

Appendix 3, Item 1

Clarke, Darrel

From: Stillman, Tricia
Sent: 30 March 2017 08:28
To: Clarke, Darrel
Cc: Newton, Sean; Rachel Wylde
Subject: RE: Definitive Map Modification Order Application - s53 Wildlife & Countryside Act 1981

Hi Darrel,

Thank you for your email and the opportunity to consider the modification of the definitive map. As far as beaches is concerned it would have no objection or comments to make on the deletion of footpath NT46 at castlehaven.

Thank you

Regards

Tricia Stillman | Commercial Activities Manager | Directorate of Place | Commercial Services |
Isle of Wight Council | Floor 2, County Hall | Newport | Isle of Wight | PO30 1UD
Tel: (01983) 821000 Ext 8720 |
Email: tricia.stillman@iow.gov.uk | Web: www.iowight.com

From: Clarke, Darrel
Sent: 28 March 2017 10:49
To: Rachel Wylde; Stillman, Tricia
Cc: Newton, Sean
Subject: Definitive Map Modification Order Application - s53 Wildlife & Countryside Act 1981

Dear Rachel and Tricia

This department is currently processing an application for a Definitive Map Modification Order to delete part of Public Footpath NT46 which runs along a sea wall forming part of a property known as Beach Cottage, Castlehaven Lane, Niton, Ventnor, Isle of Wight, PO38 2ND. Please see attached map.

A copy of the application is attached for your information. In very basic terms the applicant is claiming that when the first Definitive Map for the Island was produced in 1952, the route of the public footpath was along the beach in front of the sea wall as opposed to along the top of the sea wall. It is further claimed that the route along the beach no longer exists due to the placement of large coastal protection boulders in front of the sea wall in about 2003/4.

The regulations relating to the application process require the Council to formally consult with all landowners directly or indirectly affected by the application. While the title to the foreshore held by the Crown (leased to IW Council) shows ownership to the foot of the coastal protection rocks I am aware of the attached Crown Estate briefing note which would seem to suggest that manmade structures/placements may not affect the mean high water mark in so far as legal ownership of land/foreshore is concerned.

If the Crown Estate and/or the Commercial Services of the IW Council wish to make any comments relating to the application then I would be grateful if these could be provided to me by no later than 30th April 2017.

Kind regards

Darrel

Darrel Clarke | Rights of Way Manager | Directorate of Place | Public Rights of Way | Isle of Wight Council
| County Hall | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 821000 | Email: darrel.clarke@iow.gov.uk | Web: www.iwight.com

NITON AND WHITWELL Parish Council

Clerk to the Council:

Tel: [REDACTED]

E-mail: [REDACTED]

26th April 2017

Mr Darrel Clarke,
Rights of Way Manager,
Directorate of Place, Public Rights of Way,
Isle of Wight Council,
County Hall,
High Street,
Newport,
Isle of Wight,
PO30 1UD

Dear Darrel,

Public Footpath NT46

Application for Modification Order s53 Wildlife and Countryside Act 1981

The above referenced Application for Modification Order was considered by Niton and Whitwell Parish Council at its meeting on Monday 24th April.

The Parish Council's stated policy, as custodian of Castlehaven Village Green, is to preserve the public amenity of the Village Green and therefore, by implication, public access to the Village Green.

The Parish Council remains in agreement with the signed statement of the two Parish Council members who originally walked the footpath in 1950 (scanned copy attached); its decision of 28th June 2010 to oppose the Application for Modification Order (Minutes attached: minute ref M15/06/10 refers); and its decision to oppose the latest Application for Modification Order of 12th December 2016 (Minutes attached: minute ref SM02/12/16 refers).

Additionally, the Parish Council observes that public footpath NT46 is still well-used and well-loved by members of the public. It asserts that the path along the sea wall would also be well-used and well-loved had it not fallen into disrepair.

Yours sincerely,

[REDACTED]

V J Ford
Clerk to the Parish Council

ISLE OF WIGHT COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE
ACT, 1949.

SURVEY OF FOOTPATHS.

No. of Path ^{NT.} 46

Ordnance Sheet Numbers

County District ... Isle of Wight

G - N.W.

Parish ... Niton

Status of path ... F.P.

Name of path or ultimate destination To shore then in front of Beach Cottage to join path 38.

Starting point ... Boat House then down metalled road to shore, then

Westward along the top of the Sea Wall in front of Beach

Cottage, turn right up path beside a brook to join Path

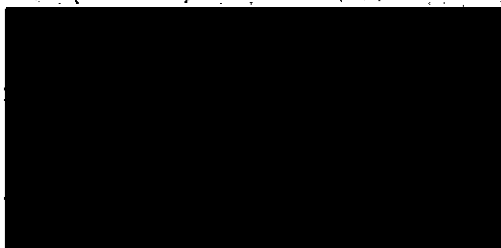
38 about 20 yards from the start. The path is in good

condition.

Walked on (or ridden) ... 22nd June ... 1950

by *G.A. Barenton*

of ... 3, Downside Ave., Niton, I.W.



Sept 1952 and *B.R. Spake*
of ... 2, Brooklyn, Niton, I.W.

NITON AND WHITWELL PARISH COUNCIL

MINUTES OF A MEETING OF NITON AND WHITWELL PARISH COUNCIL HELD AT WHITWELL VILLAGE HALL, WHITWELL ON MONDAY 28th JUNE 2010 AT 7:00 PM

PRESENT: Councillors J J W Attrill, W C Arnold (Chairman), R Barclay, P K G Fradgley, M A Innes, F A Norris, C R Peach, J A Stotesbury, C W Wyatt-Millington.

IN ATTENDANCE: Mr Harry Dea (Environment and Neighbourhoods Officer), Mrs V J Ford (Clerk to the Council).

APOLOGIES: Councillor S L Oatley.

M01/06/10 DECLARATIONS OF INTERESTS

Councillor Stotesbury declared a personal interest in item M03/06/10, payment to Daniel Stotesbury, below and Councillors Arnold and Wyatt-Millington declared a personal interest in item M06/06/10, planning application P/00873/10 – TCP/26878/A, below.

M02/06/10 MINUTES

RESOLVED: that the minutes of the Annual Meeting of the Council held on 24th May 2010 be taken as read, confirmed and signed as being an accurate record of the proceedings.

M03/06/10 FINANCE

Members had before them a schedule showing a cashbook balance of £55,025.65 in the General Funds and £5,961.85 in the Bequest Account. A schedule of accounts for payment was also before the meeting.

RESOLVED: that the Financial Statement to 21st June 2010 be received and noted.

Cheque Number	Payee	Details	Amount £
1001	Niton PCC	Grass cutting in Niton Churchyard	167.50
1002	Fenland Leisure Products Ltd	New swing seats	328.30
1003	Wyevale Grounds Maintenance	Mowing/strimming Niton Rec	146.37
1004	Isle of Wight Council	Clerk's Salary – May 2010	367.76
1005	Aon Ltd	Additional insurance for play equipt	698.22
1006	Jayne Jose Wholesale Nursery	Plants for Bert Sprake Garden	151.11
1007	Wight Reclamation Ltd	Soil for Bert Sprake Garden	35.00
1008	Chichester Trees & Shrubs Ltd	Shrubs for Bert Sprake Garden	82.09
1009	Daniel Stotesbury	Winding clock, hire of cultivator etc	263.35
1010	Wyevale Grounds Maintenance	Mowing/strimming Niton Rec	146.37
1011	Whitwell Village Hall	Hire of hall	24.00
		Total	2,410.07

The Chairman drew Councillors' attention to the invoice for additional insurance to cover all risks to the new play equipment installed in Niton Recreation Ground. Cover had been agreed with Aon Limited on a temporary basis until the date of this meeting.

RESOLVED: that the additional insurance is taken out with the current insurers, Aon Ltd.

Councillors also expressed their thanks to Tania M^cAllister for her work on the Bert Sprake Memorial Garden.

RESOLVED: that the Clerk writes to Ms M^cAllister to thank her.

RESOLVED: that the Parish accounts as listed above be approved for payment.

**M04/06/10 ANNUAL RETURN FOR YEAR ENDED 31st MARCH 2010:
STATEMENT OF ACCOUNTS**

RESOLVED: to adopt the Statement of Accounts as prepared by the Clerk.

**M05/06/10 ANNUAL RETURN FOR YEAR ENDED 31st MARCH 2010:
ANNUAL GOVERNANCE STATEMENT**

RESOLVED: to adopt the Annual Governance Statement as prepared by the Clerk.

M06/06/10 PLANNING APPLICATIONS

Members had before them four Whitwell planning applications.

RESOLVED: that the Clerk be asked to submit to the Isle of Wight Council the comments set out in the Appendix which forms part of these minutes.

RESOLVED: that the Clerk writes to the Isle of Wight Council planning department stating that the Parish Council presumes that a proper survey is carried out in cases of planning applications for barn conversions as these developments can cause loss of habitat for owls, swallows, swifts, martins and bats.

M07/06/10 PLANNING DECISIONS

Members were notified of the following planning decisions:

1. P/00209/10 – TCP/10143/H – Temporary siting of mobile classroom block with associated store and w.c.s and external steps/decking at Niton County Primary School, School Lane, Niton: **GRANTED**
2. P/00484/10 – TCP/25145/D – Proposed open-fronted implement store (revised scheme) (corrected location) (readvertised application) at part OS parcel 3200, west of Whitwell Road, Whitwell: **GRANTED**
3. P/00400/10 – TCP/30065 - Householder Application – Proposed single storey rear extension to form enlarged kitchen/diner at 2, Bannock Road, Whitwell: **GRANTED**
4. P/00594/10 – TCP/27410/C – Householder Application – Removal of steps; alterations; replacement and increased height of roof to create roofspace accommodation to include dormer windows on front and rear elevations; single storey front extension to enlarge kitchen and hall; new vehicular access off The Greenway; parking; relocation of steps (revised scheme) at Riquewhir, Lacey Lane, Niton: **GRANTED**

RESOLVED: that the planning decisions be noted.

Councillor Wyatt-Millington informed members that the planning application for land adjoining Brookside Cottages (P/00164/10 – TCP/28896/B) was being refused due to it being a

backland development and that the Puckwell Farm application (P/01058/09 – TCP/28046/B) would be considered by the Isle of Wight Council Planning Committee on 27th July. Also, the revised plans for the Magdala development (P/00123/10 – TCP/10944/F) were being approved by the Isle of Wight Council Planning Office but, in his opinion, the decision process had not been transparent so far as the residents of Whitwell who will be affected were concerned.

RESOLVED: that the Clerk writes to the Isle of Wight Planning Department to complain about the lack of transparency.

M08/06/10 ISLE OF WIGHT COUNCILLOR'S REPORT

Councillor Wyatt-Millington informed members that the Isle of Wight Council has to make a further £2M savings this financial year and shared his concerns regarding the decision-making process by the leading Council group.

RESOLVED: that the Clerk contacts Councillor Gill Kennet, Chair of IWALC, expressing the Parish Council's concern.

Access to Niton Primary School and the use of School Lane by heavy vehicles was discussed.

RESOLVED: that the Clerk writes to the Isle of Wight Council Planning Department, copy to Mr Steve Beynon, Chief Executive, regarding school access and parking for additional pupils from September onwards.

RESOLVED: that the Clerk writes to Mr Steve Beynon regarding the use of School Lane by heavy (22 ton and 16 ton) vehicles pointing out that the road is unadopted, is for access only and does not belong to the Isle of Wight Council.

M09/06/10 COUNCILLORS' REPORTS

Councillor Innes informed members that work would soon be carried out on the Baptist Church wall etc in Niton.

Councillor Fradgley expressed his pleasure at Professor Denness finally being consulted on the future of Undercliff Drive.

Councillor Oatley has volunteered to train as a Footpaths Officer.

M10/06/10 CLERK'S REPORT

RESOLVED: that the Clerk requests advice on how to treat Japanese Knotweed and the associated safety precautions.

M11/06/10 ENVIRONMENT AND NEIGHBOURHOOD'S OFFICER'S REPORT

Mr Harry Dea reported incidents of graffiti, fly tipping and dogs being exercised off leads in Niton Village. He asked Councillors to specify areas affected by dog fouling and several locations were suggested. Mr Dea had asked the Isle of Wight Council to trim the hedges around Niton public toilets and stated that the refurbishment of the toilets was not a high priority for the Isle of Wight Council. Mr Dea may be coding bicycles at Whitwell Fête.

M12/06/10 APPOINTMENT OF IWALC EXECUTIVE COMMITTEE REPRESENTATIVE

RESOLVED: since no Councillor offered to take up this rôle, no appointment could be made. The Clerk is to inform IWALC.

M12/06/10 PARISH PLAN AND VILLAGE DESIGN STATEMENTS

Three members of the public had expressed an interest in finding out more about the committee for the review of the Parish Plan. Personal invitations would be sent out to a meeting once the committee had been formed, possibly in September.

RESOLVED: that the Clerk distributes flyers locally inviting people to become involved.

M13/06/10 COMMENCEMENT TIME OF FULL PARISH COUNCIL MEETINGS

RESOLVED: to commence meetings at 7:15pm not 7:00pm.

M14/06/10 NITON RECREATION GROUND

RESOLVED: to carry out permanent repairs to the skateboard half-pipe at a cost of approximately £1,000.

RESOLVED: that the Clerk applies for planning permission to re-site the half-pipe at the back of the hard standing.

M15/06/10 APPLICATION FOR DELETION OF SECTION OF PUBLIC FOOTPATH NT46

RESOLVED: that the Clerk writes to Alex Russell, Isle of Wight Council Rights of Way Department, with the following comments:

- The Parish Council is against modification of the footpath as it is in constant public use and has been, exactly as it exists now, for the past 50 years;
- The Council pointed out that the adjacent property, Beach Cottage, was purchased with the full knowledge that the public footpath ran alongside;
- The Council would like to know if the Ramblers' Association has been contacted regarding the application.

RESOLVED: that Councillor Wyatt-Millington speaks to Alex Russell regarding this application.

There being no further business the Chairman closed the meeting at 9:25 pm.

Signed..... Date.....

APPENDIX TO MINUTES

COMMENTS ON PLANNING APPLICATIONS

1. P/00769/10 – TCP/13825/C – Alterations and conversion of barn into single unit of holiday accommodation to include provision of two mezzanines to form 1st floor accommodation at Southford Farm, Godshill Road, Whitwell: **NO OBJECTIONS; recommend approval.**
2. P/00873/10 – TCP/26878/A – Replacement of planning permission (APP/P2114/A/06/2032467: single/two storey extension to provide additional living accommodation and integral garage) in order to extend the time limit for implementation at 15, Strathwell Crescent, Whitwell.: **DECISION DEFERRED; insufficient information.**
3. P/00847/10 – TCP/19176/B – Alterations, conversion and change of use of detached garage to provide accommodation for bed and breakfast at Ford Farm House, Downcourt Lane, Whitwell: **NO OBJECTIONS; recommend approval.**
4. P/00873/10 – TCP/26878/A – Reconstruction of fire damaged house at Kingate Barn, Newport Road, Whitwell: **NO OBJECTIONS; recommend approval.**

NITON AND WHITWELL PARISH COUNCIL

MINUTES OF A SPECIAL MEETING OF NITON AND WHITWELL PARISH COUNCIL HELD AT THE EDWARD EDWARDS LIBRARY, NITON, ON MONDAY 12th DECEMBER 2016 AT 7:00 PM

PRESENT: Councillors S Biles, J Boileau Goad (Chairman), M A Innes, A Logan, J A Stotesbury, A E Watts and J C Young

IN ATTENDANCE: Mrs V J Ford (Clerk to the Council)

APOLOGIES: Councillors P K G Fradgley and C R Peach and Councillor D Stewart (Isle of Wight Council)

SM01/12/16 DECLARATIONS OF INTERESTS

There were no declarations of interests.

SM02/12/16 CASTLEHAVEN BEACH ACCESS IMPROVEMENT SCHEME

The Chairman, Councillor Young and the Clerk gave an update on developments since February 2016, when the Parish Council had considered modification of footpath NT46 as part of the proposed Beach Access Improvement Scheme. The Parish Council acknowledged the changed conditions since February 2016: essentially, modification of NT46 not now being linked to the creation of safe and convenient beach access from the caravan park to the shore; and that it has been indicated that repair of the sea wall by the Isle of Wight Council may be possible.

RESOLVED: that the Parish Council does not support the closure/modification/extinguishment of NT46; and that the section of footpath along the sea wall should be repaired to an acceptable standard.

There being no further business the Chairman closed the meeting at 7:20 pm

Signed..... Date.....

From: [Stewart, David \(County Councillor\)](#)
To: [Clarke, Darrel](#)
Cc: [Hobart, John](#)
Subject: Re: Public Footpath NT46
Date: 23 January 2018 19:37:58

I have read the report and support the recommendation presented in option 2. Please ensure the local T&PC are updated in due course. Please also notify me of any committee hearing so I can attend.

Regards

Dave Stewart

From: Hobart, John
Sent: 04 January 2018 17:54
To: Clarke, Darrel
Subject: Footpath NT 46 Castle-haven Niton

Dear Darrel

Thank you for providing the draft report and appendices. I am happy with the report as drafted and have no comments to make.

Kind regards

Councillor John Hobart
Ward Member for Carisbrooke and Gunville
Cabinet Member for Environment and Heritage