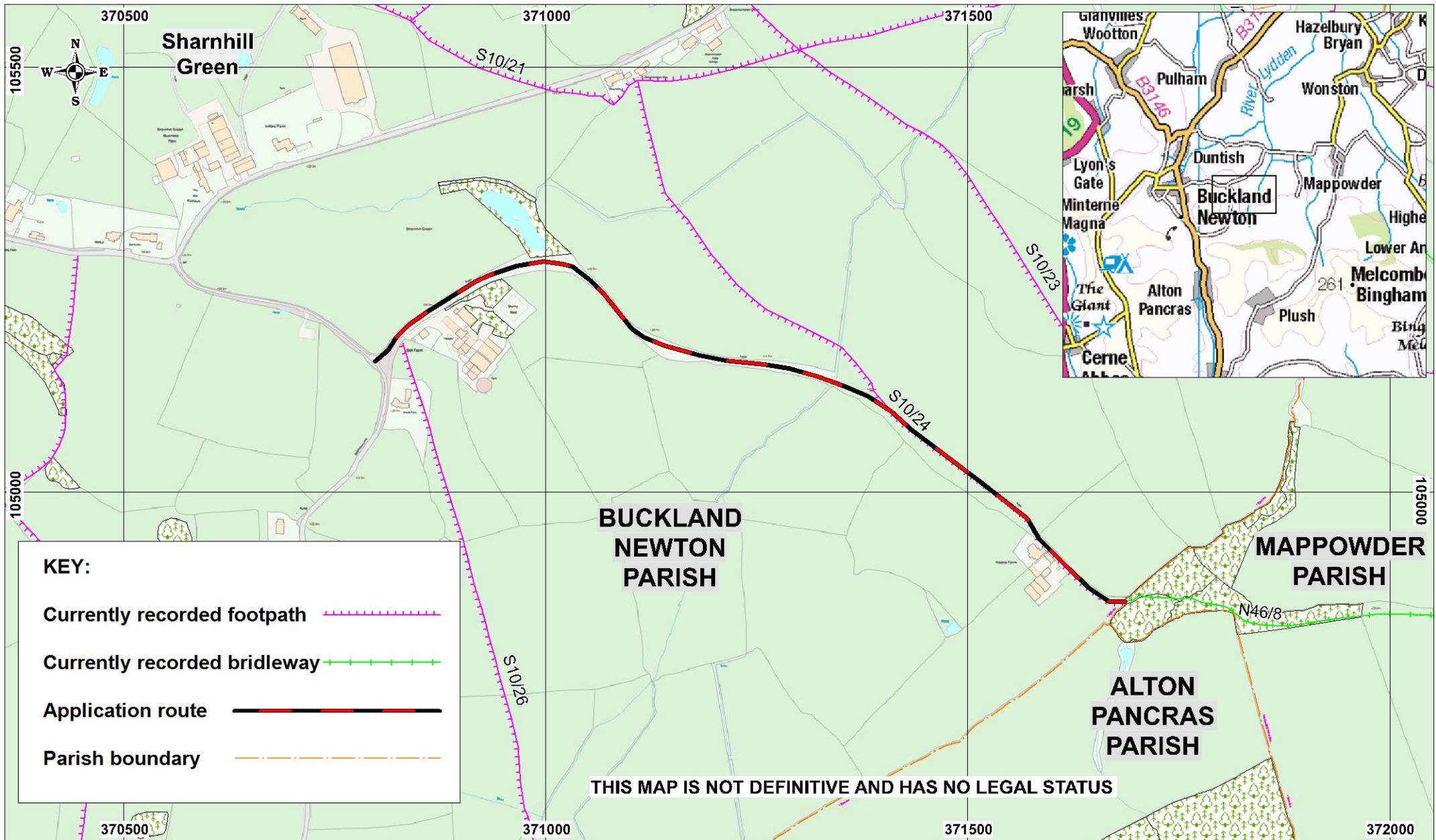
If you have any queries regarding this please contact Anne Brown, anne.brown@dorsetcouncil.gov.uk, 01305 221565.

Yours

A handwritten signature in black ink, appearing to read 'Alastair Beaven', on a light-colored background.

Alastair Beaven
Definitive Map Assistant
Spatial Planning

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Wildlife & Countryside Act 1981

Definitive Map Modification Order application to Add a Bridleway from the County Road near Ball Farm to join FP S10/24 and to upgrade part of FP S10/24 to a Bridleway to the Mappowder Parish boundary Sharnhill Green, Buckland Newton Parish Ref T580

Ref: T580/20/1

Date: 17/12/2020

Scale 1:6000

Drawn By: AB

Cent X: 371206

Cent Y: 105081



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**STATEMENT OF PRIORITIES FOR APPLICATIONS FOR DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDERS 2010**

Applications will normally be investigated in order of receipt. If one of the exceptions listed below applies, consideration will be given to prioritisation:

1	Where the physical existence of the claimed path is under threat due to development or excavation, mineral extraction or similar and will not be reinstated.
2	Where development is impeded by uncertainty as to status. (This only applies where planning permission for the relevant development has been granted and officers are satisfied that there is a genuine intention to implement the development immediately.)
3	Where a significant proportion of witnesses are unlikely to be able to attend an inquiry if consideration of the application is delayed.
4	Where the investigation of a claim would involve substantially the same area of land and/or evidence as a route currently under investigation, or about to be investigated, applications <i>may</i> be considered simultaneously.
5	Where the sale of a property is impeded by uncertainty as to status. (This only applies where officers are satisfied that there is a genuine intention to sell the property immediately.)
6	Where the claimed route provides a high benefit to a significant number of users e.g. proximity to amenities where evidence suggests the route is well used and no alternative nearby route exists.



WILDLIFE AND COUNTRYSIDE ACT 1981

Decisions on alterations to the Definitive Map using the Modification Order procedure have to be based solely on the evidence of whether a right of way of the type under consideration exists or has ever existed on the route described. The Planning Committees are not allowed to take anything other than evidence into consideration, as it would be irrelevant.

Examples are given below of evidence that **IS** relevant and other information, which is **NOT** legally relevant.

RELEVANT EVIDENCE IN FAVOUR OF A CLAIM

I have used the route for 20 years as a footpath/bridleway/restricted byway/byway open to all traffic. Nobody has tried to stop me or put up signs to dissuade me. I have never asked permission to use the route and have always done so openly.

This route is shown on the Tithe/Inclosure Award/Ordnance Survey/Estate/County/Finance Act Map as a

The County Council roadman always used to trim the banks and fill the potholes.

RELEVANT EVIDENCE AGAINST A CLAIM

I made a statutory declaration under the Highways Act in 19../20.. to prevent any more paths being created on my land.

I put up 'Private – Keep Out' signs 20 years ago and they were there for 5 years before they fell down.

The owner before me used to set his dogs on people trespassing in that field.

IRRELEVANT INFORMATION

This would make a useful link between A and B.

This would spoil my privacy.

If this claim is allowed, anti-social people will use it.

It will cost the Council a fortune to make it usable.

There is a much better route through the next field.

I like/don't like it.

There is a house built on it.