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| **Final Order Decision** |
| Site visit made on 30 October 2023 |
| **by Mrs A Behn Dip MS MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 16 July 2024** |

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| **Order Ref: ROW/3289783M** |
| * This Order was made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as The Dorset County Council (Upgrading of Bridleway 9, Winfrith Newburgh and part of Bridleway 5, Coombe Keynes (Claypits Lane) to Restricted Byways) Definitive Map and Statement Modification Order 2011.
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| * The Order, dated 3 June 2011, was made by Dorset County Council (the Council) and proposed to modify the Definitive Map and Statement for the area by upgrading Bridleway 9 and part of Bridleway 5 to Restricted Byways as shown on the Order Map and described in the Order Schedule.
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| * The Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.
* In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order subject to modifications.
* One objection and two representations were received in response to the notice.
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| **Summary of Decision: The Order is confirmed, subject to the modifications that I previously proposed as set out in the Formal Decision.** |
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Procedural Matters

1. This decision should be read in conjunction with my Interim decision of 8 February 2024, in respect of the Order, which outlined the main issues to be addressed and my findings on these matters.
2. The effect of the Order if confirmed with the modifications that I proposed, would be to show restricted byway status for Bridleway 9 only.
3. Further to the advertisement of the proposed modifications, one objection and two representations were received.
4. The representation from the Council acknowledged the Interim Decision wherein I had determined that there was insufficient evidence to upgrade that part of Bridleway 5, between points E and F to restricted byway status. They stated that they had no additional evidence to submit that might change my decision and had no further comment to make.
5. The second representation was from the British Horse Society who felt that there had been some confusion over the past few years with the routes of the bridleways that are the subject of this Order and requested clarification as to whether there remained a public route for use by horses from Claypits Farm to Coombe Woods.
6. To clarify, my Interim Order decision addresses the status of the definitive route of Bridleway 9 and that part of Bridleway 5 as shown on the Order map. I concluded that Bridleway 9 should be recorded as having restricted byway status, but found that the evidence was insufficient to change the status of Bridleway 5, which will remain as a bridleway.
7. The deletion of the letter F on the Order Map is aligned to my conclusion that restricted byway status does not exist along Bridleway 5 between points E to F. The bridleway rights between these points remains unaffected as can be seen by the penultimate modification, which deletes the restricted byway notation between points E to F and re-inserts the bridleway notation.
8. With regard to any temporary re-routing of the bridleways, I did note on my site visit that there appeared to be a temporary diversion for the bridleways in question. The question of whether this diversion is still in place and any status it might hold is not a matter before me and should be directed to the Council.

Other Matters

1. There was an objection received from the resident of Claypitts [sic] Farm who submitted that the change of status of Bridleway 9 to a restricted byway would cause security issues for her property, along with the noise and disturbance from vehicles being detrimental both to wildlife and her mental health.
2. In respect of these concerns, I would draw attention to paragraph 55 of my Interim Decision where it states that the provisions of Section 67 of the Natural Environment and Rural Communities Act 2006 apply to that part of the Order route being confirmed. Section 67 has the effect of extinguishing all unrecorded public rights for motorised vehicles and as such public rights across the Order route would be on foot, bicycle, horseback and by horse drawn carriage only. There will be no public right to use the way by motorised vehicle.

**Conclusions**

1. For the reasons set out in my interim decision I conclude that the Order should be confirmed with the modifications originally proposed.

Formal Decision

1. I confirm the Order with the modifications detailed below.*HIGHWAY OF ONE DESCRIPTION*
* On the Order title, **delete** ‘and Part of Bridleway 5, Coombe Keynes’.
* On the Order title, **delete** Restricted Byways and **insert** Restricted Byway.
* On the Order at section 3, **delete** ‘and Part of Bridleway 5, Coombe Keynes’.
* On the Order at section 3, **delete** Restricted Byways and **insert** Restricted Byway.
* On the Schedule, PART I, Description of ways to be upgraded, on line 1, **delete** ‘and Part of Bridleway 5, Coombe Keynes’.
* On the Schedule, PART I, Description of ways to be upgraded ,**delete** paragraphs 4 and 5 that relate to Bridleway 5.
* On the Schedule, PART II, Variations of particulars of ways, **delete** paragraphs 5,6, 7, and 8, that relate to Bridleway 5 and Restricted Byway 6.
* On the Order Map Title, **delete** ‘and Part of Bridleway 5, Coombe Keynes’.
* On the Order Map Key, under Proposed Restrictive Byway, **delete** the letter ‘F’
* On the Order Map Grid References, **delete** ‘F’ and its grid reference.
* On the Order map, **delete** the restricted byway notation from point E to point F and **insert** the notation for definitive bridleways, (as set out in the key).
* Then, on the Order Map, **delete** point F.

Mrs A Behn

Inspector

