



## Order Decision

Hearing held on 9 September 2015

**by Heidi Cruickshank BSc (Hons), MSc, MIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 10 February 2016**

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### **Order Ref: FPS/C1245/7/35M**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Dorset County Council (Public Bridleways at Batcombe and Leigh) Definitive Map and Statement Modification Order 2010<sup>1</sup>.
- The Order is dated 9 July 2010 and proposed to add restricted byways to the Definitive Map and Statement on a route known as Seiver's Lane, within the Parishes of Batcombe and Leigh. The central section of Seiver's Lane was not proposed to be recorded by the Order. Full details of the route are set out in the Order Plan and Schedule.
- In accordance with paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order subject to modifications.
- No objections or representations were received in response to the notice.

**Summary of Decision: The Order is confirmed subject to modifications set out in the Formal Decision.**

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### **Preliminary matters**

1. The Order has been subject to two sets of proposed modifications. The first, proposed by my Interim Order Decision ("IOD"), issued on 21 October 2014, was made following an accompanied site visit, carried out on 5 August 2014. Advertisement of the proposed modifications led to objections and I decided that it would be appropriate to hold a hearing regarding the relevant evidence. This was held on 9 September 2015 and resulted in further modifications being proposed in my second IOD, issued 3 November 2015.
2. No objections or representations have been made to these proposed modifications.

### **Main issues**

3. On considering the relevant matters in the initial IOD and the new evidence provided, I was satisfied that the Order should be confirmed, subject to the proposed alteration to status. No further evidence has been provided to alter my decision on the matter at this stage.

### **Reasons**

4. For the reasons already set out in the IODs I am satisfied that the Order should be confirmed on the basis that, on the balance of probabilities, the documentary evidence shows that Order route was historically a public highway, of the status of at least bridleway. Therefore such rights should be recorded throughout the length of the Order route.

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<sup>1</sup> Subject to the proposed modifications

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## Conclusion

5. I am satisfied by consideration of all the evidence available that the Order should be confirmed subject to the modifications proposed in the second IOD, as set out below.

## Formal Decision

6. In exercise of the powers transferred to me, the Order is confirmed subject to the modifications previously proposed:
- In the title to the Order:
    - replace "*...Restricted Byways...*" with "*...Public Bridleways...*";
  - In Article 3 to the Order:
    - replace "*...Restricted Byways...*" with "*...Public Bridleways...*";
  - Within Part I of the Schedule:
    - replace "*...restricted byway...*" with "*...public bridleway...*" throughout;
    - replace "*...Footpaths 12 and 13, Batcombe...*" with "*...Footpath 12, Batcombe, and the public road...*";
    - after text "*...Redford Farm...*" add text "*..., Batcombe...*";
    - remove text "*...where the route crosses a culvert...*";
    - replace "*...is 10 metres throughout, narrowing to 8 metres at point B.*" with "*...varies from 8 – 10 metres with a pinch-point of 2.5 metres, as shown on the 1902, second edition, 25":1 mile OS map.*";
    - after "*...junction with the...*" insert "*...public bridleway at Batcombe, point B (national grid reference ST 6112 0575), generally north-east via its junction with Footpath 31 at national grid reference ST 6125 0584 to its junctions with Footpaths 32 and 62 at the ford at ST 6151 0614, east-north-east to the...*";
    - in relation to point C alter the grid reference to "*...ST 6165 0618 ...*";
    - delete "*...and Footpath 57 at...*";
    - after "*The width of the...*" replace "*...restricted byway varies from 9 metres at point C, widening to 12 metres at point F and narrowing to 10 metres at point G.*" with "*...public bridleway varies between 3.9 and 12 metres, subject to pinch points of 2.1 - 2.5 metres, as shown on the 1902, second edition, 25":1 mile OS map and excluded from the adjacent hereditaments on the Finance Act 1910 map.*"
  - Within Part II of the Schedule:
    - replace "*...restricted byway...*" with "*...public bridleway...*";
    - for the '*public bridleway at Batcombe*' replace "*...Footpaths 12 and 13, Batcombe...*" with "*...Footpath 12, Batcombe, and the public road...*";
    - after text "*...Redford Farm...*" add text "*..., Batcombe...*";
    - remove text "*...where the route crosses a culvert...*";

- replace "...restricted byway is 10 metres throughout, narrowing to 8 metres at ST 61120575." with "...public bridleway varies from 8 – 10 metres with a pinch-point of 2.5 metres, as shown on the 1902, second edition, 25":1 mile OS map.";
- for the 'public bridleway at Leigh' replace 'From' "ST 61640618" with "ST 6112 0575";
- after "...junction with the..." insert "...public bridleway at Batcombe, point B (national grid reference ST 6112 0575), generally north-east via its junction with Footpath 31 at national grid reference ST 6125 0584 to its junctions with Footpaths 32 and 62 at the ford at ST 6151 0614, east-north-east to the...";
- delete "...and Footpath 57 at national grid reference ST 6120620...";
- after "The width of the..." replace "...restricted byway varies from 9 metres at ST61640618, widening to 12 metres at ST 61900617 and narrowing to 10 metres at point ST 61960609" with "...public bridleway varies between 3.9 and 12 metres, subject to pinch points of 2.1 - 2.5 metres, as shown on the 1902, second edition, 25":1 mile OS map and excluded from the adjacent hereditaments on the Finance Act 1910 map."
- On the Order plan:
  - show the entirety of the route, points A - B - C - D - E - F - G as a broken line with cross bars at intervals;
  - alter the grid reference for point C to ST 61650618;
  - in the Key indicate the "PROPOSED BRIDLEWAY, A - G" with the appropriate symbol;
  - remove the indication of "PROPOSED RESTRICTED BYWAYS" .

*Heidi Cruickshank*

**Inspector**