



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 (Part of Footpath 85, Weymouth)
Definitive Map and Statement Modification Order 2022

The above Order, made on 4 November 2022, if confirmed as made, will modify the definitive map and statement for the area by:

Deleting part of Footpath 85, Weymouth: The whole width of the footpath from the unaffected part of Footpath 85, at the private road, north of Manor Stables at SY 66738424, south east across fields to the garden boundary of 735 Dorchester Road at SY 66858407 and continuing south east through the gardens of 735-731 Dorchester Road to SY 66878404, then east south east through the property 731 Dorchester Road to SY 66898404. (No recorded width).

Adding part of Footpath 85, Weymouth: From the unaffected part of Footpath 85, at the private road, north of Manor Stables at SY 66738424, south south west along the road to SY 66728420, then turning east along a stone surfaced path, passing to the south of Manor Stables to SY 66758420 and continuing east and south east across a field to the south eastern corner of the field at SY 66848407. It continues south south east and south, along an earth and stone surfaced path to SY 66858405, then east south east, passing between properties 731 and 729 Dorchester Road to its junction with Dorchester Road at SY 66918403. The width varies: 2 metres between SY 66738424 and SY 66848407 (except for 85cm at SY 66758420), 90 cm at SY 66848407, 1 metre between SY 66848407 and SY 66858405, 1.45 metres between SY 66858405 and SY 66918403 and 75 cm at SY 66918403. Limitations: Kissing gate at SY 66848407, gap at SY 66918403.

A copy of the Order and the Order map may be seen free of charge at Reception, County Hall, Colliton Park, Dorchester during normal office hours. Copies are also available on our website at www.dorsetcouncil.gov.uk/row-orders.

Any representations about or objections to the order may be sent in writing to Kerry Smyth, Definitive Map Technical Officer, Definitive Map Team, Spatial Planning, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T579), or via email to kerry.smyth@dorsetcouncil.gov.uk not later than 6 January 2023. 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 November 2022
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 (Part of Footpath 85, Weymouth)
Definitive Map and Statement Modification Order 2022**

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 there is no public right of way over land shown in the map and statement as highway of any description or that any other particulars contained in the map and statement require modification.

The authority have 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 June 2022.
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 (Part of Footpath 85, Weymouth) Definitive Map and Statement Modification Order 2022".

Dated this 4TH day of NOVEMBER 2022

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



604/22

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

Modification of definitive map Description of path to be deleted

Part of Footpath 85, Weymouth:

- A – B – C The whole width of the footpath from the unaffected part of Footpath 85, at
– D the private road, north of Manor Stables at point A (SY 66738424), south east
 across fields to the garden boundary of 735 Dorchester Road at point B (SY
66858407) and continuing south east through the gardens of 735-731
Dorchester Road to point C (SY 66878404), then east south east through the
property 731 Dorchester Road to point D (SY 66898404). (No recorded
width).

Description of path to be added

Part of Footpath 85, Weymouth:

- A – E – F From the unaffected part of Footpath 85, at the private road, north of Manor
– G – H – Stables at point A (SY 66738424), south south west along the road to point E
I (SY 66728420), then turning east along a stone surfaced path, passing to the
 south of Manor Stables to point F (SY 66758420) and continuing east and
 south east across a field to the south eastern corner of the field at point G (SY
66848407). It continues south south east and south, along an earth and stone
surfaced path to point H (SY 66858405), then east south east, passing
between properties 731 and 729 Dorchester Road to its junction with
Dorchester Road at point I (SY 66918403). The width varies: 2 metres
between points A (SY 66738424) and G (SY 66848407) (except for 85cm at
point F (SY 66758420)), 90 cm at point G (SY 66848407), 1 metre between
points G (SY 66848407) and H (SY 66858405), 1.45 metres between points H
(SY 66858405) and I (SY 66918403) and 75 cm at point I (SY 66918403).
Limitations: Kissing gate at point G (SY 66848407), gap at point I (SY
66918403).

Part II

Modification of definitive statement Variation of particulars of path

Footpath 85, Weymouth:

Delete:

From: 667842 To: 669840

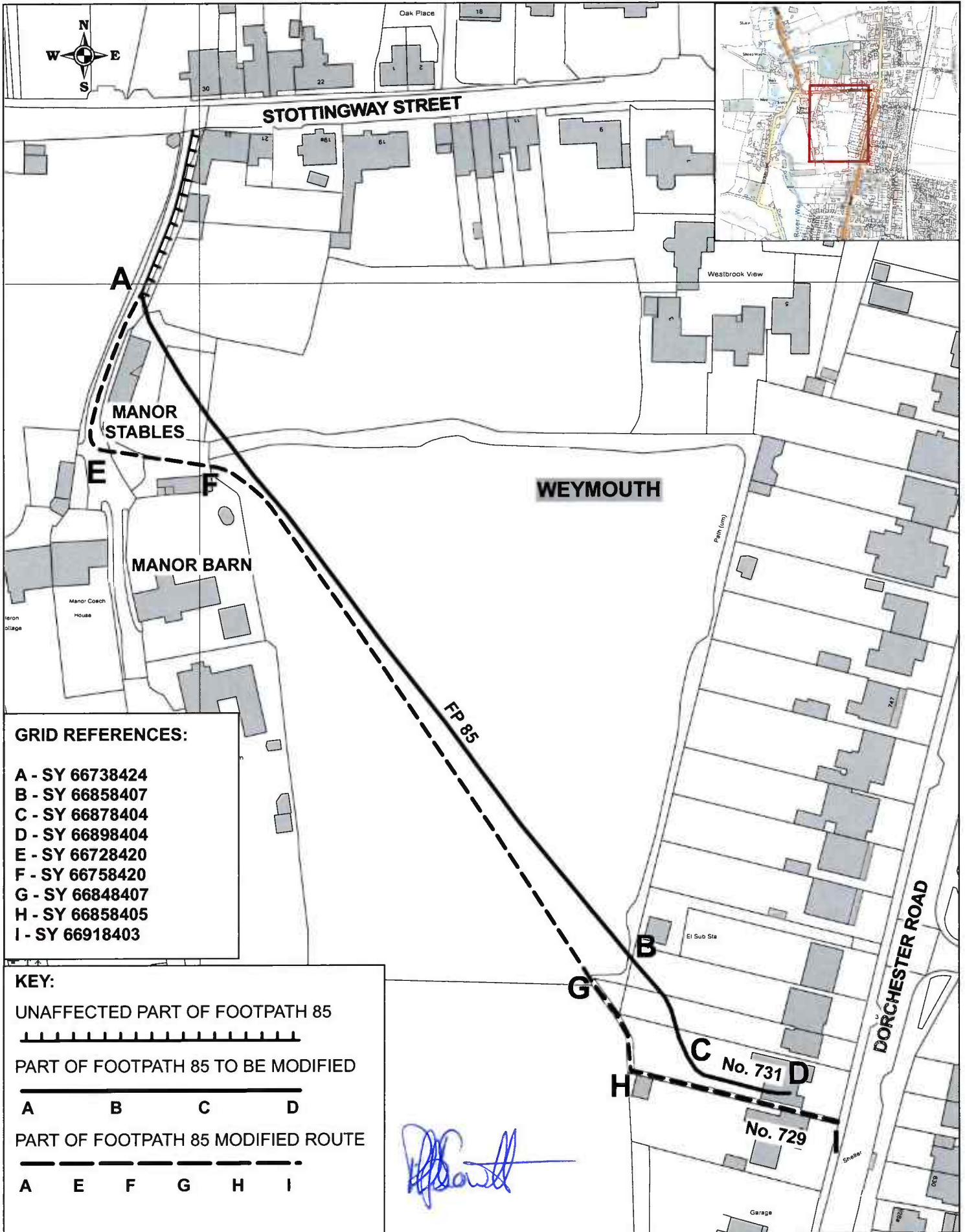
Stottingway Street south eastwards to Dorchester Road (between Nos 729 and 733).

Add:

From: SY 667842

To: SY 66918403

Stottingway Street south along the private road, north of Manor Stables to SY 66738424, south south west along the road to SY 66728420, then turning east along a stone surfaced path, passing to the south of Manor Stables to SY 66758420 and continuing east and south east across a field to the south eastern corner of the field at SY 66848407. It continues south south east and south, along an earth and stone surfaced path to SY 66858405, then east south east, passing between properties 731 and 729 Dorchester Road to its junction with Dorchester Road. The width varies: 2 metres between points SY 66738424 and SY 66848407 (except for 85cm at SY 66758420), 90 cm at SY 66848407, 1 metre between SY 66848407 and SY 66858405, 1.45 metres between SY 66858405 and SY 66918403 and 75cm at SY 66918403. Limitations: Kissing gate at SY 66848407, gap at SY 66918403.



GRID REFERENCES:

- A - SY 66738424
- B - SY 66858407
- C - SY 66878404
- D - SY 66898404
- E - SY 66728420
- F - SY 66758420
- G - SY 66848407
- H - SY 66858405
- I - SY 66918403

KEY:

UNAFFECTED PART OF FOOTPATH 85



PART OF FOOTPATH 85 TO BE MODIFIED



PART OF FOOTPATH 85 MODIFIED ROUTE



**DORSET COUNCIL (PART OF FOOTPATH 85, WEYMOUTH)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER
2022**

Ref: T579/22/1
Date: 02/11/2022
Drawn by: KJS
Scale: 1:1250
Cent X: 366,822
Cent Y: 84,165



© Crown copyright and database rights 2022
 OS 0100060963. Aerial Photography ©
 UKPerspectives 2002 & © Getmapping 2005, 2009
 & 2014, © Getmapping Plc and Bluesky International
 Limited (2017 onwards)



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 correct part of Footpath 85, 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 Kerry Smyth, Definitive Map Technical Officer, Definitive Map Team, Spatial Planning, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T579), or via email to kerry.smyth@dorsetcouncil.gov.uk, not later than 6 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 Kerry Smyth on 01305 221559 or email kerry.smyth@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.