



## Order Decision

Inquiry opened on 22 February 2017

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

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

**Decision date: 18 May 2017**

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### **Order Ref: FPS/C1245/7/38**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Dorset County Council (Footpath from Broad Street to Marine Parade, Lyme Regis (known as Teneriffe Path)) Definitive Map and Statement Modification Order 2013.
- The Order is dated 9 August 2013 and proposes to record a public footpath running generally south-westerly between Broad Street and Marine Parade. Full details of the route are given in the Order and map.
- There were nine objections and representations outstanding at the commencement of the Inquiry.

**Summary of Decision: The Order is not confirmed.**

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### **Procedural matters**

1. On 17 March 2005 an application was made to Dorset County Council, the order-making authority ("the OMA"), under Section 53(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") to add a footpath to the Definitive Map and Statement for the area. The application to record the route known as Teneriffe Path, running between 13/14 Broad Street and 6a/7 Marine Parade, Lyme Regis, was made by Lyme Regis Town Council ("the Town Council").
2. The OMA decided that the evidence did not show that a right of way subsisted or was reasonably alleged to subsist and refused the application in July 2009. The Town Council appealed this decision and, in June 2011, the OMA were directed by the Secretary of State to make the Order.
3. On 18 August 2011 the OMA made an Order to record the route. As an objection was received to that Order, on behalf of a number of parties, many of whom subsequently objected to the Order now before me, the 2011 Order was submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation. That Order was rejected for technical reasons and was not subject to any Inquiry or substantive decision.
4. This Order was made and again attracted objections and representations, requiring that it be submitted to the Secretary of State.
5. As the OMA were directed to make the Order, they decided not to support it and took a neutral stance at the Inquiry, although assisting with organisational matters. The case in support of the Order was made by the Town Council.
6. I made an unaccompanied site visit on 21 February 2017 and held a Public Inquiry into the Order on 22 – 24 February at Woodmead Halls, Lyme Regis. No-one requested a further accompanied site visit following the close of the Inquiry.

## Main issues

7. The Order is made under section 53(2)(b) of the 1981 Act by reference to section 53(3)(c), which states that an Order should be made to modify the Definitive Map and Statement on the discovery of evidence which, when considered with all other relevant evidence available, shows:

*"(i) 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, being a right of way to which this Part applies."*

8. The Town Council relied on the statute arising under section 31 of the Highways Act 1980 ("the 1980 Act") to support their case. The sections of the 1980 Act of particular relevance are set out below:

*(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.*

*(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise.*

*(3) Where the owner of the land over which any such way as aforesaid passes—*

*(a) has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and*

*(b) has maintained the notice after the 1st January 1934, or any later date on which it was erected,*

*the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway...*

9. Before a presumption of dedication can be inferred under the statute, the 1980 Act requires that the relevant period of use be calculated retrospectively from the date on which the status of the way is 'called into question'. There had been some disagreement on this initially, with various dates referred to. However, in closing both sides indicated agreement with the date of December 1988, which had been identified by the Inspector dealing with the matter at the Schedule 14 appeal stage. The objector<sup>1</sup> referred to other matters which were said to show interruption and a lack of intention to dedicate. Following *Godmanchester and Drain v Secretary of State for Environment, Food and Rural Affairs, 2007* ("Godmanchester")<sup>2</sup> I shall need to consider whether any of these matters may have called use into question, leading to an earlier twenty-year period.

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<sup>1</sup> The main objector who gave evidence to the Inquiry is the owner of Madeira and Little Madeira. When I refer to 'the objector' in this decision I am referring to this party, unless otherwise stated.

<sup>2</sup> [2007] UKHL 28

10. To give rise to a presumption of dedication, it needs to be shown that there has been use, without interruption, as of right, that is without force, secrecy or permission<sup>3</sup>, throughout the relevant twenty-year period. The objector referred to matters which it was said showed that the claimed use had been by force and/or permission.
11. If the statutory test fails then I need to consider whether there is evidence of dedication at common law. In such a case the question is whether the evidence of use of the route by the public, and the actions of landowners, together with all other relevant evidence, enables an inference to be drawn that a public footpath has been dedicated. The burden of proof at common law lies on the person asserting the dedication and even quite a formidable body of evidence may be insufficient for such purposes. The Town Council place no reliance on the common law in this matter and have not presented a case on that basis.
12. It will be noted that the OMA were directed to make an Order on the basis that the Inspector was satisfied that a public right of way could be reasonably alleged to subsist, that is Test B, by reference to *R v Secretary of State for Wales ex parte Emery, 1997*<sup>4</sup> ("Emery"), quoting with approval *R v the Secretary of State for the Environment ex parte Norton and Bagshaw, 1994*<sup>5</sup>. However, I can only confirm the Order where I am satisfied, on the balance of probabilities, that a public right of way subsists, that is Test A.

## Reasons

### Background

13. There are some matters relating to this case which I will refer to at the outset, as I consider that they have a bearing on the interpretation of the evidence. The land crossed by the claimed route is owned by three separate owners, with a section unregistered<sup>6</sup>. The owners of the properties, and adjacent properties, referred to private rights over the route recorded in their deeds. However, it is not unusual for public and private rights to coexist over the same land.
14. When approaching the route from Marine Parade, point E<sup>7</sup>, the entrance to the path is a blue door, with a door knob and letterbox. I consider this to be a highly unusual feature of this case. On opening that door you enter a passageway and steps between two properties, Madeira Cottage and Little Madeira, with, I understand, a bedroom of Little Madeira situated over the top of the steps leading up to Teneriffe, which is divided into flats.
15. Given the belief on the part of many members of the Town Council, and others, that they, their parents and/or their grandparents knew this to be a public route it is a great shame that it has taken so long for the matter to be brought into a public forum. Even taking the date of calling into question as 1988, the application to record the route was not made until 2005, some seventeen years later. Bearing in mind that we then need to consider evidence going back over at least the previous twenty years it is unhelpful to both sides in terms of ensuring the reliability of witness memory.

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<sup>3</sup> Nec vi, nec clam, nec precario

<sup>4</sup> [1998] 4 All ER 367

<sup>5</sup> [1994] 68 P & C.R. 402

<sup>6</sup> Dispensation to serve notice on unknown owners was given by the Secretary of State

<sup>7</sup> Points A – E are shown on the Order map

**Calling into question (Section 31 of the Highways Act 1980 – the statute)**

16. Section 31(2) of the 1980 Act sets out that the period of twenty years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question. Whatever occurs, and whoever causes the question to arise, the action must be sufficient to bring it to the attention of the users of the route that their right to use it has been challenged.

*Locking of door, point E, 1988*

17. The evidence for the agreed date of December 1988 arises from a letter dated 2 March 1989 from a solicitor acting for a neighbouring landowner to West Dorset District Council. The letter claimed that over the previous 20 years that his client had lived at the property she (and members of the general public) had used the public right of way until ten weeks previously, when the door at the western end was locked and barred.
18. Taking this as the date of calling into question gives rise to a relevant twenty-year period of December 1968 – December 1988. It was suggested in objection that this twenty-year period was as likely as any to represent the use and actions in relation to the route in question.
19. *Godmanchester* sets out that in "...the true construction of section 31(1), "intention" means what the relevant audience, namely the users of the way, would reasonably have understood the landowner's intention to be. The test is...objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in *Mann v Brodie* (1885)<sup>8</sup>, to "disabuse [him]" of the notion that the way was a public highway...It should first be noted that section 31(1) does not require the tribunal of fact simply to be satisfied that there was no intention to dedicate...In other words, the evidence must be inconsistent with an intention to dedicate. That seems to me to contemplate evidence of objective acts, existing and perceptible outside the landowner's consciousness...the objective acts must be perceptible by the relevant audience." I consider there are other matters that are likely to have been sufficient to have called use into question at an earlier period.

*Locking of the door, Point E, pre-1988*

20. I have noted the unusual feature of the door, which looks no different from the other house front doors in that row of properties. The film still from '*All Over the Town*', released in 1949, shows the door has been in place for at least 68 years. Although it was the 'permanent' locking of this door in December 1988 that, eventually, led to the application to record the route, there was evidence that the door was locked at other times.
21. In objection it was explained that there was a lock, which varied in type over the years, on the northern side of the door such that anyone travelling towards the beach could simply open the door and walk through. However, when the door was locked you could only get from point E towards point A if you had a key. I heard evidence of residents finding themselves on the wrong side of the door on occasion and having to walk around to come in via Broad Street or knock on windows to be let back in.

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<sup>8</sup> [1885] HL 378, 10 App Cas 378

22. I am satisfied from the evidence I heard that the door was locked on numerous occasions over the years from at least the early 1970s, in particular overnight. Whilst I agree with the Town Council that locking it at night, when no-one might be likely to want to use it, may be insufficient to show a lack of intention to dedicate a public right of way, there was evidence that people did use and attempt to use the route at night, and that it was also locked during the day.
23. Another party referred to the door being locked in the period 1955 – 1962, although acknowledging that it could be opened when travelling towards Marine Parade. One of those giving evidence in support of the Order had written to the local newspaper stating that in the mid – late 1970s she had found the door locked and similar evidence was included in another user evidence form (“UEF”). Given the number of people with private rights to use the route I am not surprised that the door was often left unlocked when people living and staying in the properties were running to and from the beach during holiday periods. Indeed the current copy of the booklet of information left for visitors only refers to it being kept shut, with locking required if leaving Lyme.
24. Although the more recent ‘permanent’ locking of the door was suggested to be 1990 in a large number of UEFS, I agree with the objector that the evidence under cross-examination suggested that the date had been chosen simply because it was mentioned in a newspaper article, other UEFs or due to users being told this was the correct date. There is evidence from an affected owner at the time that the door was locked on a regular basis from late summer 1985.

*Locking of the door, Point A*

25. In addition to there being a door at point E there was also a pair of doors situated in the archway from Broad Street. There was some evidence that these had also been locked in the 1960s.

*Signs, Point A*

26. One person, referring to use during the 1960s – 1980s, recalled a sign at Broad Street indicating that the route was a public right of way and another referred to such a sign in the period from the 1940s – mid-1950s, although this appears to refer to point E. However, there is no general support for these recollections within the evidence as a whole and they are at odds with the requirements for locks and keys in the property conveyances dating from the 1920s.
27. Another person referred to a publication *Lyme Regis Walkabout*, dating from 1976 saying that the route was not included as they did not want to advertise it to the hordes of visitors; it seems unlikely to have been signed as a public route.

*Private sign, Point C/D*

28. There was some recollection of a private sign on a gate at the top of the steps in the mid-1970s, which appears to have been at point C, with reference to it facing towards Broad Street.

*Private sign, Point E*

29. A photograph taken in 1986 shows the door at point E with the name sign ‘Teneriffe’ towards the top of the door and, next to the letter box, a ‘PRIVATE’ sign. The same pair of signs were visible in a photograph used to make a coaster, copyright dated 1988.

30. It was suggested by some that the private sign was so small that it wasn't seen. It was also suggested that the sign might have been intended to deter tourists. I find it difficult to reconcile the evidence of those indicating use of the route up to 1990, yet saying, even in cross-examination with the 1986 photograph before them, that they did not see the sign.
31. However, more than one witness said that there may have been a sign but, as they had been told by others that it was a public right of way, they would have ignored it. There was similar indication that people continued to use the route even if shouted at, as their families were all of the view that there was a right to use the path.
32. The picture arising from the evidence as a whole suggested that although people walked in both directions along the route, most use was made heading down towards the beach and sea; that is travelling from Broad Street, point A, to Marine Parade, point E. There was no private sign on the northern side of the door, which may explain why some people appeared to be unaware of it.
33. Those speaking in objection, who stayed at the properties as owners or visitors, said that there had been a private sign on the door from earlier years. It may have sometimes fallen off but was put back up. An early recollection was from 1969/70 when, on purchase of Little Madeira, the owner believed there to have been a private sign. In addition to the evidence in objection, there is evidence in some of the UEFs that some users were aware of this sign from at least the mid-1970s and one person giving evidence of it being present in the 1960s.
34. The Town Council referred me to an article on "*Protecting Land from Claimed Public Rights of Way – notices*". This discusses what may or may not be sufficient for a notice to have legal effect, indicating that a 'Private' notice may be insufficient for this purpose. However, I am satisfied, having seen the current situation on site and comparing that with the photographs, that in terms of size and position, the sign was sufficient to demonstrate to a reasonable user that the landowner did not intend for public use of the door. I agree with the objectors that it denoted the space beyond the door as private and not public. This would, therefore, directly affect use of the claimed route, being on the boundary and entrance to that route.
35. I do not consider that simply ignoring a sign such as this, perhaps in some cases making an assumption that it only related to tourists and not to locals, can remove its effect in terms of the intention of the landowner. As noted in *Godmanchester*, "*The test is...objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed...*". On the evidence of the users, tourists, with no subjective assumption of rights, were unaware of the route and did not use it. I consider that a reasonable user would have found this notice to be sufficient to negate any intention to dedicate the way as a highway.

*No thoroughfare sign, E - D*

36. Witnesses in objection referred to this sign having been on one of the walls to the north of the door at point E, running alongside the steps in the late 1960s/early 1970s. The Town Council queried the point of such a sign, which generally would not be visible from the door. However, I consider that this is one of the matters which turns on the unusual circumstances of this case; the area behind the door

is enclosed and I am satisfied that a sign such as this on the wall could only be taken to relate to the Order route.

37. A couple of the UEFs referred to such a sign, although none of the users giving evidence to the Inquiry recalled it. It seems that it was probably removed in the early to mid-1970s and it is unclear for how long it was in place prior to that
38. I am satisfied, on the balance of probabilities, that this sign would be sufficient to indicate, to a reasonable user, a lack of intention to dedicate a public right of way on the part of the owner.

#### *Turning back from the route*

39. It was clear that people had been told that the route was not public in the period that signs and gates and the locking of the door became more obvious in the late 1980s. However, there was some evidence that people were also told that the route was not public at earlier dates, notwithstanding that those on holiday indicated that they might not wish to upset local residents unnecessarily. There is evidence to show that the owner at Teneriffe, who enforced the locking of the door, turned people back in around 1985.

#### *Summary*

40. As set out in *Godmanchester*, cited with approval in *Fortune v Wiltshire County Council, 2010*<sup>9</sup>, a degree of openness is required to demonstrate a lack of intention to dedicate and the bringing into question of public rights. I consider that the signs, the locking of doors and the turning back of users are sufficient to objectively indicate a lack of intention to dedicate a public right of way on the part of the landowners.
41. Following *Godmanchester*, there will ordinarily be symmetry between the concepts of calling into question and a lack of intention to dedicate. These actions, for which there is evidence on both sides of the case, demonstrate, on the balance of probabilities, that the use of the route was called into question and interrupted at various points, giving potential twenty-year periods of 1968 – 1988, 1965 – 1985, 1957 – 1977, 1949 – 1969 and 1935 – 1955.

#### **User Evidence**

42. A large number of UEFs were submitted with the application, and subsequently, with a number of people giving evidence of their use directly to the Inquiry. The Town Council argued that I should place reliance not only on the evidence heard but also on the untested UEFs as showing consistent use of the Order route without challenge throughout the relevant twenty-year period, providing evidence sufficient to give rise to a presumption of dedication.
43. Acceptance of the UEFs at face value suggests consistent use by a number of people up to 1990, at which point, it was said, the door at point E was locked and the 'Private' notice erected, preventing access. However, I consider the evidence as to when users 'found' a locked door or notice unconvincing, suggesting a lack of personal knowledge of the situation.
44. The dates and volume of use given on some of the UEFs were altered when the evidence was explored at the Inquiry under cross-examination. This is no

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<sup>9</sup> [2010] EWHC B33 (Ch)

criticism of those completing the UEFs or, most helpfully, assisting me with their own evidence of use at the Inquiry, which seeks to clarify the written information. I note the comment of the Town Council that the conflict in evidence is perhaps inevitable having regard to the age of some of the respondents and the extended period of time to which the evidence relates. However, when seeking to make a legal change to the status of property the evidence must stand up to fair scrutiny.

45. There was some suggestion that the objectors had something to lose in terms of privacy and property values if they did not give their evidence. However, it is equally the case that those giving evidence in support may agree to things they are uncertain of, such as dates and the existence, or not, of signs, in order to be helpful to the person collecting evidence.
46. I agree with the objector that there was clear evidence of ill-will against 'incomers' and 'second-homers', with an undercurrent of 'us and them' in terms of those who thought of themselves as locals of Lyme Regis. There has also been some misunderstanding about landownership, with reference to 'theft' of land, the majority of which is clearly registered to several different owners of properties along the route. Such matters can colour evidence and there has been some, I am quite sure unintentional, leading in the assistance to complete UEFs at various stages in the process.
47. Nonetheless, I am satisfied that there has been use of the Order route by a number of people over a number of years. I also accept that these people may have had an honest belief that they had a right to use the Order route.

#### *The public*

48. The 1980 Act requires that the use be by 'the public' in order to demonstrate acceptance of a public right of way. I agree with the Town Council that it is usual that local people are taken to be representative of 'the public'. This is supported by *R (on the prosecution of the National Liberal Land Co Ltd) v The inhabitants of the County of Southampton, 1887*<sup>10</sup>, which set out that "...the word 'public'...must not be taken in its widest sense; it cannot mean that it is a user by all the subjects of the Queen, for it is common knowledge that in many cases it is only the residents in the neighbourhood who ever use a particular road...". This case actually relates to what may be required to show adoption of a highway such that it is maintainable at public expense but I am satisfied it is relevant here.
49. I agree with the objector that this is an unusual case where the users were local people who knew of the physical existence of what was referred to, by more than one person, as the 'secret route'. It was clear that people appreciated being able to cut down to the seafront by this route, away from the large numbers of tourists and visitors who might be in the town at particular times.
50. As I have noted, the entrance from the seafront end is via a door. I agree with the objector that any reasonable person would assume this to be a door to a private home, in common with the other doors in this row of houses. I consider that this would be likely to prevent use by anyone other than a local person, or family member or friend, who had specific knowledge of the existence of a route behind the door. On the balance of probabilities, in the circumstances of this

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<sup>10</sup> [1887] LR 19 QBD 590



unusual situation, I consider that this use, by a narrow class of locals, does not represent use by the general public, sufficient to support a presumption of dedication to '*the public*'.

*As of right*

51. Another requirement of the 1980 Act is that the use be '*as of right*', that is without force, without secrecy and without permission. The objector referred to some matters in this regard.

*Without force*

52. In using the route mainly from the Broad Street direction, point A, I consider that the evidence shows that people were able to unlock the door – by whatever means it was locked, which appears to have varied over time – and gain access over the whole route. The evidence indicates that once unlocked the door could be left open, sometimes for long periods, such that people following on behind, or seeking subsequent access from the south, point E, would be unaware that the door had been locked.
53. I consider that those unlocking the door in order to pass were using the route by force; that is against the wishes of the landowner. I accept that they may not have understood this, as they were doing something that they had always done, but on the balance of probabilities, there was an element of use by force.

*Without secrecy*

54. As noted, several people referred to this as a '*secret route*'. However, I understood this to mean that the route was secret from tourists – those not '*in the know*' – rather than referring to the use itself as necessarily being secretive.
55. As indicated in objection there was some difficulty in knowing who was entitled to use the route, due to the number of properties with private rights over it. Given the location it is hardly surprising that there were visitors – I understand these to have included friends, family and paying guests – staying at these properties such that it might be difficult to separate use by private right from use by others.
56. I am satisfied that the evidence of use was not deliberately secretive in the way meant in such cases, where a landowner might have no knowledge of use or opportunity to challenge it.

*Without permission*

57. There were a number of properties with rights over the whole or parts of the Order route. People from these properties would be using the route by permission. However, there were those who gave evidence of friendships with people living along the route, delivering goods to, or working at, these properties. Whilst they appear not to have understood that such use would be by permission I consider that this would be the case for at least some of the use.

*Without interruption*

58. Taking account of the overlap in the potential relevant twenty-year periods noted above, I am not satisfied that evidence has been provided of a twenty-year period of use which was not interrupted by actions taken by the landowners.

*Lack of intention to dedicate a right of way*

59. I am satisfied that the actions of the landowners in locking doors and gates, putting up notices and turning people back has been sufficient to demonstrate to a reasonable user that there was no intention to dedicate a public right of way in any of the potential relevant twenty-year periods.
60. The most difficult period in which to reconcile evidence is, of course, the earliest, 1935 – 1955. However, there is a little evidence of physical alterations made to the route, with a wall on Marine Parade replaced by a door, within that period. Furthermore, I am not satisfied that, over eighty years from the beginning of that twenty-year period, it has been shown, on the balance of probabilities, that there was use sufficient to give rise to a presumption of dedication.

***Documentary evidence***

61. Some documentary evidence was taken into account by the OMA in determining the case before them and there were other documents submitted to the Inquiry. Maps and photographs demonstrate that a route has physically existed in the area, although not necessarily on precisely the same alignment, since at least the nineteenth century.
62. A review of the Definitive Map and Statement was carried out in 1989 and no claim for rights over this route was made at that time. The Footpath Officer from 1979 – 1984 indicated that the Order route was not considered open to the public in that period.
63. I find no indication of the existence of a public right of way over the land in question, with the only rights set out in any documents being private rights in connection with properties, for example part being shown as a "*Private walk leading to Marine Parade*" in a conveyance dating from January 1933. Conveyances show that from 1921 there was a requirement for the erection of a door or gate and supply of keys to all those with a right to pass over the land. I am satisfied that this has been shown to have occurred, on and off, over the years.

***Conclusion in relation to Section 31 of the Highways Act 1980 – the statute***

64. Taking account of the evidence as a whole I am not satisfied, on the balance of probabilities, that it has been shown that there has been a full uninterrupted period of twenty years use by the public, as of right, on the Order route, prior to such use being called into question by actions on the part of the landowners.
65. Such use as has occurred has been by a narrow class of users not representative of the public, with some use by force and some by permission. As a result, I do not consider that the Order route can be presumed to have been dedicated as a public footpath under the statute.

***Conclusion at common law***

66. The Town Council did not rely on common law dedication but I have considered the evidence as a whole in this respect. I do not find the documentary evidence supportive of the existence of public rights.
67. Although I consider that there has been use of the route, the evidence does not support such use as being as of right and uninterrupted, which remains a

requirement at common law. On the balance of probabilities, I do not consider that those in support of the Order have discharged the burden of proof to show, at common law, that it has been the intention of the landowners at any time to dedicate a public right of way over the Order route.

### **Other matters**

68. The law does not allow me to consider such matters as the desirability or otherwise of the route; privacy; security or health and safety. I have not taken account of these issues.

### **Conclusions**

69. Considering the evidence as a whole I am not satisfied, on the balance of probabilities, that it has been shown, either under the statute or at common law, that the Order route should be recorded as a public footpath.

70. Having regard to these and all other matters raised at the Inquiry, and in the written representations, I conclude that the Order should be not confirmed.

### **Formal Decision**

71. I have not confirmed the Order.

*Heidi Cruickshank*

**Inspector**

## **APPEARANCES**

### **For the Order Making Authority (neutral stance):**

Sarah Meggs                      Dorset County Council

### **In Support of the Order:**

Mr M Green                      *on behalf of* Lyme Regis Town Council

*Who called:*

Mr G Baker

Mrs R Blow

Mr D Bowen

Mr S Campbell

Mrs P Campbell

Mr N Clarke

Miss S Clarke

Mr D Cozens

Ms S Dale

Mr C Douglas

Mr D Guest

Mr M Harris

Mrs A Higgs

Mrs J Hopkins

Mrs J Law

Mr O Lovell

Mrs J Newton

Mrs M Peart

Mrs C Reynolds

Mrs P Taylor

### **Interested Parties in Support of the Order:**

Mrs G Emmett

Mr D Turner

Ms A Williams

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**In Objection to the Order:**

Mr J Phillips                      of Counsel, *instructed by* Irwin Mitchell LLP *on behalf of*  
Mr A Marriner

*who called:*  
Mr A Marriner

Mr A Christie

Mr H Gough

Mr P Gould

Mr M Harries

Ms R Jones

Mrs U LeHuray

Mrs C Maddox

Mrs ML Papworth

Mrs H Parker

Mr R Bowmaker

Mrs J Cottis

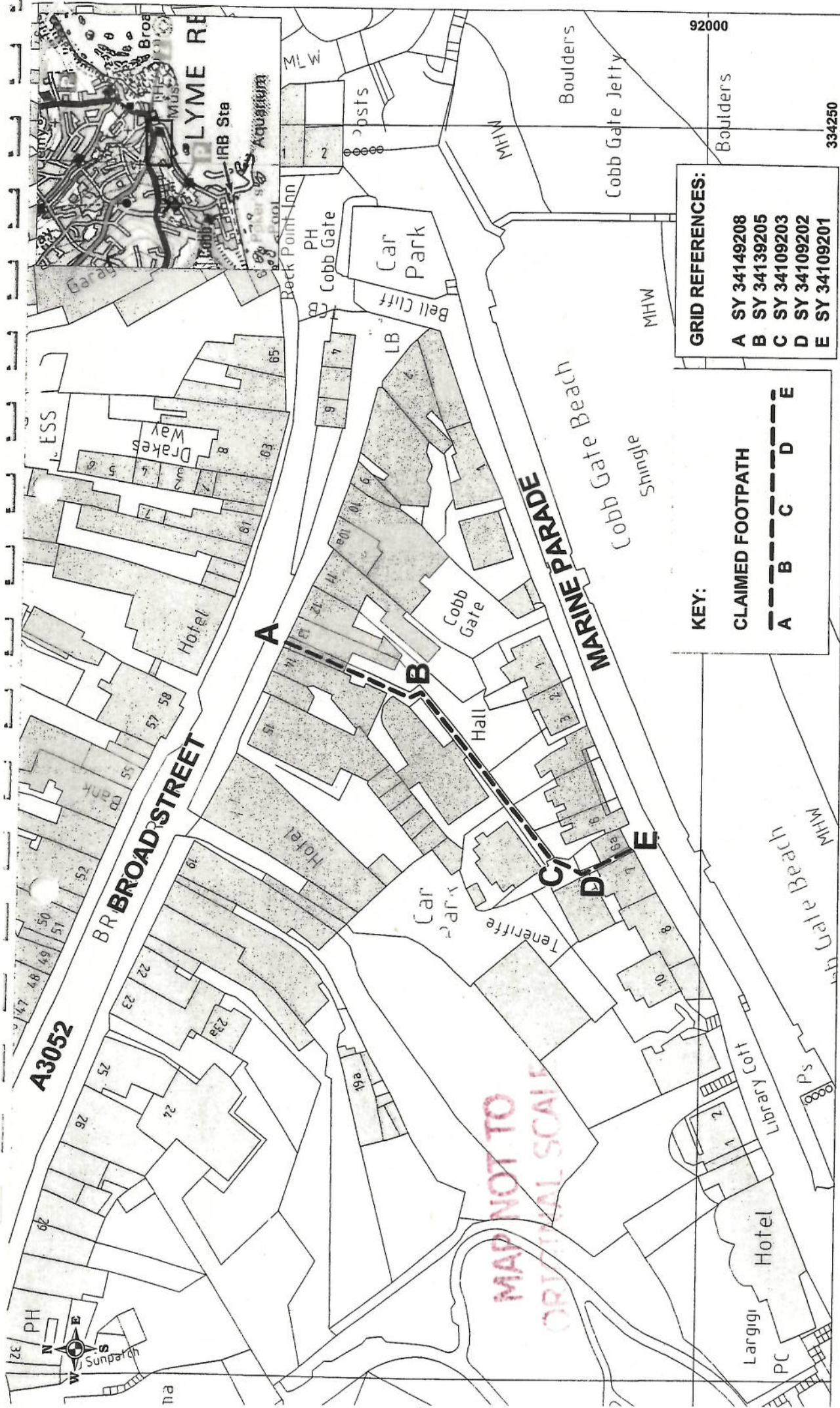
Mrs S Jones

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## **INQUIRY DOCUMENTS**

- 1 The Order
- 2 Replacement UEF (J Law)
- 3 Sue Rumfitt Associates article
- 4 Summation statement of Lyme Regis Town Council & reference to *Fortune*
- 5 Statement of Anita Williams
- 6 Grounds of objection
- 7 Paginated bundle of evidence in objection
- 8 Facebook entries
- 9 Letters page, Bridport & Lyme Regis News, January 25, 2012
- 10 Statement of Mr Gould
- 11 DE Coates letter
- 12 Letter from Mr & Mrs Gough
- 13 Still from '*All Over the Town*'
- 14 Photograph of coaster
- 15 Photograph of door
- 16 Extract from Little Madeira instructions
- 17 Closing submissions of Andrew Marriner, with *Fairey v Southampton*





**GRID REFERENCES:**

A	SY 34149208
B	SY 34139205
C	SY 34109203
D	SY 34109202
E	SY 34109201

**KEY:**

<b>CLAIMED FOOTPATH</b>				
A	B	C	D	E

GEOGRAPHICAL INFORMATION SYSTEMS

**DORSET**  
County Council

© UK Prospective 2002 & © Copyright 2005 & 2009  
© Crown Copyright 2013. OS Licence Number: 100019700

**Ref: 09/04**  
 Date: 03/02/2009  
 Scale 1:1000  
 Drawn By: ACH  
 Cent X: 334132  
 Cent Y: 92055

**DORSET COUNTY COUNCIL (FOOTPATH FROM BROAD STREET TO MARINE PARADE, LYME REGIS KNOWN AS TENERIFFE PATH)) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2013**

*Jonathan Hain*