

From: Rebecca Buck

Sent: Tuesday, September 12, 2023 11:46:02 AM

To: helen.sparks@planninginspectorate.gov.uk <helen.sparks@planninginspectorate.gov.uk>

Cc: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>

Subject: Your Ref: ROW/3289783 - Claypits Lane [DPS:N1:E1859:B] Regulatory\Rebecca Buck\Active Cases\E1859 Claypits\Submission Folder

Dear Helen

Thank you for your letter dated 25th August 2023 enclosing the statements of case received for this matter. Please find below the OMA's comments on the objectors' statement of case (paragraph references related to the numbering in their statement):

Paras 12 - 17: The Council's comments on the objection relating to the Winfrith Newburgh Inclosure Award can be found at paras 2.1 to 2.3 Document Reference 7 to the Council's submission bundle.

Para. 62: The end of the paragraph states that "*.... the two statements will nonetheless have the effect of bringing into question the public right.*". The affect of s31(6) deposits were discussed in the appeal to the House of Lords in the Godmanchester case. Godmanchester was subsequently discussed and applied in a Schedule 14 appeal decision in 2020 (ref: FPS/C1245/14a/12, paragraphs 11-16)(attached) where the inspector concluded, at paragraph 16, that:

'It is clear that for a landowner to make use of the Section 31(6) provision in order to demonstrate a lack of intention to dedicate additional ways over their land they need to deposit a map and statement and within the required period lodge a statutory declaration. It is not enough to make only an initial deposit. In light of Godmanchester, it is unlikely that a deposit by itself will be sufficient to bring the status of the route into question. For the purpose of reaching a view at the Schedule 14 stage, I agree with the conclusions of the second Inspector on this matter. This means that the deposit alone would not have brought the status of the route into question.

In light of the above, the Council submits that the two statements, without subsequent declarations, would not have the effect of bringing into question the public right.

This concludes the OMA's comments.

Kind regards

Becky

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