

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Isle Of Wight Council  
Public Footpath BB40 (Part) Forelands Bembridge  
Isle of Wight Diversion Order No. 1 2018

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **05 February 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Riverside Centre, Community Action Isle of Wight, The Quay, Newport, Isle of Wight, PO30 2QR** on **Wednesday 07 August 2019** at **10.00am**

The effect of the Order, if confirmed without modifications, will stop up a section of Public Footpath BB40 which starts at its junction with public footpaths BB10 and BB13 and heads south-south-west for approximately 30m where it then crosses a concrete path and heads west-south-west in front of a concrete plinth and cafe buildings for approximately 23m, and then continues south-west for approximately 8m to a point on the beach at the bottom of a flight of timber beach access steps; and create an alternative footpath instead: (i) starting at the same point at its junction with public footpaths BB10 and BB13 the path heads west-south-west down a stepped concrete path for approximately 19m to a landing at the top of a flight of timber steps, upon descending those steps the path continues south-south-east along a concrete path for approximately 30m to land adjacent the top of the sea wall, then continuing west-south-west for approximately 25m along land between a picket fence demarking the boundary of the cafe grounds and the southern edge of a concrete strip forming part of the sea wall, then heading north-north-west for approximately 3.5m to a landing at the top of a flight of timber steps providing access to the beach and rejoining the original route of the path; and (ii) starting at a point on public footpath BB10 at the southern end of a private parking area known as Forelands Drive the path heads south down a stepped concrete path for approximately 10m to a landing at the top of a flight of timber steps; as shown on the order map.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@pins.gsi.gov.uk](mailto:clive.richards@pins.gsi.gov.uk). Please quote reference number ROW/3214078 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Isle of Wight Council, County Hall, High Street, Newport, Isle of Wight PO30 1UD during normal office hours (contact: Darrel Clarke, Tel: 01983 821000).

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date by [by 02 April 2019]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 14 May 2019]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 10 July 2019]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

documents – although none should be submitted with a proof of evidence);

ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and

iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980**

**ISLE OF WIGHT COUNCIL**

**PUBLIC FOOTPATH BB40 (PART) FORELANDS BEMBRIDGE  
ISLE OF WIGHT DIVERSION ORDER NO. 1 2018**

This order is made by the Isle of Wight Council ("the authority") under section 119 of the Highways Act 1980 because it appears to the authority that in the interests of the public and of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

Jonathan Richard Guy, Emma Guy, Elizabeth Anne Clarke, Christine Ann Paskin and John Ferguson Watt have agreed to defray any compensation which becomes payable in consequence of the coming into force of this order.

**BY THIS ORDER:**

1. The public right of way over the land situated at and shown by a bold black continuous line on the map contained in this order and described in part 1 of the schedule to this order shall be stopped up after fourteen days from the date of confirmation of this order or on such date as the authority certifies that the work required to bring the new site of the path into a fit condition for use by the public specified in Article 3 herein has been carried out, whichever is later.
2. There shall at the end of fourteen days from the date of confirmation of this order be a public footpath over the land situate at and described in part 2 of the schedule to this order and shown by bold black dashed lines on the map contained in this order.
3. The following works shall be carried out in relation to the highway described in part 2 of the schedule: (i) provision of a concrete surfaced path 1.1m wide immediately adjacent the southern side of the picket fence on the sea wall section of the public footpath described in part 2 of the schedule and linking the bottom of the existing concrete path at the eastern end of the sea wall section and the top of the timber beach access steps at the western end of the sea wall section; (ii) installation of a guard rail on the concrete strip on top of and forming part of the sea wall as described in part 2 of the schedule connecting to the metal rails at the top of steps built into the sea wall at the eastern end of the sea wall section of the public footpath and to the rails of the timber beach access steps at the western end of the sea wall section.

**SCHEDULE**

**PART 1**

**DESCRIPTION OF SITE OF EXISTING PATH**

Starting at its junction with public footpaths BB10 and BB13 (point A on the order map) the path heads south south west for approximately 30m where it then crosses a concrete path and heads west south west in front of a

concrete plinth and café buildings for approximately 23m, it then continues south west for approximately 8m to a point on the beach at the bottom of a flight of timber beach access steps (point B on the order map).

## PART 2

### DESCRIPTION OF SITE OF NEW PATH

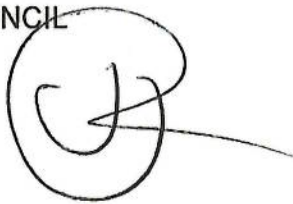
(i) Starting at the same point at its junction with public footpaths BB10 and BB13 (point A on the order map) the path heads west south west down a stepped concrete path for approximately 19m to a landing at the top of a flight of timber steps (point E on the order map), upon descending those steps the path continues south south east along a concrete path for approximately 30m to land adjacent the top of the sea wall (the path to this point being recorded at a width of 1.5m), it then continues west south west for approximately 25m along land between a picket fence demarking the boundary of the café grounds and the southern edge of a concrete strip forming part of the sea wall (the width of such area measuring 4.85m at the eastern end, narrowing to 4.35m at the western end), it then heads north north west for approximately 3.5m (width 2.75m) to a landing at the top of a flight of timber steps, such steps being 1m in width and forming part of the path and providing access to the beach (point B on the order map).

(ii) starting at a point on public footpath BB10 at the southern end of a private parking area known as Forelands Drive (point D on the order map) the path heads south down a stepped concrete path for approximately 10 m to a landing at the top of a flight of timber steps (point E on the order map); this section of the path to be recorded at a width of 1.5m.

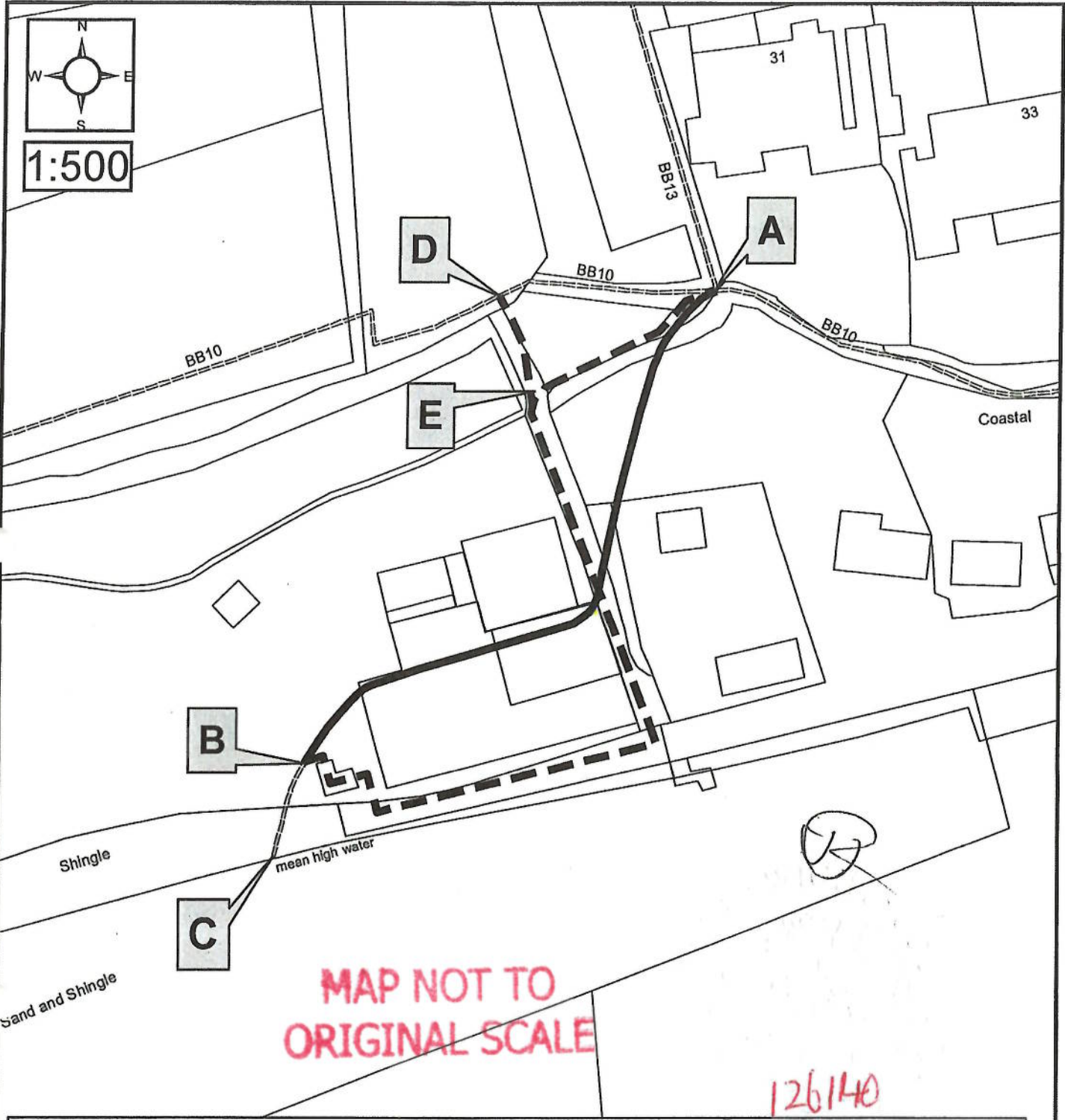
Dated this 2<sup>nd</sup> day of February 2018

THE COMMON SEAL of the  
ISLE OF WIGHT COUNCIL  
was hereunto affixed  
in the presence of:

Authorised Signatory



126141



Section of Public Footpath BB40 to be deleted = bold black continuous line A-B  
 Sections of Public Footpath BB40 to be created = bold black dashed lines D-E-B and A-E  
 Section of Public Footpath BB40 to remain = double dashed line B-C

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ISLE OF WIGHT COUNCIL  
 Wendy Perera, Head of Place  
 Directorate of Place  
 County Hall  
 High Street  
 Newport  
 Isle of Wight  
 PO30 1UD

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