

PLANNING INSPECTORATE REFERENCES:

ROW/3350303 and ROW/3350304

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

**Dorset Council (Part of Footpath 79 Beaminster at Chantry Farm)
Public Path Extinguishment Order 2023**

**Dorset Council (Part of Bridleway 80, Beaminster at Chantry Farm)
Public Path Diversion Order**

Determination by way of written representations

**STATEMENT OF CASE ON BEHALF OF THE RAMBLERS'
ASSOCIATION¹**

Introduction

1. This Statement of Case is prepared by me, Richard Meatyard, the Ramblers' West Dorset Group Countryside and Footpath Secretary, a role which I undertake in a voluntary capacity. I am authorised by the Dorset Area of the Ramblers' Association (hereafter referred to as the Ramblers), and I have prepared this statement of case in support of the above Orders as made.

In addition to being the Footpath secretary for 20 years, I am, and have been for 15 years an active volunteer with the National Trust's West Dorset Countryside team, and I am the chair and active member of *Dorset Countryside Volunteers*². I can therefore claim 20 years practical experience of most things countryside and conservation related, as well as experience in dealing with consultations relating to rights of way matters for which the Ramblers are statutory consultees. Additionally, I have acquired a great deal of knowledge from various sources, relating to the history of the area.

Footnotes:

¹ The Ramblers' Association (referred to in this Statement of Case as the Ramblers) is a registered charity (number 1093577) and a company limited by guarantee registered in England and Wales (number 4458492), founded as a voluntary body in 1935. Registered Office: Stone King LLP Boundary House 91 Charterhouse Street London EC1M 6HR

² <https://www.dcv.org.uk/>

The Ramblers
Statement of Case: ROW/3350303 & 3350304

The Orders

2. The effect of these Orders (taken collectively) if confirmed, would be to modify the definitive map and statement for the area by: extinguishing part of Footpath 79, Beaminster and diverting part of Bridleway 80, Beaminster, as follows (with reference to the Order Map (Dorset Council's Appendix A)³): southwards from (F) to approximately (D) there would be no change to the route as used, other than formally recognising the route as a bridleway instead of a footpath. The recorded bridleway will cease to exist, and will be replaced by an ungated route, initially in woodland alongside a stream then an open field to (J) before reaching the highway at (G) on a path between fence and buildings.

The Orders were made by Dorset Council (DC) on 29 September 2023 and advertised on 05 October 2023. One objection to each order was received. The Council is supporting confirmation of the Orders.

Documents, publications and authorities referred to below

3. These are the documents referred to in this Statement, and where applicable, attached as appendices, and which provide supplementary information in support of this Statement.

Dorset Council: Documents relating to these Orders:

- i) Order Map reference P228/23/2 dated 26/09/23
- ii) Appendix 3 Committee Report ³

Tithe Map 1843: 'Map of the Parish of Beaminster, Dorset.' In two Parts, Part 1. Signed Aneurin Owen.

Footnotes:

³ <https://www.dorsetcouncil.gov.uk/documents/d/guest/appendix-3-beaminster>

The Ramblers
Statement of Case: ROW/3350303 & 3350304

APPENDICES (RAMBLERS).

- A^(R) Site plan and description of paths as used.
- B^(R) Bridleway 80 (definitive line)
- C^(R) Examples of Holloways, and other lanes, with narrative
- D^(R) Historic OS maps
- E^(R) Aerial photographs
- F^(R) Changing pattern of ownership
- G^(R) Photographs

Conventions in this document

4. It should be noted that Beaminster bridleway 80 (W21/80) comprises two parts, as Dorset Council (DC), previously Dorset County Council (DCC), broke with their convention of numbering routes differently when they cross a public highway, for this route. The part of the bridleway north of the road is referred to as the northern section and the part south of the road as the southern section. Apart from Appendix C^(R), the references to bridleway 80 apply only to the southern section (i.e. GR ST 47710 03393 to GR ST 47806 02646)
5. To aid orientation and interpretation, map extracts and aerial photographs have been annotated with the same letters as those used in the DC Order Map, to which additional letters have been added to allow reference to certain features (viz. W; X; Y and Z) in Appendices A^(R)- G^(R) inc.

Background to the Order

6. The proximity of Beaminster bridleway 80 to the residential part of Chantry Farm has been an issue for the residents of the farm for some considerable time and has resulted in three pre-application consultations: the first in 2011, and subsequently one in 2014, were submitted by the previous owner. The Ramblers did not object to the proposals, but they were taken no further (i.e. not submitted to DC) by the then owner of Chantry Farm.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

In 2020, the current owners initiated the third pre-application consultation, based on that submitted in 2014, but with minor variations to the route. At around this time the owners also made the proposed diversion route available on the ground, on a permissive basis. Following discussions with the applicants, my response on behalf of Ramblers was a '*no objection*'. Concerns over positioning of gates meant that I was unable to positively support the application.

By the time of the application consultation itself (DC reference P226) in December 2022, the proposals had been modified to address concerns relating to the gates and I was thus happy to support the application. Objections from other parties led to a revision of these proposals, followed by a second consultation, in which the length of the path through the woodland was extended southwards alongside the stream, moving the exit point from the woodland closer to the farmyard. My response to this (on behalf of Ramblers) was:

Having inspected the currently recorded route of the bridleway 80, I agree with the Council's view that it would not be possible to reinstate this as a bridleway without removing several mature trees and largely destroying the habitat corridor that has evolved since this route has fallen into disuse. My records show that the route was recorded as unusable in 1997 and my understanding is the period of disuse dates to at least the mid 80s. The use of footpath 79 as an alternative is long established, the bridle-gate at N and the bridleway waymarks were in place when I moved to the area in 2004 and appeared then to have been in place for some time.

The revised proposal relocates the transition of the route from the plantation into the field to a more southerly location, while this addresses one of my concerns in respect of the original consultation it raises fresh concerns that need to be addressed before I would be happy with any resulting Order being Confirmed.

The diverted path (B – Q – O) will run alongside a spring fed stream which has little in the way of the bank and the course of which in places is partially obstructed. In wet weather this will over-top and flood the path. In my view this needs clearing and the bank building up to prevent this.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

The diverted path (O – P) will cross the route of a seasonal stream that breaks away from the stream north of point (B). Either this needs a suitable culvert/crossing or to be stopped-up, the pond it feeds into seems to be derelict, the bund has failed and the water is not being retained.

As this diversion formalises the long-standing use of part of footpath 79 as a bridleway and in doing so provides a route that is free of any cross path furniture, except at point (N). I am happy, at this time, to support the proposed diversions and extinguishment.

7. The Application was considered by the Strategic and Technical Planning Committee on 26 July 2023.⁴ The Committee resolved that: *“The application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster as shown on Drawing P226/23/2 attached as Appendix 1, be accepted and extinguishment and diversion orders made.”*
8. The Orders were subsequently Made on 29th September 2023, to which the Ramblers made no response. [By convention, I only respond at this stage if the response would be different to that made to the Application Consultation. On this occasion, Ramblers did not object to the Orders as Made, and thus tacitly supported them.]

Rationale when considering diversion applications.

- 9 Paths through the countryside evolved at a time when most of the population walked for an essential purpose: to get to work, to visit friends and relatives, to go to church. While many of those paths may have remained unchanged for centuries, e.g. those to and from churches, others will have changed with time as needed to meet changes in society.

The 1949 Act⁵ and the production of Definitive Maps effectively stopped this natural process of change to meet need at a time when the wider availability of motorised transport changed much of the path network from an everyday essential to a leisure amenity.

Footnotes:

⁴ <https://www.dorsetcouncil.gov.uk/documents/d/guest/appendix-3-beaminster>

⁵ National Parks and Access to the Countryside Act 1949

The Ramblers
Statement of Case: ROW/3350303 & 3350304

Additionally, since post World War II, the rural landscape has been undergoing a steady evolution with the mechanisation, intensification, economic pressures creating a trend to ever larger farms along with a sharp decline in the number of people working on the land.

This evolution has brought about pressures to amend the paths network to facilitate more intensive agriculture, e.g. moving paths out of farmyards, converting cross field paths to headland paths, enhancing bio-security, and in the last decade or so, farmhouses being parted from the main landholding and converted to residential properties which has prompted diversions on the grounds of privacy and security.

When considering diversion applications on behalf of the Ramblers I take a pragmatic approach: a proposed alternative route which is of equivalent ease of use and amenity value, warrants a “no objection” response. Where the proposed alternative route offers improved ease of use and/or greater amenity value then the response is normally “supportive”.

It should be noted that it is not the Ramblers’ normal practice to agree to an extinguishment: however on this occasion, and for the reasons stated below, we feel that it is pragmatic to do so.

Site plan and description of paths as used (Appendix A^(R))

10. This narrative describes the routes as currently used running from Beaminster Down Road southwards for the footpath (W21/79) and bridleway (W21/80), which are concurrent from (W) until (D) following separate routes thereafter.

Combined footpath and bridleway section.

From a field gate at (W), then southwest down a slope to join and follow a hedgerow to (F); through a gateway, then south along a fenceline to a small bridle gate at (N). Then, generally southwest, across a marshy area to (M); then south, where the path narrows to run between scrub on either side to a generally wet muddy area near (D). At this point the footpath and bridleway separate. At the time of writing all fields were down to pasture.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

Footpath 79.

Continue south, past a broken stile, no fence, to enter woodland, cross a small bridge (B), south through woodland to pass the west side of silted up pond to emerge into farmyard, bear eastwards to join public road at (A).

Bridleway 80.

East, through broken bridle gate, then south along muddy, overgrown track with stream meandering along track, to emerge on edge of garden, then west to join public road at (C)

(Photographs of features mentioned above are at Appendix G^(R))

11. Description of route as per Made Order.

From (W) to (D) the route is unchanged apart from the change of status from footpath to bridleway.

From (D), generally south, crossing bridge at (B) to follow stream side path through woodland (see below) to (O). Then west to gap at (P) then generally south in field to J and footpath 76. Then east alongside fence to (H) and generally southeast across grass and gravel to join public road at (G).

Apart from the existing gates at: (W), (F) & (N), this route has no additional gates simply gaps at (P) & (H).

Woodland (Plantation).

The woodland and the wildlife pond, now largely silted up, are relatively recent features in the landscape. They date from around the millennium when the then owner John Lake established various plantations around the farm. John passed away shortly after in 2006 and regrettably little has been done to maintain them, although this has developed in a pleasant, if a little over dense, woodland. Like other local planting of the time, for example Puckett's Wood, (a managed Woodland Trust site near Beaminster), particularly at the northern end it contains a high proportion of Ash which will fall victim to Ash dieback, which is firmly established in the area.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

Historic use of Footpath 79 as alternative to Bridleway 80.

12. I have personally used footpath 79 as an alternative to bridleway 80 since moving to Beaminster in 2004. During this time, the only part of bridleway 80 that has been passable, on an intermittent basis, is the section from the bridle-gate near (D) to (C).

There is documentary evidence that bridleway 80 has, except for the part mentioned above, not been passable since it was initially recorded in 1951, as shown below:

Extracts from Ramblers' records from the pre-millennium surveys⁶.

Footpath 79 - From Chantry Farm 478026 to Beaminster Down Road 478033. No signpost @ Chantry Farm. Stile @ 478033 has no footboard. (30/8/1997)

Bridleway 80 - From Chantry Farm 478026 to South Perrott Parish Boundary @ 474048. Path impassable from 478026 to 477031 due to seasonal & non seasonal vegetation, mud and water & fences across line of path. Seems to be a stream bed of varying width, much of it very narrow. Footpath 79 runs parallel with bridleway 80 for much of the route south of Beaminster Down Road. Brdlewya 80 is w[ay]/m[ark]'ed to share route of footpath 79. From Beaminster Down road north path is blocked by seasonal vegetation from 476039 to 474043. From there to 474048 path has rough stoney surface and woodland debris with streams crossing, litter the path, making use difficult. Near to Parish Boundary a very muddy area crosses path before a stream with a sleeper bridge. (1/9/1997)

Extract from the parish survey 1951

Continue past Chantry Farm up lane (10') which is blocked by R[ails]. From this point the original B.R. is completely overgrown and fallen in and there is also a B[arbed].W[ire] obstruction at the top end. Note: A F[ield] .G[ate] on left just before reaching the lower obstruction (R[ails]) leads to F.P 12 and this path can be used instead of the correct B.R. as far as the GAP.

Note: 'F.P. 12' is now numbered Footpath 79. Items between [...] added for clarity of meaning.

Footnotes:

⁶ These were conducted by the Ramblers as part of a Millenium Survey, covering the parishes in the County of Dorset

The Ramblers
Statement of Case: ROW/3350303 & 3350304

To my knowledge the southern section of the bridleway (i.e. from the public highway), unlike the northern, is rarely used by equestrians or cyclists. In 20 years of using the path I have only ever met pedestrians using the southern section of the footpath/bridleway.

Problem reports shown on the Dorset Council website for rights of way (*Dorset Explorer*) recorded as MNT (maintenance) numbers indicate that very few issues have been reported in respect of the section encompassed by the Order. From the period 2006 to 2020, there were seven recorded. [Reports after 2020 have been excluded, because the majority of those were in response to the implementation of the permissive route and/or publication of the application consultation.]

Arguments in Support of the Order as Made

13. The Definite line of Bridleway 80 (W21/80) (Appendix B^(R))

- I. From (C) going north bridleway 80 is initially a lane between banks to (D). Historically this section has been available for use and the 1947 aerial photograph (Appendix E^(R)) suggests intensive agricultural use at that time.
- II. From (D), past the fence, to (Z) it is initially wide, slightly sunken, overgrown and muddy underfoot, then narrows to a gully at (Z), by which time it is a gravel bedded stream. (Site Plan Appendix A^(R)).
- III. From (Z) to (Y), continuing as a stream, the gully narrows even further (U) between unequal height banks, gradually widening to (Y).
- IV. From (Y) to (X), it widens, and the banks reduce until it becomes a stream between low banks.
- V. Above (X), the stream gives way to a marshy area that slowly becomes firmer ground by (E) before meeting FP 79 at (F), running between ever lower banks.

14. Lane or Holloway?

As mentioned above (I) there is evidence that section (C) to (D) was, until the field gate at the top or this section was replaced post 1951 with a bridle-gate, being used for agricultural access.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

Beyond (D) and up to (F) there is little evidence for use of any type. On initial inspection of the Tithe Map (1843) this indicated multiple ownership adjoining an un-titled strip, suggesting it could have been a blind lane; however, this is shown as disconnected from the public highway at (A), which calls this into question. (Appendix **F^(R)**).

The LIDAR⁷ mapping (Appendix **B^(R)**) shows no evidence that the route continued northwards from (F) to link to the Beaminster Down Road or the continuation of bridleway 80.

The underlying geology from (C) to (F) is virtually the same as that for Stinford Lane (Appendix **C^(R)**), if the route had been used by the type of traffic that gives rise to a Holloway over a suitably extended period, then one would expect to see signs of a ground profile comparable to that of Stinford Lane's.

While Dorset Council's Senior Archaeologist has expressed the opinion⁸ that the top section (E) to (F) was potentially a Holloway of medieval origin, today it gives the appearance of a lane between remnant hedgerows.

The section between (Z) and (Y) is now a deeply cut gully with a stream at the bottom. Measurements from the 1947 aerial photograph (Appendix **E^(R)**), where the hedgerows that topped the banks appear to be in good order, indicate that the width between hedge centres is around 1.5 to 2 metres.

This section sits on a geology that has, historically, resulted in landslips. *“On the slopes of the downs, the Chalk gives way to Upper Greensand; the base of the greensand is very wet where it rests on the Fuller’s Earth Clay round about the 500 to 600 foot contours, and this has caused numerous landslips in the distant past...”*⁹ Landslips are not just a phenomenon of the distant past but an ongoing process here.

Footnotes:

⁷ LIDAR website: <https://www.archiuk.com/>

⁸ DC Report to Committee their Appendix 3. Paras 4.40 to 4.45 inc.

⁹ Eedle, M. de G (1984) *A History of Beaminster* The History Press Ltd. P7,

The Ramblers
Statement of Case: ROW/3350303 & 3350304

The geology of a permeable layer overlaying an impermeable one is widespread in West Dorset. Along the coast there are slumps in near continuous motion between Golden Cap and Lyme Regis, where the impermeable layer is the fossil rich Blue Lias. Inland, over the Gault and without the erosion effects of the sea, things tend to be more stable but recently the Highways Agency completed an 18 month, multi-million-pound project to stabilize the A35 between Chideock and Morecombelake due to slumping.

My theory is that while the Order route may have medieval origins the central section became unstable and was abandoned. The gully we have today is the result of two natural processes, over several centuries, the erosion by the stream and infilling by progressive landslip and it is this process that has resulted in the unusual profile of a low uphill and high downhill bank.

15. Bridleway?

I suggest that the evidence for the route being recorded as a bridleway is weak. It is only depicted as a bridleway on the 1903 25" & 1904 6" OS maps, not on the earlier 1886 or the later 1928, 1937, 1962 maps.(Appendix D^(R)) The Senior Definitive Map Technical Officer's report to the Strategic and Technical Planning Committee, states that the bridleway was added to the map based on a parish survey which used a map showing the bridleway and suggests it was claimed on purely historical documentary evidence rather than public use evidence.

If the gully we see today is a long-standing feature in the landscape, it would be highly unlikely that a horse rider would be prepared to use such a narrow route between high banks where it would be impossible to turn or to pass any oncoming traffic, when an alternative open field route exists a short distance away.

NB: The OS name books, which might have clarified why the surveyor, at the time, chose to depict the feature as a bridleway, no longer exist.

The Ramblers
Statement of Case: ROW/3350303 & 3350304

Reasons for supporting the applications and Orders as Made.

16.

- a) In practical terms, the Order has no effect on the present use of the section of path (F) to (D) beyond upgrading it to a bridleway, allowing equestrians and cyclists to use the route without trespassing.
- b) Formalising the diversion of the bridleway from (F) to (D), recognises the environmental value of this undisturbed corridor between actively farmed fields.
- c) The bridleway from (D) to (C), is dark, wet, muddy and difficult to use; historically it has had problems with being overgrown and seen little usage.
- d) The footpath from (D) to (A), was the preferred route for most users, although a fence and stile, near (D) used to prevent its use as a bridleway. The used line through the woodland (described above) has changed as the woodland developed and from (B) to (O) has now migrated to become a stream side path.
- e) After objections to the initial permissive route, as it exited the woodland directly to the west at (B), excluding access to the stream side, woodland path, the current Order route (as shown in P226/23/2) has met with broad acceptance by users and the permissive path, revised accordingly, is now in regular use.
- f) It is therefore my opinion that the Order route will improve the ease of use and amenity value of the public right of way, being gate free and retaining the amenity value of the stream side woodland path, while adding an open, cross field, route away from the buildings, with open views.

Conclusion

17. In conclusion, for the reasons stated above, the Ramblers supports the Order Making Authority, Dorset Council, and we respectfully request that the Inspector confirms the Orders as Made.

Richard Meatyard (West Dorset Group Countryside and Footpath Secretary)

Supported by: Dorset Area of the Ramblers