



C O R P O R A T E S E R V I C E S

Elaine Taylor • Director

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~~Thring Townsend  
Solicitors  
DX 8002  
BATH~~

copy to Chris Stade  
Rights of Way  
Environmental Services

Your ref: MJCC/mji/RAM008-1

My ref: SZ/CP G4472

Ask for: Susan Zeiss

Date: 22 August 2002

Dear Sirs

Row

**DISPUTED FOOTPATH AT RAMPSHAM**

You have requested a written response from the County Council to the points raised in your letter to the Council dated 8 March 2002.

**Ad Paragraph 1 - 3**

The Definitive Map is prima facie proof of the existence and route of a footpath or bridleway. The statement which should accompany the Definitive Map is in turn prima facie proof of the dimensions and characteristics of the said bridleway or footpath. These two documents remain as definitive proof of those things until such time as application is made for a Modification Order in terms of the relevant legislation.

Historical background and information on old maps and topography contained in your letter all constitutes evidence on which your client can rely to support such an application for a Modification Order. It has been acknowledged in the past that errors have been made on the Definitive Map. The rule of the County Council is not to pre judge that such errors exist but to research and investigate any applications made for their diversion, modification or extinguishment. It is for your client to apply for a Modification Order in order to rectify what it believes to be an error on the Definitive Map. If your client was so certain that its inclusion in the Definitive Map was an error, why did it not take steps to correct the error immediately it became aware of the fact that the public were using the footpath?

**Ad Paragraph 5**

Once again the contents of this paragraph provide evidence that your client may introduce to support an application for a Modification Order.



INVESTOR IN PEOPLE

#### **Ad Paragraph 6**

Since there are no Survey Cards for Rampisham, I do not believe that we can extrapolate on the principle laid out in the O'Keefe judgement and speculate on what might have happened if they had existed. We must work on what we have and that as it stands at present is a line on the Definitive Map without a statement of any kind.

The Ordnance Survey Map showing paths 17 and 18 in Cattistock are proof of their existence as paths only and not their status as public footpaths.

#### **Ad Paragraph 7**

Once more the contents of this paragraph would form evidence that may be introduced to support an application for a Modification Order.

#### **Ad Paragraph 8**

The validity of the 1992 deposit made by agents on behalf of your client must stand in the absence of proof that the agent acted without consent of the landowner. The onus of providing this proof rests with your client.

The 1995 deposit made in terms of the Section 31(6) of the Highways Act 1980 was made by the trustees themselves. It does not assist them to claim that they did not apply their minds to the matter and in my opinion this deposit stands. In the absence of proof to the contrary, the 1992 and 1995 deposits remain valid. The footpath was admitted and cannot be 'undedicated'.

#### **Ad Paragraph 9**

Should your client be able to prove that either or both of the Section 31(6) deposits were invalid or did not follow proper procedures for some reason, then it would be open for your client to apply for a Modification Order to change the route of the footpath to the route which it believes to be the correct one.

Yours faithfully

SIGNATURE REMOVED

for Head of Legal Services

# M E M O R A N D U M

Environmental Services • County Hall • Colliton Park • Dorchester • DT1 1XJ

Your Ref: AW

My Ref: T238

Date: 21 March 2002

To: **ANDREW WILSON**  
**TEMPORARY SOLICITOR - LEGAL SERVICES**  
**CORPORATE SERVICES DIRECTORATE**

From: **CHRIS SLADE**  
**SENIOR RIGHTS OF WAY OFFICER**  
**ENVIRONMENTAL SERVICES**  
**DIRECTORATE**

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## DISPUTED FOOTPATH AT RAMPISHAM

Thank you for your memorandum dated 19 March 2002.


I fully concur with what you say about the Agents. I think the 1992 deposit was probably defective, as it was not made by the owner of the land as defined in S.31 (7) of the Act.

However, the later deposit by the Trustees seems to me to be a far more authoritative set of documents. You may wish to see them for yourself in the County Record Office. The Trustees are, I understand, owners of the land and thus are entitled to dedicate. The purpose of the deposit is to state what ways they admit to have been dedicated as highways. They have done this in the clearest possible terms, separately, with their own legal and professional advice. Surely this must be a common law dedication, whether implicit or express?

If they are now, through Mr Cheal, saying that they did what they did not intend to do surely their first recourse is to take up the matter with their advisors and not to seek to deprive the public of what they have. You cannot un-dedicate a highway.

Lest we get too distracted from our objectives, ours are twofold: first to ensure an accurate definitive map and statement and secondly to obtain a user-friendly rights of way network. We would happily agree to a diversion of the footpath from the current route, which the tenant finds is inconveniently close to his water supply, onto the adjacent route, which is currently permissive. We are prepared to share the cost of the diversion, as it would be in the public interest.

Perhaps we could discuss this further before a reply is sent to Mr Cheal. In the meantime I shall send him an acknowledgement of this letter.



**E N V I R O N M E N T A L S E R V I C E S**  
**Miles Butler • Director**

**Andrew Price • Head of Planning**

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**Mr M J C Cheal**  
**Thring Townsend**  
**Solicitors**  
**DX 8002**  
**BATH**

*Your ref: MJCC/mji/RAM008-1*

*My ref: CJS/JLC RW/T238*

*Ask for: Mr Slade*

*Date: 21 March 2002*

Dear Mr Cheal

**DISPUTED FOOTPATH AT RAMPISHAM**

I thank you for your letter dated 8 March 2002. I am seeking advice from our Solicitor and will reply to you more fully in due course.

Were you aware that there was an earlier Section 31(6) Deposit made on behalf of the Estate in 1992 and that this also shows the path extending to the road?

Yours sincerely

**CHRIS SLADE**  
**SENIOR RIGHTS OF WAY OFFICER**





## M E M O R A N D U M

Corporate Services Directorate • County Hall • Colliton Park • Dorchester • DT1 1XJ

Your Ref: RW/T238

My Ref: AW

Date: 19 March 2002

To: **Chris Slade**  
**Senior Rights of Way Officer**  
**Environmental Services Directorate**

From: **Andrew Wilson**  
**Temporary Solicitor – Legal Services**  
**Corporate Services Directorate**

### Disputed Footpath at Rampisham

Jonathan has passed your memo of 13 March on to me to deal with.

I think that it is very difficult to provide you with a definitive answer to the questions that you raise. Mr Cheal's letter is well argued and the points he makes are backed up with a quantity of evidence and law and my instinct is that he is probably correct in his conclusions.

By making an error in the 1992 and 1995 deposits, it can certainly be said that *prima facie* the Estate 'admitted' under 31 (6) (b) that the path had been dedicated. However, I am concerned that the formalities for dedication have not been observed.

I think that an equally important issue, completely missed in Mr Cheals' letter, presumably because he does not want to make an issue of it at this point, is that of agency. As agents for the Estate, the agents who submitted the inaccurate deposits would almost certainly have no authority to dedicate new highways on behalf of the Estate. For a valid dedication to take place, there must, amongst others, be; a) intention to dedicate by the landowner, and b) capacity to dedicate – only the freeholder has the legal capacity to dedicate. These requirements could be delegated to the Agents but my feeling is that this delegation would need to be express and could not be inferred or 'ostensible' in view of the importance of the issue.

Without going into a detailed exposition on the law of Agency, there are occasions when an agent, acting beyond his authority, can bind his principal but I do not think that any of them apply here. Although the agents were clearly retained to deal with land matters by the Estate, it would not be reasonable for the Council to assume that that included the power to make grants that only the freeholder himself can make. The mistakes of the agent will not therefore bind the principal.

I think that if the point were to be tested, the Estate would probably be able to argue that it alone could make the dedication and that its agents, however incompetent, could not.

I am not convinced by Mr Cheal's argument that they acted in reliance on the Definitive Map and that the DM is not itself binding after *Trevelyan*. I think that a judge would be unsympathetic with this argument and would probably say that if they knew the DM to be inconclusive, they should have given it rather more consideration when they decided to use it back in 1992. To use it as a 'get out of jail card' now smacks of hypocrisy.



INVESTOR IN PEOPLE

To summarise, I do not think that our position is that strong here. I do not think that the mistaken deposits of '92 and '95 can amount to an inadvertent dedication on behalf of the Estate. If it is true that there was no public use of the route before '92 I cannot see how the erroneous deposit can create a right of way, particularly when one considers the agency point. This is because the formalities of dedication have not been performed. However, It is certainly worth testing Mr Cheal with the point that the mistake goes back to '92 and suggesting that they are now estopped from trying to correct the position.

In any event, I think that a W&C application by the Estate would stand every chance of success. Reading the section through, and assuming that what Mr Cheal says in paras 1 and 2 of his letter is true, 53 (3) (c) (iii) could well get them home. The only hope that we might have would be to try to argue that they are prevented on relying on the procedure because of their previous statements on their deposits and this would probably lead back to the agency issue.

I suggest that you reply to Mr Cheal pointing out that the first deposit was made in '92 and repeating the position set out in your letter to Greenslades of 20 December. It looks as though they are pretty determined to go ahead though and we will have to reach a decision on whether or not to contest as and when they submit their application. I hope that this is of some help and if there is anything else that I can help you with, please let me know.

SIGNATURE REMOVED

**Andrew Wilson**

Thring  
Townsend

C J Slade Esq  
Senior Rights of Way Officer  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Your ref: CJS/JLC RW/T238  
Our ref: MJCC/mji/RAM008-1  
Direct dial: 01225 340060  
Email address: jcheal@thringtownsend.co.uk  
Date: 8<sup>th</sup> March 2002



ROW

Dear Mr Slade

### Disputed footpath at Rampisham

The Trustees of the Rampisham Manor Estate have asked me to advise them about this disputed footpath. This is the stretch of path shown in the region of points A-B on your drawing number 03/01, running from the site of the old Corn Mill to the road. In this letter, I refer to this disputed length as "**The Path**".

It is the contention of my clients the Trustees that **The Path** has never existed as a public footpath, that it should not have been put on the Definitive Map, and that it should now be removed from it.

Incidentally, the suggestion that **The Path** is shown on the Definitive Map is without prejudice to our contention that your A-B stretch is not on the same alignment as the definitive route. When I refer to **The Path**, therefore, I do not necessarily mean the A-B stretch, but rather whatever length of path (if any) between the Mill and the road as is suggested to be the true line.

The reasons for our contentions are as follows.

1. **Historical background.** There was a Corn Mill, on the river. The river supplied the power to the Mill. Access to the Mill was only from the north. There was no access, or any means of access, from the south. The access (from the north) was private, not public. It was for private, commercial purposes, to enable the owners of the Manor and the occupiers of Witcham Farm and Broad Witcham Farm to have access to and from the Mill for the grinding of corn. There was therefore no public highway of any type to and from the Mill on the north side, and no means of access of any type on the south side.

There was a footbridge (note that it was only a footbridge) giving access to the Mill over the river. The Mill has long since fallen into disuse. The footbridge has disappeared.

2. **Old maps.** **The Path** is not shown on any old map (at least none that I have seen). I draw your attention to three maps in particular, which have already been copied to you by the Trustees' agent Mr Southwell of Greenslade Taylor Hunt:

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Facsimile 01225 319735 DX 8002 Bath Email solicitors@thringtownsend.co.uk www.thringtownsend.co.uk  
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A list of partners by name is available from the above address  
This firm is regulated by the Law Society in the conduct of investment business

- ◆ OS map 1903: this shows a path coming to the Mill from the north, as far as the footbridge, but no further. It is not shown continuing to the south. *The Path* is not shown at all. It is important to point out that the pair of lines shown on this map, curving round to the north-west, represent a leat or waterway, coming from the spring on the south side of the road, passing under the road, and going towards the sluice. It is not a way of any type, but a water course
- ◆ Estate Plan 1947: this shows the exact same state of affairs as the 1903 OS map above
- ◆ OS map 1962: this shows the exact same state of affairs as the other two maps above, save for the fact that the Mill and ancillary buildings have disappeared

On none of these maps is *The Path* shown.

3. **Topography.** The site of the Mill and its ancillary buildings is now heavily overgrown. The land slopes steeply southwards from there up to the road. There is a wall along the edge of the road. There is no evidence on the ground of any path between the Mill and the road. The slope is too steep anyway, and the wall would prevent access onto the road. The waterway which passes under the road prevents any possibility of a path having existed at that point or near it. Had any path ever existed (which is extremely doubtful because of the slope, and because no sign of it appears on any of the maps), it would have had to go either well to the west of the waterway or well to the east of it. Judging by the topography, it is virtually inconceivable that any path could have gone to the west side of the waterway. To the east, the ground does slope up to the road sufficiently, perhaps, for a path to be reasonably accessible, and this is the approximate route of A-B shown on your drawing number 03/01, **BUT that is not the route shown on the Definitive Map.**

The definitive route appears to run from the footbridge, not south or south-east (as drawing 03/01 suggests) but south-west. This must mean that it would have passed straight through the Mill, across the leat, and then through the ancillary buildings shown on the 1903 OS map and up to the road. Obviously, this is an impossibility.

If you are going to open up a path it must be on the definitive line. You cannot select another route, just because it is a little less difficult on the ground. It must either be the definitive route, which we say does not exist, and never has existed, or not at all.

In your letter of 16<sup>th</sup> July 2001 to Greenslade Taylor Hunt you say:

*“The point is that your client should not benefit from his illegal actions by claiming the public have not used the path when it is his fences that have caused the disuse.”*



This is not so. It is not fences that have prevented the public use. There has never been any public use; there is no path.

4. **The Definitive Map.** The first time *The Path* was shown on any map was when it was included in the draft Definitive Map. As mentioned in the preceding paragraph, the route shown on that map was from point A to the south-west and not to point B.

The reason why *The Path* was put on the Definitive Map at all is far from clear. One can only assume that the draftsman inaccurately or inadvertently drew the map so as to show path 18 linking up with the road, when there was no basis for doing so.

There is no evidence of a survey having taken place, so it must be assumed that the draftsman, looking at the map and seeing paths 17 and 18, came to the conclusion that these combined paths must have continued to the road. In other words, he joined path 18 to the road because it seemed the obvious thing to do at the time.

*The Path* is in Rampisham parish and paths 17 and 18 are in Cattistock parish, and perhaps the draftsman was unaware of the comments made on the Cattistock survey card, to the effect that the only reason those two paths were included within the Cattistock survey was that they were shown on the OS map and thus presumed to be public. For the reasons stated above, this was not the case.

Even more important was the comment of the Cattistock surveyor that path 18 went into Rampisham parish **but only as far as the Corn Mill**. Again, if more care had been taken in the preparation of the map, the erroneous addition of the stretch from the Mill to the road would never have happened. It was thus that *The Path* got put onto the map. It was not picked up on at the time. Nobody used any of the paths (see notes on survey cards) so the point never arose until recently.

**The mere fact that a way was shown on the Definitive Map is not of itself a point to which great weight should be attached.** See para 9 below, and in particular the *Robinson* and *Trevelyan* cases.

In your letter of 7<sup>th</sup> June 2001 to Greenslade Taylor Hunt you suggested that "it is possible that a right of way has been established by more recent usage". Should the Map be found to be in error, public use and enjoyment pursuant to that error could not amount to dedication. Because the owners could not prevent public use taking place because of the route's appearance on the Definitive Map, no implication of dedication can be raised against them. I have Counsel's Opinion on this point.

There is also an interesting record on this point in Hansard for 7<sup>th</sup> November 2000 in the House of Lords during the discussions on the CROW Bill, when the Government spokesman said that:

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*“... if a way has been wrongly recorded on a Definitive Map as a highway, we do not believe that use by the public during that period can create a presumption that the public have a right of way over it”*

5. **The Definitive Statement.** It is of crucial significance in this case that **the Rampisham Statement does not show *The Path* at all.**

This must cast substantial doubt on whether *The Path* ever existed, and makes more likely one's assumption that the draftsman merely linked up the Mill to the road without justification.

That *The Path* never existed is emphasised by the letter dated 23<sup>rd</sup> May 2001 from Mr R Huband, the Rampisham Parish Rights of Way Liaison Officer. This is a very important piece of evidence; it states that the Rampisham Statement is complete and correct, that he has never been aware of *The Path*, and that Cattistock must have incorrectly claimed a non-existent footpath in Rampisham.

That last suggestion, that it must have been Cattistock who claimed *The Path*, is incorrect because of the Cattistock survey card (see below).

I refer you to s.56(1) Wildlife and Countryside Act 1981, and in particular to Advice Note 5, issued by the Planning Inspectorate in September 2000. That Advice Note provides as follows:

*“To summarise: the map is conclusive evidence as to the existence and status of any right of way shown, whilst the statement is conclusive evidence as to the position and width, and limitations or conditions. It seems reasonable to conclude, therefore, that the respective documents have precedence on the particulars to which the Act provides they are conclusive evidence”.*

Without a Definitive Statement, or rather without *The Path* being shown on the Rampisham Statement, you will find it difficult to prove the exact position and width of *The Path*. This is because the map on its own cannot be conclusive of anything other than existence and status. It is of pictorial use only, and cannot be self-interpreting. It takes the statement to provide conclusive evidence as to position and width.

The Definitive Map on its own, without reference to *The Path* in the statement, cannot be, and isn't, either precise or conclusive of the true line. Without a statement to back up the map, it seems that you are in difficulties in seeking to open up *The Path*.

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6. **The Survey Cards.** It is sometimes argued that the absence of a statement is not fatal, as long as there is a parish survey card to provide sufficient detail of the path in question. That argument cannot be made in this case because there are no survey cards for Rampisham. This means that you have a line on a Definitive Map, but no statement or survey card to back that up and to provide any details of position, width etc.

The question of what happens when there is no Statement, and whether a Survey Card can be used in lieu, was dealt with in the *O'Keefe* case, from the judgment in which the following is a quotation:

*"I agree with the judge that the Cards constitute a Statement for the purpose of the legislation. The 1949 Act did not require the Statement to be in any particular documentary form or to be adopted in a particular manner or to be physically attached to the map. The Statement is intended to accompany and to be read with the map. Neither makes much sense without the other. Together they constitute substantial compliance with the statutory requirements..."*

The underlining is mine, and seeks to emphasise the fact that the Map on its own makes little sense without either a Statement or a survey card, both of which are missing in the present case.

The Cattistock survey cards are, as mentioned above, extremely helpful. They show that the only reason why the two paths (17 and 18) were believed to be public was that they were shown on the OS map. It is well-known that OS maps were not evidence of status but merely of existence. The fact that a path was shown does not mean that it was public.

If any confirmation of this is needed, it is to be found in "The Ordnance Survey of the United Kingdom" by Lt Col T Pilkington-White RE (1886):

*"... our practice is to mark down ... all footpaths which are palpable physical features on the ground without regard to whether they are or are not public rights of way. To these objects are written the letters FP denoting "footpath", in every case except when the path is very short, and there is no room for them. Yet these innocent initials are not infrequently misunderstood, and many are the letters of inquiry addressed to Southampton on this subject by proprietors. In some cases it may be that the footpaths are private rights of way only; and then the sight of the path on the Ordnance map with these two obnoxious letters seems to have quite a perturbing influence on the owners. There appears to be an idea among them that the calling a footpath a footpath on our maps may hereafter be deemed to establish a title to claim it as a public*

*thoroughfare. It cannot be too widely known that "FP" means nothing more than to record the existence at the date of the survey of the thing so described ... and that it is not, nor I trust ever will be, the business of the Survey to discern as to private proprietary rights, either in respect of roads and pathways or of property boundaries as such."*

As mentioned in 1 above, it is contended that these paths were private access ways to the Mill.

The survey card for path 18 also shows that 18 should be deleted as no longer used. So even then, in July 1952, it was being suggested that this path should not be shown on the Definitive Map because of lack of use.

Of greatest importance is the fact that the card confirms that path 18 only went as far south as the Mill. This accords with and confirms why my clients believe the history to be, that path 18 (and 17) provided private access to the Mill, **but no further south**. There was no need to go further south. There was no access from the road because of the lie of the land.

The Corn Mill is actually in Rampisham. The Cattistock survey card could have said that 18 went to the Rampisham parish boundary (as the statement entry for 17 does), but it didn't say that. It said that it went to the Mill. This makes it much clearer that it did not continue beyond the Mill to the road.

7. **The Table.** The position about the numbering of these Cattistock paths is complex and obscure. There have obviously been changes in numbering over the years. In order to try to clarify the position, I have produced a Table (attached). This shows starkly what little evidence there is of the existence of **The Path** and what good evidence there is that it never existed.
8. **S.31(6) Application and Renewal.** This was first put in in 1995. The Trustees' agent put it in on behalf of the Trustees. It is true that the first application did inadvertently show **The Path**, but this was because it application plan merely reflected the Definitive Map. The Trustees, who had only recently been appointed in 1995, had no reason to apply their minds specifically to **The Path**, so that when the first application went in it did show **The Path**.

It was not until quite recently that the matter arose and then, when the time came to put in the renewal of the application, the Trustees' agents made a particular point of omitting **The Path** from the renewal plan.

The most that can be said about this, therefore, is that the first application contained an unfortunate oversight which was corrected at the first opportunity. It does not mean

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that the Trustees accepted or accept that *The Path* exists, because patently they do not believe that.

Anyway, it is not a question of what a recently appointed set of Trustees may have thought (without perhaps addressing their minds to this particular point) the position to be, but what the position actually was. Either *The Path* existed or it didn't, and one inadvertent error, subsequently corrected, cannot on its own be taken to suggest that *The Path* did exist when all the other evidence (bar the Map) shows that it didn't.

9. **Balance of Probabilities and the *Robinson* and *Trevelyan* cases**

The Trustees will shortly be submitting a modification application under s.53(3)(c)(iii). The test will then be whether or not, on a balance of probabilities, The Path existed as a public footpath at the relevant date. The *Trevelyan* and *Robinson* judgments set this out clearly (see especially para 21 and 22 of the *Robinson* judgment: copy extract attached).

These two cases are materially similar to the present case, save that here there is no path and no user evidence.

The central relevance of the *Robinson* and *Trevelyan* cases to the present case is the way in which they deal with this question: the weight to be attached to the fact that the way was shown on the Definitive Map in the first place.

I attach some further copy extracts from the *Robinson* judgment.

In paras 42-44, you will see that the judge (Richards J.) decided that in the circumstances described in para 44 "*no weight could properly be attached to the mere fact that the footpath was included on the Definitive Map*". This was in reliance upon the *Trevelyan* judgment:

*"The fact of the inclusion of the right of way on the Definitive Map is obviously some evidence of its existence. But the weight to be given to that evidence will depend upon an assessment of the extent to which there is material to show that its inclusion was the result of inquiry, consultation or the mere ipse dixit of the person drawing up the relevant part of the map. In the present case, there was nothing to suggest that any significant probative material existed at the time to support Mr Proctor's survey; he did not seek to suggest that there was in any of the contemporaneous documents."*

As mentioned in para 4 of this letter, it is very much to be doubted, in the present case, that any significant probative material existed at the time, or that there was a proper

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inquiry or consultation before *The Path* was first put on the map. At least in *Trevelyan* and *Robinson* there was a survey card, a path and a degree of user evidence. Here, there is none of those things; nor is there any evidence of the existence of *The Path* in any contemporaneous documents existing at the relevant date.

The *Robinson* judgment also (see paras 45-46) disposes of that old chestnut about notification to and lack of objection by the original landowner. By placing substantial reliance on this point, the authority in that case fell into error.

The result was (see para 48) that Richards J. found that the authority fell into error in placing weight on the initial inclusion of the footpath on the Definitive Map and on the absence of objection by the landowner. Those errors, individually or in combination, were sufficient to vitiate the original decision, and justify quashing it. In the present case, the balance of probabilities is weighted very heavily against the existence of *The Path* as a public footpath. The only factor in its favour is the initial inclusion of it on the Definitive Map. But, as is clear from *Robinson* and *Trevelyan*, that of itself is not sufficient in these circumstances.

10. **Conclusion.**

- ◆ *The Path* never existed
- ◆ It was not in existence at the relevant date
- ◆ It was put on the Definitive Map by mistake
- ◆ There is no other indication of it ever having existed
- ◆ According to *Robinson* and *Trevelyan*, no weight should be attached to it being on the Definitive Map
- ◆ It is not shown on any of the old maps
- ◆ It is not shown on the Definitive Statement
- ◆ No survey card evidence exists
- ◆ There is no user evidence
- ◆ There is no evidence of any path on the ground
- ◆ There is express evidence that it could not have existed on the ground

- ◆ There is express evidence that it only went as far south as the Corn Mill
- ◆ The s.31(6) argument is in the circumstances irrelevant
- ◆ *The Path* should be removed from the Definitive Map
- ◆ The Cattistock paths (17 and 18) were never public
- ◆ There is no reason why they should remain on the Definitive Map
- ◆ Paths 3 and 15 are sufficient for access from the north end of Rampisham village to Broad Witcham, Lower Witcham and Inpark Farms
- ◆ Paths 17 and 18 operate as a cul-de-sac now as they always have done, and they too should be removed from the map

Yours sincerely

**SIGNATURE REMOVED**

**M J C CHEAL**

TABLE

	Definitive Map	Rampisham Statement	Cattistock Statement	Rampisham Survey Card	Cattistock Survey Card
Path 17/20 Cattistock	Shown	n/a	From (Lower) Witcham Farm westwards to Rampisham boundary	None available	From FP near Corn Mill to Witcham Farm (ie Lower Witcham)
Path 18/21 Cattistock	Shown	n/a	From Broad Witcham to join FP17	None available	From Wircham Lane Rampisham (ie Broad Witcham) to <b>Corn Mill</b> (but no further south) [the card says this is 20, but it must be 18/21]
The Path shown A-B on Dorset County Council drawing no 03/01	Shown (but the actual Definitive Line shows the A-B stretch going more south westwards than on drawing 03/01)	Not shown (although The Path is in Rampisham parish)	Not shown (but The Path is in Rampisham so it wouldn't be shown)	None available	Not shown (but The Path is in Rampisham, so it wouldn't be shown)



21. The issues. The correct approach to a decision under section 53(3)(c)(iii), the provision applicable in this case, was helpfully set out by Latham J in *Trevelyan v Secretary of State for the Environment, Transport and the Regions* (unreported) 24th January 2000. It is a passage on which both counsel have relied. At paragraph 22 of the judgment, it reads:

“The question for the relevant authority, be it the County Council, the inspector or the Secretary of State is that posed by section 53(3)(c): is there evidence which, when considered with all the other relevant evidence available, shows that there is no public right of way over the relevant land? This requires a careful evaluation of all the evidence which is available to determine whether or not, on the balance of probabilities, the applicant has established that there is no right of way. It seems to me that there is no room for any assumptions or presumptions. The Act specifically refers to evidence. I have no doubt that any relevant authority will be alive to the possible problems presented to those seeking to defend the definitive map because of the passage of time which may make it difficult to identify, or evaluate, the evidence which originally supported the entry of the right of way. But provided that the relevant authority carries out a proper evaluation of the evidence in the context of the burden of proof to which I have referred, and comes to a rational conclusion, it cannot be said to have acted outside the powers given by the Act.”

22. For my part, I am not sure that it is entirely appropriate to refer to the burden of proof in circumstances where, although consideration of the case is triggered by an application, the procedure is not strictly adversarial and the function of the authority, or on appeal the National Assembly, is to decide whether or not the statutory criterion is fulfilled. But nothing turns on that. The question is still whether the evidence, assessed on the balance of probabilities, shows that there is no public right of way over the relevant land.

23. It is accepted by Mr Chapman, for the applicants, that the National Assembly adopted the correct legal approach towards the decision in this case. His primary submission, however, is that it gave weight to matters to which no weight could properly be attached and reached a conclusion that was not reasonably open to it on the evidence. In the alternative, he submits that the decision was vitiated by a failure to hold an inquiry

**"The evidence submitted in respect of this appeal does not directly prove twenty years' uninterrupted use by the public."**

38. (Referring to the statutory presumption).

39. In paragraphs 44 to 46, it examines the evidence of Mrs Benham and Mr Spencer and factors affecting its weight. In paragraph 47, it refers to a point that does not advance matters one way or the other. Then, in paragraph 48, it deals compendiously as follows with the evidence for the applicants:

**"48. Evidence, from owners of the land over which FP11 crosses, that the route is and has been a private right of way relates to their belief during the period after 1954. Many of the assertions supporting the application are based on persons being told it was a private way, on knowledge of use by persons who could have been exercising private rights, and on a consequent assumption or belief that the route was not also a public one."**

40. There is, it is submitted, no proper exercise of comparison. The passage that I have read does not give proper weight to the evidence of the applicants' witnesses, does not admit of the potential value of evidence of reputation, and, in referring to an "assumption" that the route was not also a public one, fails to give proper effect to the evidence. The legal possibility of the co-existence of a private and a public right of way is not in dispute, but the applicants' witnesses, at least the key ones to whom I have referred, state clearly that it was a private right of way and not a public right of way.

41. Pausing there, in my view there is considerable force in Mr Chapman's submissions as to the overall effect of the evidence of the witnesses, and the failure of the decision letter to give due weight to that evidence. But in order to assess the validity of the decision, it is necessary to look at all relevant matters to see whether, taking them all into account, the National Assembly could reasonably have reached the conclusion that it did. I therefore move on to examine the other factors that feature in the reasoning in the decision letter. There are two in particular.

42. First, the decision letter makes clear that the starting point of the analysis was the

very fact that footpath 11 had been included as a public right of way on the definitive map in the first place. I am satisfied that real weight was given to that consideration. In paragraph 43, it is relied on in support of the proposition that the absence of direct evidence of 20 years' uninterrupted use by the public was of limited significance.

43. In Trevelyan, at paragraph 23, Latham J stated:

"The fact of the inclusion of the right of way on the definitive map is obviously some evidence of its existence. But the weight to be given to that evidence will depend upon an assessment of the extent to which there is material to show that its inclusion was the result of inquiry, consultation or the mere ipse dixit of the person drawing up the relevant part of the map. In the present case, there was nothing to suggest that any significant probative material existed at the time to support Mr Proctor's survey; he did not seek to suggest that there was in any of the contemporaneous documents."

44. The factual position in Trevelyan was materially identical to that in the present case. Mr Proctor's survey form delineating the route of the right of way did not include any explanation as to the nature of the evidence supporting the claim. That is equally true here. I have already referred to the fact that the relevant section on the survey record card is blank. A passage at the end of paragraph 39 of the decision letter suggests that the National Assembly took the view that there could have been more evidence of public use at the time of inclusion of the footpath on the definitive map than exists now. Any such view would be pure speculation. There is nothing to show that reliance was placed at the time on anything beyond the mere existence of the footpath. That being so, no weight could properly be attached to the mere fact that the footpath was included on the definitive map. By attaching weight to the fact of inclusion, the National Assembly fell into error.

45. Secondly, and perhaps more importantly, it is evident that substantial weight was attached by the National Assembly to the absence of objection to the inclusion of the footpath on the definitive map by owners of the land crossed by the path. That point features in a number of passages in the decision letter. I have already read paragraph 51

of the conclusions where it features large. An earlier paragraph, paragraph 41, is also of particular significance as showing the underlying reasoning:

"If subsequent owners, or even the owners who did not object at the proper time, or if any other party with an interest in the land, later claim that FP11 never was a public right of way, their evidence has to be considered against this implied acceptance by the owners or former owners of its status as a public right of way. Whether there was, at any of the various stages of the making of the Definitive Map, any failure to comply with the requirement to notify individually the owners of the land affected that FP11 was being registered as a public right of way is uncertain. It is however considered unlikely that the notification procedures failed to reach the owners of the land at all three stages."

46. An important part of the process of reasoning in that passage is that there was a requirement to notify landowners individually, so that it is unlikely that the landowners did not know of the inclusion of the footpath on the map. But that reasoning is erroneous. I have already pointed out that the statutory procedures contain no requirement of individual notification, merely a requirement as to advertisement in the general form to which I have previously referred. There is nothing to show that individual notification took place over and above the statutory procedures. It did not come to the applicants' attention at the material time that the footpath was included on the map. There is no evidence whatsoever that it came to the attention of the owners of the land crossed by the footpath. In the absence of evidence that they knew of it, no inference can be drawn that they accepted its inclusion or that they accepted its status as a public right of way. Accordingly, I am satisfied that in placing substantial reliance on the absence of objection by owners of the land, the National Assembly has fallen into error.

47. Linked to the point just considered is the reliance placed on the absence of evidence that any landowner has ever erected signs saying that the footpath was only a private right of way. That, too, features in a number of passages in the decision letter, including the conclusions at paragraph 52 which I have already read. In circumstances where there is no evidence that the landowners knew that the footpath was being treated as a public right of way, either by knowing of its inclusion on the map or seeing the

public use it, no significance can be attached to their omission to erect signs that it was only a private right of way.

48. It follows that, in my judgment, the National Assembly fell into error in placing weight on the initial inclusion of the footpath in the definitive map and on the absence of objection by the landowners (with the linked point about the absence of notices that it was a private right of way). Those errors, whether viewed individually or in combination, are in my judgment sufficient to vitiate the decision and to justify quashing it. One cannot tell whether the decision-maker would have reached the same conclusion in the absence of those errors.

49. However, the matter goes further than that. I have formed the view, on the basis of the evidence as a whole, that Mr Chapman is correct in his submission that the witness evidence is determinative and that there is only one answer reasonably open in this case, namely that it has been shown on the balance of probabilities that the footpath was not a public right of way at the relevant date.

50. In those circumstances, it seems to me that the correct course is not simply to quash the decision and leave it to be redetermined by the National Assembly, but to make clear that in my judgment, on the basis of the existing evidence, the only course properly open to the National Assembly on redetermination is to allow the appeal and give directions accordingly to the County Council under paragraph 4 of schedule 14 to the 1981 Act. I do not consider it necessary or appropriate to issue any form of mandatory relief to compel that outcome. It will follow from the obligation on the National Assembly to redetermine the matter in accordance with the law as laid down in this judgment. I also stress my reference to the existing evidence. I leave open the question whether further evidence might be admitted and, if so, whether it might justify a different outcome.

51. In reaching my decision I have carefully borne in mind that I am not deciding this as an appeal on the merits. I am fully cognisant of the fact that these are proceedings by

# M E M O R A N D U M

Environmental Services • County Hall • Colliton Park • Dorchester • DT1 1XJ

*Your Ref:*

*My Ref:* RW/T238

*Date:* 13 March 2002

**To: JONATHAN MAIR  
PRINCIPAL SOLICITOR  
CORPORATE SERVICES DIRECTORATE**

**From: CHRIS SLADE  
SENIOR RIGHTS OF WAY OFFICER  
ENVIRONMENTAL SERVICES  
DIRECTORATE**

---

## **DISPUTED FOOTPATH AT RAMPISHAM**

I attach an original letter from Jonathan Cheal of Thring Townsend upon which I should like your guidance please.

I agree with much of what Mr Cheal says, save for two points, one of which he glosses over and one of which he may not be aware.

At his paragraph No. 8 on page 6, the S 31 (6) 1995 deposit was made in the clearest possible terms by the Trustees each acting separately and with his own solicitor. The plan submitted clearly shows that they admitted the disputed path to be footpath.

This plan echoed one submitted as part of a S 31 (6) deposit by R B Taylor & Sons, the Estate's Agents on 16 September 1992 and it may be that Mr Cheal does not know of this.

Although the definitive map and statement are ambiguous and of debatable value, particularly since Trevelyan, my own view is that by their S 31 (6) deposits the Agent and Trustees have effectively dedicated a path irrespective of whether or not there was one before. Do you agree? Will this prevent the success of a Wildlife and Countryside application to have the path deleted from the map?

9

# Greenslade Taylor Hunt

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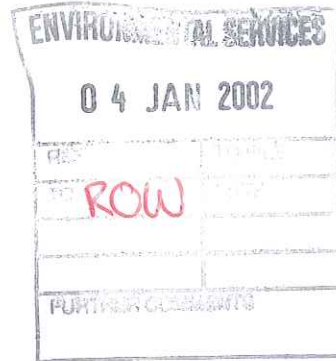
Your Ref. CJS/JLC RW/T238

Our Ref. MS/SHM

2 January 2002

Date

C Slade Esq  
Senior Rights of Way Officer  
Dorset County Council  
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Dear Mr Slade

## **Wildlife and Countryside Act 1981 Review of Status of a Route at Rampisham**

Thank you for your letter of 20<sup>th</sup> December and we note the points raised in your letter.

We will be taking further advice on the contents of your letter and also discussing the matter with the Trustees, after which time we will be able to respond.

Yours sincerely

**SIGNATURE REMOVED**

**M A J Southwell**  
Greenslade Taylor Hunt

cc: M J C Cheal

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*Your ref: MS/SHM*

*My ref: CJS/JLC RW/T238*

*Ask for: Mr Slade*

*Date: 20 December 2001*

Dear Mr Southwell

**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**REVIEW OF STATUS OF A ROUTE AT RAMPISHAM**

With further reference to our correspondence and discussions I have now discovered in the County Record Office a deposit made by the Trustees of the Rampisham Manor Estate in 1995. Among other matters it declares the route in question to be a public footpath as far as the road. This removes any doubt as to its legal status. It now only remains to open up the route as soon as possible.

As we discussed when we met on site the County Council would look favourably on an application to divert the route onto the permissive line or one similar and would contribute towards the cost of a pedestrian ford. The justification for this is that it would be cheaper to the public purse than providing a footbridge on the definitive line.

You might like to discuss the timing of the changes with Mr Drake as there are budgetary, as well as practical (rainfall) implications.

Yours sincerely

**CHRIS SLADE**  
**SENIOR RIGHTS OF WAY OFFICER**

**Copy to: Phil Drake, Rights of Way Officer (West)**



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*Your ref:*

*My ref: CJS/JLC RW/T238*

*Ask for: Mr Slade*

*Date: 12 September 2001*

Dear Mr Southwell

**WILDLIFE AND COUNTRYSIDE ACT 1981  
REVIEW OF THE STATUS OF A ROUTE - RAMPISHAM**

When we met a week ago you agreed to put your views on paper, after consulting the trustees. I wrote up notes of the meeting immediately afterwards and it occurred to me that you would like a copy as an aide memoire.

Yours sincerely

**CHRIS SLADE  
SENIOR RIGHTS OF WAY OFFICER**

**Note for file.**

I met Mr Boileau and Mr Southwell on site at Rampisham at 9.15 on the morning of Tuesday, 4<sup>th</sup> September 2001.

We viewed the permissive route and forded the stream with a little difficulty. Mr Boileau said that some people had, instead of crossing the second stile down to the stream, continued towards the sensitive woodland. He intends to erect a second fence to enclose the path. I note that the route is not well waymarked. Waymarking might solve the problem more cheaply.

We looked at the extent of the marshy flood plain which clearly is very wide. The river is prone to flash floods which have destroyed bridges in the past. Their suggested solution is to construct a shallow water splash using a slew excavator as has been done nearby. This would leave the stream shallow enough to be crossed in ordinary walking boots during normal flows but not while the river is in spate. We looked at and forded two such water splashes. They were gravel bottomed and less than ankle deep. There has been a rainfall of 39mm during the past week locally.

A bridge to carry people dry shod across the wet area at all seasons would not only be prohibitively expensive but would damage the character of the area.

We discussed the cost of making such a ford and fencing to keep cattle out and the rough figure for both was around £400. I suggested that the Council could pay for this if the definitive line was transferred to it and also pay for the diversion order. However, Mr Southwell (who advises the trustees) and Mr Boileau feel that the trustees would be inclined to keep it permissive rather than definitive. I said that the very limited Rights of Way budget could not support expenditure on permissive paths, but that it might be possible to seek funding from other sources.

We returned via the pump house and the old mill site where a wall is still standing. Mr Southwell pointed out the vertical wall supporting the road where the spring emerges. However there is a relatively easy slope immediately east of that point within the tolerance of the line on the definitive map.

The matter arose in the context of a Section 31 deposit. It is possible for the deposit to be made and filed in the Record Office with a note that it is at variance with the definitive map at that point.

We were not able to agree on a timetable for the works to be carried out. While willing to be flexible, particularly as winter is approaching, I would wish the work to be carried out during 2002. However, the estate are looking at a more extended time. We agreed to enter correspondence on an amicable basis to explore the way forward on the basis that it was better to spend money on practical works than in legal disputes.

Mr Boileau has a problem elsewhere on the estate with riders straying off the bridleway and I undertook to supply him with a number of waymarking discs.

Chris Slade



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Your Ref. CJS/JLC/RW/T238

Our Ref. MS/SHM

30 July 2001

Date

C Slade Esq  
Senior Rights of Way Officer  
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Dear Mr Slade

**WILDLIFE AND COUNTRYSIDE ACT 1981  
REVIEW OF THE STATUS OF A ROUTE - RAMPISHAM MANOR ESTATE**

Thank you for your letter of 16<sup>th</sup> July, and thank you also for arranging for the necessary measures to be taken on Footpath 18.

With regard to the alleged "footpath" running from the stream to the Council road, there was a Council maintained retaining wall running the length of the steep drop. In the severe winter of 1963 a large section of this wall was demolished by a lorry. No doubt the old wire fence was erected by the Council as a "temporary" measure. Although there are still sections of the wall remaining, it has been allowed to deteriorate. The more recent fence was erected by the then Tenant of Witcham Farm in case his stock should gain access to the road. According to the map, the line of the alleged footpath runs up to a point where there is still a section of Council wall obstructing it.

Your letter fails to address the question that we raised concerning the legality of the alleged footpath from the stream to the Council road, which we raised with you in our letter of 24<sup>th</sup> May and you acknowledged in your letter of 7<sup>th</sup> June. You will, of course, be aware of the case of Trevelyan -v- Secretary of State and that a path incorrectly put on the Definitive Map cannot be established by usage, as you suggest in your letter of 7<sup>th</sup> June.

I feel that we should meet on site to establish the exact line of the alleged footpath and decide the way forward from all the points of view.

Yours sincerely  
**SIGNATURE REMOVED**  
**M A J Southwell**

*Site meeting arranged  
for 9/8 & 9/1*

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*Your ref: MS/SHM*

*My ref: CJS/JLC RW/T238*

*Ask for: Mr Slade*

*Date: 16 July 2001*

Dear Major Southwell

### **WILDLIFE AND COUNTRYSIDE ACT 1981** **REVIEW OF THE STATUS OF A ROUTE – RAMPISHAM MANOR ESTATE**

Thank you for your letter dated 13 June 2001. Now that the threat of foot and mouth has receded I have visited the site and walked the path as far as I was able.

In spite of the recent rain (and it was raining when I was there) I found it to be far less boggy than I expected, although of course there was much lush vegetation. I forded the stream from the north on the permissive line then moved across to the definitive route. Incidentally I noticed that a couple of stiles on Footpath 18 need attention and overgrowth cut back and I have arranged for our team to attend to this when in the area.

I do not agree that it is impossible to use the route as I had no great difficulty with the natural terrain and was able to find a relatively easy slope up to the road within the tolerance of the line on the definitive map. What was difficult to negotiate was the double barbed wire fence erected by your client. One fence was old and rusty and the other comparatively recent. These fences are illegal obstructions to the highway and of course the public have not been able to use that part of the path while they have been there. It is unsurprising, therefore, that there is no sign of recent use.

The law allows the public to deviate around an obstruction and I take the use of the nearby permissive path over the stile to be because of the obstruction to the definitive path. I looked at it before foot and mouth and it appeared to be comparatively well used for a rural area. Of course it is in need of clearance at the moment because of seasonal growth and lack of recent use through observance of foot and mouth restrictions. The point is that your client should not benefit from his illegal actions by claiming the public have not used the path when it is his fences that have caused the disuse.

The stream does need a bridge as it is obvious that the depth is often much more than now. The narrowest point is on the definitive line and this could be bridged comparatively cheaply and a sleeper boardwalk provided to take the public across the boggy approach from the south. This would be my preferred option. However, I understand from my colleague, Mr Drake, that your client has concerns about the integrity of his water supply and would wish to keep the public out of the area of springs. I can understand the reason for his concern although I think the risks may be exaggerated.

As the problem of the obstruction by the fences has now been brought to my attention it should be addressed in the near future. The route also needs signing and waymarking as required by law. However, I do not wish to be precipitate and if there is some way we can accommodate the needs of your client and of the public, I would be pleased to be as helpful as possible. If you have any proposals, which would solve the difficulties, please let me or Mr Drake know.

Yours sincerely

**CHRIS SLADE**  
**SENIOR RIGHTS OF WAY OFFICER**



# Greenslade Taylor Hunt

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Your Ref: CJS/HH T.238

Our Ref: MS/SHM

13 June 2001

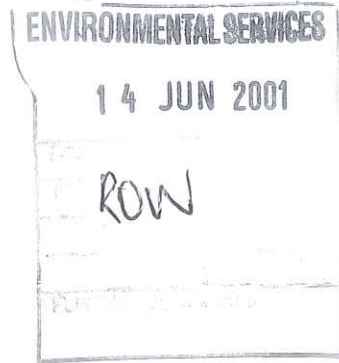
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Dear Mr Slade

## **Rampisham Manor Estate Wildlife & Countryside Act 1981 Review of the status of a route at Rampisham**

Thank you for your letter of 7<sup>th</sup> June and we are in agreement with the contents of the second paragraph of your letter.

However, in regard to the third paragraph, firstly we would disagree with you on the fact that the footpath has been used. There is no evidence that the line of the alleged footpath has ever been used, and in fact it is impossible to go up the stone wall to the road, and therefore we cannot agree that it is possible that a right of way has been established by more recent usage. This is confirmed in the letter we sent you from Rampisham Parish Council dated 23<sup>rd</sup> May where the Chairman of the Council states ...."I have never been aware of any footpath or foot bridge from the Wraxall Lane via the Old Mill area to the footpath"...

We are satisfied that Footpaths 18, 17 and 15 are designated footpaths and the only area that we are contesting is on the attached plan, between A and B, which we contend never was a footpath and has never been used as a footpath.

Yours sincerely

SIGNATURE REMOVED

**M A J Southwell**  
Greenslade Taylor Hunt

### Partners: Enc

A. Keith Amor FRICS  
Christopher Handel FRICS, FAAV  
Colin Venner FRICS, FAAV  
H. Geoffrey Dolling FRICS, FAAV  
Charles W. S. Scott FRICS  
Neil G. Biffen FRICS, FAAV  
Paul F. Austin FRICS, FAAV  
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Michael N. P. Dukes MRICS  
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Graham A Ford

### Consultant:

J. Martin Dare  
F. Seymour Humdall-Waldron  
BSc, FRICS, FAAV

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R.E.C. Webber MSc, MRICS

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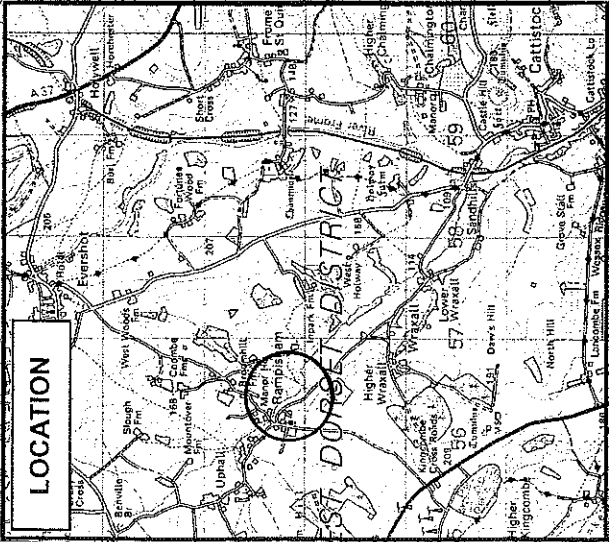
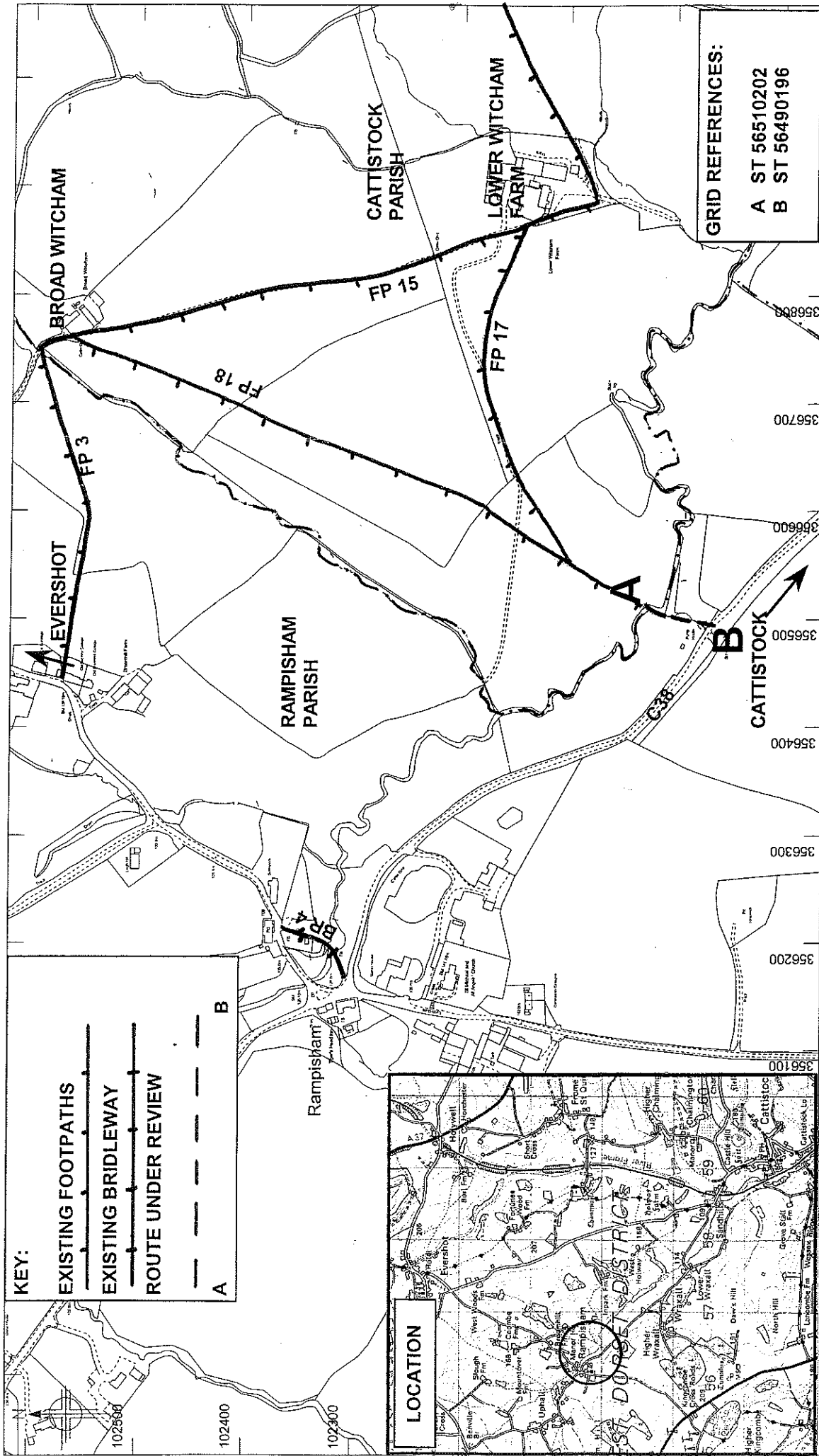


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 <p><b>DORSET COUNTY COUNCIL</b></p> <p>Environmental Services</p>	<p>SCALE 1:5000</p>	<p>DATE 3 May 01</p>	<p>DRAWN BY JLC</p>	<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Dorset County Council 0266570-(c)-2000</p>	<p><b>WILDLIFE AND COUNTRYSIDE ACT 1981</b> <b>REVIEW OF STATUS OF A ROUTE AT RAMPISHAM</b></p>	<p>G.D.Spencer Director County Hall Dorchester</p>	<p>DRG No. <b>03/01</b></p>
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# ENVIRONMENTAL SERVICES

Guy Spencer • Director

## Andrew Price • Head of Planning

County Hall • Colliton Park • Dorchester • DT1 1XJ • Tel: (01305) 251000 • Direct Line: (01305) 224778  
Fax: (01305) 224835 • Minicom: (01305) 267933 • DX8716 Dorchester

Mr M A J Southwell  
Greenslade Taylor Hunt  
22 Princes Street  
YEOVIL  
Somerset  
BA20 1EQ

*Your ref:* MS/SHM  
*My ref:* CJS/HH  
T.238  
*Ask for:* Chris Slade  
*Date:* 7 June 2001

Dear Mr Southwell

### **RAMPISHAM MANOR ESTATE WILDLIFE & COUNTRYSIDE ACT 1981 REVIEW OF THE STATUS OF A ROUTE AT RAMPISHAM**

Thank you for your letter of 30 May and enclosures.

In investigating this matter I have now looked at the Parish Survey dated 1952. The reason given on the survey form for believing the path to <sup>be</sup> the public was 'on O.S'. As you know all modern O.S maps carry a disclaimer as to their value as evidence of a right of way. It seems to me therefore that a case could be made that the whole path should not have been added to the definitive map in the first place.

As this goes beyond the narrow question of the section in Rampisham upon which my colleague Mrs Cheeseman went to consultation we will have to start the consultation process again. I am aware that there has been some use of the path in spite of it being arduous and it is possible that a right of way has been established by more recent usage.

Your sincerely

**C J SLADE**  
Senior Rights of Way Officer



INVESTOR IN PEOPLE



# Greenslade Taylor Hunt

CHARTERED SURVEYORS

Your Ref: LC RW/T238

Our Ref: MS/SHM

Date: 30 May 2001

incorporating

**R.B. Taylor & Sons**

**Yeovil Office:  
Agricultural and  
Professional Services**

22 Princes Street  
Yeovil  
Somerset BA20 1EQ

Telephone 01935 423474  
Direct Line 01935 401304  
Facsimile 01935 433683  
Website www.gth.net

For the attention of Jane Cheeseman  
Research & Support Officer, Rights of Way  
Environmental Services  
Dorset County Council  
County Hall  
Colliton Park  
DORCHESTER  
DT1 1XJ



Dear Mrs Cheeseman

**Rampisham Manor Estate  
Wildlife and Countryside Act 1981 -  
Review of The Status of a Route at Rampisham**

Thank you for your letter of 4<sup>th</sup> May and following our telephone conversation we enclose our reasoning as to why in our opinion the Definitive Map should be modified.

As discussed on the telephone you agreed that this could either be in letter form or report form as per the enclosed.

We would be grateful if you could acknowledge receipt of this statement, confirming that it has been submitted in the right format and we look forward to hearing the decision of the Roads and Rights of Way Committee decision after 17<sup>th</sup> July.

Yours sincerely

SIGNATURE REMOVED

**M A J Southwell**  
Greenslade Taylor Hunt

Enc

**Partners:**

A. Keith AMOF FRICS  
Christopher Handel FRICS, FAAV  
Colin Venner FRICS, FAAV  
H. Geoffrey Dolling FRICS, FAAV  
Charles W. S. Scott FRICS  
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**STATEMENT  
ON BEHALF OF THE TRUSTEES OF RAMPISHAM MANOR ESTATE  
IN RESPECT OF AN EXTENSION OF FOOTPATHS 17 AND 18 FROM  
CATTISTOCK PARISH ONTO RAMPISHAM PARISH**

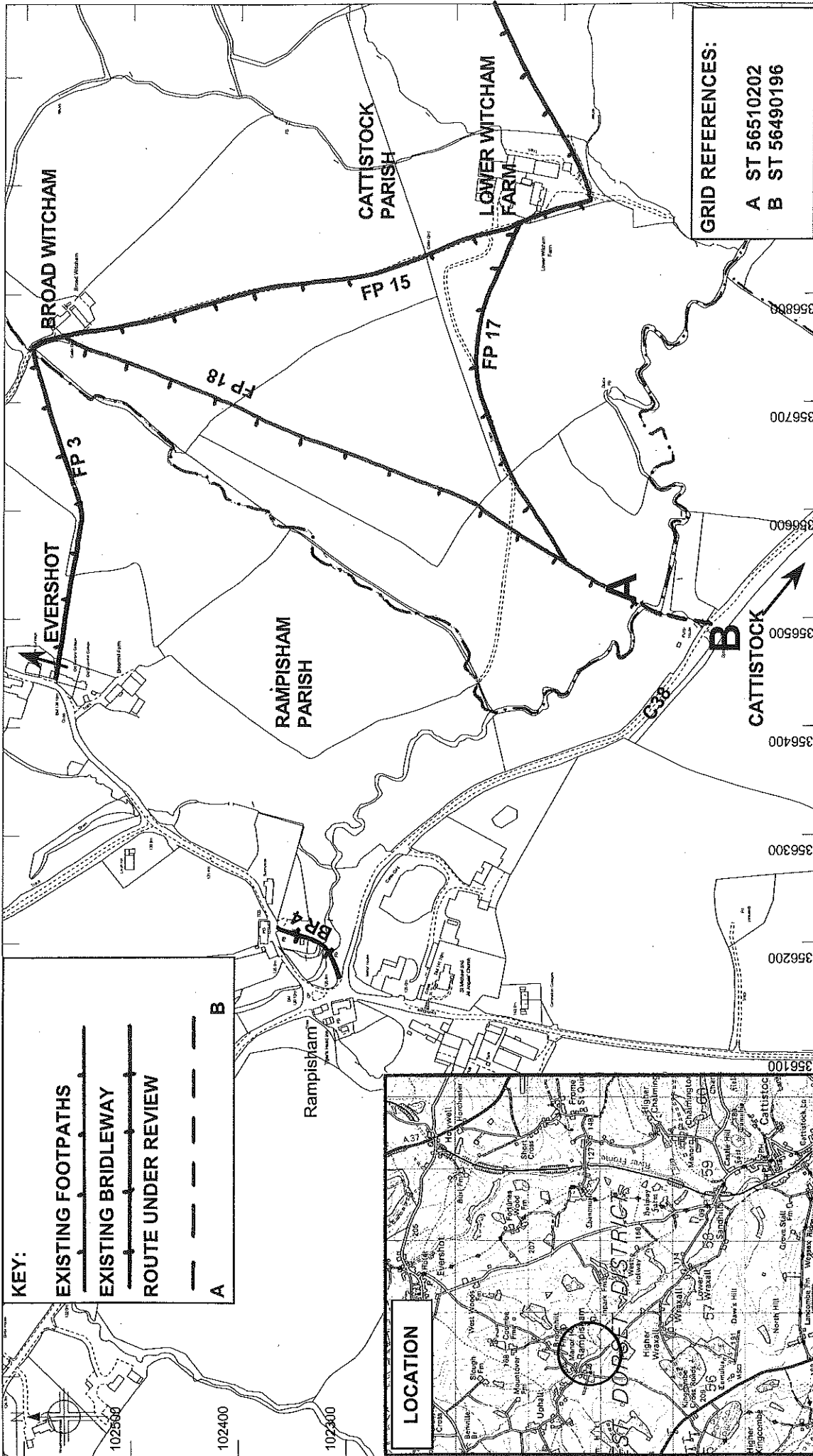
The Trustees of Rampisham Manor Estate object to the extension of the footpaths 17 and 18 between points A and B on the attached plan (Appendix 1) for the following reasons:-

1. Attached is a photocopy of the Ordnance Survey Sheet 1903 (Appendix 2) which clearly shows there is no footpath between the Cattistock Parish boundary and the road between Rampisham and Lower Wraxall in the Parish of Rampisham.
2. Attached is a photocopy of an Estate Plan dating back to 1947 (Appendix 3) which again shows there is no footpath between the Cattistock Parish boundary and the road between Rampisham and Lower Wraxall.
3. Attached is a photocopy of an extract of an Ordnance Survey Sheet dated 1961 (Appendix 4) which again shows there is no footpath between the Cattistock Parish boundary and the road between Rampisham and Lower Wraxall.
4. Enclosed is a letter received from Rampisham Parish Council (Appendix 5) which clearly states that Cattistock have incorrectly claimed a non existent footpath in the Parish of Rampisham.
5. Also attached (Appendix 6) is a Statement Annexed to the Definitive Map in Respect of Rampisham Parish as at 1<sup>st</sup> April 1989 and there is no record of footpaths 17 and 18 between points A and B (see Appendix 1).
6. The alleged footpath runs into the area where various springs issue. This area is where the collection and pumping chambers as well as the pumphouse are situated which feed the whole of the Rampisham area with drinking and amenity water. The value of the machinery, electrical circuits etc is well in excess of £30,000 in this very isolated area. Obviously this equipment would not have been put on a footpath with its attendant problems of contamination and pollution and the risk of vandalism and theft.
7. Attached (Appendix 7) are four photographs showing that this alleged footpath has not been used and is incapable of use, not least because there is approximately a 4 meter drop from the road and the road is bounded with a stone wall above this drop.

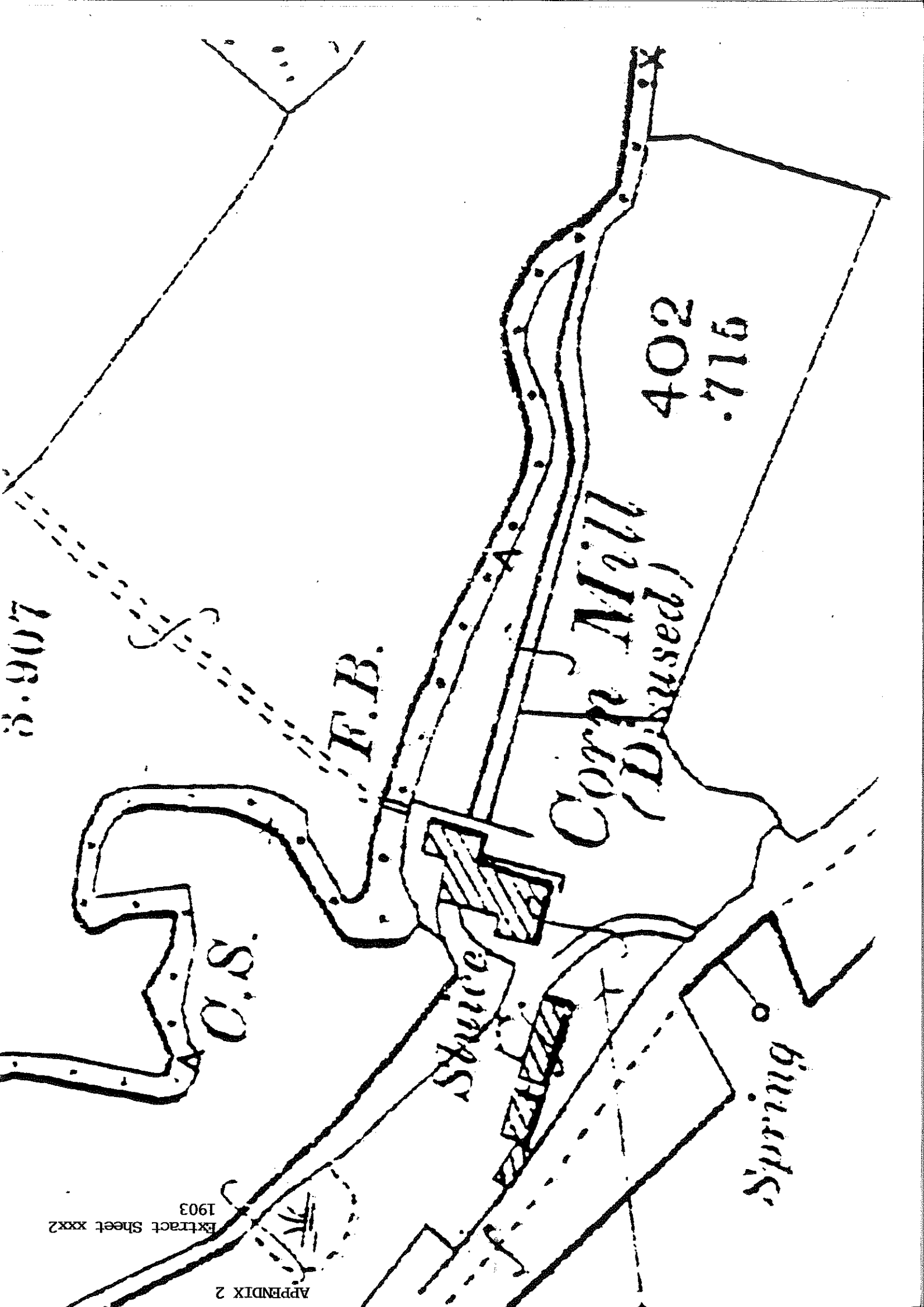
The then Trustees of the Rampisham Manor Estate would have been aware of the footpaths claimed by the Parish of Rampisham but were, of course, not aware of the claim by the Parish of Cattistock for a non existent footpath in Rampisham.

For all the above reasons, this footpath was incorrectly included on the Definitive Map between points A and B (Appendix 1) and should be deleted.

DATE: Thursday 24<sup>th</sup> May 2001      SIGNED ..... SIGNATURE REMOVED .....  
on behalf of the Trustees of Rampisham  
Manor Estate.



<p><b>DORSET COUNTY COUNCIL</b></p> <p>Environmental Services</p>	<p><b>WILDLIFE AND COUNTRYSIDE ACT 1981</b></p> <p><b>REVIEW OF STATUS OF A ROUTE AT RAMPISHAM</b></p>			<p>G.D.Spencer Director County Hall Dorchester</p>
	<p>SCALE 1:5000</p>	<p>DATE 3 May 01</p>	<p>DRAWN BY JLC</p>	<p>DRG No. <b>03/01</b></p>
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208.5

402  
.715

Corn Mill  
(Disused)

F.B.

Splice

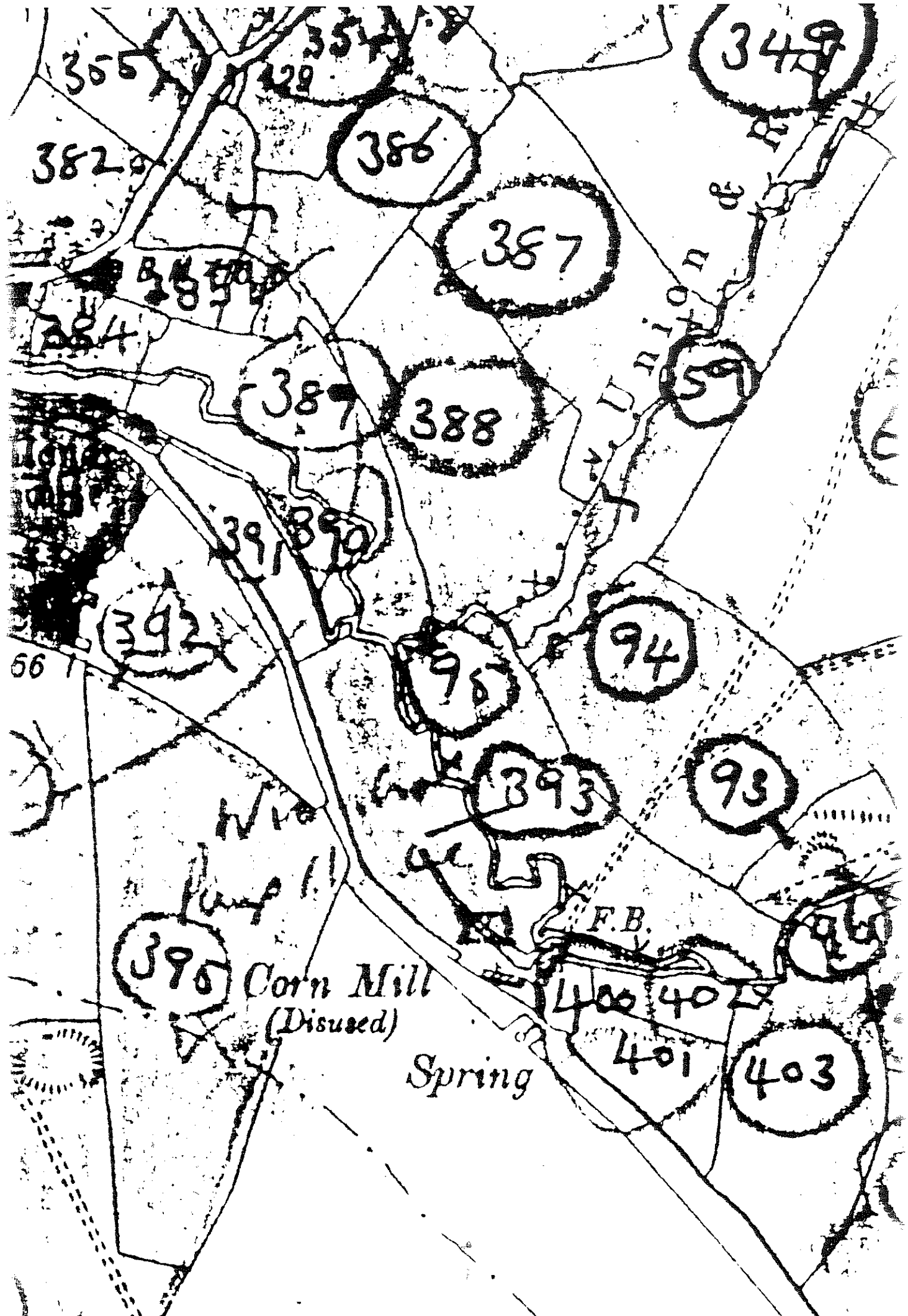
O.S.

biards

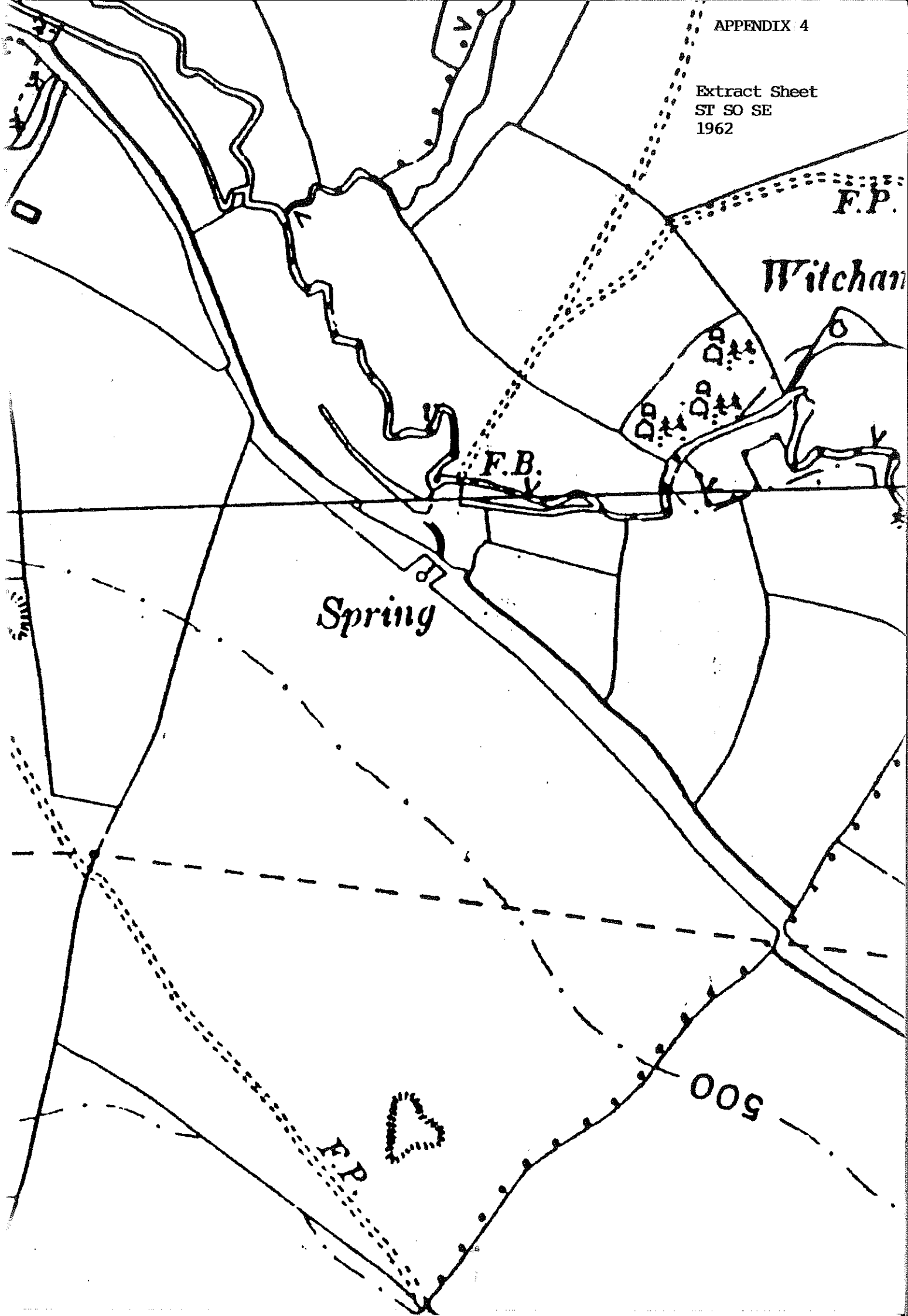
Extract Sheet xxx2  
1903

APPENDIX 2

Extract Estate Plan 1947



Extract Sheet  
ST SO SE  
1962



**RAMPISHAM PARISH COUNCIL**

23.5.2001

To Whom It May Concern:

I have been a resident of Rampisham since 1966 and Chairman of the Parish Meeting and Parish Rights of Way Liaison Officer for over 15 years.

The 1st April 1989 statement annexed to the definitive map in respect of footpaths in the Parish of Rampisham is complete and correct. I have never been aware of any footpath or footbridge from the Wraxall lane via the old mill area to the footpaths No: 17 & 18 in the parish of Cattistock, and it appears that Cattistock have incorrectly claimed a non existent footpath in the parish of Rampisham.

yours faithfully

SIGNATURE REMOVED

Rodger Huband

'Mayden Revel'  
Rampisham.

DORSET COUNTY COUNCIL

STATEMENT ANNEXED TO THE DEFINITIVE MAP IN RESPECT OF:

(PARISH) RAMPISHAM

(LOCAL AUTHORITY) WEST DORSET DISTRICT COUNCIL

DATE : 1 APR 1989

FP BR OR BY	PATH NUMBER	FROM	NATIONAL GRID MAP REFERENCE	TO	NATIONAL GRID MAP REFERENCE
FP	1	Road at Glebe Farm (Old Rectory)	558026	Evershot Parish boundary	568041
BR	2	Broomhill, opposite Witcham Lane via Coombe	566028	Evershot Road	568031
FP	3	Road at Broomhill Farm	564025	Broad Witcham	567025
BR	4	Road near 'Post Office'	562023	'Tigers Head'	561023
BR	5	Junction of Coege Lane and FP No 8	554025	Join Path No 7 on Rampisham Hill	543020
BR	6	Stent Drive	549026	Join Path No 7 near main road	542018
BR	7	Road, opposite Path No 11, southwards	543024	Crewkerne/Maiden Newton road	541017
FP	8	Road near Gundry's Common Plantation	550027	Path No 5	554025
BR	9	Crewkerne/Maiden Newton Road southwestward	535023	Hooke Parish boundary	534019
FP	10	Path No 1 northwards via Slough Farm and Slough Drive	559027	Evershot Road	556041
BR	11	Yeovii Road via Yard Drive	552037	Uphall Lane	543024
FP	12	Road north of Rampisham Hill Farm south- east	539013	Path No 37 Toller Porcorum	543011

FP = FOOTPATH

BR = BRIDLEWAY

BY = BYWAY OPEN TO ALL TRAFFIC





1



2



3



4

**Wessex Water**

Claverton Down Road Claverton Down Bath BA2 7WW  
Telephone 01225 526 000

Our Ref: N 36439

Your Ref: JLC RW/T238

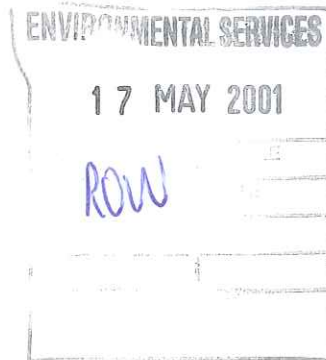
DORSET COUNTY COUNCIL  
COUNTY HALL  
COLLITON PARK  
DORCHESTER  
DT1 1XJ

FAO: JANE CHEESEMAN

16 May 2001

Dear Sir /Madam

Ref: RAMPISHAM  
DORSET



Thank you for your enquiry concerning the above. Please note that the following information does not constitute an approval to alter/divert/buildover or connect to any Wessex Water apparatus.

- A plan showing Wessex Water's public services is enclosed. The details are diagramatical only and their accuracy can not be guaranteed.
- There are no public sewers available but private sewers for which we hold no records may be present.
- The public sewers will not be affected by your proposals.
- The site is in the Wessex Waste Water region but lies within a non-sewered area.
- There are no public water mains available but private water mains for which we hold no records may be present.
- The public water mains will not be affected by your proposals.

Yours faithfully

**SIGNATURE REMOVED**

Philippa Humphries  
Technical Administrator  
DEVELOPERS GROUP





<b>DEVELOPERS GROUP</b>
<b>PHILIPPA HUMPHRIES</b>
<b>Rampisham</b>

**Legend**

WATER MAINS	
Public	
Private	
Abandoned	
Raw Water	
SEWERS	
Foul	
Combined	
Surface	
Rising Main	
Abandoned	
Public	
Private/Section 104	

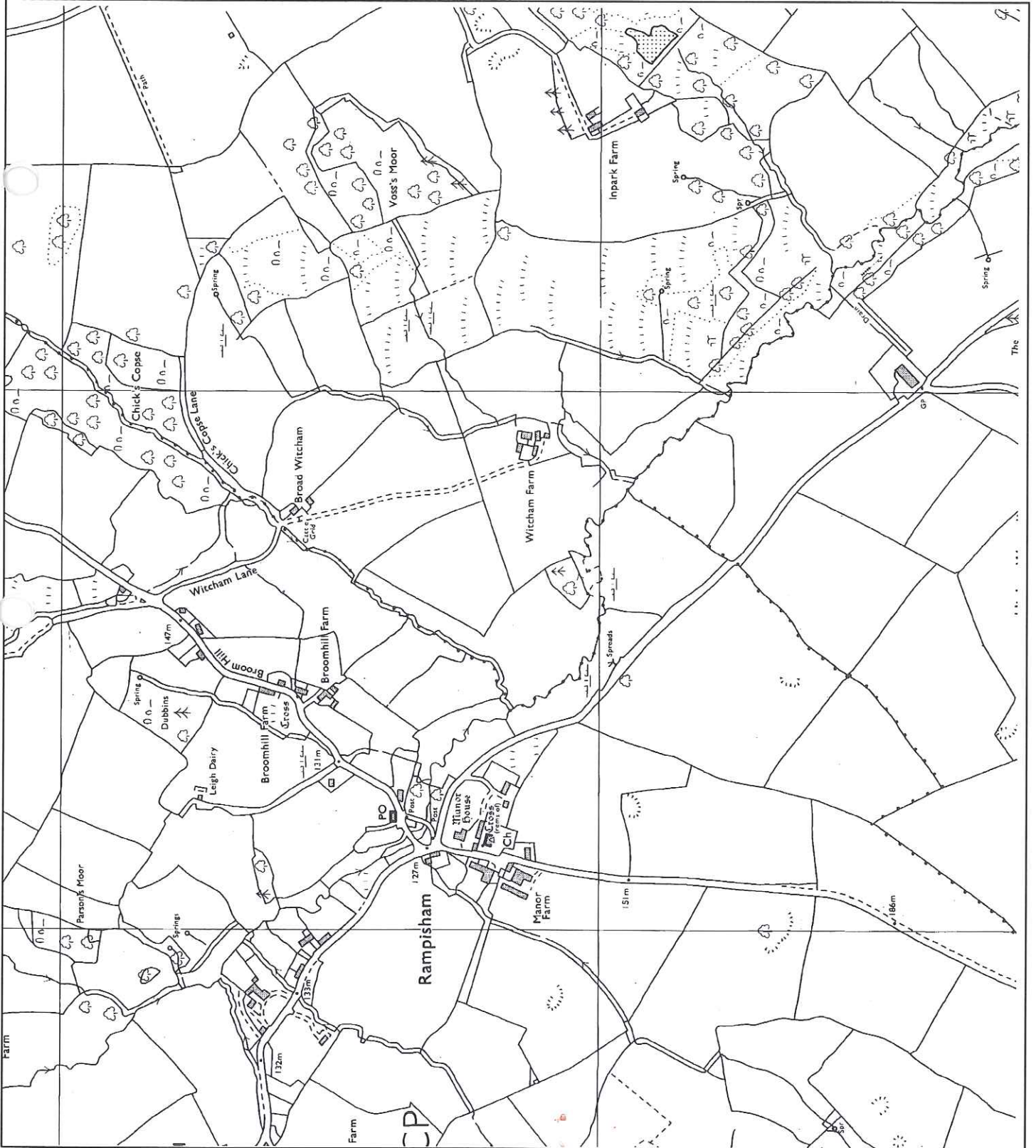
  

Culverted	
Watercourse	
Highway Drain	

The information supplied in this plan is for guidance only and Wessex Water does not accept responsibility for any inaccuracies. In carrying out any works, you accept liability for the cost of any repairs required to be undertaken by Wessex Water as a consequence of your actions or those of your contractors. You are advised to commence excavations using hand tools only and not to use mechanical digging equipment until pipework has been precisely located.

Printed on: 16/05/2001 14:18

Centre: 356656.86, 102165.94  
Scale = 1:10000



**South LDZ  
Asset Management Team**

3 Hampshire Corporate Park  
Templars Way  
Chandlers Ford  
Hampshire SO53 3RY

Telephone 02380 258258

**24 hour gas escape  
number 0800 111 999 \***

\* Calls will be recorded  
and may be monitored

Your ref: JLC RW/T238

DORSET COUNTY COUNCIL  
ENIRONMENTAL SERVICES  
DX8716  
DORCHESTER

10 May 2001

Our ref:37132/NRSWA

Dear Sir / Madam

Re:RAMPISHAM

Thank you for your enquiry of 04/05/01.

Having checked our records, I can confirm that there is no Transco plant in the area that you have specified.

Please do not hesitate to contact me with any further enquiry.

Should you need to contact the Network Records Team direct, please telephone 02380 258281 or Fax 02380 258288.

Yours faithfully,

Network Records Team



## MEMORANDUM

---

### Environmental Services

To: **Jane Cheeseman**, Research and Support Officer, Rights of Way  
From: Claire Pinder, Senior Archaeologist Ext. 4921  
Date: 8 May 2001  
Our Ref: 1097-2/AM Your Ref: JLC RW/T238

#### **Review of the Status of a Route at Rampisham - Ancient Monuments**

Thank you for your memo of 4 May, asking for our comments on the possible archaeological implications of the review of status of a route at Rampisham.

There are at present no recorded archaeological finds or features along the route affected by this review.

g:\plancp\memos\rights of way memo.doc



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# Greenslade Taylor Hunt

CHARTERED SURVEYORS

incorporating

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Your Ref. **JLC RW/T238**

Our Ref. **MS/SHM**

Date **8 May 2001**

**Yeovil Office:  
Agricultural and  
Professional Services**

22 Princes Street  
Yeovil  
Somerset BA20 1EQ

Telephone 01935 423474  
Facsimile 01935 432588  
Website [www.gth.net](http://www.gth.net)

Ms J Cheeseman  
Research & Support Officer, Rights of Way  
Environmental Services  
Dorset County Council  
County Hall  
Colliton Park  
DORCHESTER  
Dorset  
DT1 1XJ



Dear Ms Cheeseman

**Rampisham Manor Estate  
Wildlife and Countryside Act 1981  
Review of the Status of a Route at Rampisham**

Thank you for your letter of 4<sup>th</sup> May.

I note the comments in your letter and we will be supplying evidence prior to 4<sup>th</sup> June.

Yours sincerely

SIGNATURE REMOVED

**M A J Southwell**  
Greenslade Taylor Hunt

**Partners:**

A. Keith AMOF FRICS  
Christopher Handel FRICS, FAAV  
Colin Venner FRICS, FAAV  
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# MEMORANDUM

---

## ENVIRONMENTAL SERVICES

**Guy Spencer - Director**

Robert Blackstock - Western Area Highways Manager

Pullman Court, Station Approach, Weymouth Avenue, Dorchester, Dorset, DT1 1GA

Telephone (01305) 225367 Fax (01305) 225314

**To:** Jane Cheeseman, Research & Support Officer, Rights of Way

**From:** Graham Laurie, Area West

**My Ref:** GL/CH/R24

**Your Ref:** JLC RW/T238

**Date:** 8<sup>th</sup> May 2001

---

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**REVIEW OF THE STATUS OF A ROUTE AT RAMPISHAM**

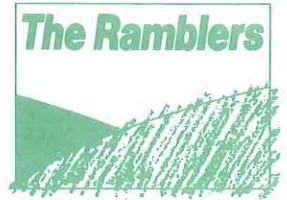
Thank you for your letter dated 4<sup>th</sup> May 2001 regarding the above.

We have no evidence to assist your modification of the definitive map or statement.

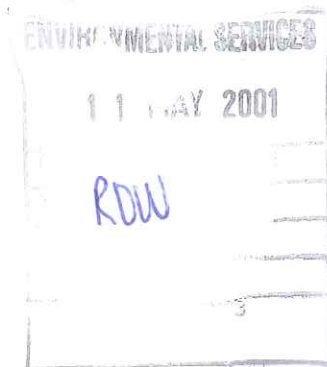
SIGNATURE REMOVED

# The Ramblers' Association

Working for walkers



Mrs J Cheeseman  
Environmental Services  
Dorset County Council  
County Hall  
DORCHESTER  
DT1 1XJ



**Dorset Area**   
**Groups:** East Dorset   
North Dorset   
South Dorset   
West Dorset

08 May 2001

Dear Mrs Cheeseman

## **Wildlife and Countryside Act 1981** **Review of the Status of a Route at Rampisham**

Thank you for your letter of 4<sup>th</sup> May 2001 concerning the above.

The absence of this route on the parish statement and its lack of an identification number was reported in our survey dated November 3<sup>rd</sup> 1999. At that time there was no access to the path at the point marked on the definitive map though there was a stile at GR 563021 approximately 150m to the north west. The survey also reported that there was no bridge over the stream which forms the Parish boundary with Cattistock Parish.

I have no evidence to clarify the true line of the path but it would seem right that such a path should be included in the Rampisham Parish Statement and numbered on the Definitive map.

Yours sincerely

SIGNATURE REMOVED

G.Rosemary Bramah

Please reply to: Rosemary Bramah, Acting Footpath Secretary, Ramblers' Association,  
West Dorset Group, 143 Victoria Grove, BRIDPORT. Dorset. DT6 3AG

Copy to: Brian Panton. Dorset Area Footpath Secretary, Ramblers' Association.