Dorset County Council

Notice of Modification Order

Section 53 of the Wildlife and Countryside Act 1981

Dorset County Council
County of Dorset Definitive Map and Statement of Rights of Way

Dorset County Council (Restricted Byway from Catherine's Well to Hilton Road, Milton Abbas)
Definitive Map and Statement Modification Order 2018

The above Order, made on 16 November 2018, if confirmed as made, will modify the definitive map and statement for the area by adding a Restricted Byway at Milton Abbas in the North Dorset District as follows:

From its junction with the D33305 county road (known as Catherine's Well) at ST 80670209, west along a gravel/stone surfaced track, hedged on both sides to ST 80480205. Continue west and north west along a gravel/stone surfaced track, hedged on the northern side, to its junction with the driveway of St Catherines House at ST 80380208. Continue west along the track to ST 80320208, then west north west, passing through woodland and to the north of Steeptonbill Farm to ST 80230213. Continue north west, through woodland to its junction with the D33308 county road (known as Hilton Road), north east of Middleton House at ST 80180217. The width varies: 3.3 metres at ST 80670209, 3.8 metres at ST 80480205, 4 metres at ST 80380208, 3.4 metres at ST 80320208, widening to 6 metres at ST 80230213 and ST 80180217.

A copy of the Order and the Order map may be seen free of charge at Reception, County Hall, Colliton Park, Dorchester during normal office hours. Copies of the Order and map may be bought there for £10.00. Copies are also available on our website at www.dorsetforyou.gov.uk/row-orders.

Any representation or objection relating to the Order must be sent in writing to Vanessa Penny, Definitive Map Team Leader, Dorset Highways, Environment and the Economy Directorate, Dorset County Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T491) not later than 2 February 2019, and applicants are requested to state the grounds on which it is made. Any letters received will be made available for public inspection.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the Dorset County Council, instead of submitting the Order to the Secretary of State for the Department for Environment, Food and Rural Affairs may itself confirm the Order. If the Order is submitted to the Secretary of State, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 21 December 2018
JONATHAN MAIR, Monitoring Officer

KJS/T491 REGULATORY COMMITTEE 12/07/18 MIN 35 552/18

Dorset County Council

Wildlife and Countryside Act 1981

Dorset County Council
County of Dorset Definitive Map and Statement of Rights of Way

Dorset County Council (Restricted Byway from Catherine's Well to Hilton Road, Milton Abbas)
Definitive Map and Statement Modification Order 2018

This Order is made by Dorset County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that 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)(c)(i) namely, 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 and section 53(3)(c)(iii) namely, that any other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area includes the land to which the Order relates. The Dorset County Council hereby order that:

1. For the purposes of this Order the relevant date is 30 October 2018.

2. The County of Dorset Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.

3. This Order shall take effect on the date it is confirmed and may be cited as the "Dorset County Council (Restricted Byway from Catherine's Well to Hilton Road, Milton Abbas) Definitive Map and Statement Modification Order 2018".

Dated this 16TH day of NOVEMBER 2018

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

552/18

Authorised Signatory

SCHEDULE

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

Part I

Modification of definitive map
Description of way to be added

Restricted Byway 28, Milton Abbas in the North Dorset District:

A1 – A3 – B – B1 – C – D — From its junction with the D33305 county road (known as Catherine's Well) at point A1 (ST 80670209), west along a gravel/stone surfaced track, hedged on both sides to point A3 (ST 80480205). Continue west and north west along a gravel/stone surfaced track, hedged on the northern side, to its junction with the driveway of St Catherines House at point B (ST 80380208). Continue west along the track to point B1 (ST 80320208), then west north west, passing through woodland and to the north of Steeptonbill Farm to point C (ST 80230213). Continue north west, through woodland to its junction with the D33308 county road (known as Hilton Road), north east of Middleton House at point D (ST 80180217).
The width varies: 3.3 metres at point A1 (ST 80670209), 3.8 metres at point A3 (ST 80480205), 4 metres at point B (ST 80380208), 3.4 metres at point B1 (ST 80320208), widening to 6 metres at point C (ST 80230213) and D (ST 80180217).

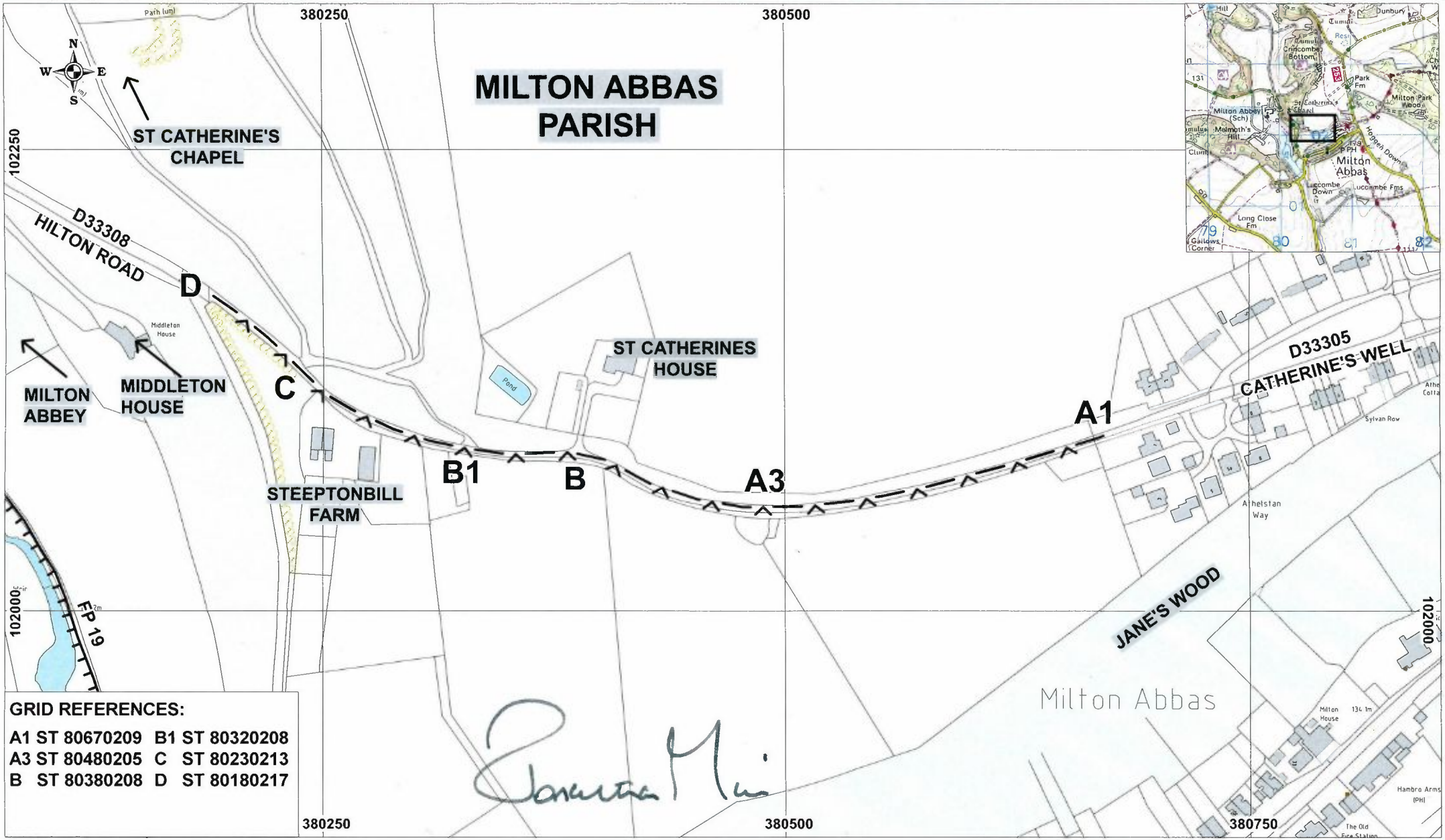
Part II

Modification of definitive statement
Variation of particulars of way

Restricted Byway 28, Milton Abbas in the North Dorset District:

Add:

From: ST 80670209 To: ST 80180217
From its junction with the D33305 county road (known as Catherine's Well), west along a gravel/stone surfaced track, hedged on both sides to ST 80480205. Continue west and north west along a gravel/stone surfaced track, hedged on the northern side, to its junction with the driveway of St Catherines House at ST 80380208. Continue west along the track to ST 80320208, then west north west, passing through woodland and to the north of Steeptonbill Farm to ST 80230213. Continue north west, through woodland to its junction with the D33308 county road (known as Hilton Road), north east of Middleton House.
The width varies: 3.3 metres at ST 80670209, 3.8 metres at ST 80480205, 4 metres at ST 80380208, 3.4 metres at ST 80320208, widening to 6 metres at ST 80230213 and ST 80180217.



GRID REFERENCES:

A1	ST 80670209	B1	ST 80320208
A3	ST 80480205	C	ST 80230213
B	ST 80380208	D	ST 80180217

DORSET COUNTY COUNCIL (A RESTRICTED BYWAY FROM CATHERINE'S WELL TO HILTON ROAD, MILTON ABBAS) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2018

KEY

DEFINITIVE FOOTPATH

RESTRICTED BYWAY TO BE ADDED

A1 A3 B B1 C D

Ref: 14/21/3
Date: 27/02/2018
Scale 1:2750
Drawn By: ACWH
Cent X: 380465
Cent Y: 102103

GEOGRAPHICAL INFORMATION SYSTEMS

Dorset County Council

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Dorset County Council

EXPLANATORY STATEMENT

THIS EXPLANATORY STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive legal evidence of the existence of public rights of way. The County Council is responsible for the definitive map and statement and has a legal duty to change them when evidence suggests that they are inaccurate or incomplete. One of the ways these changes can be made is by means of modification orders under Section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until they are confirmed. Before that happens, members of the public have a right to make objections or representations about the order. If there are any objections then the County Council must refer the order and the objections to the Department for Environment, Food and Rural Affairs, which will decide whether or not to confirm the order.

In this case the County Council has made a modification Order to the definitive map and statement to add a Restricted Byway from Catherine's Well to Hilton Road in the parish of Milton Abbas in the North Dorset District.

For your information, definitions of the categories of public rights of way are given overleaf.

If you wish to make representations about the Order, you must write to Vanessa Penny, Definitive Map Team Leader, Dorset Highways Environment and the Economy Directorate, Dorset County Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref RW/T491) by 2 February 2019.

You have a statutory right to object to the Order but your comments should be legally relevant. This means that they should relate to the existence or the status of the right of way in question. Other objections, for example about privacy or security, may not be legally relevant. Any letters received will be made available for public inspection.

Usually the Department for Environment, Food and Rural Affairs does not award costs, either to the County Council or to objectors. They may make an award of costs if objectors unreasonably maintain objections which are not legally relevant or which cannot be sustained.

If you are considering objecting to the Order and would like to talk to someone or if you have any concerns about the Order, please telephone Vanessa Penny on 01305 224719, who will be happy to help.

Definitions:

Footpath: A highway over which the public have a right on foot only, other than such a highway at the side of a public road.

Bridleway: A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

Restricted byway: A highway over which the public may have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.
"Restricted byway rights" means –
(a) a right of way on foot,
(b) a right of way on horseback or leading a horse, and
(c) a right of way for vehicles other than mechanically propelled vehicles.

Byway: (i.e. byway open to all traffic) A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used mainly for the purpose for which footpaths and bridleways are so used.