



# Minutes

Name of meeting	<b>APPEALS SUB COMMITTEE</b>
Date and Time	<b>TUESDAY 30 NOVEMBER 2021 COMMENCING AT 10.30 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs G Brodie (Vice-Chair, in the Chair), M Oliver and K Lucioni
Officers Present	Darrel Clarke, Jodie Gibson, Sarah MacDonald

## 8. **Minutes**

RESOLVED:

That the minutes of the meeting held on 9 November 2021 be confirmed.

## 9. **Declarations of Interest**

No declarations of interest were received.

## 10. **Report of the Director of Neighbourhoods**

The Rights of Way Manager presented the report and outlined the application. Yarmouth Town Council had applied to add a public footpath to the definitive map. Several maps and photographs were shown to the Sub-Committee of the path in question and an explanation given of the tests required to be met for 'presumed dedication'.

Evidence of uninterrupted use by the public as of right over the 20 years prior to 2017 was provided, and the Rights of Way team had contacted several of the witnesses to verify the information they had given. There was no evidence of interrupted use nor evidence showing that landowners had intended not to dedicate.

The local member and owners of adjacent land, including the Crown Estate, had submitted no objection. One of the landowners, Mr May, agreed that the path had not been a formal right of way but had been used by the public in the past. He raised concerns regarding the steep drop to the beach, however none of the witnesses had referred to any risk in their evidence.

In conclusion, the Rights of Way Manager believed that the application met the test for presumed dedication under S.31 of the Highways Act.

Confirmation was given that private vehicular access would continue, although it was noted that the path was very narrow in places, as it may be required to access the rear of the adjacent properties. There was no requirement for the IW council to maintain the path, but Rights of Way team would step in if there were any trip hazards that were not repaired by the owners of the adjacent properties.

Mr R Corbett spoke on behalf of the applicant and explained that historically the small quays in Yarmouth were used to unload boats coming into the town. The council of the time in the year 1891 had taken over the roads but not the 'sea lanes.' However, ancient charters meant that the lanes belonged to the town, hence the application for the path in question.

The Sub-Committee, having heard all the facts, believed there was an overwhelming case to make an order as per the recommendation.

RESOLVED:

That in response to the application an order be made to add the claimed path to the definitive map and statement as a public footpath.

CHAIRMAN