

DORSET COUNTY COUNCIL

APPLICATION FORM FOR A MODIFICATION TO THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY Wildlife and Countryside Act 1981



To: Chief Executive Dorset County Council County Hall Colliton Park DORCHESTER Dorset DT1 1XJ

I/We (i) FRIENDS OF DORSET'S RIGHTS OF WAY (FODROW) of (ii) PO BOX 5365, DORCHESTER, DORSET, DT2 8WH. hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by :-

- (a) Deleting the footpath / bridleway / byway open to all traffic \* which runs from: to:
(b) Adding the footpath / bridleway / byway open to all traffic \* which runs from: ST 6131 0529 to: ST 6141 0537
(c) Upgrading/downgrading to a footpath / bridleway / byway open to all traffic \* the footpath/bridleway/byway open to all traffic which runs from: FOOTPATH ST 6125 0521 BRIDLEWAY ST 6141 0537 to: ST 6131 0529 ST 6170 0551
(d) Varying/adding to the particulars relating to the footpath / bridleway / byway open to all traffic \* from: to: by providing that

and shown on the map annexed hereto (see overleaf).

I/We attach copies of the following documentary evidence [including statements of witnesses] in support of this application:-

- (iii) Leigh Inclusive Map & Award, CRO ref Inclusive 72 Finance Act Map, PRO ref IR 125/2/198

SIGNATURE REMOVED Signed: Date: 14 July 2004

(i) (ii) (iii) Insert list of documents \* Delete as appropriate



DORSET COUNTY COUNCIL

FORM C

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

I/We(i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

SIGNATURE REMOVED

Signed: Date: 5th December 2004

NOTICES FOR GUIDANCE

This certificate is completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

Re: Batcombe FP11, Leigh BR59, "Bailey Drove". No landowners identified. Site notices placed at ST 61250 05220 & ST 61705 05505 on 5th December 2004.

Notice of Application Sent To:

Table with 2 columns: Name, Address. Rows 1-5 with dotted lines for input.

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s) 21 September 2004

**DORSET COUNTY COUNCIL**  
**APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS**  
**BY SITE NOTICE**  
 Wildlife and Countryside Act 1981

To: Chief Executive  
 Dorset County Council  
 County Hall  
 Colliton Park  
 DORCHESTER  
 Dorset  
 DT11 1XJ

**PATH LOCATION DETAILS:**

PARISH: BATCOMBE & LEIGH DISTRICT: NORTH DORSET

CLAIMED STATUS OF WAY: Footpath/Bridleway/Byway Open to All Traffic [delete as appropriate].

DESCRIPTION OF PATH [include a map]:

FROM: ST 6125 0521

TO: ST 6170 0551

I/WE (i) FRIENDS OF DORSET'S RIGHTS OF WAY (FODROW)

of (ii) PO BOX 5365, DORCHESTER, DORSET, DT2 8WH.

have carried out an investigation in an attempt to discover the owners and occupiers of the land affected by the application. I have made enquiries of: [delete those that are not applicable].

- \* Adjoining landowners
- \* Local inhabitants
- \* ~~Post Office~~
- \* ~~Parish Council~~
- \* ~~Register of Electors~~
- \* Land Registry
- \* Other appropriate sources [please state].

*Please see enclosed description of process followed to identify landowners.*

I have been unable to discover ownership of the land, and I request the Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

SIGNATURE REMOVED

Signed:

Date: 14 JULY 2004.

(ii) Insert address of applicant(s)



**NOTICE OF APPLICATION  
FOR A MODIFICATION TO THE DEFINITIVE MAP AND  
STATEMENT**

**Wildlife and Countryside Act 1981**

**NOTICE IS GIVEN that on 14 July 2004 the FRIENDS OF DORSET'S RIGHTS OF WAY made application to the Chief Executive, Dorset County Council, County Hall, Dorchester, Dorset DT1 1XJ that the Definitive Map and Statement of rights of way for the area be modified by**

- (i) adding the byway open to all traffic which runs from grid reference ST6131 0529 to ST6141 0537 and**
- (ii) upgrading the footpath No. 11 to a byway open to all traffic from grid reference ST6125 0521 to ST6131 0529 to and**
- (iii) upgrading the bridleway No. BR59 from grid reference ST6141 0537 to ST61700551**

**DATE: 9<sup>th</sup> November 2004**

**PLEASE REFER TO MAP BELOW**

## Application for Permission to Notify Landowners by Site Notice

FoDRoW follows the procedure outlined below to identify the owners of land crossed by the route of a DMMO claim:

1. Visit the Land Registry. Request the Land Registry staff identify the titles of land crossed by the route. Where the land is registered we pay for copies of the title and plan to identify the landowner and the boundaries of the land they own. If owners cannot be identified for the entire length of the track then continue with the following steps.
2. Continue working at the Land Registry and attempt to identify owners of land upto 2 fields away as well as the owners identified in step 1.
3. Write to the land owners identified in steps 1 and 2. If other farms or possible major land owners are located near the route and their details were not identified in steps 1 & 2 then write to those farms and land owners too. All farms in the vicinity of the claimed route will be considered and contacted if appropriate.

The letter sent includes a clear map showing the claimed route and a form for the landowner to return. The form allows the landowner to indicate whether he owns all of the land crossed by the claimed route, none of the land or some of the land. In the latter two cases we ask the landowner to supply the details of the correct landowners if they are known. A copy of the letter, map and form can be supplied to Dorset County Council if requested.

4. At least 28 days are provided for the landowners to respond before a DMMO claim is submitted.

This process was developed after conversations with Gillian Parkinson. It was felt that a thorough Land Registry search followed, if necessary, by letters to local farms and relevant landowners was a reasonable effort to make to identify landowners. If the land was not registered and local landowners were unwilling or unable to supply the ownership details when contacted then all reasonable steps had been taken.

At Bailey Drove almost all of the land around the track is registered with the Land Registry but none of the titles include the track itself. Only land to the south of the track east of the stream is unregistered. As an aside, this is taken as a further indication that historically this track was a public road. Letters were sent to Deansbrook Farm and Scotley Farm on the 24<sup>th</sup> March 2004. These farms own a substantial amount of land around the track and also most of the land adjoining the track.

Neither farm has responded to our letters and we feel all reasonable efforts have been made to identify the owner(s) of the land crossed by Bailey Drove. Having been unsuccessful in identifying the land owner(s) we now request permission to notify land owners by site notice.

20<sup>th</sup> December 2004

**Re: Placing of Site Notices for DMMO Applications**

Dear Mrs Douch,

I am writing to confirm we have placed site notices for 5 DMMO applications. The relevant applications are listed below along with the location of the site notices and the dates the notices were placed. All notices were placed prominently and were well secured. I trust these applications can now be passed to the Rights of Way department for their attention. When I last spoke to Chris Slade in RoW he mentioned they had not received my application for byway status on Piddlehinton BR3. That claim was submitted on the 24<sup>th</sup> March 2004 and does not require site notices. Please also pass that application to RoW or advise me by return if that cannot be done.

**Batcombe, Leigh; ST 61250 05220 to ST 61705 05505; submitted 14<sup>th</sup> July 2004.**

ST 61250 05220 - Notice placed 5<sup>th</sup> December 2004

ST 61705 05505 - Notice placed 5<sup>th</sup> December 2004

**Cheselbourne, Dewlish; SY 7393 9842 to SY 7634 9843; submitted 25<sup>th</sup> September 2004.**

SY 7634 9843 - Notice placed 5<sup>th</sup> December 2004

SY 7393 9843 - Notice placed 11<sup>th</sup> December 2004

**Piddlehinton, Piddletrenthide; SY 6926 9636 to SY 7101 9820; submitted 25<sup>th</sup> September 2004.**

SY 6926 9636 - Notice placed 11<sup>th</sup> December 2004

SY 7101 9820 - Notice placed 11<sup>th</sup> December 2004

**P'hinton, P'trenthide, Cheselbourne; SY 7289 9792 to ST 7462 0038; submitted 25<sup>th</sup> Sept 2004.**

ST 7462 0038 - Notice placed 5<sup>th</sup> December 2004

SY 7289 9792 - Notice placed 11<sup>th</sup> December 2004

**Piddletrenthide; ST 711 009 to SY 738 988; submitted 11<sup>th</sup> November 2004.**

ST 711 009 - 5<sup>th</sup> December 2004

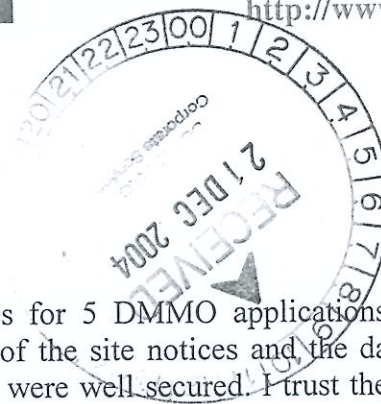
SY 93895 98710 - 11<sup>th</sup> December 2004

The site notice for the south east end of this claim was placed about 150m south of the claimed route. There was no suitable place to secure the notice at the end of the claimed route and the notice was tied to a metal gate at SY 93895 98710 instead.

In view of the time that has passed since some claims were submitted I would be grateful if you could write to me by return post to advise if any further actions are required from us in respect of these claims and when these claims will be passed to the Rights of Way department.

Yours sincerely,

SIGNATURE REMOVED



## Byway Claim for Bailey Drove, Batcombe & Leigh

### Introduction

This document supports FoDRoW's DMMO claim for byway status on Bailey Drove, which is located in the parishes of Batcombe and Leigh. The claimed route runs between two county roads, from grid reference ST 6125 0521 east to ST 6170 0551 and is highlighted on the enclosed 1:15000 scale reproduction of a 1:50000 OS map.

This track is today called Bailey Drove however on the Leigh inclosure map it is referred to as Maiden Newton drove.

The claimed route currently has three different statuses recorded on the definitive map. From east to west those are:

|   |       |
|---|-------|
| ST 6125 0521 to ST 6131 0529 – Part of footpath 11, Batcombe. | A - B |
| ST 6131 0529 to ST 6141 0537 – No public right of way.        | B - C |
| ST 6141 0537 to ST 6170 0551 – Bridleway 59 Leigh.            | C - E |

No evidence has been found to indicate this road has ever been stopped up. Thus on the basis of the evidence presented below FoDRoW believes the route should today be a byway.

*FoDRoW believes enough evidence is being submitted to justify this claim. Further evidence does exist and may be submitted at a later date. However, having considered the volume of claims likely to be submitted in the coming years this claim is being submitted now to avoid a future flood of claims when they are all fully researched.*

### Leigh Inclosure Map & Award, CRO Reference Inclosure 72

The Leigh inclosure map shows the claimed route and calls it “Maiden Newton Drove”. The eastern half of the route is shown on the map. Although many of the fields shown on the inclosure map have been coalesced, a distinctive curved field boundary shown on the inclosure map is still shown on modern 1:25000 OS maps. This helps to identify the scale of the map which, in combination with the shape of the track, helps to determine that the track from the county road at ST 6170 0551 west to the parish boundary at ST 6141 0537 is shown on the inclosure map.

The Leigh inclosure award states that Maiden Newton drove is a public road. The section of road shown on the inclosure map directly corresponds to bridleway 59 in Leigh. Thus this bridleway should be a byway.

However, at the eastern end of the road shown on the inclosure map, i.e. at the point where it reaches the parish boundary, the road is marked “to Maiden Newton”. This, combined with the fact that there is no reason for the road to stop at the parish boundary, indicates the road continued along the route of what is now Bailey Drove until the crossroads at Scotley farm, grid reference ST 6125 0521. At that point travellers to Maiden Newton would have continued to travel south west along today's a tarmac road, then in a southerly direction along what is now a byway and on to Maiden Newton.

The inclosure map and award provide conclusive evidence that BR 59 in Leigh should be a byway. Furthermore, the annotation on the map, the name of the road and the topology of the area indicates it is highly likely the road did not stop at the parish boundary but continued to the cross roads near Scotley farm.

## **Finance Act Map, Public Record Office Reference IR 125/2/198**

Bailey Drove is included on a map drawn up for the Finance Act 1910. The entire length of Bailey Drove is clearly shown as excluded from assessment and is marked in the same manner as other public roads in the area. The exclusion of Bailey drove from the surrounding land for the purposes of land tax assessment indicates a public right of way for vehicles could exist on the full length of the track.

### **Summary**

The inclosure map and award evidence proves vehicular rights certainly exist on the eastern half of the claimed route. Furthermore, the text "to Maiden Newton" on the map, and indeed the naming of the track as "Maiden Newton drove", indicates this was a through route and thus it would be expected that the same rights would extend along the entire route.

The Finance Act map evidence also indicates the claimed route has public vehicular rights because the route is quite clearly excluded from assessment. The drove is also shown on the Finance Act map marked as excluded from assessment in its entirety; this is further evidence that the entire track should be treated as a continuous route with public rights extending throughout the route.

The combined weight of inclosure and Finance Act map evidence provides strong evidence that Bailey Drove does carry public vehicular rights. No evidence of the route having been stopped up has been found thus it is argued the route should today be classified as a byway open to all traffic.

An extract of the Leigh inclosure map is included with this claim. A CD containing various Finance Act maps has been sent to Dorset County Council's rights of way department. The image on that CD of the Finance Act map covering Bailey Drove is of a higher quality than we can print. Therefore a copy of this map has not been included with this claim and we suggest the CD is used instead. If a printed copy of this map is required this will be supplied on request.





## DORSET COUNTY COUNCIL

## PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Chief Executive  
Dorset County Council  
County Hall  
Colliton Park  
DORCHESTER  
Dorset  
DT1 1XJ

PATH DETAILS:-

PARISH: LEIGH & BATCOMBE DISTRICT: NORTH DORSET

BELIEVED STATUS OF PATH: ~~footpath / bridleway /~~ byway open to all traffic [delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM: ~~ST 6131 0529~~ ST 6125 0521

TO: ST 6170 0551

I/We (i) FRIENDS OF DORSET'S RIGHTS OF WAY (FODROW)  
of (ii) PO BOX 5365, DORCHESTER, DORSET, DT2 8WH

have carried out research at the County Records Office and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

| Document  | DRO/PRO Reference |
|---|-------------------|
| Inclosure Award and Map*                            | DRO INCLOSURE 72  |
| <del>Title Apportionment and Map*</del>             |                   |
| Finance Act 1910 Maps*                              | IR 125/2/198      |
| <del>Ordnance Survey Maps*</del>                    |                   |
| <del>Railway/Canal Survey Maps and Schedules*</del> |                   |
| <del>Estate Maps and Records*</del>                 |                   |
| <del>Quarter Session Rolls*</del>                   |                   |
| <del>Sale Catalogues*</del>                         |                   |
| <del>Highway Board Minute Books*</del>              |                   |
| Others [please state].                              |                   |

SIGNATURE REMOVED

Signed:

Date: 14 JULY 2004

(i) In  insert address of applicant(s) \* Delete as appropriate

## NOTES FOR GUIDANCE

[Please read carefully]

### 1. TO THE APPLICANT

- 1.1 These notes are for your guidance and help in applying to the Council for an Order modifying the Definitive Map of Public Rights of Way.
- 1.2 In order to comply with Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 it is necessary for you, the applicant, to send one of these notices to anyone affected by the proposed modification. If you do not know the names and addresses of all the people affected by the proposal, you may apply to the Public Rights of Way Section [NAME AND ADDRESS OF AUTHORITY] for permission to post a notice at each end of the path concerned. Every effort should be made to identify all interested parties.
- 1.3 Once notice has been served on all the interested parties you should complete the Certificate of Service of Notice of Application, **FORM C**, sign and date the form, and return it to the address given at the top of **FORM A**. Guidance on how to complete the Notice of Application is given below:

### 2. Section A

- 2.1 The name and address of the individual affected by the proposal should be entered in this section. Separate notices should be sent to all interested parties, and a list of names and addresses of all those on whom notice was served should be included on **FORM C**.

### 3. Section B

- 3.1 The date on **FORM A** of your modification application form should be entered in this section, together with your name and address.

### 4. Section C

- 4.1 This section describes the modification being requested. You should read through all the options and decide which is the most appropriate. If (b) describes your proposed modification for example, you should cross through the other options and then complete (b) in full. An example is given below:

(b) **Adding the ~~footpath / bridleway / byway open to all traffic~~** which runs  
from: Scratchy Face Lane [SS 2345 6789]  
to: Cut Throat Lane [SS 2376 6745]

The completed form should be signed and dated by the applicant and sent to the individual named in **Section A**.

### 5. TO THE RECIPIENT

- 5.1 If you should receive a Notice of Application for a Modification Order it means that someone is proposing a change to the public rights of way on land in which you may

have an interest. The Council will contact you to discuss the proposal, but not immediately. If you have any queries relating to the application, please contact the Public Rights of Way Section, [NAME AND ADDRESS OF AUTHORITY].

**Fodrow Evidence CD September 2004  
Containing:**

Finance Act Maps  
Index Map  
9:4 - IR 125/1/54  
9:7 - IR 125/1/55  
9:8 - IR 125/1/56  
9:10 - IR 125/1/57  
9:11 - IR 125/1/58  
9:12 - IR 125/1/59  
9:13 - IR 125/2/89  
9:14 - IR 125/2/90  
9:15 - IR 125/1/60  
9:16 - IR 125/1/61  
10:1 - IR 125/1/62  
10:5 - IR 125/1/63  
10:6 - IR 125/1/64  
10:9 - IR 125/1/65  
10:10 - IR 125/1/66  
10:13 - IR 125/1/67  
10:14 - IR 125/1/68  
14:1a - IR 125/2/137 Part 1  
14:1b - IR 125/2/137 Part 2  
14:4 - IR 125/2/140  
14:5 - IR 125/2/141  
14:8 - IR 125/2/144  
14:9 - IR 125/2/145  
14:10 - IR 125/2/146  
14:11 - IR 125/2/147  
14:12 - IR 125/2/148  
14:13 - IR 125/2/149  
14:14 - IR 125/2/150  
14:15 - IR 125/2/151  
15:1 - IR 125/2/153  
15:2 - IR 125/2/154  
15:3 - IR 125/1/70  
15:4 - IR 125/1/71  
15:5 - IR 125/2/155  
15:6 - IR 125/2/156  
15:7 - IR 125/1/72  
15:8 - IR 125/1/73  
15:9 - IR 125/1/74  
15:10 - IR 125/1/75  
15:11 - IR 125/1/76  
15:12 - IR 125/1/77  
15:13 - IR 125/2/158  
15:14 - IR 125/2/159  
15:15 - IR 125/1/78  
15:16 - IR 125/1/79  
16:1 - IR 125/1/80  
16:2 - IR 125/1/81  
16:3 - IR 125/1/82  
16:6 - IR 125/1/85  
16:8 - IR 125/1/87

16:10 - IR 125/1/89  
16:11 - IR 125/1/90  
16:12 - IR 125/1/91  
16:13 - IR 125/1/92  
16:14 - IR 125/1/93  
16:15 - IR 125/1/94  
21:4 - IR 125/2/190  
21:8 - IR 125/2/194  
21:12 - IR 125/2/198  
21:16 - IR 125/2/202  
33:14 - IR 125/2/252  
33:15 - IR 125/2/253  
42:1 - IR 125/2/439  
42:2 - IR 125/2/440  
42:3 - IR 125/2/441  
42:5 - IR 125/2/443  
42:6 - IR 125/2/444  
42:7 - IR 125/2/445  
42:9 - IR 125/2/447  
42:10 - IR 125/2/448  
42:11 - IR 125/2/449  
42:13 - IR 125/2/451  
42:14 - IR 125/2/452  
42:15 - IR 125/2/453  
54:2 - IR 125/2/574  
54:3 - IR 125/2/575  
54:4 - IR 125/2/576  
54:7 - IR 125/2/579  
54:8 - IR 125/2/580  
56:2 - IR 125/2/596

Inclosure Maps

Cheselbourne Map 1  
Cheselbourne Map 2  
Cheselbourne Map 3  
Cheselbourne Award 1  
Dewlish Map 1  
Dewlish Map 2  
Dewlish Map 3  
Dewlish Award 1  
Dewlish Award 2  
Piddlehinton Map 1  
Piddlehinton Map 2  
Piddlehinton Map 3  
Piddlehinton Award 1  
Piddlehinton Award 2  
Piddlehinton Award 3  
Piddlehinton Award 4  
Piddletrenthide Map 1  
Piddletrenthide Map 2  
Piddletrenthide Map 3  
Piddletrenthide Award 1