

DATED

2001

STATUTORY DECLARATION  
OF  
KENNETH GEORGE WESTERN HICKS

I, KENNETH GEORGE WESTERN HICKS of Harbour Farm, Embankment Road, Bembridge, Isle of Wight DO SOLEMNLY SWEAR AND SINCERELY DECLARE as follows:-

1. I am the owner jointly with my wife DEIRDRE MOIRA HICKS of land and building at Harbour farm, Bembridge, Isle of Wight shown edged red on the plan now produced and shown to me and marked "KGWH1" ("the Property"). We intend to sell part of the property and this Declaration is made on the understanding that the Purchaser and their successors in title will seek to rely upon it.
2. My wife and I purchased the Property on 30<sup>th</sup> April 1984 and have lived there since then.
3. During our ownership, we have used the track or way shown marked brown [Centurion Copse] to get in and out of the Property on foot with horses and with vehicles at any time that it was passable. We have used it as of right for general recreational purposes, agriculture and shooting. The gate across the track at point G on the plan was erected by us at our expense some years ago and to replace an earlier gate and we installed a lock on the gate.
4. Since our purchase of the Property we and the visitors to the property have used the roadway shown between the points marked S and T on the plan at all times and for all purposes with or without vehicles and horses. This has included access to the farmhouse and our adjoining land for purposes connected with the holiday cottages, the stables and carriage driving as well as domestic recreational and agricultural use. This has been used as the main access to the Property. Since our purchase of the Property we have carried out repairs to the roadway filling in potholes and on a few occasions we have requested and received a contribution to the cost from Yarland Properties Limited to reflect their use of the said roadway.
5. Since our purchase, we have used the roadway at Laundry Lane shown coloured green on the plan for access purposes. Access has been on foot and with vehicles or with horses at all times and for residential recreational and agricultural purposes including shooting.
6. There is shown on the plan coloured blue and orange the route of the old railway line. The area shown coloured blue belonged to my wife and myself and was sold to the Isle of Wight County Council in 1985. Rights of way at all times and for all purposes were reserved and have been exercised to benefit all parts of the Property
7. No consent for the exercise of any of these rights has been given nor has any objection been raised by a third party nor has any payment been made to a third party.

AND I MAKE THIS DECLARATION FROM MY KNOWLEDGE as the owner and occupier of the Property and by virtue of the Statutory Declarations Act 1835.

Sword at )  
in the county of )  
this day of 2001 )

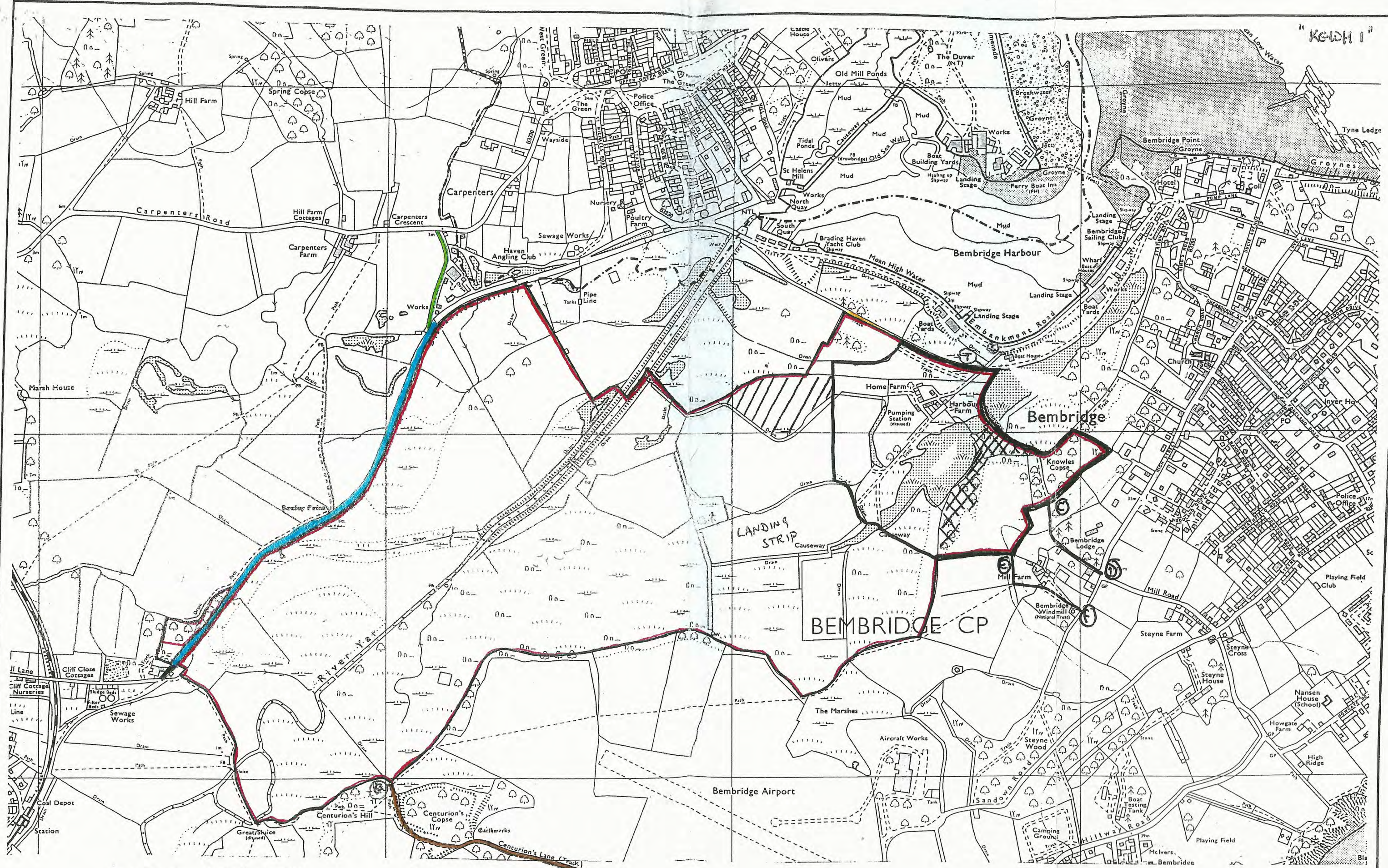
Before me,

Solicitor/Commissioner of Oaths

This is the exhibit "KGWH1" referred to in a statutory declaration made by KENNETH GEORGE WESTERN HICKS

declared before me this            day of                                  2001

Solicitor/Commissioner for Oaths



This is the plan marked KGDH1  
 referred to in the statutory declaration  
 of Kenneth George Western Hicks  
 made on the 2001  
 before me

S. Hicks

This plan is for identification purposes only.  
 Its accuracy can no way be guaranteed.  
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Scale: \_\_\_\_\_  
 Date: \_\_\_\_\_

**STRUTT & PARKER**

41 Milford Street, Salisbury, Wiltshire SP1 2BP  
 Tel: (01722) 328741 Fax: (01722) 411259

DEPOSIT OF STATEMENT AND PLAN

SECTION 31(6) OF THE HIGHWAYS ACT 1980

To: Isle of Wight County Council c/o Public Rights of Way, Coastal Centre, Dudley Road, Ventnor, Isle of Wight, PO38 1EJ

1. I am and have been since November 1992 an employee of the owner within the meaning of the above section of the land known as Brading Marshes, Near Brading, Isle of Wight more particularly delineated on the plans, known as Maps 1 to 4, accompanying this statement and thereon edged red.
2. The aforementioned land lies in the parishes/communities of Brading, Bembridge and Sandown.
3. The ways coloured purple on the said plan have been dedicated as public footpaths.
4. Upon the said plan there are permissive footpaths marked blue, for which I have given consent to members of the public to walk/ride over. However, this path is not being dedicated to the public at large to use.
5. The deposit shall comprise this statement and accompanying plans.

Signed

( For and on behalf of RSPB as owner )

Name

Stephen Hare

Address

RSPB UK Headquarters,  
The Lodge, Sandy,  
Bedfordshire,  
SG19 2DL

Date

16/2/2009

Signed (Witness)

Amy Coar

Name (of Witness)

Amy Coar

Address

RSPB UK Headquarters,  
The Lodge, Sandy,  
Bedfordshire,  
SG19 2DL

Occupation

Trainee Land Agent




Date

16/2/2009



11/09/2008

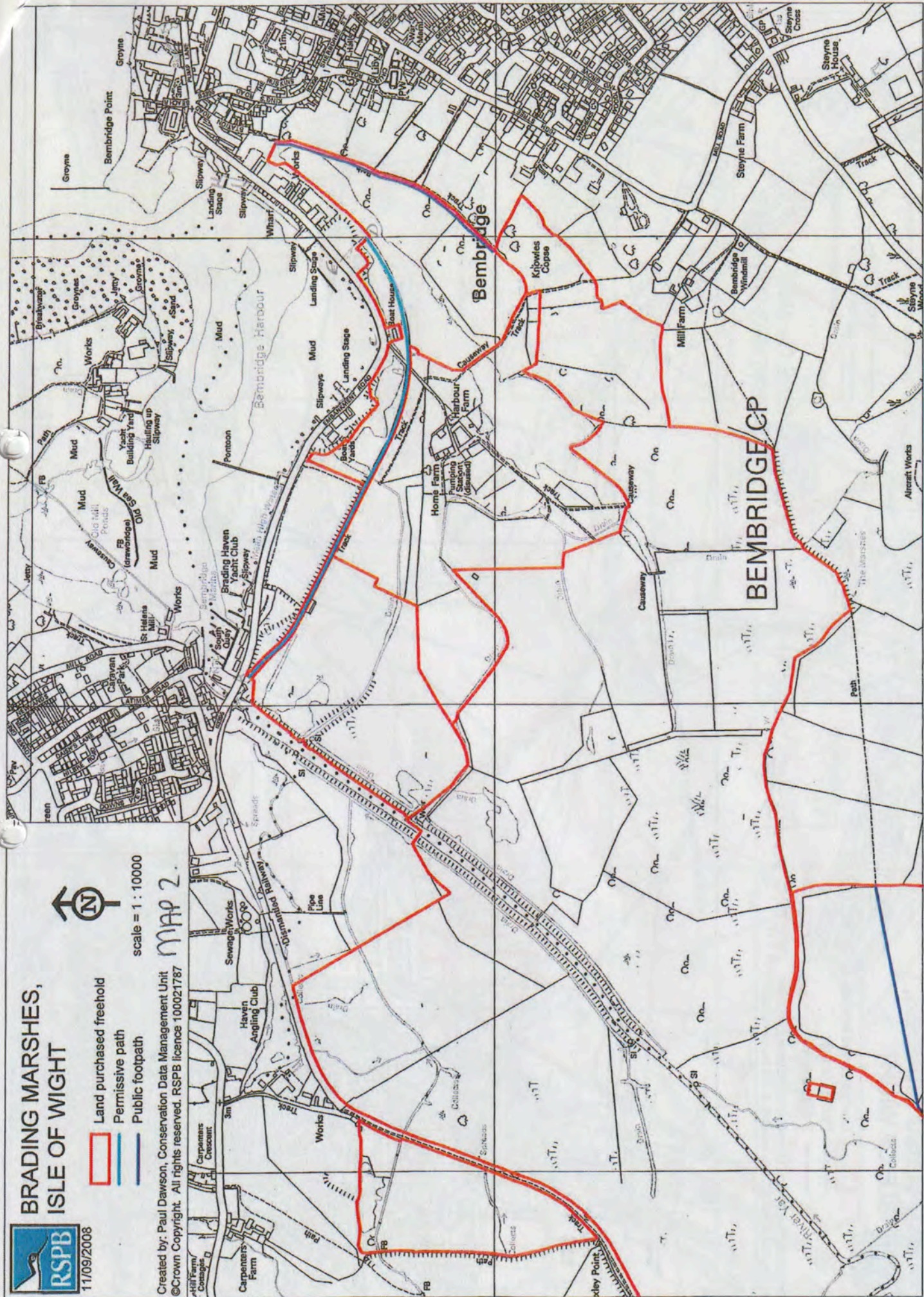
# BRADING MARSHES, ISLE OF WIGHT

-  Land purchased freehold
-  Permissive path
-  Public footpath

scale = 1 : 10000

MAP 2

Created by: Paul Dawson, Conservation Data Management Unit  
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25/2/2005  
L. H. H. W. W. J. O. O. J. A. J.



HEMLOCK ACT 19  
THERE ARE NO  
PUBLIC RIGHTS  
OF WAY OVER  
THIS LAND

Handwritten notes in green ink, oriented vertically on the right side of the image. The text is partially obscured by trees and appears to be a list or set of coordinates. Legible fragments include:  
0111111111  
0111111111  
0111111111





ADMINISTRATIVE  
BOARD, WE LADY

HIGHWAY ACT 1959  
THERE ARE NO  
PUBLIC RIGHTS  
OF WAY OVER  
THIS LAND

ON 18/11/2005  
18/11/2005  
18/11/2005

HIT POINT

ACT 19  
WE ARE NOT  
PUBLIC RIGHTS  
IF WAY OVER  
THIS LAND

2000  
2000

SEAN @ HARBOR @

**PRIVATE  
ROAD  
NO PARKING**



**55.**—(1) Any person who shall trespass upon any of the lines of railway or sidings or in any tunnel or upon any railway embankment cutting or similar work now or hereafter belonging or leased to or worked by the Commission or who shall trespass upon any other lands of the Commission in dangerous proximity to any such lines of railway or other works or to any electrical apparatus used for or in connection with the working of the railway shall on summary conviction be liable to a penalty not exceeding forty shillings.

PART VII  
—*cont.*

For better  
prevention of  
trespass on  
railways &c.

Harbour Farm  
Embankment Road, Bembridge,  
Isle of Wight PO35 5NS

Telephone: 01983 872610 Fax: 01983 874080  
E-mail: [deirdrehicks@aol.com](mailto:deirdrehicks@aol.com)

15<sup>th</sup> September, 2005



To Whom It May Concern

Old Railway Line – St. Helens to Bembridge

I have been resident at Harbour Farm for over 21 years. When my wife and I purchased the property from Cdr. Thorneycroft, we were granted the right, for all purposes, whether on foot or by vehicle, to use the former railway line between St. Helens and Bembridge. This was a continuation of the rights exercised by the preceding owners of Harbour Farm from the former railway line owners, commonly known as The Bembridge Harbour Company.

For some years I both drove and walked along this route, including the length bordering the eastern lagoon. However, at some time during the 1980's the then (and present) owner of Bembridge Boatyard barred all passage from a point adjacent to his south-west boundary. Although I requested the Harbour Company to take action to reinstate my right of passage, they did not do so as they were unconcerned. However, at the time that I used the route the lagoon boundary was the edge of the railway track, with a row of trees on this edge.

Over the several years since my last through passage there has been frequent dumping of spoil in extremely large quantities between the embankment road and the old railway line, to a height above the original ground level of approximately 15 feet. I have frequently complained to English Nature, the Environment Agency and Bembridge Parish Council about this dumping; however, no remedial action has been taken. This has been particularly annoying to me as a former Chairman of the Environment Agency's Isle of Wight Area Environmental Group, as well as a former Parish Councillor. I know that the Parish made representations to the Island Council, and no remedial action was taken other than ineffectual letters and threats, thus allowing further dumping to take place up to this year.

I now see from my visit to the site at 1600 hours on 12<sup>th</sup> September, 2005, that there has been considerable dumping of building materials, old bushes, plastic, concrete and soil into the lagoon to form what appear to be fishing platforms. From 1984 to 1989 I leased the lagoon from the Harbour Company and I am well aware of both the landward situation and the extent of the lagoon's banks. The soil dumping over the whole site has been systematic and clearly well planned. It has clearly not been fly tipping and all the dumpings have been levelled out and compacted to make a firm base, the reason for which makes interesting speculation.

K. G. Hicks

From: rspb.org.uk

Subject: RE: Claimed public right of way - Bembridge

Date: 28 July 2021 at 10:30:41 BST

Dear

I am happy to help with as much as I know and can meet too if you wish. My knowledge of the nature reserve and surrounding area goes back to when I arrived here in January 2005, later that year I was involved with dealing with issues relating to the land which the current green fence surrounds.

If you are not familiar with the location where the claimed path D-E is said to be situated then I strongly advise a site visit because aerial pictures and maps do not illustrate the topography very well.

During early 2005 there was little in the way of fencing around the now green security fenced land neighbouring the RSPB nature reserve north-east of claimed route D-E, bits of Heras fencing were in situ but were broken and open in places. On the disused track bed there was a gap in the fence that could be negotiated, which I used to inspect our property on the 6th September 2005 and subsequent days of that month. The gap in the fence did not look like it was generally used by the public. The raised ground between the road and old railway bed was open from Embankment road south-eastward. The Special Area of Conservation (SAC) Harbour East saline lagoon extends further north-east along the northern edge of the old railway bed beyond claimed route D-E, and was wet approximately 2 metres beyond the RSPB reserve boundary. The raised land abutting Embankment road had a shallow gradient slope at the location where a static caravan is now situated alongside the RSPB land boundary, the slope was shallow enough for vehicles to drive down onto the old railway bed. There was no defined path leading from the old railway bed to the road, certainly not along the alignment of the claimed route D-E. I would occasionally see people walking onto and around the raised land and walking down to the then motor vehicle engineering works situated south-east of

the Pilots House and down the sloped concrete path at the north-eastern side of the Pilots House.

For as long as the RSPB have owned the old railway bed and saline lagoons we have considered that the lagoon path came to a dead end at the claimed route point D, as depicted within our original RSPB Brading Marshes Nature Reserve trail guide produced in 2007 and the current version produced in 2018. We became aware that people were accessing the RSPB East Harbour lagoon from the Houseboat car park in 2015 onwards, which was causing significant damage to the lagoon and the populations of protected species it contains. We were constantly removing junk rubbish that was being thrown into the lagoon by others trying to achieve access across it. In April 2019 a constructed boardwalk was placed into the lagoon by others without permission, which was subsequently removed. The trespass route through the lagoon was then secured by fencing to prevent further direct damage to the protected habitat and species in accordance with our statutory obligations.

On the 6<sup>th</sup> September 2005 landfill material was brought onto the land neighbouring the reserve and landscaped, raising the level of that land. The landscaping resulted in the forementioned part of Harbour East saline lagoon that extended north-east beyond the RSPB boundary being filled in and material was also pushed into the lagoon owned by the RSPB adjacent to the southern edge of the old railway bed known as Harbour Farm East saline lagoon (Fig.3), in addition to Harbour East lagoon at the location where route D-E is claimed. The forementioned gradient slope was filled (Fig. 6) and landscaped to make a steep slope resembling the rest of the raised land spreading north-eastward up to the engineering works and north-westward to Embankment road. Due to the damage to the Site of Special Scientific Interest (SSSI), the Special Protection Area (SPA) and the SAC an enforcement case was opened by Isle of Wight Council planning department and English Nature (now Natural England). Shortly after the green security fencing was erected around the part of that property where it abutted the remaining lagoons at the RSPB reserve

boundary. The raised land area remained open for some time and was demarked by white painted oil drums. There were further landfill incidents since 2005 on that property which extended the raised land further towards the South, overlapping the old railway bed. It was some years later that the whole of that property was completely fenced with green fencing and later again the compound now containing the mobile home was similarly fenced.

**Fig. 3. - Harbour Farm East Lagoon infill on 6<sup>th</sup> September 2005**



**Fig 6. - Slope Filled on 6<sup>th</sup> September 2005 where a static caravan is now situated**





We know that the extent of the saline lagoons were mapped by the Joint Nature Conservation Committee (JNCC) in 1996 as part of the notification process for the SAC, and we have a report produced by the Natural History Museum that shows the extent of water within the lagoons in 2002, indicating it is unlikely that the general public were walking through there to reach points D & E for some time prior to those dates if ever (extract fig. 2) . In addition, we have a hydrology report for the lagoons published in 2002 by Atkins for the Environment Agency that shows GPS bathymetric survey points covering the extent of East Harbour lagoon with an accompanying map showing water depths, including where the lagoon extended north-east beyond RSPB property (extract fig. 4 & 5). There are two years when the Site of Special Scientific Interest (SSSI) notifications were carried out, 1971 and 1984, where it can be expected that vegetation and habitat maps were produced by the statutory nature conservation body at that time, if obtained they might show the presence of any path. I envisage that it would have been a steep fall from embankment road to the lagoon area prior to the commencement of landfilling whenever that commenced. I notice that a historic planning map available within the Isle of Wight Council website

indicates several enforcement cases on and in the vicinity of the raised land, which might give some indication of timings if investigated.

**Fig. 2. - Natural History Museum, Solent and Isle of Wight Lagoons Survey (R.Bamber, N.J. Evans & R.S. Robbins) December 2003, extract showing extent of open water.**

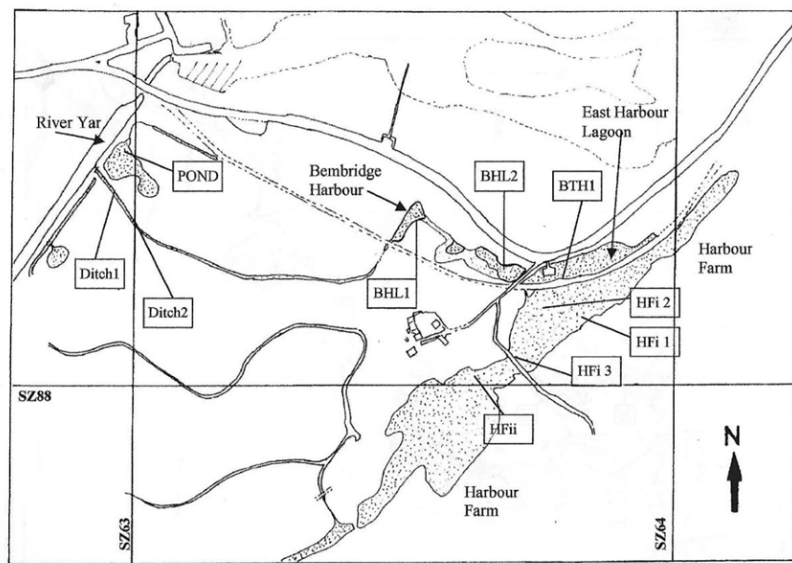
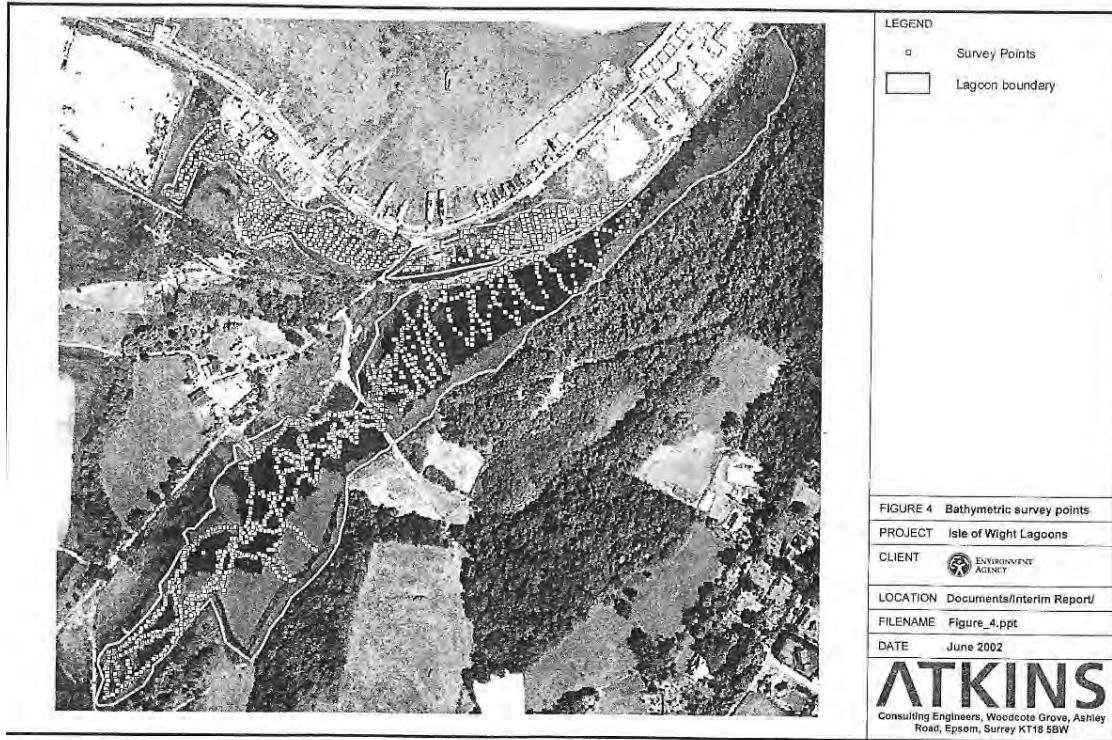
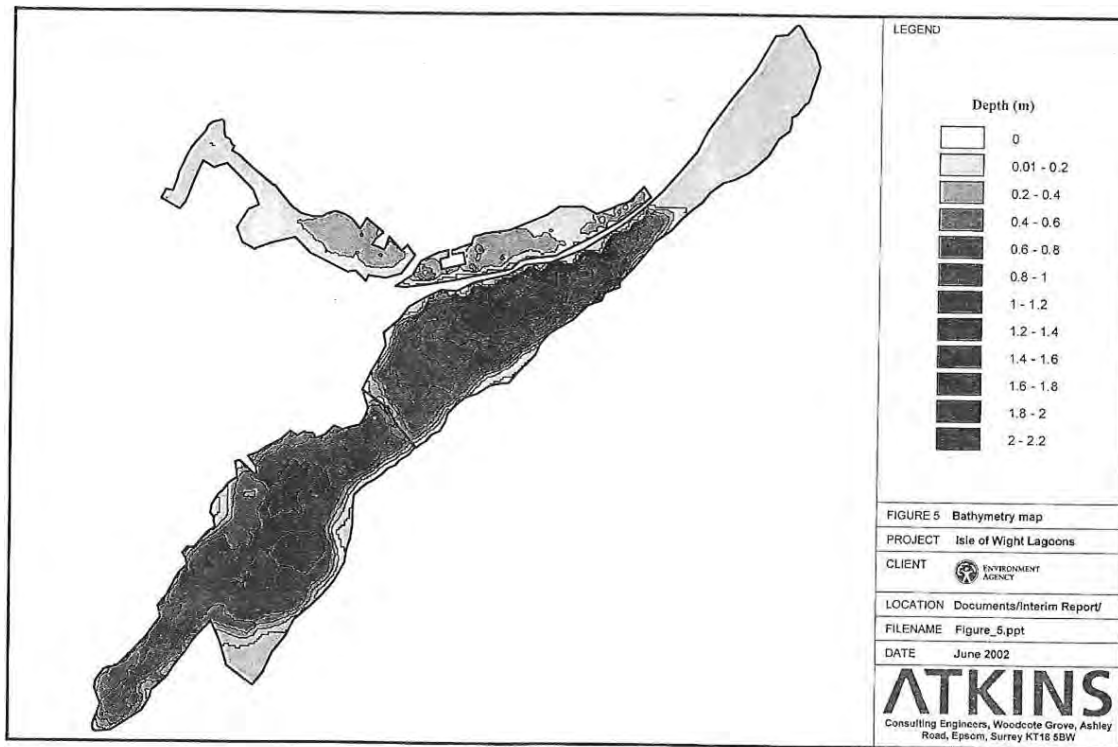


Figure 2. Bembridge Harbour Lagoons (after Bamber *et al.*, 1998), showing 2003 sampling stations. Stippled areas are bodies of water; paler stippling in Bembridge Harbour lagoon indicates dried areas.

**Fig. 4. - Aerial image showing GPS locations of Bathymetric survey points (Environment Agency - Hydrology of Bembridge Lagoons Report 2002).**

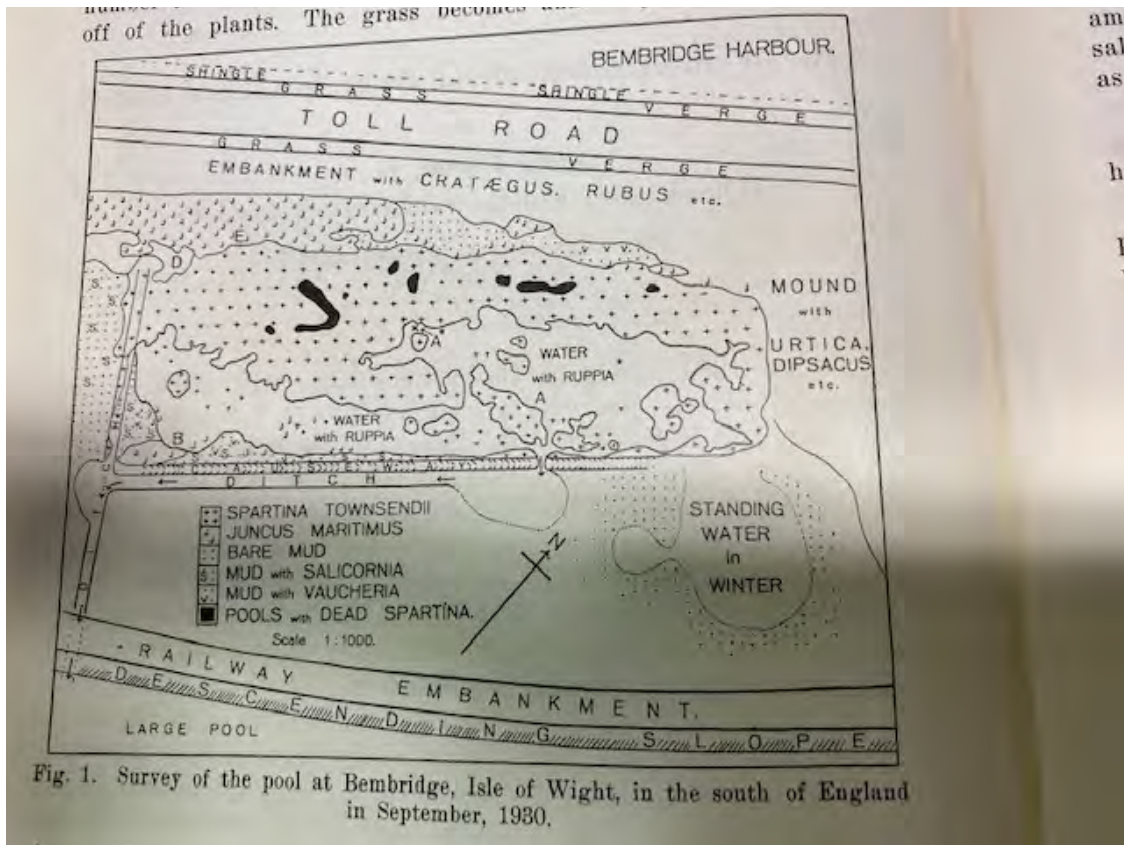


**Fig. 5. - Map showing lagoon depths (Environment Agency - Hydrology of Bembridge Lagoons Report 2002).**



On the 20<sup>th</sup> December 2020 I was forwarded an enquiry from Natural England relating to the location of a species of algae that had been recorded somewhere within the Harbour East lagoon area in September 1930. A sketch map of the location was provided (Fig. 1). I could not match the location within the extent of the lagoons that exist today, but I soon realised when aligning the features and the orientation with Ordnance Survey maps that it is the area further to the north-east of the RSPB reserve, which has since been infilled by considerable depth and possibly built on. The sketch map does show that the area was open water and marsh at that point in time, with Hawthorn along the road embankment.

**Fig. 1. - Lagoon survey sketch map.**



That's about all the information we have about the area where claimed route D-E is located at this time, but we will keep a look out in our files and forward any further information I find.

Kind regards,

Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm,  
 Carpenters Road, St Helens, Isle of Wight. PO33 1YL

[rspb.org.uk](http://rspb.org.uk)

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: @rspb.org.uk

Subject: RE: Claimed public right of way - Bembridge

Date: 24 August 2021 at 16:37:44 BST

Dear

Since my previous correspondence on 28<sup>th</sup> July 2021 where I mentioned I would keep looking in our files I have found an O.S map within our deeds that shows the extent of water within East Harbour Lagoon that extended north-east of our boundary that is shown on the map in red (Fig. A). The production date of the O.S map is not shown but the west end of the same map (Fig.B) features the current sluices and road bridge which were installed in 1992. This potentially time dates the map data between 1992 and when the deed was signed in 2004. The map also shows the extent of the embanked landfill and remaining railway bed during that period.

Fig. A – East End of RSPB Deed Map.

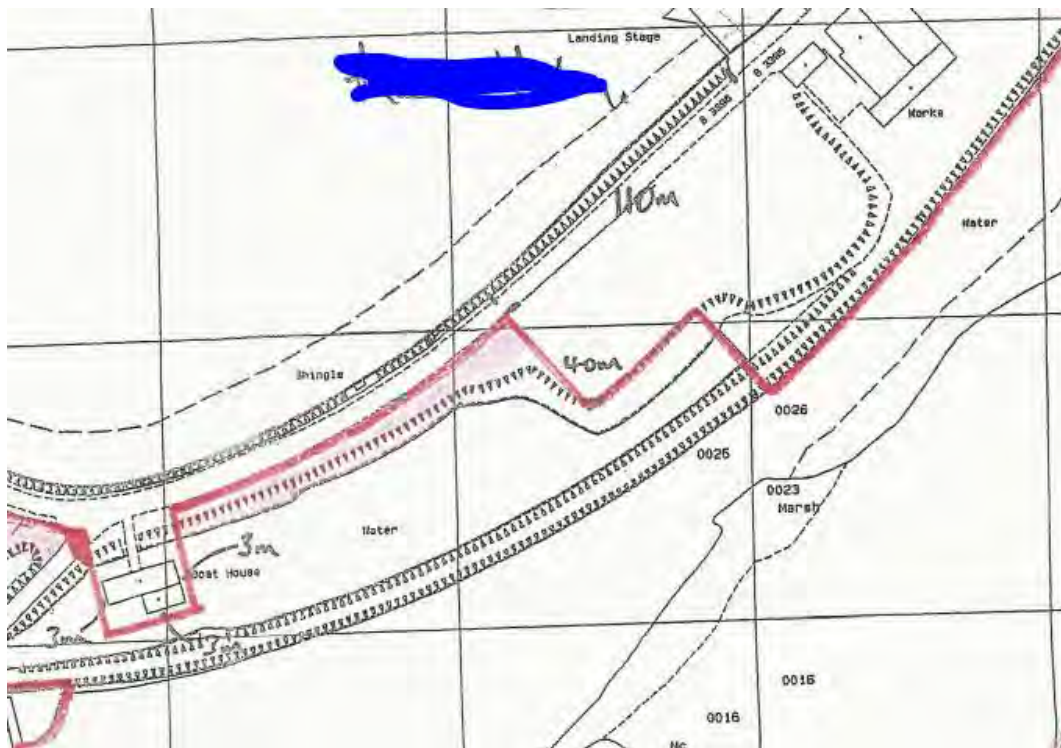


Fig. B – West End of Deed Map, Showing St Helens Road Bridge & Bembridge Sluices constructed in 1992.



I hope this is of use. Kind regards,

Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm,  
Carpenters Road, St Helens, Isle of Wight. PO33 1YL

[rspb.org.uk](http://rspb.org.uk)

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## The Present Scene

At Brading Station, the bay for Bembridge is still much in evidence although the trackbed is now very overgrown.

The signal box, which was built for the opening of the Bembridge branch is also still there and remains in use although with the branch tracks long since removed, it now looks rather detached from the rest of the station.

On leaving Brading Station, the overgrown trackbed is easily seen as it curves away to the right from the line to Ryde and it soon becomes a public footpath on reaching the site of the Cement Mills Crossing at the former Brading Quay.

At this point it is very hard to imagine that there ever was a crossing or signal box or even a cement mill and even harder to imagine that this was once a quay although there is still a nearby hollow known as "Boat Bottom" where ships used to tie up.

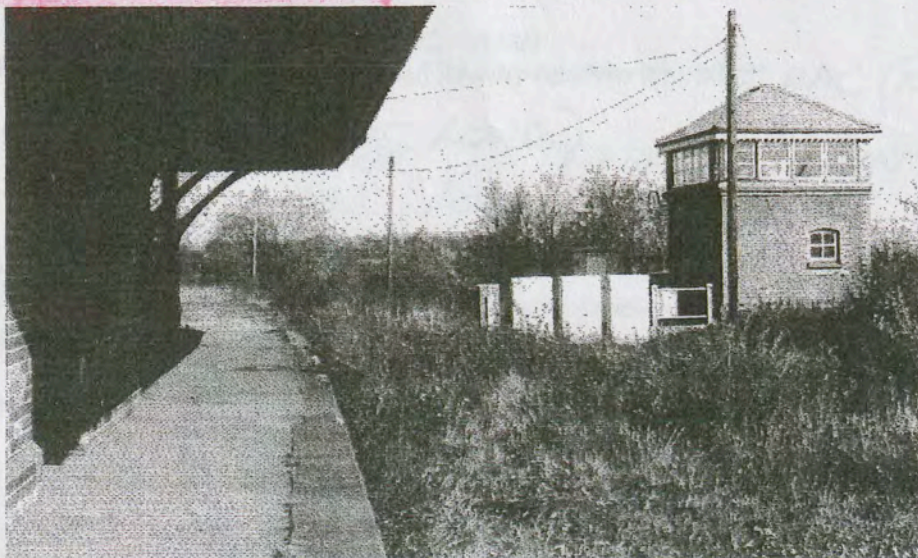
From here the route is easily found and as the trackbed has now become a public footpath, it makes a most enjoyable walk across the reclaimed marsh towards St. Helens.

The former station at St. Helens is now converted into a fine private residence partially hidden by trees, while some modern looking houses have now been built over the former sidings on St. Helens Quay.

The gas holder which stood next to the level crossing which lead to the quay, and was a land mark as far as the branch was concerned, was dismantled during October 1983.

On leaving St. Helens, the abutments which carried the line to Bembridge over the River Yar can still be seen next to the road bridge. The road at this point was, of course, the former toll road which remained a toll road even after the railway closed until the County Council took it over.

From just past the road bridge the trackbed has once more become a footpath and can be walked to where the former station was at Bembridge.



The overgrown Bembridge bay at Brading Station on October 28th, 1987.

Author

EXTRACT FROM "THE BEMBRIDGE BRANCH LINE"  
WRITTEN BY PETER A. HARDING  
PUBLISHED IN 1988

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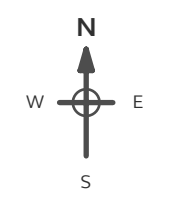
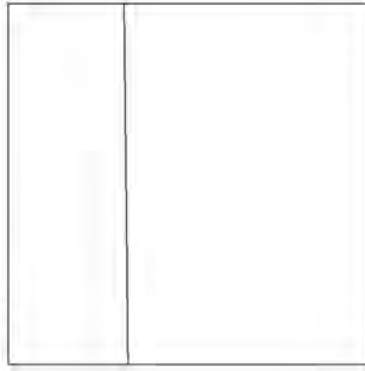
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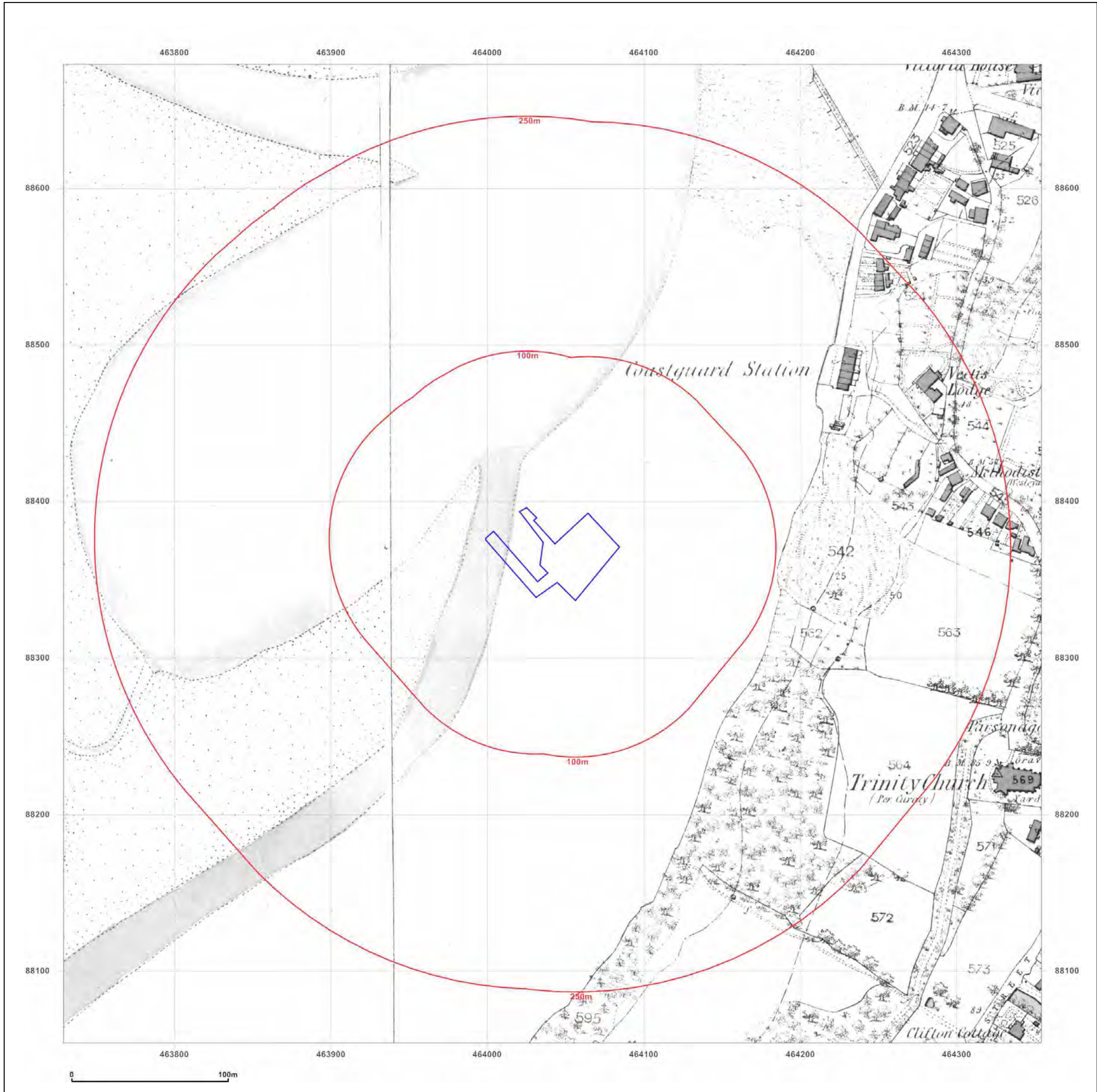
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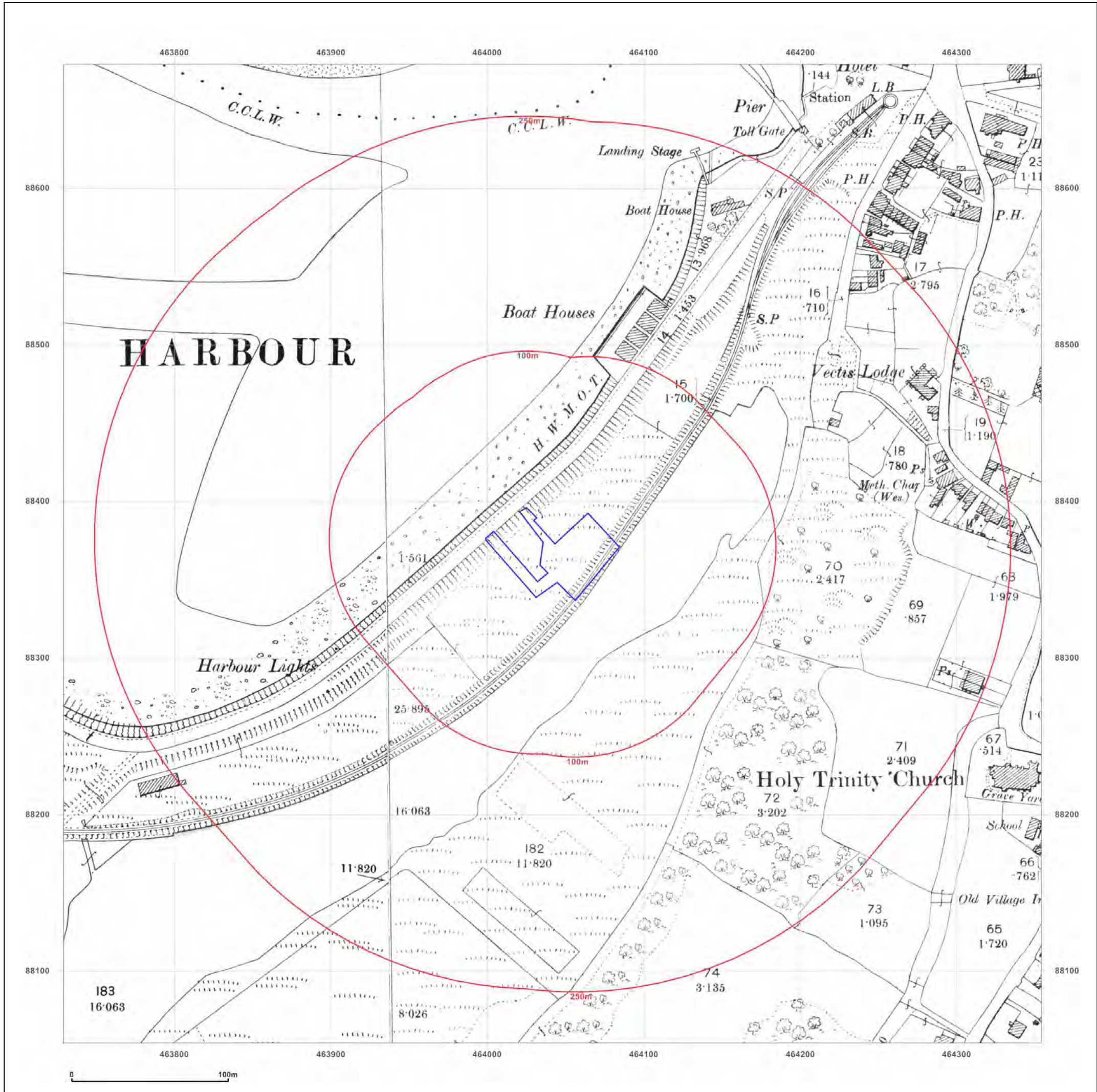


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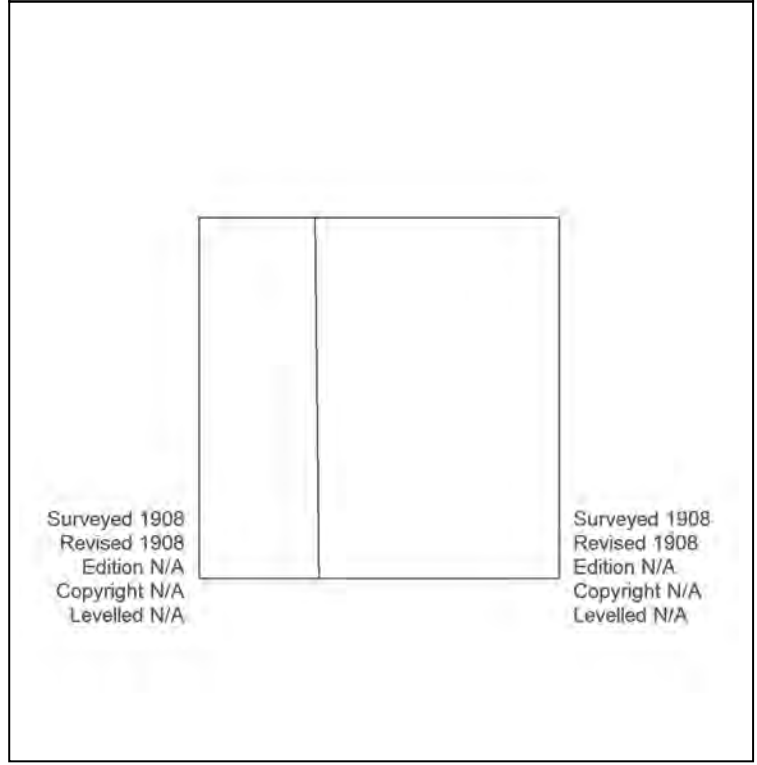
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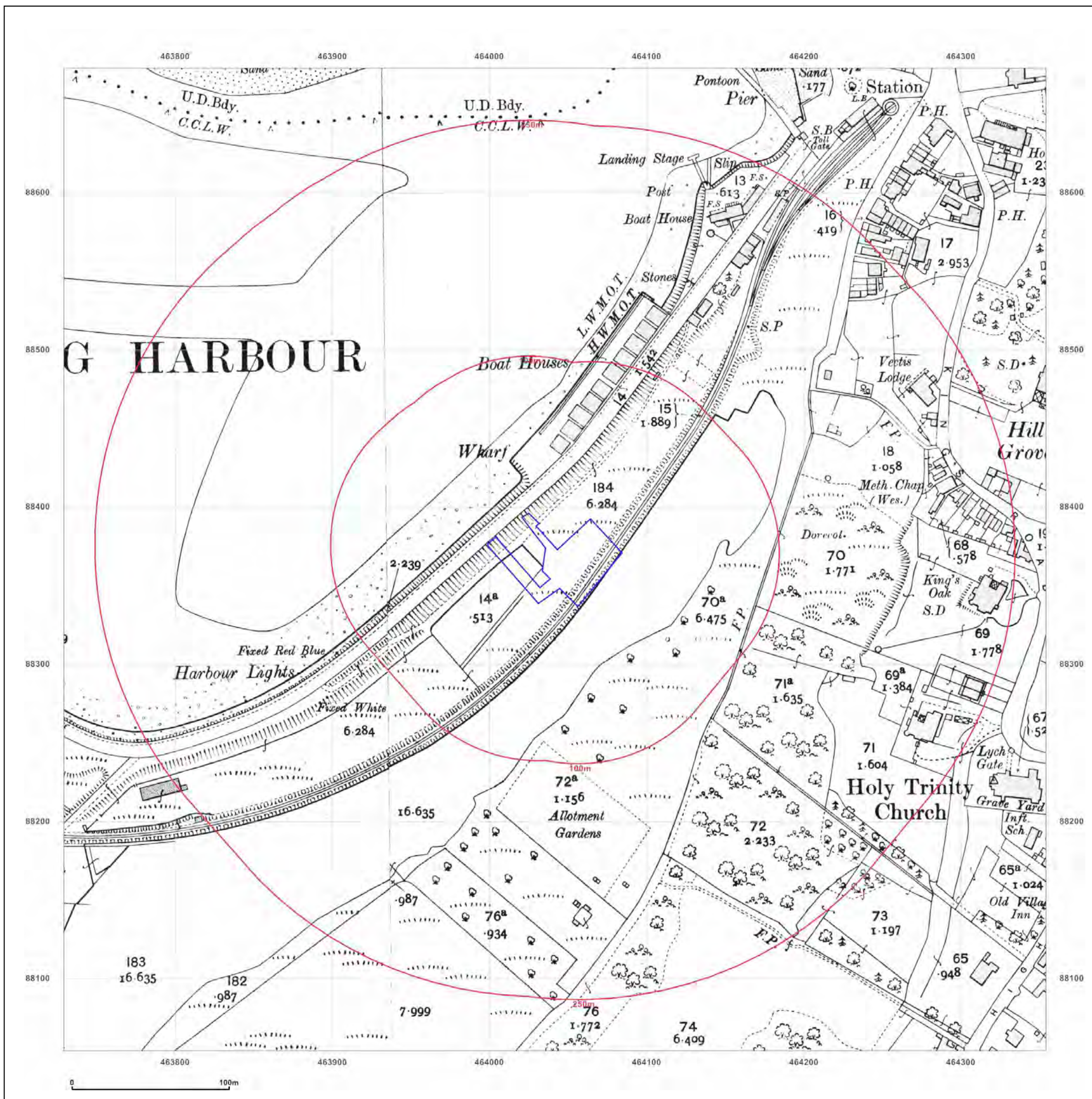


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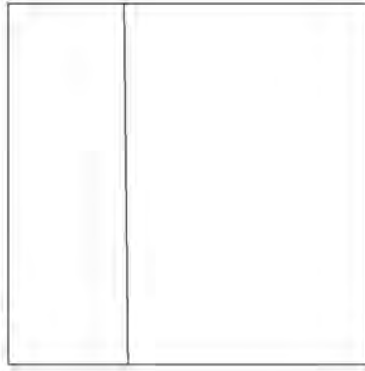
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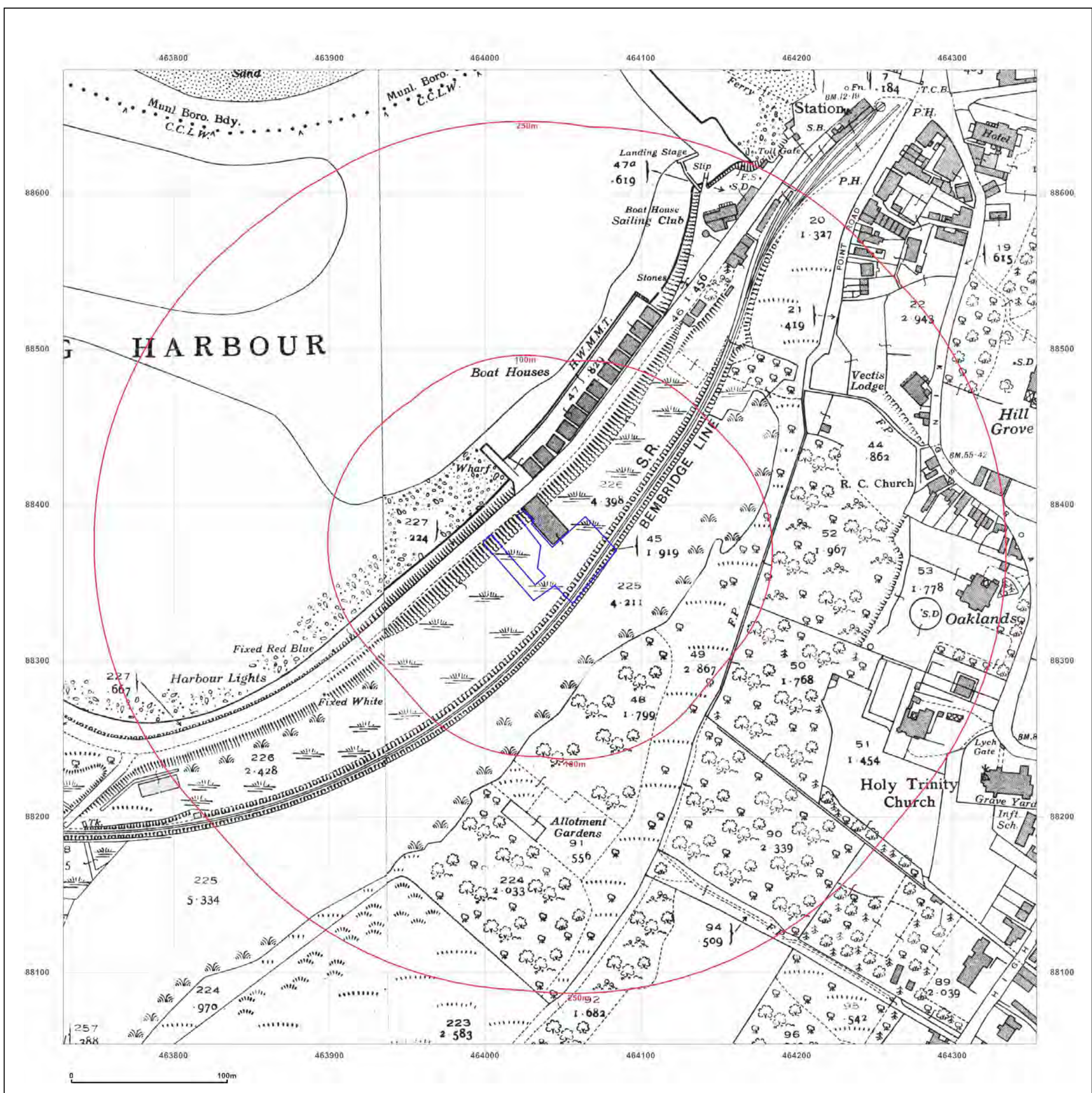


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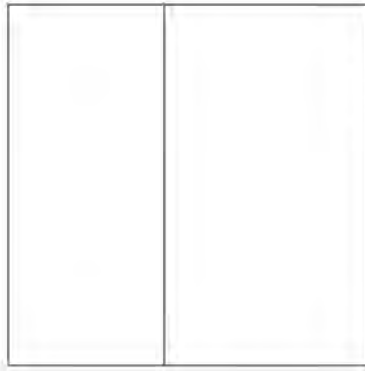
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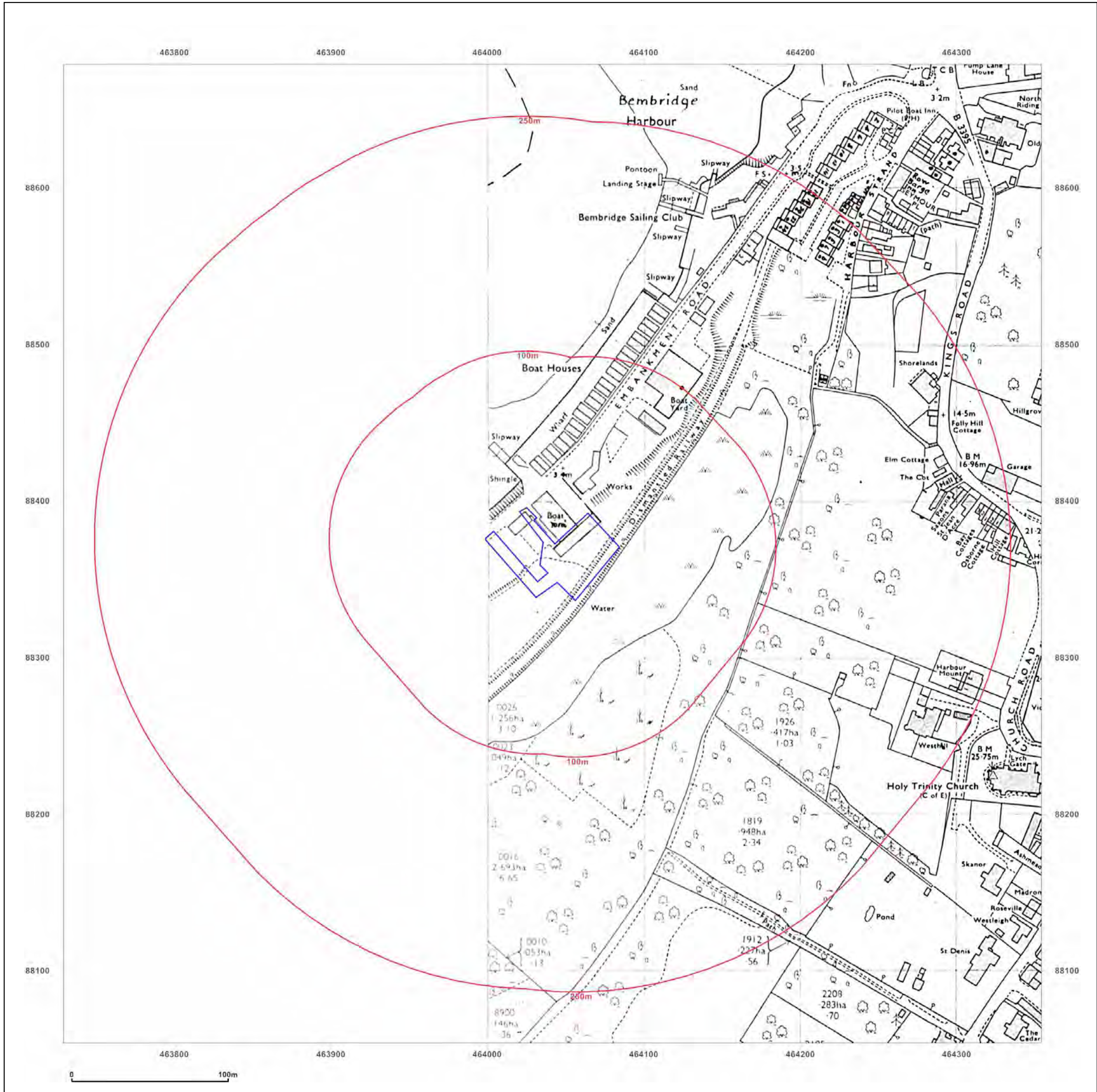


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**Site Details:**

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**Map Name:** National Grid

**Map date:** 1970

**Scale:** 1:2,500

**Printed at:** 1:2,500



Surveyed 1970  
 Revised 1970  
 Edition N/A  
 Copyright 1971  
 Levelled 1960

Surveyed 1970  
 Revised 1970  
 Edition N/A  
 Copyright 1971  
 Levelled 1960

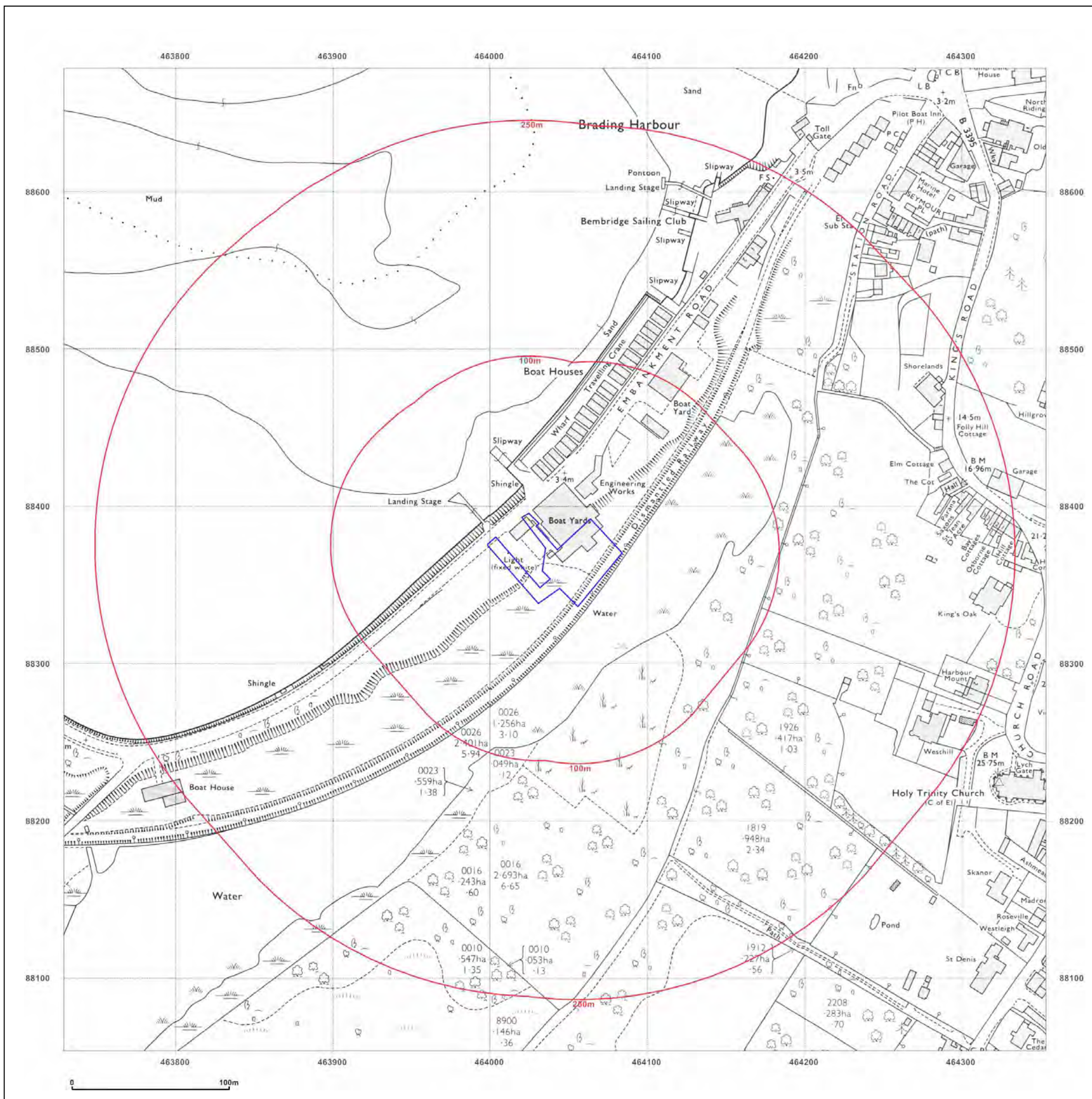


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 1979

**Scale:** 1:2,500

**Printed at:** 1:2,500



Surveyed N/A  
 Revised N/A  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

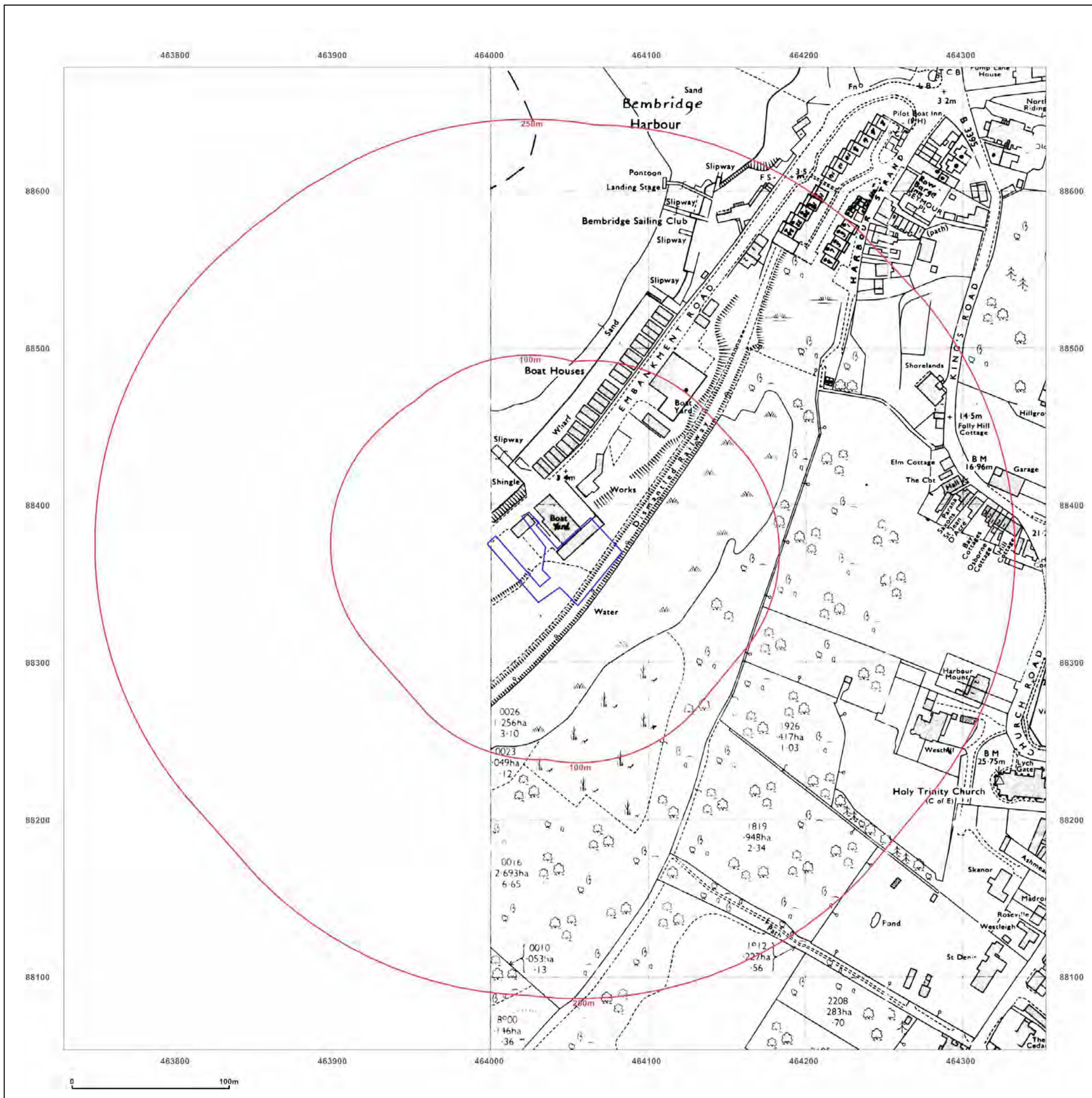


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 1985

**Scale:** 1:2,500

**Printed at:** 1:2,500



Surveyed N/A  
 Revised N/A  
 Edition N/A  
 Copyright 1985  
 Levelled 1980

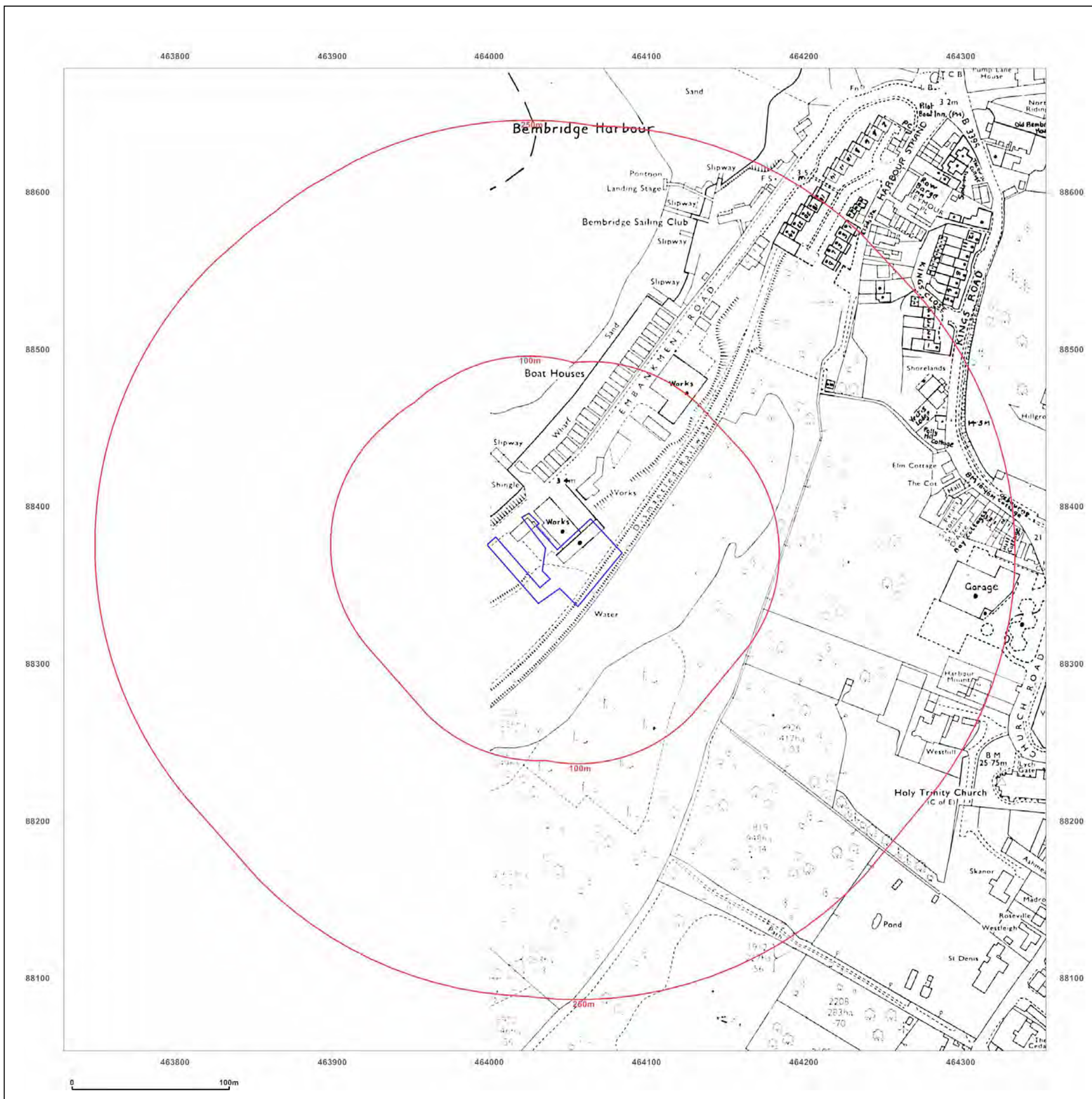


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 1985-1989

**Scale:** 1:2,500

**Printed at:** 1:2,500



Surveyed N/A  
 Revised N/A  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

Surveyed 1985  
 Revised 1985  
 Edition N/A  
 Copyright 1987  
 Levelled 1960

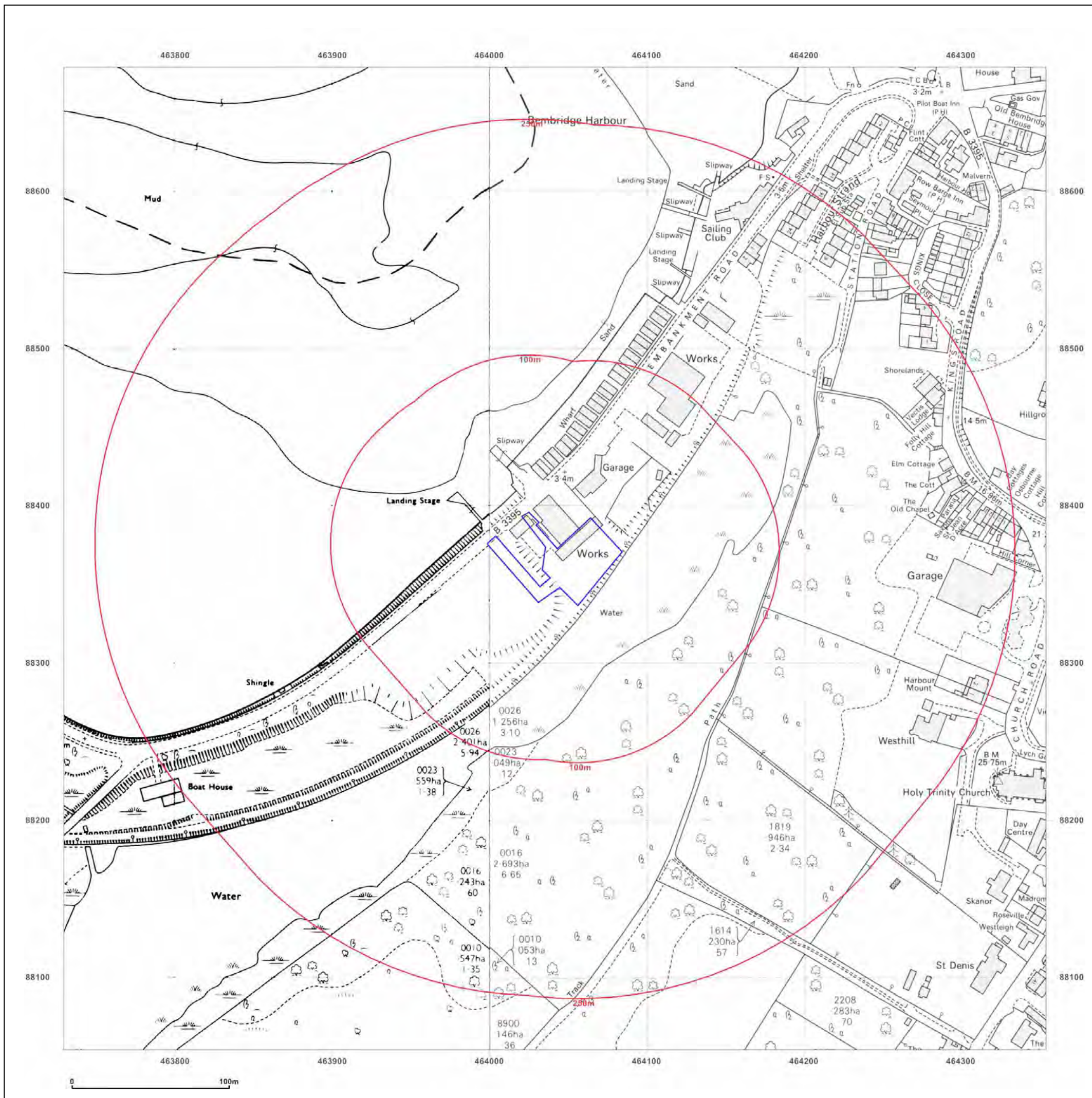


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

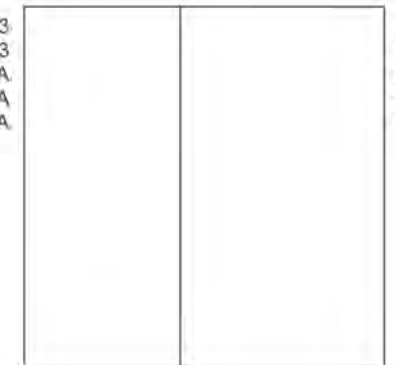
**Map date:** 1993

**Scale:** 1:2,500

**Printed at:** 1:2,500



Surveyed 1993  
 Revised 1993  
 Edition N/A  
 Copyright N/A  
 Levelled N/A



Surveyed 1993  
 Revised 1993  
 Edition N/A  
 Copyright N/A  
 Levelled N/A



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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1861

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1861  
 Revised 1881  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

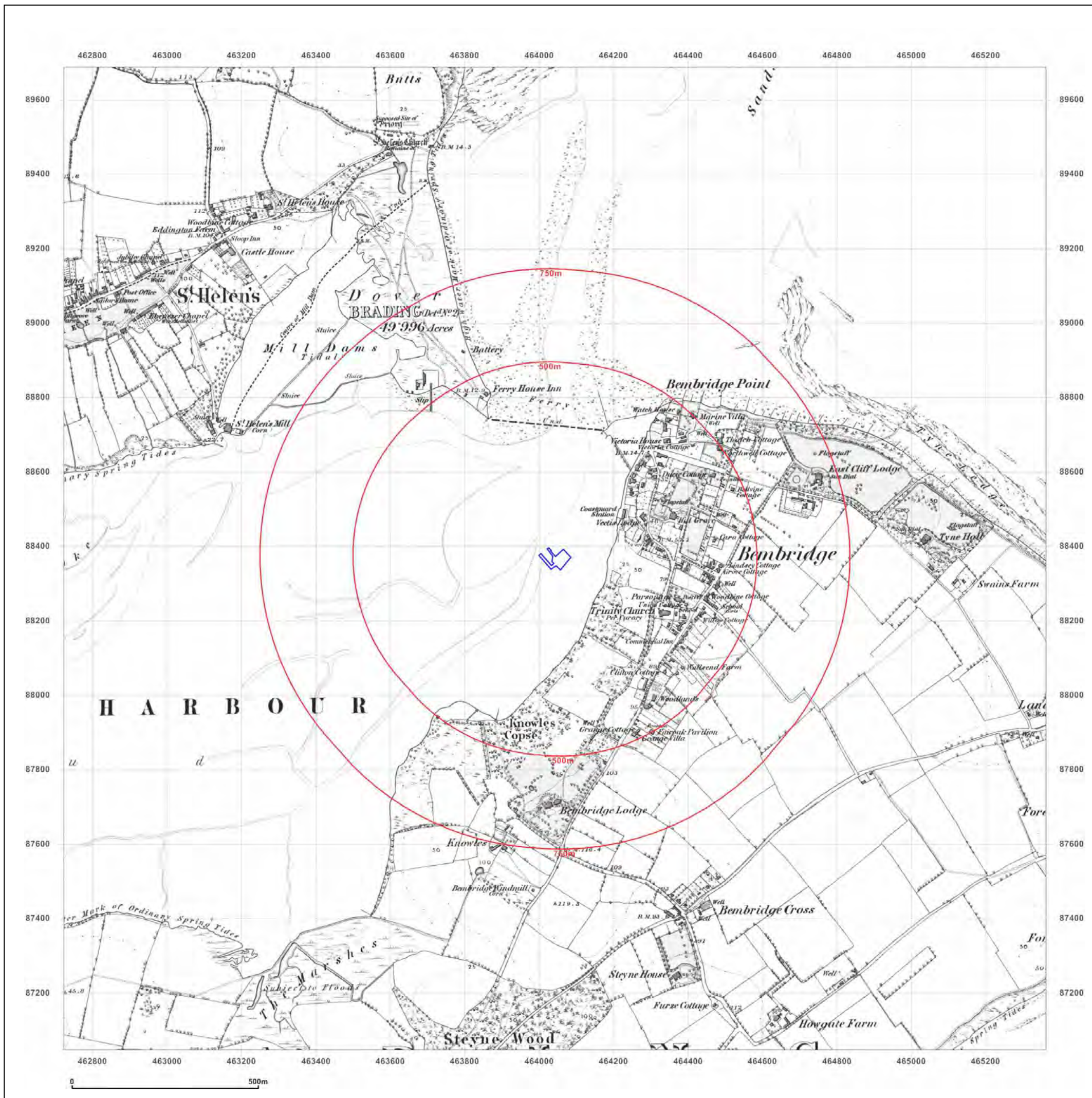


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1896-1898

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1862  
 Revised 1896  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

Surveyed 1862  
 Revised N/A  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

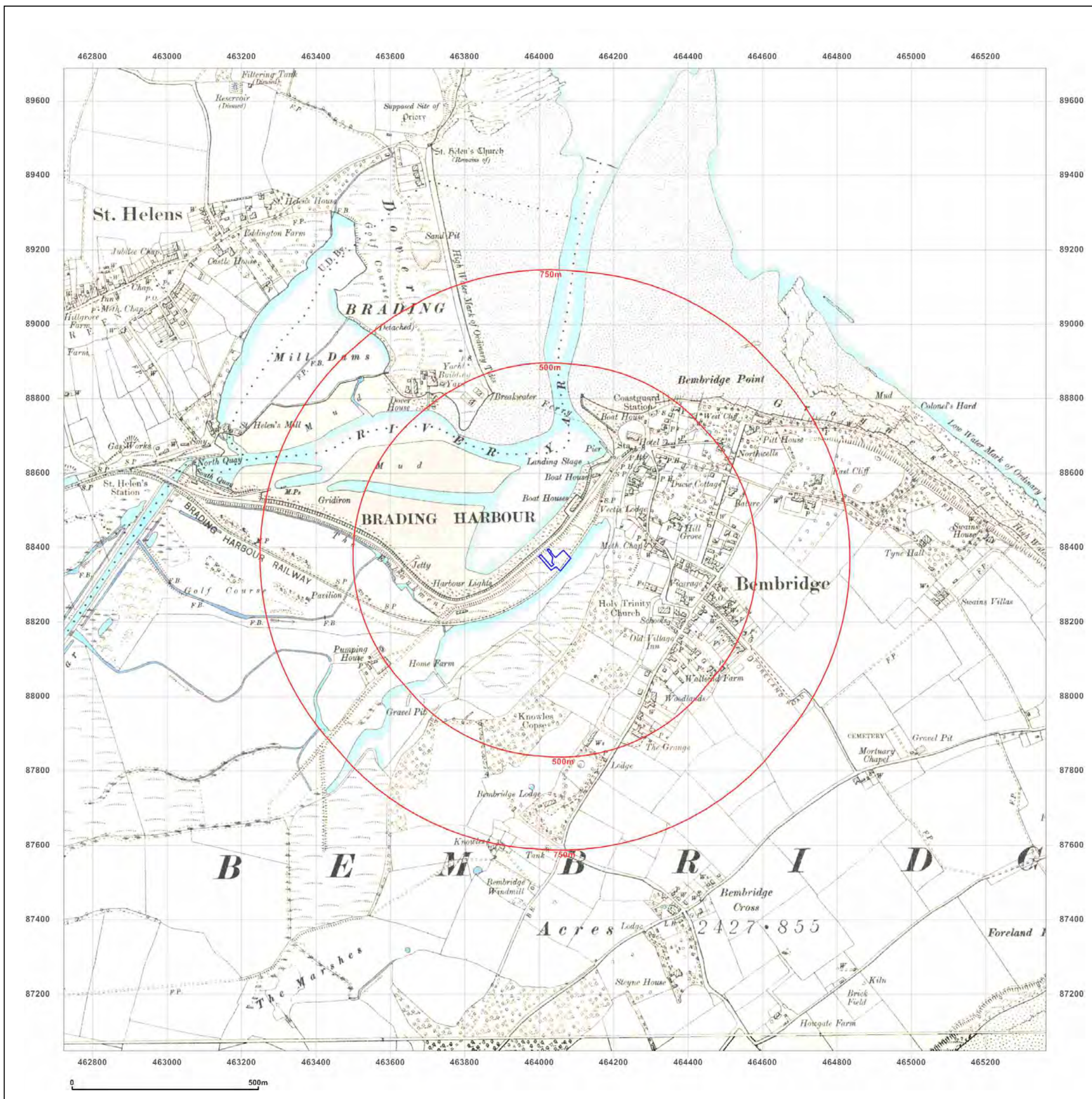


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1907-1909

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1861  
 Revised 1907  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

Surveyed 1861  
 Revised 1909  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

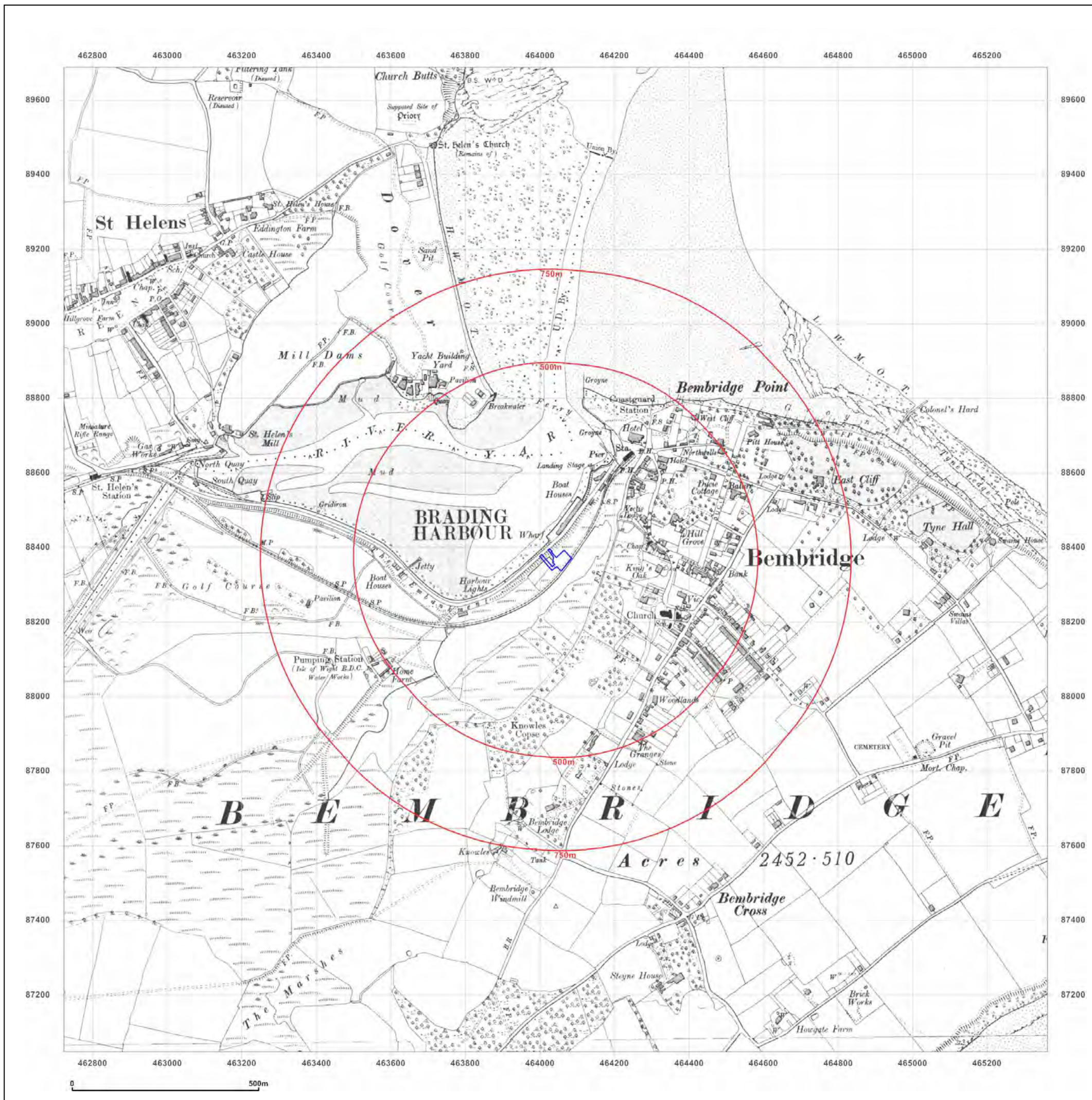


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1942

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1861  
 Revised 1942  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

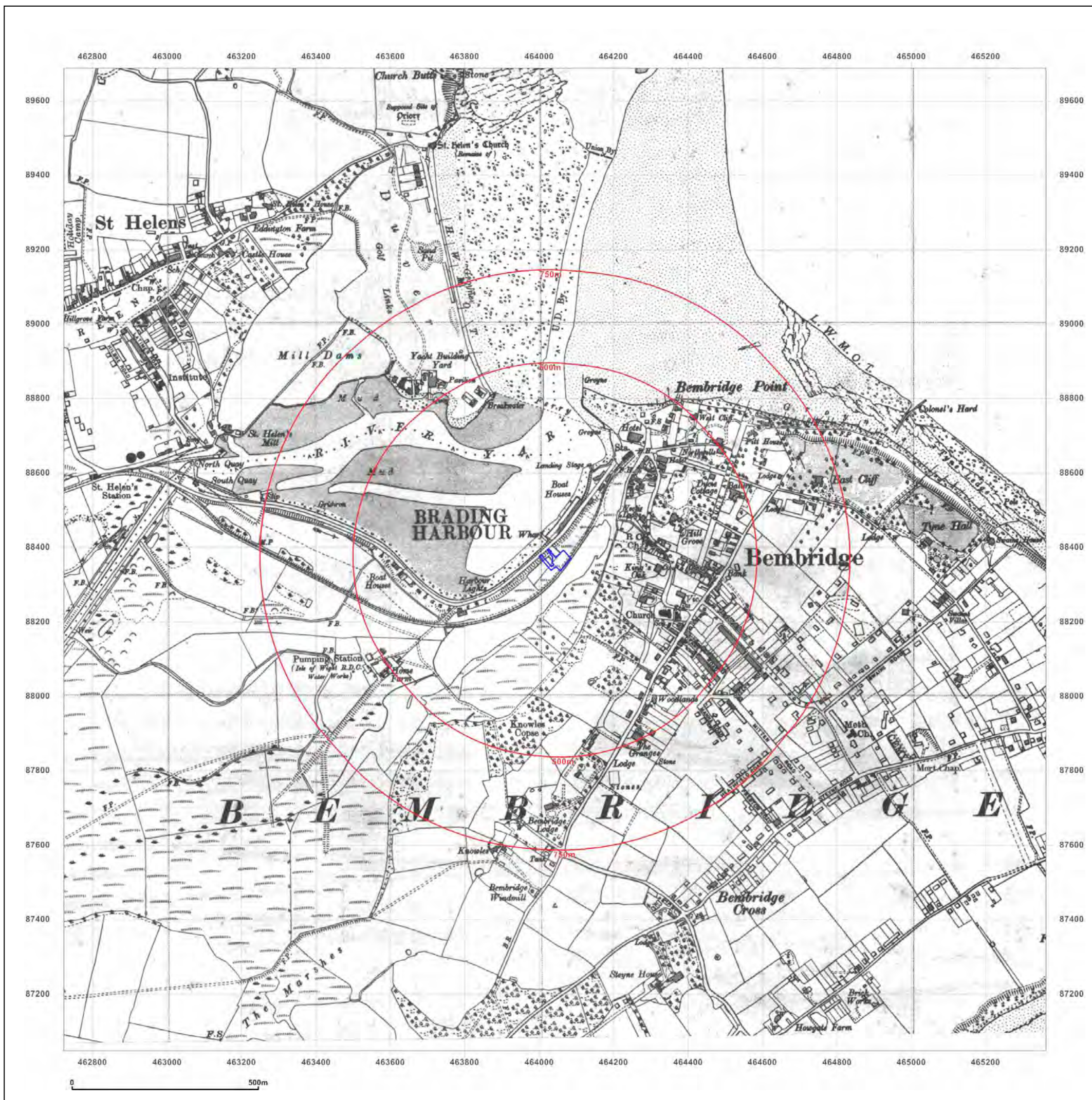


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** Provisional

**Map date:** 1957-1960

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1957  
 Revised 1957  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

Surveyed 1957  
 Revised 1957  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

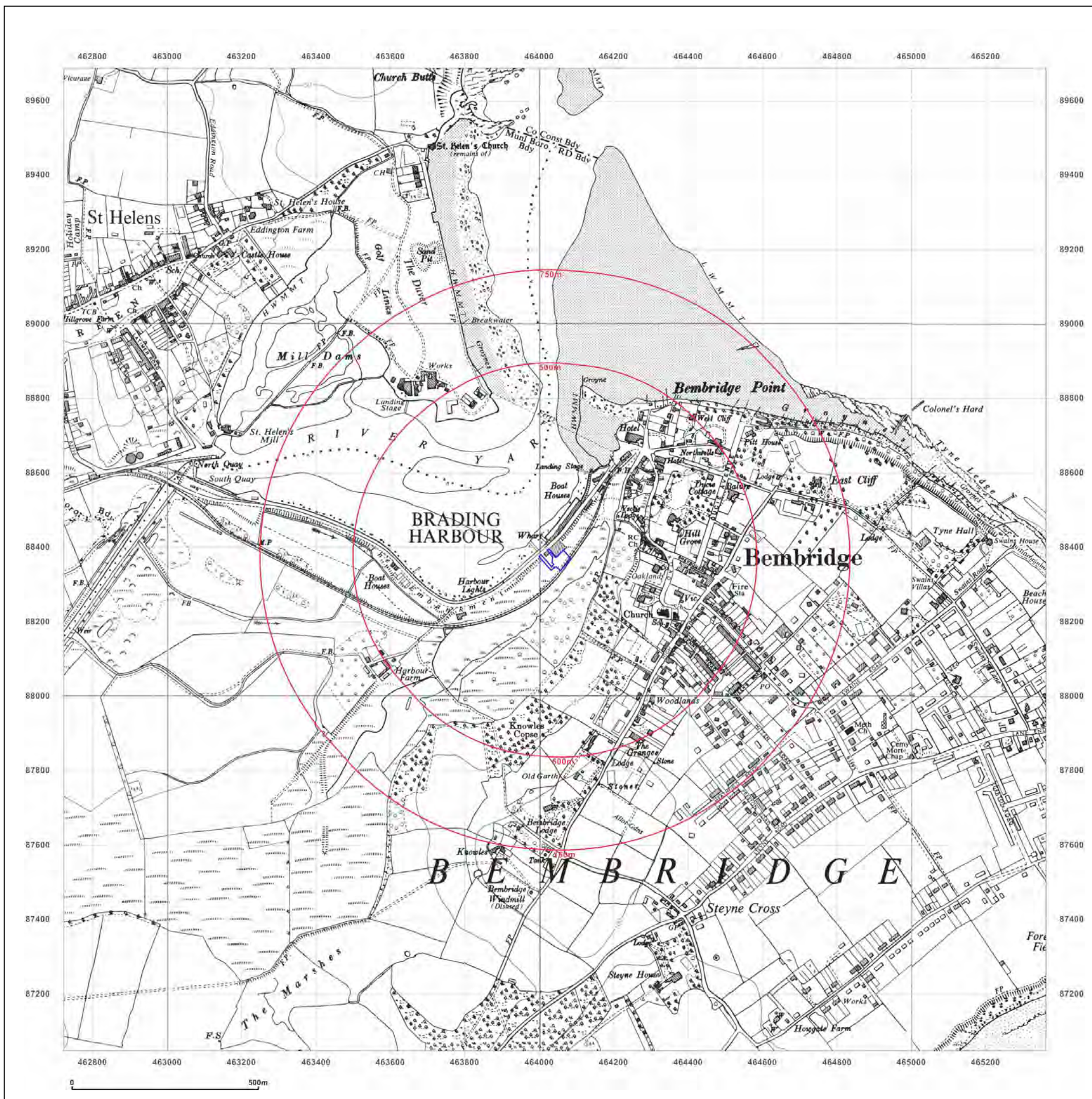


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**Site Details:**

464053, 088377

Client Ref: NN939  
 Report Ref: GS-4639952  
 Grid Ref: 464041, 88366

Map Name: Provisional

Map date: 1966

Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1957  
 Revised 1957  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

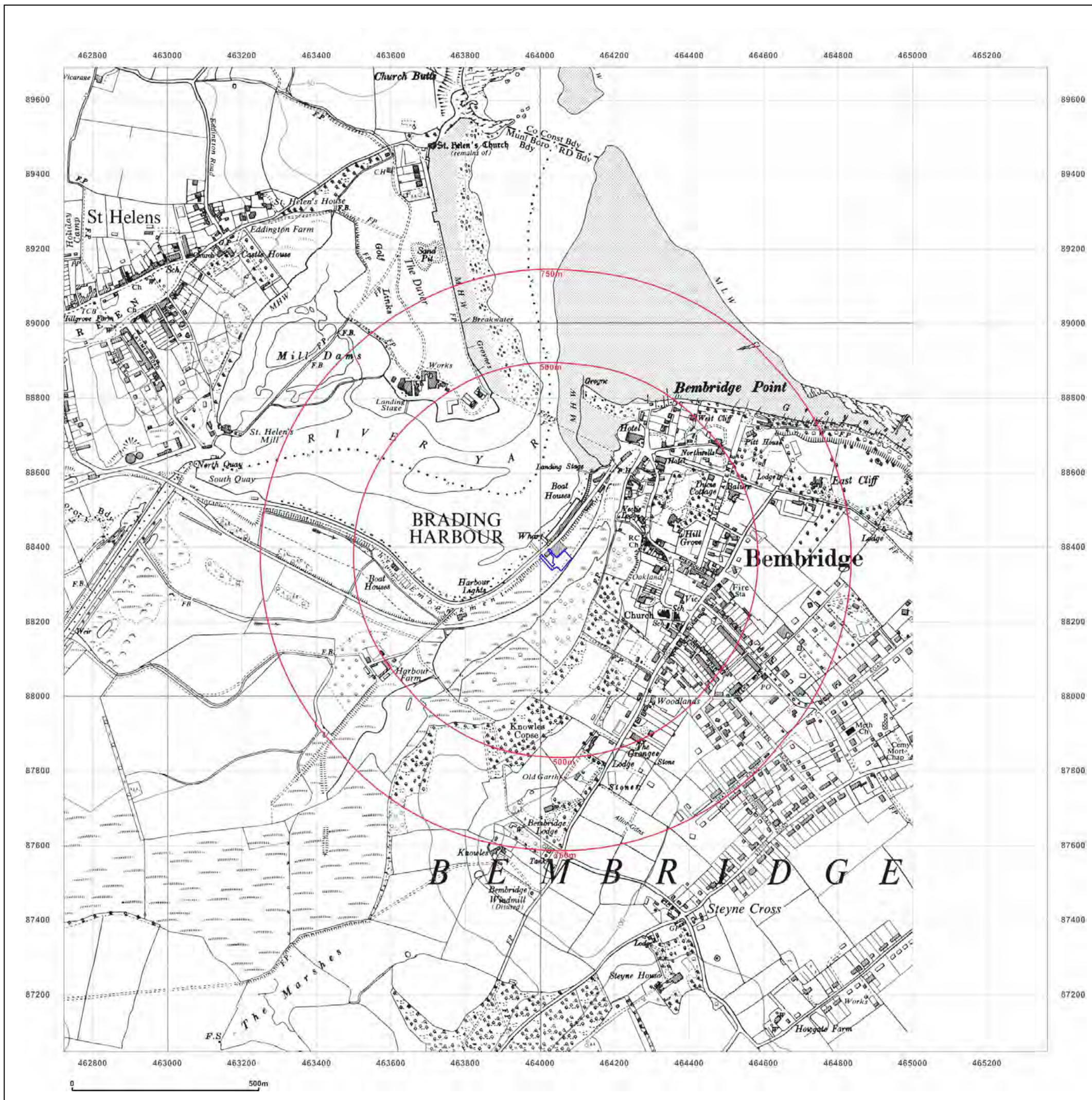


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 1973-1975

**Scale:** 1:10,000

**Printed at:** 1:10,000



Surveyed 1972  
 Revised 1974  
 Edition N/A  
 Copyright 1975  
 Levelled 1974

Surveyed 1972  
 Revised 1972  
 Edition N/A  
 Copyright 1973  
 Levelled 1972

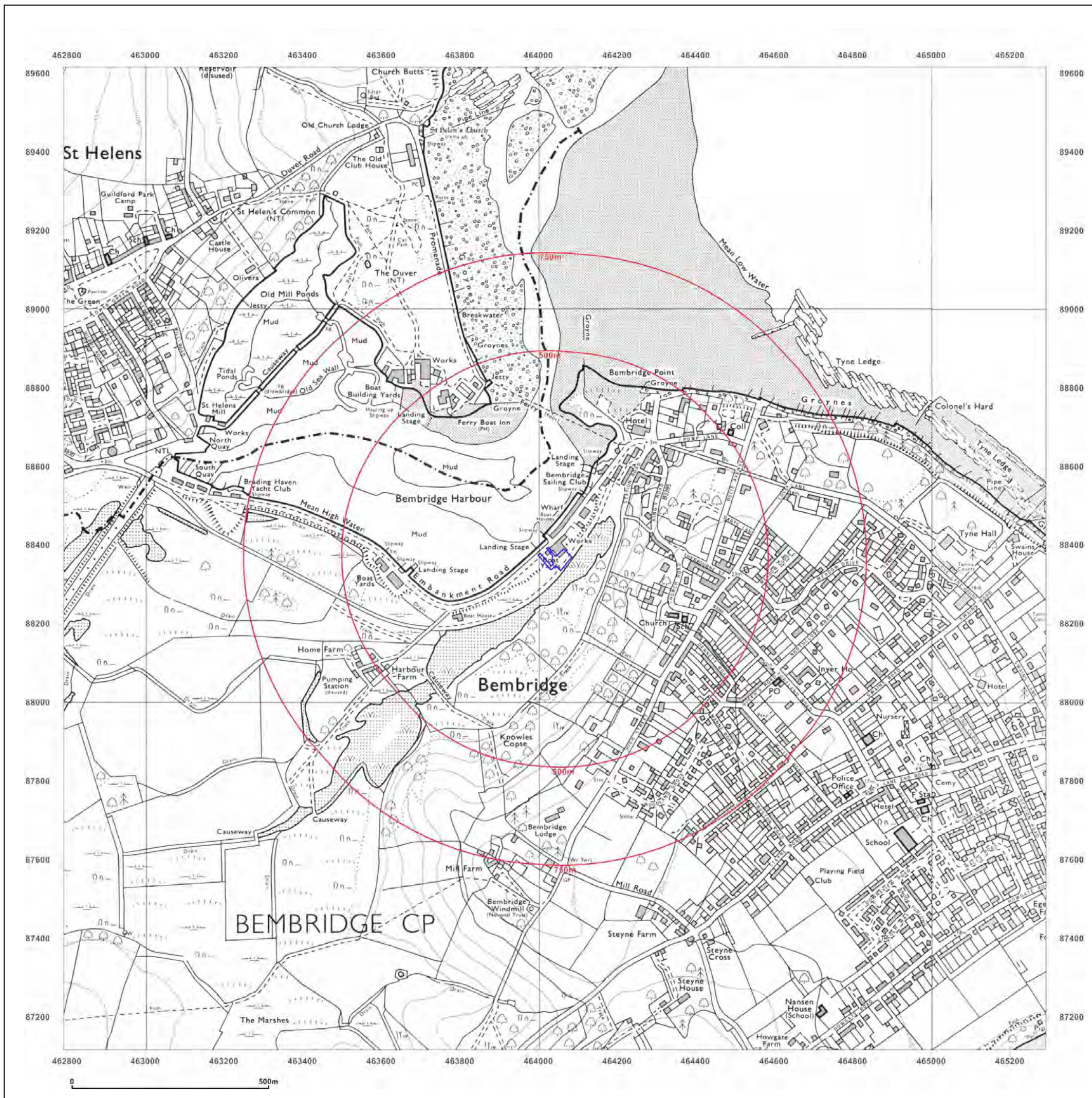


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** 1:10,000 Raster

**Map date:** 2002

**Scale:** 1:10,000

**Printed at:** 1:10,000



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**Site Details:**

464053, 088377

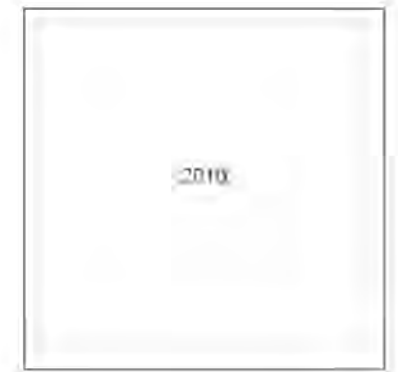
**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 2010

**Scale:** 1:10,000

**Printed at:** 1:10,000

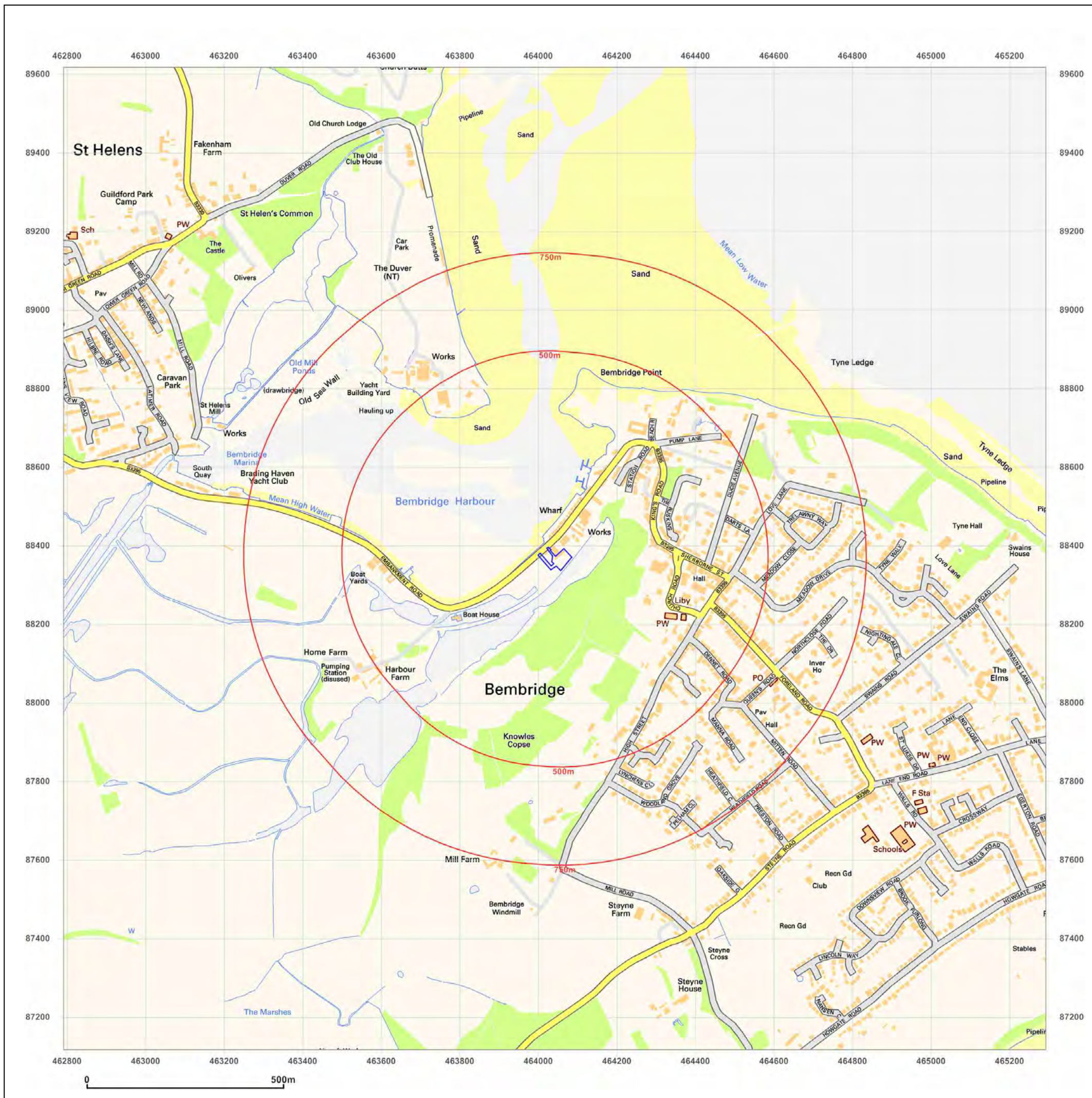


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 2014

**Scale:** 1:10,000

**Printed at:** 1:10,000



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