



Definitive Map Team
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Date: 14 December 2022
Ref: BHT RW/T615
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To whom it may concern

Addition of a PUBLIC FOOTPATH to the DEFINITIVE MAP AND STATEMENT – FIELD ADJACENT TO GRAFTON AVENUE, WEYMOUTH – Public Consultation

**WILDLIFE AND COUNTRYSIDE ACT 1981
APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER – T615**

An application has been received to modify the Definitive Map and Statement (DMS) of rights of way by adding a footpath leading from the western end of Grafton Avenue, Weymouth, continuing around the perimeter of the field, to end at the starting point at Grafton Avenue. Please see enclosed Drawing Ref **T615/22/1** to illustrate the route.

The application can be viewed by accessing our website at:
<https://mapping.dorsetcouncil.gov.uk/rightsofway/definitivemap/register>
and entering the reference number (T615) into the DMMO reference box.

Under the Wildlife and Countryside Act (1981), Dorset Council is required to maintain a “definitive map and statement of rights of way”. The Council is also required by the Act to keep the map and statement under continuous review and to modify them if there is evidence that they are incorrect. The evidence may be in the form of historical documents or modern usage or both.

Members of the public may apply to the Council to modify the map and statement, and the Council must:

- investigate their claims,
- examine the evidence and,
- in the light of the evidence, decide whether or not the claimed rights or other rights exist.

This letter relates to such an application to modify the Definitive Map and Statement by adding a public footpath.

Dorset Council has a duty to investigate the matter, to assess the available evidence and decide whether to make a legal order.

The effect of the modification order, if granted in accordance with the application, would be to recognise and record the right of the public to use the route on foot.

Please note that applications for DMMOs do not seek to create new public rights but to record those rights that already exist.

Our investigations will evaluate the evidence, from users of the route and from historical documents, and make a recommendation in a report which will be considered by senior managers / officers.

In addition, the evidence may lead the Council to make another type of order from that proposed (ie bridleway/restricted byway rather than a footpath).

The decision will be based solely on the evidence.

The desirability, suitability or necessity of adding the route are not matters that can be taken into account under the Wildlife and Countryside Act (1981) and information on these points is not required.

However, information on the following points would be of assistance from anyone who wishes to submit evidence: -

1. The use of the route by the public – between the 20 year period 1989 – 2009.
2. Any actions taken to prevent the public from using the path as a public right of way (such as fencing/notices on the route suggesting it shouldn't be used).
3. Any documentation recording or relating to the route (such as that contained in photographs, or on old maps).

Any evidence received by 10 February 2023 may be included in the report and will be treated as public information (please refer to the Data Protection information at the end of this letter).

If you need additional time in which to respond please let me know. The file is available for public inspection at the Definitive Map Team office at County Hall by appointment.

Yours sincerely

Barbara Talbott

Barbara Talbott
Definitive Map Technical Officer
Definitive Map Team
Spatial Planning

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Dorset Council is a Data Controller for the purposes of the General Data Protection Regulation 2016 and the Data Protection Act 2018. This Act regulates how we obtain, use and retain personal information. The information you supply will be used for the purpose of fulfilling our functions and duties, including those under the Highways Act 1980, Town and Country Planning Act 1990 and the Wildlife and Countryside Act 1981. Any information provided, including personal details will be available for public inspection, disclosed to interested third parties and may be used during public inquiries and other proceedings. The information will be kept indefinitely. By replying to this correspondence you are consenting to your personal information being retained and used for these purposes. Further information about the use of personal information and data protection is available on our web-site at www.dorsetcouncil.gov.uk or by contacting the Council's Data Protection Officer.