

**Clarke, Darrel**

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**From:** Graham Ferris [REDACTED]  
**Sent:** 28 September 2016 18:23  
**To:** Clarke, Darrel  
**Subject:** Modification order Footpath, Forlands, Bembridge BB40

Dear Darrel

Thank you for your excellent and detailed report which , you can imagine,in being read and digested by the various interested parties.

However one matter has come to light for immediate attention.

Para 42 quote: Landowners have provided 59 forms signed by individuals unquote:

Two of the individuals [REDACTED] say they have never seen the forms before, never signed them and further more the views expressed do not conform with their own.

Would you please take a look at the forms yourself (with out the redactions) If any thing is amiss it should be fairly obvious. Either way I doubt we are dealing with any sophisticated forgeries.

Yours sincerely

G.R.Ferris  
28th September 2016

## Clarke, Darrel

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**From:** Graham Ferris [REDACTED]  
**Sent:** 10 October 2016 12:58  
**To:** Clarke, Darrel  
**Subject:** Re: Modification order Footpath, Forlands, Bembridge BB40

Dear Darrel

The notion that in a group of about 60 individuals when it was discovered that the only two people that were known and asked were the only two people whose statements had been signed and completed on their behalf by [REDACTED] is frankly "challenging".

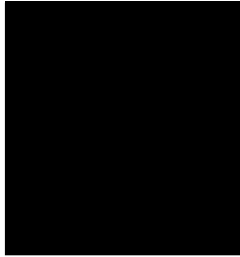
For the sake of the of the processes integrity. Would you, through your good office, test by interview a random and unknown 3 or 4 ( say 5% sample) just to check everything alright

There is no necessity to discount statements from individuals who are not willing to attend a public enquiry if they are simply elderly. .

I am hoping to have my comments on your report ready in about a week also I am free on Tuesday 22nd November

Best wishes as ever

Graham



Darrel Clarke  
Public Rights of Way Manager  
County Hall  
High Street  
Isle of Wight  
PO30 1UD

Your ref: RW-DC-BB40

Dear Mr Clarke

**Wildlife and Countryside Act 1981 Section 53 Schedule 14  
Application for Modification Order: Footpath at Forelands Bembridge**

Thank your for your most comprehensive and detailed report. Forgive my rather tardy response but there is a great deal of information to be read and absorbed.

My only comments are:

1. Documentation show that the land on which the public toilets were built (later to become the concrete plinth) was purchased by the Isle of Wight Rural District Council from James Preston for the sum of £50 on 16 July 1965.

However, when the IOWC attempted to register the land in 2008, they were advised by HMLR that the plinth had been included as part of a larger plot and sold by the Preston Family in 2003 to Clarke, Paskin and Watt.

I would suggest that where a vendor sells the same plot of land twice to two different purchasers the second purchase is void. The first sale would remove the seller's title to enact the second. The fact that the IOWC has, in its wisdom, not attempted to recover the title as it balanced time/cost resource with risk is understandable but does not change anything.

As the Forelands Drive Association do not own the plinth their view on it are irrelevant and should be discarded.

2. After the portaloo was removed the public would take the more direct diagonal route across the plinth..

*However, the path along the southerly (sea ward) edge remained open and in continuous use by:*

**Individuals** using the public stand pipe for water.

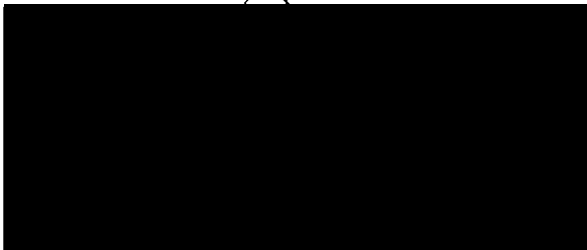
**The public** when the previous tenants were using the plinth as part of the café and the diagonal route was obstructed by their chairs and tables, out of a sense of courtesy and politeness to the diners. (See landowner evidence para 39 )

**The elderly or infirmed** who would, understandably choose this route, gaining extra confidence by using the edge guard rail as a hand rail.

**Groups** passing on the plinth would naturally spread out on the open space occupying both the diagonal and edge route.

3. One further rather moot point. Taking a route straight down to the sea wall turning either left or right neither way shows as a public foot path. The top of the sea wall is not a continuous path. Thankfully!

Yours sincerely



G.R.Ferris  
19<sup>th</sup> October 2016

Darrel Clarke  
Rights of Way Manager  
County Hall  
High Street  
Newport  
Isle of Wight, PO30 1UD

**Forelands Drive Association**



24 October 2016

Dear Mr Clarke,

**Wildlife and Countryside Act 1981 Section 53, Schedule 14  
Application for Modification Order: Footpath, Forelands, Bembridge, Isle  
of Wight**

Having received your letter of 20<sup>th</sup> September 2016, the report on the above application and the supporting materials, I have consulted the trustees and members of the Forelands Drive Association (the landowners). Our view is that a full and fair investigation of the issue has been carried out and we do not wish to ask for any modification of the report.

Overall we endorse the key findings that, for reasons detailed in the report, a public right of way could not have been established across 'the plinth' and that we as landowners have never indicated any intention to dedicate a right of way along this route. We also endorse the recommendation that the Council should consult with us as landowners and other stakeholders to determine a new route for footpath BB40.

Since the Association became the landowners in 2003, we have sought to maintain the Drive and the land down to the seawall, including the café and its grounds, in the community interest. We have permitted parking and pedestrian entry to the Drive during the hours of daylight to facilitate public access to the beach and the coastal path. We have not sought to re-introduce the parking charges formerly levied by our predecessors and have met the costs of maintenance and Public Liability Insurance from our own resources. We also funded the substantial repair of the flank of the seawall in 2015 and 2016 and worked with the Council to improve access to the beach at the end of footpath BB40.

However, it should be noted that, apart from our personal contributions, our only source of funding is the rent from the leasing of the Beach Café and it is imperative that we protect the ability of the café to optimize its service to its customers and to avoid the health and safety risks to them and their staff that could result from unrestricted passage through the café grounds during

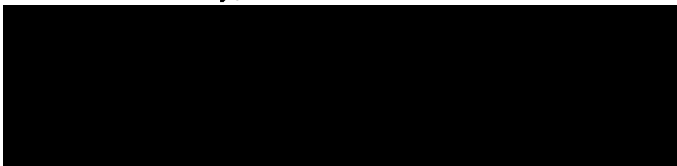
operating hours. We and the café lessees have been ready to allow permissive access when the café is closed in the early morning and the evening and during the winter months.

Since this application was initiated in 2013, we have always indicated a willingness to discuss the issue with all parties and to seek to find a solution that would address the needs of us as landowners, the café lessees and the general public accessing the beach. Unfortunately, this willingness to engage in a dialogue has not been reciprocated by the applicants and we have all, and especially the Council itself, been involved in a needless use of human and financial resources over a three-year period, which we deplore.

The Association very much hopes that the Committee will support the recommendation of this report and that we can all move on rapidly to reach a consensus on a new alignment for BB40.

Elizabeth Clarke (Chairman of the Association) and I will be happy to attend the Committee meeting on behalf of the Association (the landowners) to enlarge on any issues that members wish to explore.

Yours sincerely,

A large black rectangular redaction box covering the signature of Professor Paul Richardson.

Professor Paul Richardson, Secretary, The Forelands Drive Association

*Chairman: Elizabeth Clarke Secretary: Paul Richardson Treasurer: Richard Beasley*