

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

### WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Dorset County Council  
Footpaths 37 (part), 38 and 103 (part), Thorncombe) Public Path  
Diversion Order 2015

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **22 January 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Thorncombe Village Hall, Chard Street, Thorncombe, Chard, Somerset, TA20 4ME** on **Tuesday 23 July 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the public footpaths at Thorncombe in the West Dorset District, as shown on the Order map as follows:-

#### **From the existing paths:**

##### Part of Footpath 37

From its junction with Footpath 103, north west of Worcester at ST 37530329, west crossing a paddock to its junction with the current Footpath 38 at ST 37510329, continuing west south west, crossing Footpath 40 and into the next field, then west south west and west to ST 37320324. (No recorded width).

##### Footpath 38

From its junction with the current Footpath 37, west north west of Worcester at ST 37510329, south west across a paddock and field, crossing Footpaths 40 and 39 and continuing south west to its junction with Footpath 84 at ST 37290312. (No recorded width).

##### Part of Footpath 103

From the unaffected part of Footpath 103, at the rear of Pennyhayne at ST 37510326, north east to its junction with the current Footpath 37 and the unaffected part of Footpath 103, north west of Worcester at ST 37530329. Width: At ST 37530329 - 2 metres.

### **To the new paths:**

#### Part of Footpath 37, (to be renumbered Footpath 104)

From its junction with the new route of Footpath 103, north west of Worcester at ST 37520329, continuing north west along a tarmac surfaced path to ST 37480331, then south west between field boundaries to its junction with Footpath 40 at ST 3745503307. Width: 2 metres.

#### Part of Footpath 37

From its junction with Footpath 40 at ST 3745603304, west into a field to its junction with the new route of Footpath 38 at ST 37440330, west south west across the field to the field boundary at ST 37360326, then crossing into the next field to join the unaffected part of Footpath 37 at ST 37320324. Width: 2 metres. Limitations: Pedestrian gates at ST 37440330 and ST 37360326 to BS5709:2006.

#### Footpath 38

From its junction with the new route of Footpath 37, near the eastern edge of the field at ST 37440330, south west across the field to its junction with Footpath 39 at ST 37370321, continuing south west to the field boundary at ST 37360319. Then south west and across the next field to its junction with Footpath 84 at ST 37290312. Width: 2 metres. Limitation: Pedestrian gate at ST 37360319 to BS5709:2006.

#### Part of Footpath 103

From the unaffected part of Footpath 103 to the rear of Pennyhayne at ST 37510326, generally north north east to a post and rail fence, north east along the western side of the fence to its junction with the new route of Footpath 37 (to be renumbered Footpath 104), north east of Worcester, at ST 37520329, then south east to its junction with Footpath 103 at ST 37530329. Width: 2 metres. Limitation: Medium mobility kissing gate at ST 37520329 to BS5709:2006.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk)  
Please quote reference number ROW/3212517 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Dorset County Council's offices, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ during normal office hours. To arrange a viewing, please contact Ms Rebecca Buck on Telephone Number 01305 221744.

### **Timetable for sending in statements of case and proofs of evidence**

### **Within 8 weeks of the start date by [by 19 March 2019]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

### **Within 14 weeks of the start date [by 30 April 2019]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

### **4 weeks before the date of the inquiry [by 25 June 2019]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

**Dorset County Council**



**Public Path Diversion  
and  
Definitive Map and Statement Modification Order**

**Highways Act 1980  
Wildlife and Countryside Act 1981**

**Dorset County Council (Footpaths 37 (part), 38 and 103 (part), Thorncombe)  
Public Path Diversion Order 2015**

This Order is made by Dorset County Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpaths described in paragraph 1 of this Order it is expedient that the line of the paths should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Dorset definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Mr Nicholas Cunningham has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path way into a fit condition for use by the public.

West Dorset District Council and Thorncombe Parish Council have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public right of way over the land situate at Thorncombe and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this order shall be stopped up on the date which Dorset County Council certify that work has been carried out to bring the site of the new highway mentioned in article 3 into a fit condition for use by the public and thereupon the County of Dorset definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding this order Western Power Distribution shall have the following rights over the land referred to in paragraph 1 namely: full and free access for purposes connected to the use and maintenance of their apparatus now existing under, over or on the land referred to in paragraph 1.
3. There shall at the end of 7 days from the date of confirmation of this Order be public footpaths over the land situate at Thorncombe described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in this order and thereupon the County of Dorset definitive map shall be modified by adding those paths to it.
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order.
5. The County of Dorset definitive statement shall be modified as described in Part 4 of the Schedule to this Order.

## SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

### Part 1

#### Description of site of existing paths

##### Part of Footpath 37, Thorncombe in the West Dorset District:

A – C – B From its junction with Footpath 103, north west of Worcester at point A (ST 37530329), west crossing a paddock to its junction with the current Footpath 38 at point C (ST 37510329), continuing west south west, crossing Footpath 40 and into the next field, then west south west and west to point B (ST 37320324). (No recorded width).

##### Footpath 38, Thorncombe in the West Dorset District:

C – D From its junction with the current Footpath 37, west north west of Worcester at point C (ST 37510329), south west across a paddock and field, crossing Footpaths 40 and 39 and continuing south west to its junction with Footpath 84 at point D (ST 37290312). (No recorded width).

##### Part of Footpath 103, Thorncombe in the West Dorset District:

E – A From the unaffected part of Footpath 103, at the rear of Pennyhayne at point E (ST 37510326), north east to its junction with the current Footpath 37 and the unaffected part of Footpath 103, north west of Worcester at point A (ST 37530329). Width: At ST 37530329 – 2 metres.

### Part 2

#### Description of site of new paths

##### Part of Footpath 37, Thorncombe (to be renumbered Footpath 104)

J – F – G From its junction with the new route of Footpath 103, north west of Worcester at point J (ST 37520329), continuing north west along the tarmac surfaced path to point F (ST 37480331) then south west, between field boundaries, to its junction with Footpath 40 at point G (ST 3745503307). Width: 2 metres.

##### Part of Footpath 37, Thorncombe

H – I – K From its junction with Footpath 40 at point H (ST 3745603304), west into a field to its junction with the new route of Footpath 38 at point I (ST 37440330), west south west across the field to the field boundary at point K (ST 37360326), then crossing into the next field to join the unaffected part of Footpath 37 at point B (ST 37320324). Width: 2 metres.

Footpath 38, Thorncombe

I – M – L From its junction with the new route of Footpath 37, near the eastern edge of the field at point I (ST 37440330), south west across the field to its junction with Footpath 39 at point M (ST 37370321), continuing south west to the field boundary at point L (ST 37360319). Then south west and across the next field to its junction with Footpath 84 at point D (ST 37290312). Width: 2 metres.

Part of Footpath 103, Thorncombe

E – J – A From the unaffected part of Footpath 103 to the rear of Pennyhayne at point E (ST 37510326), generally north north east to a post and rail fence, north east along the western side of the fence to its junction with the new route of Footpath 37 (to be renumbered Footpath 104), north east of Worcester, at point J (ST 37520329), then south east to its junction with the unaffected part of Footpath 103 at point A (ST 37530329). Width: 2 metres.

**Part 3**

**Limitations and Conditions**

All to BS5709:2006:

Footpath 37, Thorncombe

<b>Point</b>	<b>Grid Reference</b>	<b>Furniture</b>
I	ST 37440330	Pedestrian gate
K	ST 37360326	Pedestrian gate

Footpath 38, Thorncombe

<b>Point</b>	<b>Grid Reference</b>	<b>Furniture</b>
L	ST 37360319	Pedestrian gate

Footpath 103, Thorncombe

<b>Point</b>	<b>Grid Reference</b>	<b>Furniture</b>
J	ST 37520329	Medium mobility kissing gate

**Part 4**

**Modification of Definitive Statement**

**Variation of particulars of paths**

**Footpath 37, Thorncombe**

**Delete:**

From: ST 37530329

To: ST 37060316

From its junction with Footpath 103, north west of Worcester generally west to ST 37180330 then generally south west for 180 metres to join Horseshoe Road. Width: Between ST 37180330 and ST 37060316 - 1.5 metres. Limitations: Gates at ST 37180330 and ST 37060316 to BS5709:2006.

**Add:**

**Footpath 37, Thorncombe**

From: ST 3745603304

To: ST 37060316

From its junction with Footpath 40, west into a field to its junction with Footpath 38 at ST 37440330, west south west across the field to the field boundary at ST 37360326, then crossing into the next field and west south west to ST 37320324 then continuing generally west to ST 37180330, then generally south west for 180 metres to join Horseshoe Road. The width of the path varies: Between ST 3745603304 and ST 37320324 - 2 metres, Between ST 37180330 and ST 37060316 - 1.5 metres. Limitations: Pedestrian Gates at ST 37440330, ST 37360326, ST 37180330 and ST 37060316 to BS5709:2006.

**Add:**

**Footpath 104, Thorncombe**

From: ST 37520329

To: ST 3745503307

From its junction with Footpath 103, north west of Worcester, continuing north west along a farmac surfaced path to ST 37480331, then south west, between field boundaries, to its junction with Footpath 40. Width: 2 metres.

**Footpath 38, Thorncombe**

**Delete:**

From: 375033

To: 373031

Junction with Path No 37 at Chard Street to join Path No 84 near Greenhill.

**Add:**

From: ST 37440330

To: ST 37290312

From its junction with Footpath 37, near the eastern edge of the field, south west across the field to its junction with Footpath 39 at ST 37370321, continuing south west to the field boundary at ST 37360319. Then south west and across the next field to its junction with Footpath 84. Width: 2 metres. Limitations: Pedestrian gate at ST 37360319 to BS5709:2006.



**Footpath 103, Thorncombe**

**Delete:**

From: ST 37500318

To: ST 37550328

From its junction with High Street, north west along a grassed track between Little Orchard and Thomas's Place via national grid reference ST 37490319 to its junction with Footpaths 39, 40 and 84 at national grid reference ST 37480320, then north east along a grassed path to the rear of The Terrace and continuing to its junction with Footpaths 37 and 38 at national grid reference ST 37530329. Turn south east along a path with walls on either side between Worcester and The Forge to its junction with Chard Street. The width of the path varies: At ST 37500318 – 3.7 metres widening to 4.69 metres at ST 374900319 and 5.6 metres at ST 37480320. Between ST 37480320 and ST 37530329 – 2 metres throughout. At ST 37530329 – 2 metres narrowing to 1.22 metres (between walls) and widening to 1.5 metres at ST 37550328. Limitation: ST 37490319 - field gate width 3.45 metres with 1.24 metre gap alongside.

**Add:**

From: ST 37500318

To: ST 37550328

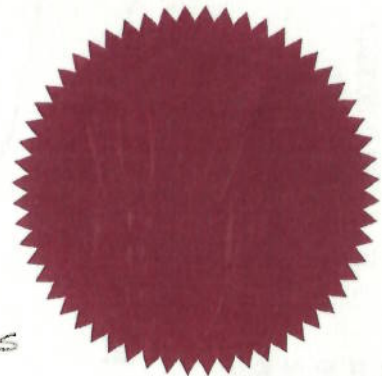
From its junction with High Street, north west along a grassed track between Little Orchard and Thomas's Place via national grid reference ST 37490319 to its junction with Footpaths 39, 40 and 84 at national grid reference ST 37480320, then north east along a grassed path to the rear of The Terrace and continuing to the rear of Pennyhayne at ST 37510326 then generally north north east to a post and rail fence, north east along the western side of the fence to its junction with Footpath 104, north east of Worcester, at ST 37520329 then south east along a path with walls on either side between Worcester and The Forge to its junction with Chard Street. The width of the path varies: At ST 37500318 – 3.7 metres widening to 4.69 metres at ST 374900319 and 5.6 metres at ST 37480320. Between ST 37480320 and ST 37530326 – 2 metres. Between ST 37510326 and ST 37530329 2 metres. At ST 37530329 – 2 metres narrowing to 1.22 metres (between walls) and widening to 1.5 metres at ST 37550328. Limitations: Field gate width 3.45 metres with 1.24 metre gap alongside at ST 37490319 and medium mobility kissing gate at ST 37520329 to BS5709:2006.

Dated this 7<sup>th</sup> day of AUGUST 2015

THE COMMON SEAL of THE  
DORSET COUNTY COUNCIL  
was affixed in the presence of:-

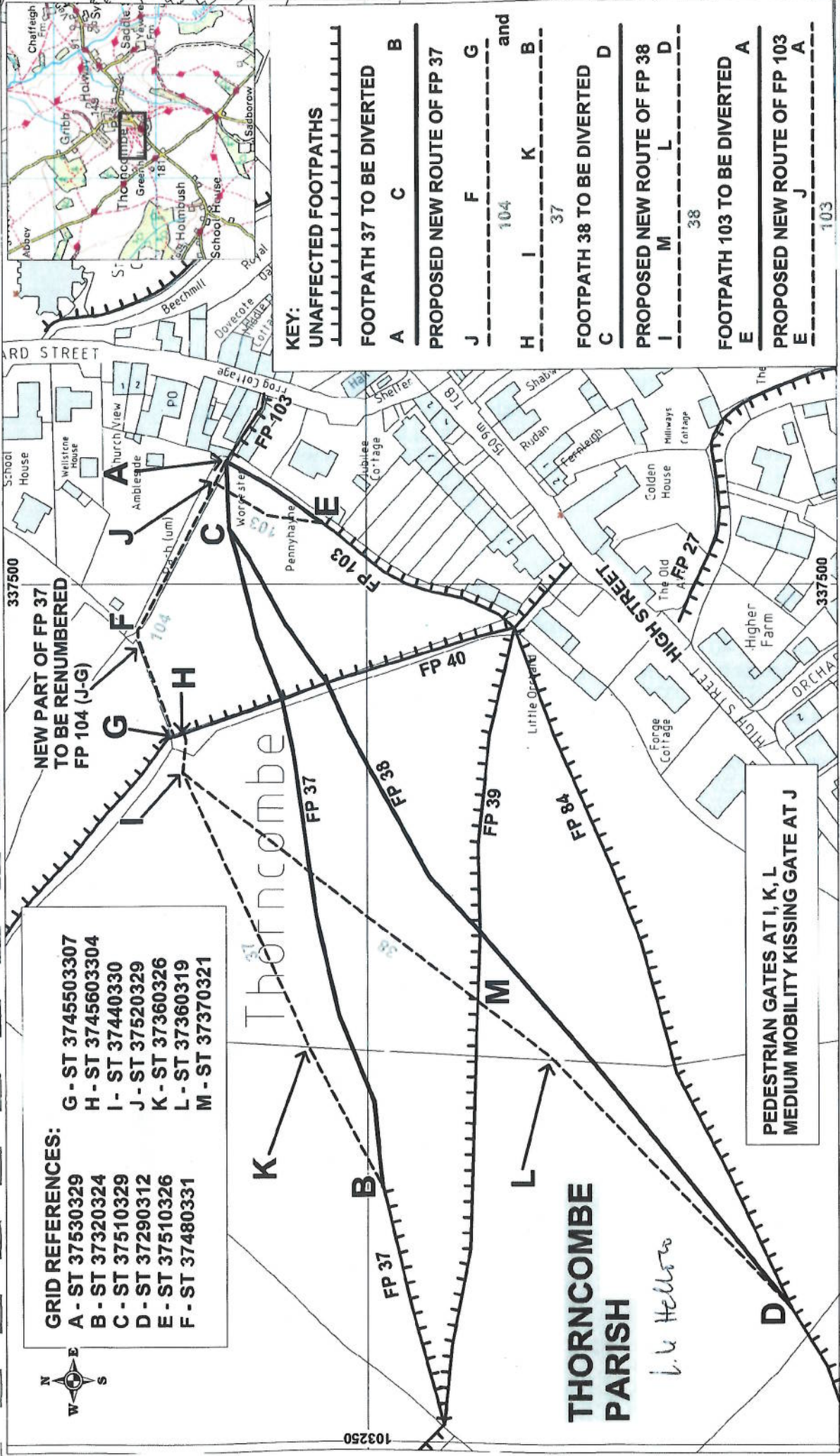
*L. H. Hellow*

379/15



Authorised signatory





- GRID REFERENCES:**
- A - ST 37530329
  - B - ST 37320324
  - C - ST 37510329
  - D - ST 37290312
  - E - ST 37510326
  - F - ST 37480331

- G - ST 3745503307
- H - ST 3745603304
- I - ST 37440330
- J - ST 37520329
- K - ST 37360326
- L - ST 37360319
- M - ST 37370321

- KEY:**
- UNAFECTED FOOTPATHS
  - FOOTPATH 37 TO BE DIVERTED
  - FOOTPATH 38 TO BE DIVERTED
  - FOOTPATH 103 TO BE DIVERTED
  - PROPOSED NEW ROUTE OF FP 37
  - PROPOSED NEW ROUTE OF FP 38
  - PROPOSED NEW ROUTE OF FP 103

GEOGRAPHICAL INFORMATION SYSTEMS  
**Dorset County Council**  
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Ref: 13/20/1  
 Date: 30/10/2014  
 Scale 1:1500  
 Drawn By: KJS  
 Cent X: 337459  
 Cent Y: 103235

**DORSET COUNTY COUNCIL (FOOTPATHS 37 (PART), 38 AND 103 (PART), THORNCOMBE)  
 PUBLIC PATH DIVERSION ORDER 2015**

**MAP NOT TO ORIGINAL SCALE**

PEDESTRIAN GATES AT I, K, L  
 MEDIUM MOBILITY KISSING GATE AT J

**THORNCOMBE PARISH**  
*L.V. Hedges*