



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 made a modification Order to the definitive map and statement to add a footpath from Portwey Close to Rodwell Road, Weymouth.

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 Barbara Talbott, Definitive Map Team, Spatial Planning, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T520), or via email to barbara.talbott@dorsetcouncil.gov.uk, not later than 06 January 2023. 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 Barbara Talbott on 01305 225706, or email barbara.talbott@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.