



The Planning
Inspectorate

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Local Access Forum
c/o County Hall
High Street
Newport
Isle of Wight
PO30 1UD

Your Ref:
Our Ref: ROW/3214078

31 January 2019

Dear Sir/Madam,

Highways Act 1980 - Section 119

Order Making Authority: Isle of Wight Council

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

Please note that the Council has already consulted/notified you about the making of the above mentioned Order(s). This letter is for your information only. If you are a statutory undertaker, any concerns about your apparatus should be addressed to the Council directly.

I refer to the above mentioned Order which has been submitted to the Secretary of State for confirmation.

The Order will be determined following a local inquiry which is due to be held at 10.00am on Wednesday 07 August 2019 at The Riverside Centre, Community Action Isle of Wight, The Quay, Newport, Isle of Wight, PO30 2QR. The inquiry is scheduled to last 2 days.

Whilst most inquiries will be completed within the scheduled period, some may be shorter and some need to be extended, depending on the amount of evidence produced or the number of people wishing to be heard. It is therefore very important that if you wish to speak, give evidence or contribute to the inquiry in any way, that you attend on the opening day.

It would be useful for the Inspector if you could confirm whether or not you will be attending the inquiry. You should notify me immediately if your circumstances change or you change your mind nearer the date of the inquiry.

It is open to anyone who has made an objection or representation and anyone else with an interest in the Order to attend the Inquiry. However, we expect anyone who has asked us for an inquiry to be there (or send a representative^[1]).

All parties to the local inquiry procedure are expected to abide by The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007, which can be found at Annex A

of our booklet *Guidance on procedures for considering objections to Definitive Map and Public Path Orders in England*. The procedure, which is also summarised in section 4 of the booklet, sets out the timetable for the submission of statements of case and proofs of evidence. Your attention is also drawn to section 6 of the booklet which identifies the various matters to be considered by the Secretary of State or Inspector in deciding whether or not to confirm an order. This booklet can be found on our website at <https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>. Hard copies are also available on request.

The enclosed notice, which will appear on our website, contains information about the Order, where queries about the Order should be directed, when and where documents relating to the Order can be inspected by the public and the timetable for sending statements of case and proofs of evidence. Please ensure you read the notice carefully.

All parties must keep to the timetable to ensure that statements of case are with us on time. If you plan to attend and give evidence, you will need to submit a statement of case, along with copies of any documents you wish to submit in evidence and a list of those documents. Late documents will be returned. As I have given details of the timetable, I will not send you reminders.

Please ensure our case reference number is quoted in all correspondence.

Notified parties only (not prescribed organisations) – unless you inform us that you have an interest in this Order, we will not contact you again. In due course the Inspector's decision will be available to view/download at

<https://www.gov.uk/guidance/rights-of-way-online-order-details>

We are encouraging local authorities to retain pdf copies of their submission bundle to the Planning Inspectorate. If you would like to receive a copy, please contact Isle of Wight Council to find out if one is available.

Definitions:

Statement of case – *a written statement containing full particulars of the case which a person proposes to put forward at a hearing or inquiry; it includes copies of any supporting documents which that person intends to refer to or put in evidence, and a list of those documents.*

We expect statements of case to be paginated, labelled, indexed and submitted in a clear order. Appendix E of our guidance booklet refers. <https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>

Proof of evidence – *a document containing the written evidence which a person at a public inquiry will speak about. It should not rehearse all of the available evidence but should focus on the matters in dispute. It should not contain supporting documents.*

[1] Please refer to paragraphs 4.11 and 8.4 of our booklet *Definitive Map and Public Path*

Orders

Yours sincerely,

Clive Richards

Clive Richards

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. 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 case¹ 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

¹ 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.

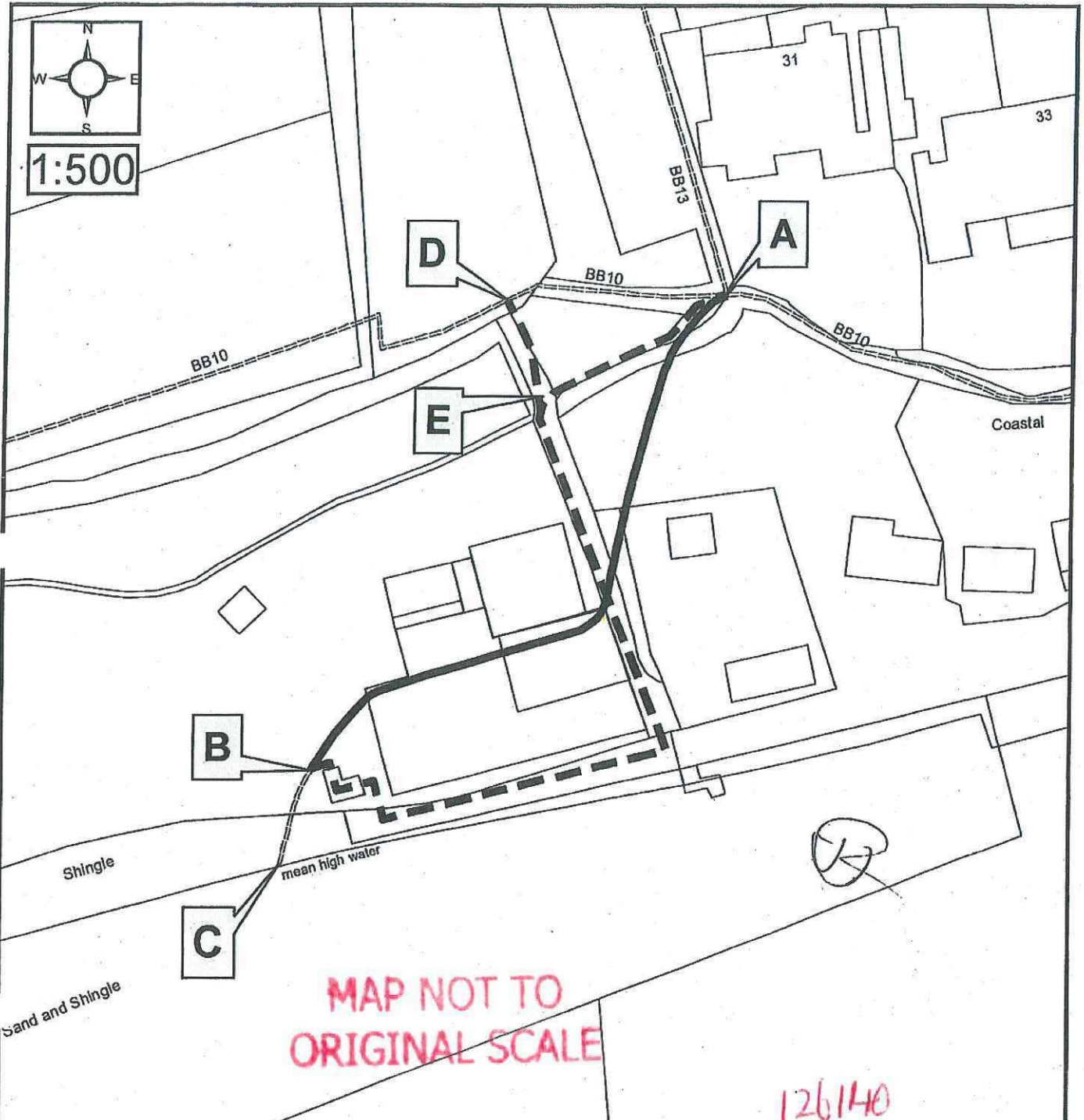
documents – although none should be submitted with a proof of evidence);

- 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



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
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 County Hall
 High Street
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 Isle of Wight
 PO30 1UD

HIGHWAYS ACT 1980 s119
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 PUBLIC FOOTPATH BB40
 FORELANDS BEMBRIDGE
 ISLE OF WIGHT
 DIVERSION ORDER NO 1 2018