



Minutes

Name of meeting	GENERAL PURPOSES (APPEALS) SUB COMMITTEE
Date and time	TUESDAY, 18 MAY 2010 COMMENCING AT 10.30 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllr Susan Scoccia (Chairman), Ivan Bulwer, Colin Richards
Officers Present	Julie Martin, Alex Russell, Justin Thorne

53. Declarations of Interest

There were no declarations of interest at this time.

54. Report of the Director of Economy and Environment

It was noted that neither the applicant, landowners or witness were in attendance at the meeting.

Members considered evidence in order to determine an application under Schedule 14 of the Wildlife and Countryside Act 1981 for an order to modify the Definitive Map and Statement by adding a footpath along a seawall at Seagrove Bay, Seaview.

The Committee was informed that for the application to be successful the applicant had to prove that the land, subject of the application, had been used by the public as of right and without interruption for a full period of 20 years. This had to have occurred continuously as of right up until the date right was called into question..

The Council's Rights of Way Manager summed up her evaluation of the evidence submitted and informed the Committee that on the basis of the written evidence submitted the applicant appeared to have proven that, on the balance of probabilities, the area of land marked 'A' to 'B' on the plan had been used by the public on foot for a period of not less than 20 years as of right and the requirements for deemed dedication under s31 of the Highways Act 1980 were therefore satisfied to the extent that a public right of way was reasonably alleged.. Dedication at of common law was considered by officers not to have been satisfied.

RESOLVED :

THAT an Order be made to add to the Definitive Map and Statement a two metre wide strip on the outer edge of the sea wall and adjacent land between the points A and B on the application plan, neither of which may be accessible at certain states of the tide, and subject to the limitation that the ladder near point A is not a permanent structure and may not be present the path to the Definitive Map and Statement.

CHAIRMAN