

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

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

PUBLIC PATH DIVERSION ORDER 2023

AND

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

PUBLIC PATH EXTINGUISHMENT ORDER 2023

Statement of case of Mark Oppe, [REDACTED]

1. Personal circumstances

1.1 I am a local resident, living less than a quarter of a mile from Chantry Farm, and walk Footpath 79 almost daily. I have no legal training, and an academic BSc in Zoology. I am retired after a career in logistics with a specialty in customer service in various customer focused service industries.

1.2 I am a monitor for a section of The Monarch's Way which is a continuation of Bridleway 80 on the north side of Buckham Down.

1.3. I have lived at my present address since 2020 and in the area since 2016.

1.4 I have not used A.I. for this document.

I agree with the Plan in **Appendix 1** Statement of Case of Dorset Council and refer to the same Key

2. Background

2.1. Bridleway 80 (B80) and Footpath 79 (F79) are historic routes and public rights of way shown on the Definitive Map and 1846 Tithe Map of Beaminster. A continuation of B80 north of Beaminster Down forms part of the Monarch's Way, the historic 625 mile walk following the

escape route of Charles 11 after the battle of Worcester in 1651. This section has been maintained and is a delightful walk and “ Holloway “.

- see photo 15 taken 02.06.2025 B80 north of Beaminster Down

2.2. The section of B80 which this Application seeks to “ Divert “ and subsequently “ Extinguish “ is a “ Holloway “ or sunken lane as defined by Prof John Boardman - Environmental Change Institute, Oxford Centre for the Environment, University of Oxford in his *Proceedings of the Geologist' Association Review paper “ Sunken Lanes in southern England: A review 6th June 2022 ”*.

- See photo 14 taken 11.09.24 point O

2.3 Holloways have attracted much local and national interest due to their features. Hell and Shutes Lanes, probably the most prominent Dorset Holloways, attract many visitors and are an important source of employment and income for Symondsbury Estate. The Holloway north of Chantry Farm, B80, if unobstructed, would be an important resource for Beaminster.

- See Doc 1 Press and papers

2.3. If the Application is successful the proposed “ diversion “ of part of B80 and proposed “ extinguishment “ of part of F79 would result in the closure of the Holloway. The public would then be trespassing if they wished to walk and enjoy the route which is their historic, lawful right.

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

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

2.5. I first brought this to the attention of Dorset Council on 23/01/2022 Dorset Council reference MT55067. Previous reports under Dorset Council reference MNT 54100 on 30/09/2021 and subsequent reports including MNT60133 on 12/06/2023 also report the obstructions. There has been no meaningful action to resolve the obstructions so the public can use and enjoy the route.

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

rehabilitate.

3. Comments on Statement of Case of Dorset Council (Dorset Council numbering) - *my responses are in bold italics*

5.7

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

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

5.8

7 letters of support were received outside of the consultation period. Since they were received before the committee date and the pre-order consultation is not a statutory process, they were taken into account.

The consultation period ended 29th March 2023, these supporting comments are 6th - 18th July 2023.

Nevertheless I make these comments on the supporting comments.

Comments on supporting comments 06th July - 18th July

- 1. Comments that reference a preference for not walking through the farmyard are not relevant as there is no opposition to the diversion around the farmyard.***
- 2. Comments that reference the present condition of the Bridleway only show how the Dorset Council and the landowner (past and present) have failed to maintain the public right of way. If riders were so concerned, why have they not previously maintained the Bridleway and objected to the obstruction by barbed wire and vegetation?***
- 3. It would seem likely that Dorset Council and landowners have ignored these concerns.***
- 4. Comments that reference the ecology of the Holloway are not relevant as the landowner has now introduced game birds, invasive species, which are harmful to native species, to***

the environment. The Holloway has its own ecosystem which will only be protected by removing the obstructions, rehabilitation and subsequent regular use.

5. *The Ecological report also denies protected species in the Holloway. Reference to Prof John Boardman's paper and Andy Jeffries, Natural England, radio programme show that Holloways have their own special ecology and the rehabilitation will allow it to flourish to the benefit, enjoyment and education of the public.*
6. *There is no opposition, only encouragement, to horseriders using the route but not if shared with pedestrians. The present route of F79 between Point B and M is currently almost impassable in wet conditions and will be made more difficult if shared with horses. Less than 3% of the population ride and if the Application is successful the majority of the public who walk will be materially disadvantaged.*

- See photo 5 taken 08.12.2025 between points B-M

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

Dorset Council and the landowner have not commented on or considered this solution which, though more costly than the extinguishment of the Holloway, would almost certainly be less costly than rehabilitating the Holloway to Bridleway standards, the present lawful status and, I believe, the lawful solution.

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

5.14.2 Significantly, the Ramblers, British Horse Society and Beaminster Town Council and several local walkers and horse riders all support the current proposals.

1. *On 7th April 2025 Beaminster Town Council withdrew their support and oppose the current proposals. See letter in Additional correspondence of Orders with Secretary of*

State for determination.

- See Doc 2 - Beaminster Council oppose letter.
- 2. ***Significantly, Campaign for Protection of Rural England, Open Spaces Society and Beaminster Council oppose the current proposals.***

5.14.3 The proposed diversion of Bridleway 80 would give bridleway users access to open fields with extensive views to the south as well as a pleasant path through woodland, along a safer and more accessible route.

5.14.4 There is no evidence that the proposed new route would become unsafe and unusable for walkers by horses using the new route. The current route is considered to be unsuitable for bridleway users due to the heavy flow of water, narrow gullies, and an unstable surface.

1. ***There is no opposition, only encouragement, to horseriders / cyclists using the route but not if shared with pedestrians.***
2. ***The present route of F79 between Point B and M is currently almost impassable in wet conditions and will be made more difficult if shared with horses. Less than 3% of the population ride and if the Application is successful the majority of the public who walk will be materially disadvantaged.***
3. ***There is considerable evidence that less agile walkers will not use this route in muddy conditions. It is incorrect for Dorset Council to state otherwise.***

- See photo 5

4. ***The condition of the bridleway is due to its obstruction, without lawful authority, and subsequent deterioration from lack of use. There is no suggestion or evidence that the condition of the bridleway is due to an event such as a land slide, it is due to neglect.***
5. ***I refer to my comments 16th March 2023 and the suggestion that B80 is rehabilitated to Footpath standards so walkers can use and enjoy its historic and ecological features. F79 could then be upgraded to Bridleway standards which would appear to meet the support of these letters submitted in July 2023. Walkers, the clear majority would then have the option of using and enjoying a path not churned up by horses.***

6. *Dorset Council and the landowner have not commented on or considered this solution which, though more costly than the extinguishment of the Holloway, would almost certainly be less costly than rehabilitating the Holloway to Bridleway standards, the present lawful status and, I believe, the lawful solution.*

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

5. The Law

Interest of the landowners *my comments in bold italics*

6.1.1

The proposed diversion is in the interest of the landowners as the new route will significantly improve privacy and security by moving the bridleway away from the applicants' house and outbuildings.

1. ***There is no opposition to the diversion around the house and outbuildings.***
2. ***The opposition is to the diversion of B80 from next to point O to point F and its subsequent extinguishment.***
3. ***Any privacy or security concerns are therefore satisfied.***
4. ***Rehabilitation of B80 will not effect the security of the landowner of Chantry Farm.***

6.1.2

Chantry Farm is a working farm with domestic and farm animals, heavy farm machinery and other vehicles in constant use. There are health and safety concerns and a security risk for the landowners.

1. ***There is no opposition to the diversion around the house and outbuildings.***

2. The opposition is to the diversion of B80 from next to point O to point F. Any health and safety concerns and security risks are therefore satisfied.

6.1.3

The watercourse which runs down the current route of Bridleway 80 runs under the applicants' house. Works to reopen Bridleway 80 could increase the risk of flooding, so the diversion is in the interest of the landowners in terms of managing the watercourse.

1. There is no evidence to support this and this is for the convenience of the landowner and not a lawful consideration for diversion and extinguishment.

14 Section 119(6) Highways Act 1980 provides that the Secretary of State shall not confirm a public path diversion order unless she is satisfied that:

6.14.1 the diversion to be effected by it is expedient as mentioned in section 119(1)

Highways Act 1980; and further

6.14.2 that the path or way will not be substantially less convenient to the public in consequence of the diversion; and

6.14.3 that it is expedient to confirm the order having regard to the effect which:

6.14.3.1 the diversion would have on public enjoyment of the path or way as a whole;

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

The primary reason for this Application is shown in a email exchange between the landowner and Carol McKay of Dorset Council 14th July 2022. This exchange can be viewed at Dorset Council offices in Dorchester.

The landowner [REDACTED] asks "Please can I ask for clarity; does "diversion" mean that there will no longer be a bridleway or public access between points C-E."

15th July 2022 Carol McKay replies to [REDACTED] "Hi [REDACTED] Many Thanks for confirming. Yes, that is right, the bridleway will effectively be extinguished."

[REDACTED] responds 15th July 2022. "Perfect V Happy to proceed as you have suggested"

- See Doc 4 - Email exchange 14.07.22

6. Ecological Considerations

6.11 Taking into account Section 29 of the Highways Act, officers believe that the diversion of Bridleway 80 would conserve flora and fauna that is present along the current bridleway with minimal impact on wildlife along the proposed new route.

- 1. *The Ecological Report shows no endangered species within the Holloway.***
- 2. *Since the report was commissioned, the landowner has introduced game birds which are now frequently found in the Holloway and surrounding woodlands. These are non native species and are harmful to native wildlife. The introduction of these invasive species is not consistent with conservation of native flora and fauna, whereas rehabilitation and public use would allow the natural ecology of the Holloway to flourish.***
- 3. *The Holloway and surrounding areas are overgrown with Himalayan Balsam. Himalayan Balsam was added to Schedule 9 of the Wildlife and Countryside Act 1981. There is no suggestion that the landowner introduced this non-native species, which is an offence, but it would be reasonable to expect a landowner who was concerned about native species and seeks to prevent the public from using and enjoying an important historical and ecological habitat on his land due to ecological concerns, would want to control evasive species.***
- 4. *The rehabilitation and subsequent use of B80 would greatly aid this control and help to conserve native fauna and flora along the route and allow the ecology of the Holloway to flourish to the benefit of the public.***

See Doc 3 - Ecological report

7. Conclusion

1. The current state of B80 is down to the failure for decades, of the Council, the landowner and their predecessors to carry out their mandatory legal duties. This failure is no justification for now extinguishing the right of way.
2. B80 is of unique recreational, educational, ecological and historic importance. Especially with its proximity to Beaminster and Mountjoy Schools and ease of access for the less mobile.
3. B80 could be an important attraction for Beaminster increasing tourism and subsequently employment.
4. Combining horse/bicycle traffic with pedestrian use on a steep and muddy pathway will greatly restrict access by pedestrians especially those less able.

I therefore respectfully ask the Secretary of State to reject the Orders sought.

In summary, supporting this Application:

1. Promotes the interest of the landowner over the Beaminster Community and the public.
2. Will lead to the Extinguishment of an historic and important route so the public will be trespassing should they wish to use and enjoy the route, which is their lawful right.
3. Supports the obstruction by barbed wire and vegetation, without lawful authority, of a Public Right of Way and subsequent extinguishment.