



**Dorset
Council**

Notice of Modification Order

Section 53 of the Wildlife and Countryside Act 1981

**Dorset Council
County of Dorset Definitive Map and Statement of Rights of Way**

**Dorset Council (Footpath from Footpath 17 at Higher Holt Farm to Bridleway 15 at
Fuzzy Grounds, Melbury Osmond)
Definitive Map and Statement Modification Order 2020**

The above Order, made on 07 August 2020, if confirmed as made, will modify the definitive map and statement for the area by:

Adding the footpath from its junction with Footpath 17, south west of Higher Holt Farm, at ST 56370878, south along a gravel/stone surfaced track, hedged on the eastern side, to ST 56330858. Continue west to ST 56250857 and then southwards along the track, hedged on the eastern side, to ST 56230805 at the north western corner of Dole Copse. Continue south south west along the track, hedged on the western side to its junction with Footpath 16 at ST 56160786. Continue south along the track, hedged on the western side and fenced on the eastern side, to the north east corner of Fuzzy Grounds and its junction with Bridleway 15 at ST 56200751.

The width is 2.5 metres.

A copy of the order as made and the order map are available on our website at www.dorsetcouncil.gov.uk/row-orders and can be viewed at County Hall by prior appointment only, due to the current Covid-19 situation. To enquire about viewing a copy of the order or for further information, please contact us by emailing definitivemapteam@dorsetcouncil.gov.uk or telephone 01305 224463.

Any representations about or objections to the order may be sent in writing to Vanessa Penny, Definitive Map Team Manager, Spatial Planning, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T513), or via email to definitivemapteam@dorsetcouncil.gov.uk not later than 06 November 2020. Please state the grounds on which they are made. Any letters received will be made available for public inspection.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the Dorset Council, instead of submitting the Order to the Secretary of State for the Department for Environment, Food and Rural Affairs may itself confirm the Order. If the Order is submitted to the Secretary of State, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 24 September 2020
JONATHAN MAIR, Monitoring Officer



**Dorset
Council**

Wildlife and Countryside Act 1981

**Dorset Council
County of Dorset Definitive Map and Statement of Rights of Way**

**Dorset Council (Footpath from Footpath 17 at Higher Holt Farm to Bridleway 15 at
Fuzzy Grounds, Melbury Osmond)
Definitive Map and Statement Modification Order 2020**

This Order is made by Dorset Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Dorset Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) namely, that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates and section 53(3)(c)(iii) namely, that any other particulars contained in the map and statement require modification.

The authority has consulted with every local authority whose area includes the land to which the Order relates. Dorset Council hereby order that:

1. For the purposes of this Order the relevant date is 23 April 2020.
2. The County of Dorset Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This order shall take effect on the date it is confirmed and may be cited as the "Dorset Council (Footpath from Footpath 17 at Higher Holt Farm to Bridleway 15 at Fuzzy Grounds, Melbury Osmond) Definitive Map and Statement Modification Order 2020".

Dated this 07 day of AUGUST 2020

366/20

THE COMMON SEAL OF
DORSET COUNCIL
was fixed in the presence of:-



Authorised Signatory

SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

Part I

Description of path to be added

A Footpath, Melbury Osmond

To be numbered Footpath 19, Melbury Osmond

- A – B – C From its junction with Footpath 17, south west of Higher Holt Farm, at point A
– C1 – D (ST 56370878), south along a gravel/stone surfaced track, hedged on the
– E eastern side, to point B (ST 56330858). Continue west to point C (ST
56250857) and then southwards along the track, hedged on the eastern side,
to point C1 (ST 56230805) at the north western corner of Dole Copse.
Continue south south west along the track, hedged on the western side to its
junction with Footpath 16 at point D (ST 56160786). Continue south along
the track, hedged on the western side and fenced on the eastern side, to the
north east corner of Fuzzy Grounds and its junction with Bridleway 15 at point
E (ST 56200751).
The width is 2.5 metres.

Part II

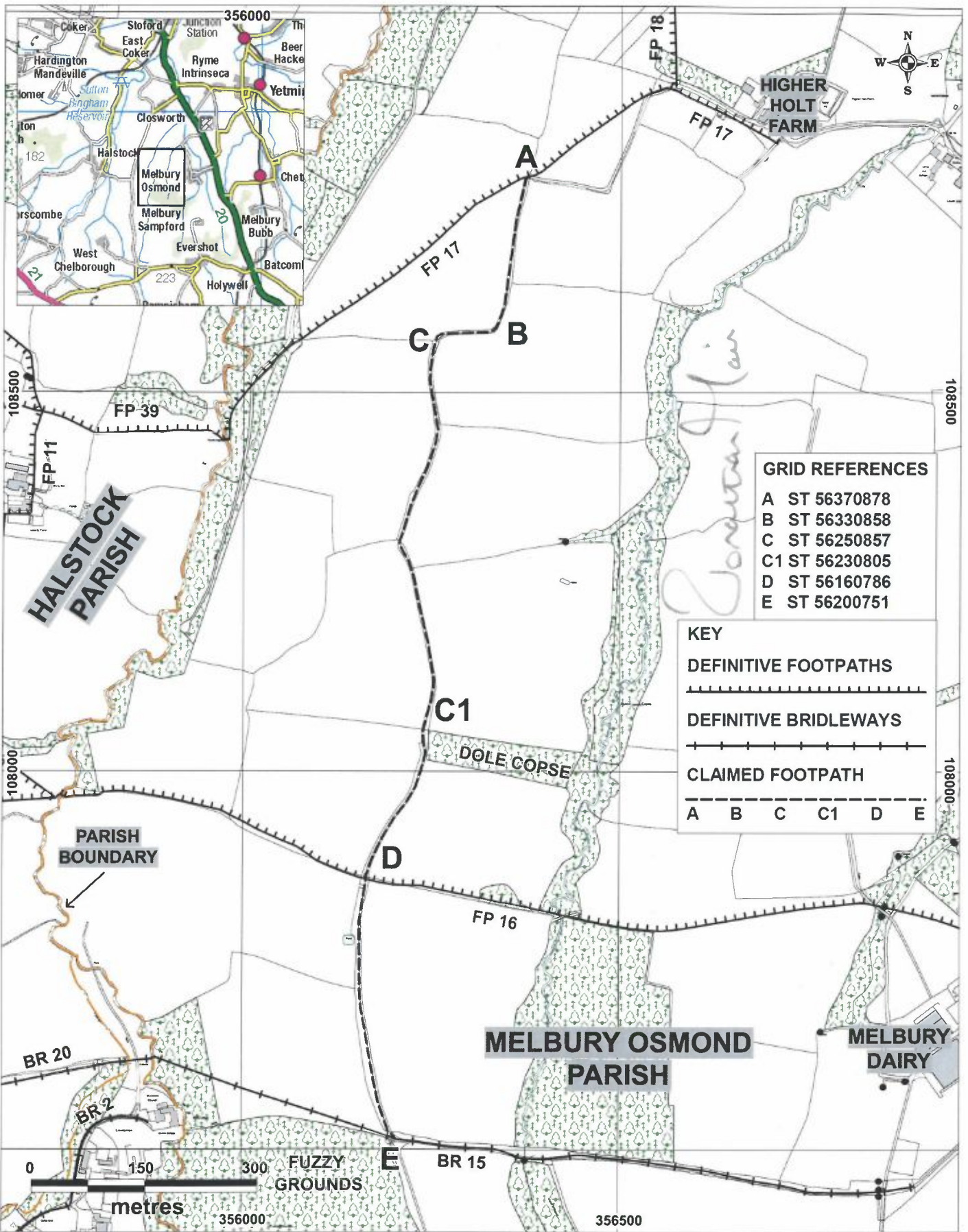
Modification of definitive statement Variation of particulars of path

Footpath 19, Melbury Osmond:

Add:

From: ST 56370878 To: ST 56200751

From its junction with Footpath 17, south west of Higher Holt Farm, at ST 56370878, south along a gravel/stone surfaced track, hedged on the eastern side, to ST 56330858. Continue west to ST 56250857 and then southwards along the track, hedged on the eastern side, to ST 56230805 at the north western corner of Dole Copse. Continue south south west along the track, hedged on the western side to its junction with Footpath 16 at ST 56160786. Continue south along the track, hedged on the western side and fenced on the eastern side, to the north east corner of Fuzzy Grounds and its junction with Bridleway 15 at ST 56200751.
The width is 2.5 metres.



DORSET COUNCIL (FOOTPATH FROM FOOTPATH 17 AT HIGHER HOLT FARM TO BRIDLEWAY 15 AT FUZZY GROUNDS, MELBURY OSMOND) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

Ref: 14/30/1
 Date: 18/03/2020
 Scale 1:6500
 Drawn By: AH
 Cent X: 356317
 Cent Y: 108199



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EXPLANATORY STATEMENT

THIS EXPLANATORY STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive legal evidence of the existence of public rights of way. Dorset Council is responsible for the definitive map and statement and has a legal duty to change them when evidence suggests that they are inaccurate or incomplete. One of the ways these changes can be made is by means of modification orders under Section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until they are confirmed. Before that happens, members of the public have a right to make objections or representations about the order. If there are any objections then the Council must refer the order and the objections to the Department for Environment, Food and Rural Affairs, which will decide whether or not to confirm the order.

In this case Dorset Council has been directed by the Secretary of State for Environment, Food and Rural Affairs to make a Modification Order to the definitive map and statement to add a footpath between Higher Holt Farm (Footpath 17) and Fuzzy Grounds (Bridleway 15), Melbury Osmond.

For your information, definitions of the categories of public rights of way are given overleaf.

If you wish to make representations about the Order, you must write to Vanessa Penny, Definitive Map Team Manager, Spatial Planning, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T513), or via email to definitivemapteam@dorsetcouncil.gov.uk, not later than 06 November 2020. Please state the grounds on which they are made. Any letters received will be made available for public inspection.

You have a statutory right to object to the Order but your comments should be legally relevant. This means that they should relate to the existence or the status of the right of way in question. Other objections, for example about privacy or security, may not be legally relevant. Any letters received will be made available for public inspection.

Usually the Department for Environment, Food and Rural Affairs does not award costs, either to Dorset Council or to objectors. They may make an award of costs if objectors unreasonably maintain objections which are not legally relevant or which cannot be sustained.

If you are considering objecting to the Order and would like to talk to someone or if you have any concerns about the Order, please telephone Vanessa Penny on 01305 224719 or vanessa.penny@dorsetcouncil.gov.uk who will be happy to help.

Definitions:

- Footpath: A highway over which the public have a right on foot only, other than such a highway at the side of a public road.
- Bridleway: A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.
- Restricted byway: A highway over which the public may have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.
"Restricted byway rights" means –
(a) a right of way on foot,
(b) a right of way on horseback or leading a horse, and
(c) a right of way for vehicles other than mechanically propelled vehicles.
- Byway: (i.e. byway open to all traffic) A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used mainly for the purpose for which footpaths and bridleways are so used.