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DORSET COUNTY COUNCIL

FORM A

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

BR 14 BEAMINSTER

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: to:

(c) Upgrading/downgrading to a footpath / bridleway / byway open to all traffic * the footpath/bridleway/byway open to all traffic which runs from: ST 49105 03415 to: ST 48435 02625

(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) Please see attached report for details of evidence submitted in support of this claim. Copies of documentary evidence has been supplied on CD, viewable on any Windows PC.

SIGNATURE REMOVED

Signed:

Date: 21st December 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: 6th February 2005

[Redacted signature area] FOR GUIDANCE

This certificate should only be 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: Beaminster BR14, "Meerhay Lane". Unable to identify all landowners; site notices posted at ST 491 034 & ST 484 026 on 6th February 2005.

Notice of Application Sent To:

Table with 2 columns: Name, Address. Row 1: Mrs GA Langton, Higher Meerhay Fm, Beaminster, Dorset, DT8 3FB. Rows 2-5 are empty.

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



DORSET COUNTY COUNCIL

FORM D

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
DT1 1XJ

PATH LOCATION DETAILS:

PARISH: Beaminster DISTRICT: West Dorset

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

DESCRIPTION OF PATH [include a map]:

FROM: ST 49105 03415

TO: ST 48435 02625

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 explanation.

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: 21st December 2004

(ii) Insert address of applicant(s)



DORSET COUNTY COUNCIL

FORM G

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: Beaminster DISTRICT: West 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 49105 03415

TO: ST 48435 02625

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

Please see enclosed report for full list of evidence submitted to support this claim

- Inclosure Award and Map*
Tithe Apportionment and Map*
Finance Act 1910 Maps*
Ordnance Survey Maps*
Railway/Canal Survey Maps and Schedules*
Estate Maps and Records*
Quarter Session Rolls*
Sale Catalogues*
Highway Board Minute Books*
Others [please state].

SIGNATURE REMOVED

Signed: Date: 21st December 2004

(i) Insert address of applicant(s) * Delete as appropriate

Application for Permission to Notify Landowners by Site Notice

FoDRoW is applying for permission to post a site notice to inform landowners about the DMMO application that accompanies this form. Not all the owners of land crossed by the claimed route have been identified using the process described below and we wish to use a site notice to notify the those landowners.

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

1. Request the Land Registry identify the titles of land crossed by the route. Where the land is registered we obtain 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 the following steps are taken.
2. Attempt to identify other local landowners, EG farms, using the Land Registry, OS maps, Royal Mail address books, etc.
3. Write to the landowners identified in steps 1 and 2. If other farms or possible major landowners are located near the route and their details were not identified in steps 1 & 2 then write to those farms and landowners 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 in consultation with Gillian Parkinson at DCC. 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.

Byway Claim for Bridleway 14 Beaminster

Introduction

This document supports FoDRoW's DMMO claim for byway status on a route in the parish of Beaminster. The claimed route runs over what is currently bridleway 14 from ST 49105 03415 to ST 48435 02625. The entire route is highlighted on the enclosed map, which is an enlarged OS 1:50000 map printed at 1:15000 scale.

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.

Documentary Evidence

The following evidence is being submitted to support our DMMO application:

- Isaac Taylor Map 1796, DRO reference M14
- OS 25" Meerhay Lane north, DRO reference OS 25" 20.15
- OS 25" Meerhay Lane south, DRO reference OS 25" 29.2
- Isaac Taylor 1765, DRO reference D626/25.
- OS Old Series 1", DRO reference D626/25.
- OS 6" Meerhay Lane south, DRO reference OS 6" 29NW.
- Beaminster Tithe map 1843, DRO reference T/BE
- Greenwood 1826, DRO reference M116
- Plan of roads in neighbourhood of Beaminster c.1800, DRO reference D/RGB:LL.
- Beaminster Inclosure map & award, DRO reference Inclosure 65.
- Beaminster PC Letter, Original held in DCC RoW Dept. files.
- 1ed OS Map 1811 Published by Col Mudge, DRO reference D/ASH:B/P8

Analysis of Documentary Evidence

The 6" and 25" OS maps show the existence of the claimed route. The 25" map describes the northern section of the route as "BR" however this would only refer to the physical status of the road. The south end of the claimed route joins a county road and a byway. The OS maps show no change in the nature of the roads where the byway & CR join BR14. Since there is no reason for the county road and byway to stop where they do it is likely these roads continued along the claimed route.

Dorset Records Office document D/RGB:LL is a "Plan of roads in neighbourhood of Beaminster c.1800". This clearly shows the claimed route as a continuous road. Although the map is a rough sketch the roads clearly correspond to modern roads. Furthermore the objective of the map's creator appears to be to show public roads with no lesser routes shown and the length of commonly travelled routes marked.

The Beaminster tithe map shows the claimed route as unapportioned and shaded in the same manner as other public roads in the area. This indicates the route was a public road. The claimed route is also shown in the same manner and as continuing from what is today the byway and county road to the south. Thus the rights on those roads would also be present along the claimed route.

The Beaminster inclosure map shows Public Carriage Road H. The award describes PCR H as "...extending in its ancient course and direction to a certain place called Meerhay...". The exact location of Meerhay varies between maps, but the tithe map, which is contemporary with the inclosure, shows it some way up BR 14 and certainly beyond the byway, which runs on the route of PCR H.

Isaac Taylor's map of 1796 clearly shows the entire route as a road. This map also appears to only show public roads. Relatively few roads are shown, those included correspond well to modern public roads, and there appears to be no intention to show bridleways or footpaths. Isaac Taylor's map from 1765 also shows the claimed route as a road and in the same way as other public roads in the area. Again very few roads are shown and it appears only the more significant public roads are included. On both maps the county road and byway to the south of BR14 are not shown meaning the claimed route may have been the only route for carts to Meerhay.

Greenwood's map of 1826 and the 1st Edition "Old Series" OS map both show the entire claimed route as a road and continuous with the modern county road and byway to the south. The route's depiction is consistent with other minor public roads in the area.

There is also documentary evidence that locally the claimed route has the reputation of being a public road. In May 1973 Beaminster Parish Council wrote to the county council requesting Meerhay Lane was adopted as road maintainable by the council. The letter describes the road as being regularly used by vehicles and as being similar to neighbouring Stintford Lane, which had already been adopted by the council. In 2004 the lane still has the reputation of being an unadopted road. When we enquired as to the ownership of Meerhay Lane, Higher Meerhay Farm replied with the following:

"No owners - its an un-adopted lane"

The claimed route appears to have been a road open to the public since at least 1765. All maps consulted show the route in the same manner as other surrounding public roads and the tithe and inclosure maps provide further evidence of public vehicular rights. Finally, the position of Beaminster PC in the early 1970s and the current view of the owners of Higher Meerhay Farm highlights the local view that Meerhay Lane is an unadopted road.

FODROW EVIDENCE CD NOVEMBER 2004

Including:

**Beaminster BR14, Meerhay lane (T353)
ST484026 to ST491034.**

Currently BR14 Beaminster,

Isaac Taylor Map 1796 1796	212.jpg	DRO reference M14 Isaac Taylor Map
OS 25" Meerhay Lane north 20.15. North end of Beaminster BR14.	119.jpg	DRO reference OS 25"
OS 25" Meerhay Lane south of Beaminster BR14.	120.jpg	DRO reference OS 25" 29.2. South end
Isaac taylor 1765	121.jpg	DRO reference D626/25.
OS Old Series 1" of OS Old Series 1".	122.jpg	DRO reference D626/25. David & Charles copy
OS 6" Meerhay Lane south	123.jpg	DRO reference OS 6" 29NW.
Beaminster Tithe 1 1843.	130.jpg	DRO reference T/BE Beaminster Tithe map
Beaminster Tithe 2 1843.	131.jpg	DRO reference T/BE Beaminster Tithe map
Greenwood 1826 1	134.jpg	DRO reference M116
Greenwood 1826 2	135.jpg	DRO reference M116
Beaminster Roads neighbourhood of Beaminster c.1800.	147.jpg	DRO reference D/RGB:LL. Plan of roads in
Pasture Lands (E) inclosure has two maps. This image is the east side of the "Commonable Pasture lands" map. Road 'A' is the A3066 north of Beaminster.	126.jpg	DRO reference Inclosure 65. Beaminster
Pasture Lands Award 14.	129.jpg	DRO reference Inclosure 65. Public Carriage Road H is described as "...extending in its ancient course and direction to a certain place called Meerhay...". The exact location of Meerhay varies between maps, but the tithe map, which is contemporary with the inclosure, shows it some way up BR 14.
Beaminster PC Letter	162.jpg	Original held in DCC RoW Dept. files.
1ed OS Map 1811 map of Dorset 1811, Published by Col Mudge.	169.JPG	DRO reference D/ASH:B/P8 OS first edition