



Minutes – Meeting 59
St Johns Church Hall, Drake Road, Newport
Thursday 7 December 2017

Present at the meeting:

Forum Members:

Mark Earp - Chairman
Mike Slater
Alec Lawson
Steve Darch
Richard Grogan
Iain Maclennan
Cllr John Hobart
John Heather
John Gurney-Champion
Penny Edwards
Cllr Paul Fuller

Others:

Darrel Clarke - IWC Public Rights of Way Manager
Justin Ryland - Forestry Commission
Cllr Rodney Downer
David Farnham
Stephen Cockett

Forum Secretary:

Jennine Gardiner - Rights of Way Assistant, IWC Public Rights of Way Section (PROW)

Apologies:

Apologies were received from:
Joe Nash

1. Minutes / Declarations / update of tasks & matters arising from meeting 7 September 2017

Review Minutes of previous meeting and points arising - None

Declarations of Interest - None

Update of actions / matters or tasks from last meeting:

Cllr Medland & Belinda Walters – sadly are no longer members of the LAF, Mark had written to them to express the LAFs thanks for their hard work during the time of their membership.

Disability. The LAF acknowledges there is a lot of work to do around disability and access but due to the heavy work load it will not be possible to look in depth into this until possibly late 2018.

Forestry Commission - arrange separate meeting – No meeting has been arranged yet but will be, hopefully in January 2018, FC needs an agenda prior to this meeting.

Action – Date of meeting to be arranged

Upgrade B69 Yarbridge - Alec will discuss the proposal with the East Wight Landscape Partnership to ascertain if they may support the project financially. Landownership needs to be established.

Restoring the Record - Mike Slater - on Saturday 14th October 2017 there was a training day which supported the information in the book called [Restoring the Record](#), this was very informative and Mike has 3 or 4 people who are interested in working on this topic to scope out routes. If anyone is interested in getting involved please contact Mike via the [IW Ramblers](#) or let the LAF secretary know so your details can be forwarded.

Mark Earp – we are the only LAF without a sub group working on lost ways and hopefully once the IW section of the English Coast Path is finalised we will then have the time to set up a sub group. When the LAF did a project about lost ways a few years ago they identified 130+ possible sites

Question from the group: What are Green Lanes & White Roads?

Darrel Clarke advised the whole subject is very complex and Green Lanes and White Roads are just terminology / a figure of speech – every route needs to be investigated to see if it is on the Definitive Map or the List of Streets (which is in basic terms the highways version of the definitive map).

LAF Secretary - for information taken from the book Restoring the Record under the Glossary and Abbreviations Section:

Green Lane – Non-statutory term for unmetalled track.

White Road – The showing of a route as a “white road” on Inland Revenue valuations maps, that is, excluded from the adjoining coloured hereditaments, is a primary indicator of carriageway rights at this time, and hence that there is an investigation to complete, as described in section 3.17

LAF Secretary – not discussed at meeting but for the minutes

Generally when we are talking about “Lost Ways” or “Restoring the Record” it is **historical** rights of way which are being discussed. This is because in the [Countryside and Rights of Way Act 2000](#), Sections 53 - 56, parliament decided a date was to be set in the future so any “**unrecorded**” Footpaths or Bridleways should be extinguished to give certainty to landowners. So this means routes which came into existence before 1949 and that are **not** on the definitive map or have not become adopted into the highway network and shown on the list of streets, will be lost by (or a date following) 1 January 2026. Therefore, research is needed to ensure all paths or ways we are using, or have been forgotten about are properly recorded at the correct status or rediscovered and protected; we also need to ensure that there are no gaps in the existing recorded routes. All of this is done by way of a modification application which is completed and submitted to the highway authority with a map to show the line of the route and the supporting documentation to prove its historical existence. The highway authority then has to investigate and based on the submitted information make a decision to modify the definitive map or not.

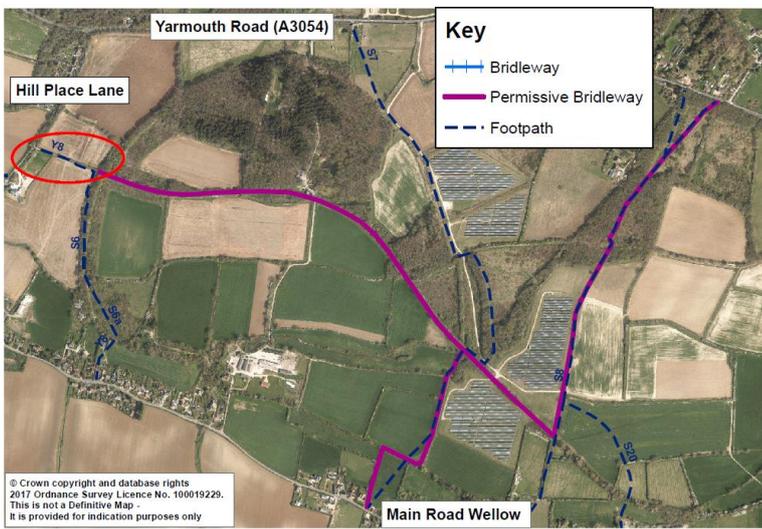
This is different to a modification application to add a route to the definitive map which has come into being by presumed dedication i.e. 20 years use; these are not affected by the 2026 cut-off date.

Natural England has sent every LAF a copy of the book called Restoring the Record, a copy of the Natural England’s covering letter and the front and back covers of the book are attached at the end of these minutes.

If a LAF member or any interested person would like to borrow the book please contact the LAF secretary.

Permissive Paths and other routes – Mark Earp had been busy investigating the permissive paths. Interesting things he has come across:

Lee Farm; the old railway line at Lee Farm is a permissive bridleway but this terminates at Public Footpath S8 which is about 180 metres long and links onto Hill Place Lane. If landowner consent could be granted on this short length of path it will make an excellent through route to the road i.e. Hill Place Lane, for cyclists and horse riders. Map below for location:



Newclose Cricket Ground; still for sale but the price has been dropped. The old permissive path was a vital link between the Newport to Sandown cycle tack and Blackwater Road for which a public right of way opposite connected with the network at St Georges Down.

Willingham Lane; Permissive bridleway over Public Footpath F24 linking Willingham Lane to the Yarmouth to Freshwater bridleway / cycle track. The British Horse Society are looking into this as it is an important link.

Garlic Farm – permissive paths seem set to continue.

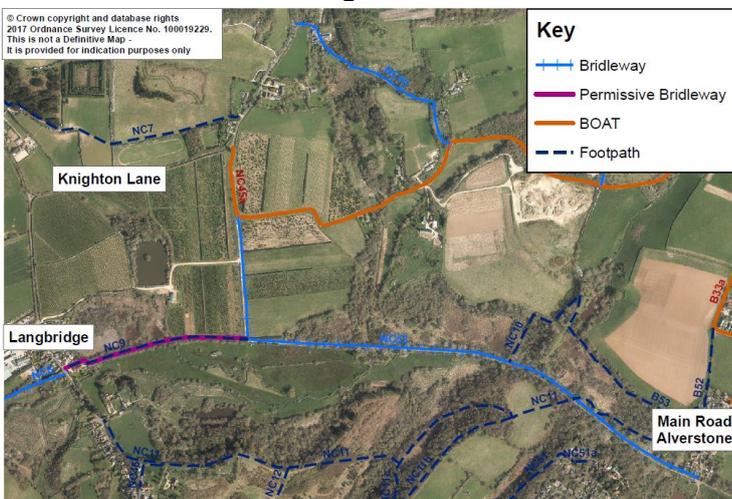
NC9 at Langbridge – the low dividing barrier has been removed and horse riders can now use NC9 from Langbridge to join Public Bridleway NC53.



NC9 before - with dividing rail



NC9 after – with rail removed



NC9 - map to illustrate the connectivity for equestrians, no longer needing to use main roads to navigate to connect to NC8 (to west) and NC45a (to north)

3. **Coast Path update** – John Taylor (Natural England, Lead Adviser for Coastal Access) has submitted a written update for the meeting:

Drop ins

- We had a really good turnout for the drop-ins with 150 people coming to all drop-ins, which is above average for us.
- Aside from the letters we also notified people via Twitter (including VIEW retweets), facebook, rambles magazine and some parish councils.
- Yarmouth received the most visits with 45
- Thanks go out to several members of the LAF who attended drop-ins

Landowner Site Visits

- We have now started to visit private landowners
- We have a large amount of site visit requests out of both our initial letters and drop-ins. The majority of site visits will be between January-April.

Medina

- The IOW Team and I sat down with our National Team including our Programme Manager on the 14th November to review the entire stretch
- During this we laid out the views for and against going up the Medina.
- Due to the complexity of the situation; e.g. out-of-service chain ferry but with the possibility of being restored, overall strong support from stakeholders, environmental concerns the National Team want to give due time to consider these and have asked for specific other information and a specific high-level meeting to be held (Date TBC) to get a final decision.

LAF Discussion: Re the Medina - Richard Grogan pointed out a contradiction in Natural England's legislation, because in addition to the path there is coastal margin (the land on the seaward side of the path) and spreading room (land on the other side of the path) and in the Solent area, where the Medina River is there is endorsement from Natural England to the Solent Disturbance and Mitigation Project which looks to protect waders and wildfowl, these birds like to sit in the bit of land which will be known as the coastal margin and under the England Coast Path scheme people would be allowed to wander through this bit and thus disturb the birds which are trying to be protected.

Natural England has conservation obligations as well as the duty to implement the coastal path and it will need to decide how to proceed without comprising one or the other.

4. Newport Place Plan – Mark Earp

Most Town and Parish Councils are looking at transport around their towns and villages. Newport currently has a "Shaping Newport Consultation" this will run until the end of January 2018. The simple survey can be accessed from this website <https://www.surveymonkey.co.uk/r/shapingnewport>

LAF discussion: Dropped kerbs and cycle routes needed in Upper Wellington Road, safer routes to schools to encourage more walking, cycling and scootering to school.

Action: All take the survey to comment as an individual & LAF Chairman to comment on behalf of the group

In addition the Newport Place Plan the IWC has £9 million to be invested into highways to assist the traffic flow in and around Newport, by way of specific identified junction improvements. The LAF felt that any improvements should include cycle and pedestrian traffic (not just vehicular) and that the project manager should be made aware of these concerns. Attached to these minutes is a PDF that highlights the key junction improvements needed in order to be able to handle future increased traffic capacity. These findings are from a study undertaken by a firm of highways consultants on behalf of the IWC regarding Newport's future traffic capacity.

LAF discussion: Members of the LAF wished to see cycling provision / cycle lanes included.

Action – LAF to contact the project manager (Peter Hayward) to make him aware of the desires of the LAF to see cycling and pedestrian traffic catered for within the highway improvements.

5. Public Landing Stages – Mark Earp

Bells Public Landing Stage, off Esplanade, East Cowes – this was set to be removed by the developer (SEEDA) refer to planning application [CAC/27465/E, P/01140/09](#) – this application was approved in 20/03/2013 but as yet has not been implemented. This landing stage is also referred to on the [Cowes Harbour Commissions](#) webpage under Slipways and Public Landings, reading: “There are a number of slipways and public landings in Cowes and East Cowes for the launching and recovery of tenders and other small boats EAST COWES Bells Landing (not slipway), north of Venture Quays on the Esplanade, East Cowes. This landing is tidal”.

Apparently this landing stage was so named as it was where the line came in to the Island in order that Alexander Graham Bell could demonstrate the telephone to Queen Victoria on 14 January 1878 at Osborne House with calls to London, Cowes and Southampton. These were the first long-distance calls in the UK, and so it has a lot of history attached to it.

LAF Chairman stressed if something is not done to protect this then it will be removed, maybe the answer is to try and list this as an [asset of community value](#). This public landing stage has been neglected by the IWC but it is used regularly and often by kayakers, crabbers and others keen to get on and near the water. Mark Earp has been in touch with Tricia Stillman from the IWC, who is the Commercial Activity’s Manager, and Mark has asked if the Bells landing stage could be cleaned. This public landing is owned by the IWC under land registry title IW70315

ACTION – Mark will investigate getting Bells public landing registered as an asset of community value.

Remember the function of a LAF is to improve public access for open-air recreation and this includes the needs of people pursuing water related recreational activities and although there maybe many **private** landing stages there are not many **public** ones.

For more information - refer to IWC website Strategic Asset Management regarding the IWC policy for trying to add something to the register of [asset of community value](#)



Photos of Bells Public Landing and map to illustrate location.

LAF Secretary – not discussed at meeting but for the minutes

For clarity there is a difference between Public Slipways and Public Landing Stages. This has been discussed at the LAF before but there is still a misunderstanding. The IWC has a list of public [slipways](#) but not public landing stages.

SLIPWAY - is used for launching

LANDING STAGE - is used to tie a boat to so you can get out or drop off.



SLIPWAY – ramp down only



LANDING STAGE - rings at the sides to tie boats to

5. Pennyfeathers development Ryde - Mark Earp

Running out of time to fully discuss this but it needs full stakeholder involvement regarding any existing Public Rights of Way improvements and the new routes which they propose to create. In the meantime the plans can be found on the IWC planning website [TCP/31352/A, P/01456/14](#)

The masterplan, taken from the planning application, is attached to show the site and the intentions of the developer.

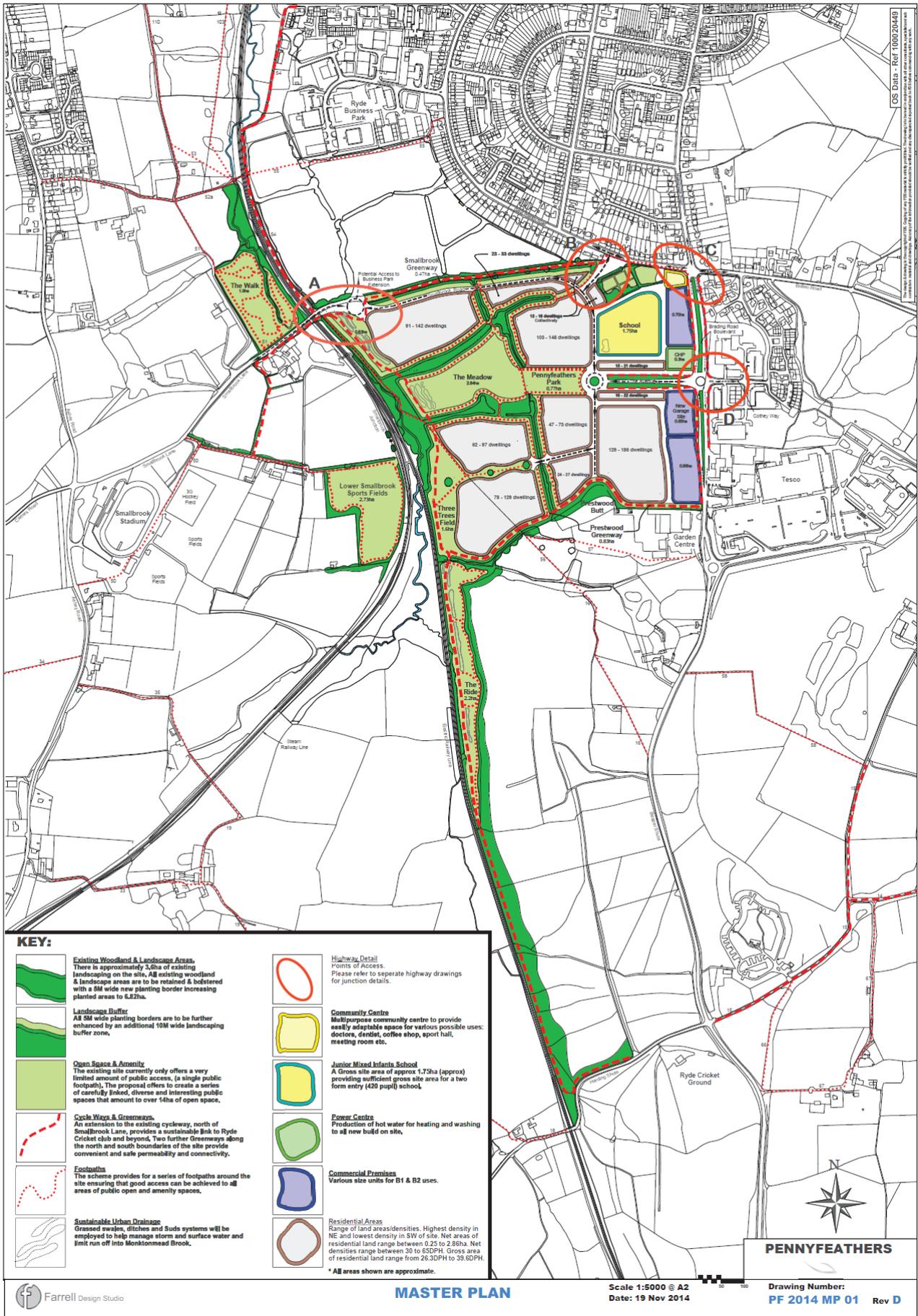
Note from Rights of Way after the LAF Meeting

The PROW team made very detailed comments and proposals to Planning Services at each and planning application relating to Pennyfeathers, indeed they were invited to provide these.

Despite this PROW have now learnt that a S106 agreement has already been completed with no provision for Rights of Way at all.

The development will include new paths and it is therefore considered that the planning consultant be invited to present their proposals and for the LAF to give feedback rather than Darrel Clarke giving a presentation.

Action – Invite, Mr Glen Hepburn, of Hepburns Planning Consultancy to next LAF meeting



6. IW Forestry Commission – Justin Ryland (replaced IW open spaces and village greens on the original agenda)

On the 7 November 2017 a written statement ([HLWS231](#)) made by Lord Gardiner of Kimble was published on the <https://www.parliament.uk/> website regarding the **Future of the Forestry Commission**, it reads:

My Hon Friend the Parliamentary Under Secretary of State for the Environment (Thérèse Coffey MP) has today made the following statement.

I am today announcing new arrangements for the governance and management of the Forestry Commission. The Scottish Government is legislating to complete the devolution of forestry, with the effect that from 2019 – the centenary year of the Forestry Commission – the Commissioners' statutory remit will be only in England. The Commission, its dedicated staff and above all our 250,000 hectares of English public forests are a great national asset. I am confirming today that the Forestry Commission will be retained in England, and will continue to manage our public forests for public benefit – including supply of timber, public access, and the environment.

We will establish a new Board of Commissioners of the Public Forest Estate. Commissioners will continue to be appointed by Her Majesty the Queen on the advice of her Ministers, who will retain a power of direction.

The Government will not allow any net reduction in the size of the Public Forest Estate, and will support the Commissioners in taking opportunities through active management of the estate to plant more woodland and increase natural capital.

We will continue our work to protect, improve and expand forests and woodlands in England beyond the PFE, as part of the Government's commitment for this to be the first generation to leave the natural environment in a better state than it found it.

We will work together with the Scottish and Welsh Governments to promote strong forest science, to sustain high standards for forestry in the UK, and to protect our trees against pests and diseases. Our world-renowned research agency Forest Research will continue as an agency of the Forestry Commission, with new governance, commissioning and funding arrangements agreed with the devolved administrations.

These arrangements provide certainty for the future of the Forestry Commission, and a strong, sustainable platform for our precious forest and woodland environments to thrive for the long term

Justin explained to the group that the reorganisation of the FC is in respect of its governance of its forest services, resources and enterprises and that there is no change to the current working practices or relationships. The FC will seek to connect everyone with [Forest Enterprise](#) which manages the nation's forest estate, they are looking to reach new audiences and engage with the public and customers. The FC will still work under the powers within the [Forestry Act 1967](#)

In 2019 the Forestry Commission will have been in existence for 100 years.

Mark Earp made the group aware of a Forestry Commission grant opportunity called the [Woodland Carbon Fund](#), successful applications will be for projects of >10 hectares until the end of July 2018 at which time the minimum area will change to 30 hectares, for landowners of predominantly productive woodland and, where possible, **have sought opportunities to improve public access** and achieve wider environmental outcomes. Full details can be found on the FC website <https://www.forestry.gov.uk/england-grants>

7. UPDATES

Rights of Way Budget - Cllr Rodney Downer

Cllr Downer had previously presented two motions; one went back to the cabinet and will be considered for next year's budget.

As a local councillor Rodney receives first-hand complaints from his constituents regarding concerns for ongoing **maintenance** (which is funded from revenue money) to the Rights of Way network for example *hedges untrimmed etc. As it stands currently the Rights of Way team will not know for certain if they will get any capital money (used to fund new things or projects) until about February 2018 when the budgets are set or what the revenue allowance will be.

The group discussed the ROW budget situation:

A recent misleading press [statement](#) had been published by the IWC regarding a £25,000 allocation being made to the Rights of Way service, the 25K was S106 money (see Darrel's update below). This story had raised the public's expectation and resulted in a flurry of calls requesting works. It is concerning that the IWC is considering S106 as a funding solution for a statutory service, as this money is sporadic and can only be allocated to specific paths within or near the development site, as stated in legal agreements. Revenue funds have not increased for many, many years meaning Capital funds and their resulting works had been paramount in ensuring the network remained open, but it is not feasible to survive on the "possibility" of future Capital money. England Coast Path, the initial set up costs will be met by Natural England and once in place a limited budget will be received from Natural England to future maintain this.

The LAF agreed that the Chairman should write to the Leader of the Council and the Chief Executive to request a proper funded Revenue Budget is made in respect of the ROW team so plans can be made each year to maintain the network.

ACTION – Chairman to write to Leader of the Council and the Chief Executive to advise an increased Revenue budget to be confirmed for PROW team

After LAF meeting

Taken from IWC Full Council Minutes [15/11/17](#)

38. Motions previously submitted and now considered by Cabinet

The following motion stood adjourned without discussion at the meeting of Full Council on Wednesday, 20 September 2017, Cabinet would consider it at its meeting on 9 November 2017 and consider whether it desired to report thereon back to the Full Council.

By Councillor Rodney Downer

(During the debate Councillor Paul Fuller declared an interest as he was the vice chairman of the Local Access Forum).

To further support the Rights of Way network, Full Council requests that Cabinet reconsider the budget allocation being made to maintain and support Rights of Way and considers proposing an increase in financial support to enable the network to be at a standard necessary to provide the benefits to the local economy through tourists, and the health benefits to residents.

RESOLVED :

THAT the motion be considered as part of the 2018 - 2019 budget allocation process by Cabinet in due course.

Chairman – Mark Earp

Walking Festival – this has been saved and will run between 28th April and 13 May 2018, it will be organised by Will Ainslie on behalf of [Visit IW](#). There will be approximately 80 walks, which might have an impact on Walk the Wight as this is set for Sunday 13th May 2018. Will Ainslie will come along to the 1 February 2018 LAF meeting.

Data Protection Act – this really has no impact on the LAF as we never give out personal information without permission, therefore it is considered the LAF complies with the act, but compliance is constantly monitored.

Volunteers – As budgets are cut the expectation is that volunteers will take on outstanding tasks. In respect of Rights of Way the IWC ROW team do not have the staff to supervise teams of volunteers. However, the IW Ramblers, Bridleways, Green Gym, Green Army, Campaign to Protect Rural England and Marine Conservation groups do have volunteers and undertake working parties. As a reminder you do not need to be a member of the IW Ramblers to volunteer with them in a working party. If anyone is interested in volunteering with any other groups they should contact them or the LAF secretary who will pass on contact details to the relevant group.

NT46 Castlehaven – Niton Parish Council plus the IWC ROW team are trying sort out access problems because at the moment the path along the seawall behind a property called Beach Cottage is closed. A modification application has been lodged with the IWC to delete this part of the path from the definitive map and this modification application will be dealt with by Darrel in due course. Until the modification application is resolved the surface repairs to the seawall will not be undertaken and the path remains closed.

Refer to the Definitive Map [Modification Register](#) to see the list of locations where an application has been lodged (past and present) to try and alter the definitive map.



Wootton Rights of Way N157 & N216 – Wootton Parish Council had made Mark aware of 2 very short, relatively unknown and underused Public Rights of Way (see map below)



Drones – There have been a number of fatalities and countless life changing injuries with the inappropriate use of drones, the IWC has erected a sign at Big Mead recreation ground in Shanklin. However, advice from a number of legal sources is that drones should be responsibly controlled in or on public open spaces, and extreme care should be taken near Public Rights of Way and high voltage power cables.



Newport Harbour Regeneration – The IW LAF had previously noted the work of the newly formed IWC Regeneration Team. However, after a presentation given by members of this team it seems that public open spaces at the entrance of and at the southern side of Seaclose Park will form part of the development envelope, this is a clear concern for the LAF. At the end of these minutes is a presentation document from the Regeneration Team about the Newport Harbour site.

Deregulation Act “Right to Apply” – the proposed new guidelines on Public Rights of Way through private gardens and farmyards is still to be agreed, it is understood that these proposals have been recalled to DEFRA for further discussion.

On the 29 November 2017 a written question regarding Rights of Way ([HL3692](#)) (the right to apply) was made by Baroness Byford was published on the [https://www.parliament.uk/ website](https://www.parliament.uk/website) it was:

Q To ask Her Majesty's Government whether they intend to review the law relating to public rights of way that go through (1) private homes and gardens, and (2) working farmyards, in relation to cases in which privacy, safety or security is an issue.

A Answered by: Lord Gardiner of Kimble

Answered on: 05 December 2017

We are working towards implementing a package of reforms to the policy and legislative framework governing public rights of way. The package includes measures that we believe will help people who are experiencing problems with rights of way that cross their property. We have already undertaken to review these measures two years after implementation to evaluate how well they are working.

Long Term & Temporary closures of PROW – The government want to minimise the amount of PROW that fall into either category. This is clearly not an easy situation on the IW to remedy with a constantly changing coastline, other environmental influences and cuts to the ROW budget. The government do not want any ROW to close as a result of financial considerations. It must be on the grounds of safety or suitable alternatives, the IW LAF will need to discuss some difficult issues to comply with this directive, i.e. the *Tennyson Trail needs to be looked at after 2018, once coastal path work has been finalised. * Tennyson Trail is a series of Byways (BOAT's) but currently has a permanent Traffic Regulation Order to exclude motor vehicles.

IWC Rights of Way – Darrel

The section of cycle track at Newchurch which was subject to a covenant restricting horses has now been released from that covenant and ROW have carried out some improvement works to the section between houses by removing a low barrier segregating walkers and cyclists to make one wide multi use path.

We are working with landowners and the Parish Council at Newchurch on a permissive path to take the public off of the main road without pavements and to make improvements to a path at the church which isn't recorded on the Definitive Map.

The department has received funding to make improvements to a very popular footpath in Ryde which runs from Great Preston Road to the railway line and up to Rosemary Lane. Extensive vegetation clearance will take place and then a surface will be provided to make the path multi use. This is a very popular route to school so a proper wide surface will be a massive improvement.

The new ROWIP has been prepared in draft form and is being published for 12 weeks as required by the regulations. This can be viewed on our [website](#) and comments can be made although this isn't a consultation process as this was fully carried out in 2016.

The situation with the ROW budget is still unclear. At the present time we still don't know if we will have a capital budget for 2018/19 and beyond and will not know about next year until a members meeting in February.

The recent press releases regarding an additional 25k being made available to the department are indeed true but this is money that we had already been provided with earlier in the year. 10k of that money is for a path at Parkhurst Forest behind the Amey site which we can't work on due to the current development of that site.

The other 15k was for specific paths in Arreton – and the works have already been completed.

So in effect there is no new money to spend at the moment. As with all s106 payments the legal agreements are very strict on what the money can be spent on and it is hoped that it will not be suggested that we are able to survive on sporadic and limited payments such as these instead of a guaranteed regular budget that we can use on the whole network.

IW Bridleways Group

No update

Cycle Wight – Alec Lawson

Cycle Strategy - Cyclewight have published their cycle strategy, which can be found by clicking [here](#) (PDF 24 pages 1.50MB)

Cycle Forum - no one from the Police, Island Roads or IWC came along but the Forestry Commission did attend and there was a discussion as mountain bikers had been making jumps on FC land. The FC is open to different ideas for use on their land as long as proposals are costed and agreed with the organisers.

Cycling Festival 2018 will proceed but it will be smaller and privately organised.

Kingston Marine Development – keen to see a cycling route through this development (refer to planning applications [TCP/30542/D, P/01376/17](#) and [TCP/30542, P/00494/11](#))

IW Ramblers – Mike Slater

The Ministry of Defence (MoD) had invited the Ramblers and LAF Chairman to discuss the Coastal Path, but it seemed they had little or no interest in trying to help improve access around the site (Jersey Camp at Porchfield). However, Natural England and the MoD still have to have their discussions. But it did come to light there was an old bylaw still in existence which needs to be investigated which may allude to public access through the site.

IW 4X 4 Club – Steve Darch

No matters arising.

Landowner – John Heather

People allowing their dogs to chase sheep is on the increase on the Island, also reports of gates being left open and in one case it allowed livestock to escape.

8. Any Other Business

Public Spaces Protection Orders - Jennine

Currently the IWC has three different dog control orders: dog fouling, dogs on beaches and dogs on leads. These orders are to be replaced by one Public Space Protection Order (PSPO). This process will give the opportunity for these three orders to be reviewed and any potential amendments considered. It is estimated that informal discussions with relevant groups and town / parish councils will take place in early February 2018 looking to about Easter for full public consultation on the new PSPO which will include within it a lot more than just dog restrictions.

***Hedges** – attached to these minutes is a hedge leaflet explaining landowner duties in regards of overhanging vegetation.

<p>2018 Meetings 4pm Thursdays @ St Johns Church Hall, Drake Road, Newport* 1 February 5 April 5 July* <i>not at St Johns Hall</i> 6 September 6 December</p>
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LAF list of regularly used abbreviations and words:

AONB = Area of Outstanding Natural Beauty. IW AONB team can be contacted at Seaclose Offices, Fairlee Road, Newport, Isle of Wight, PO30 2QS Telephone 01983 823855 or Email AONB@IOW.GOV.UK Website www.wightaonb.org.uk

Capital = the money which is allocated for network improvements over and above general maintenance and repairs.

CIL = Community Infrastructure Levy, this is a planning charge. A way for Local Authority's to try to help deliver infrastructure to support the development of their area (also see S106).

CMT = Contract Management Team. CMT's are teams within the IW Council who deal with a particular contractor i.e. the Highways CMT deal with Island Roads and the Waste CMT deal with Amey

Definitive = a definitive right of way is one that is recorded in the legal record of such ways i.e. the Definitive Map. The Definitive Map records Public Footpaths, Public Bridleways and Byways Open to All Traffic (no Restricted Byways are currently recorded on the Isle of Wight Definitive Map).

EWLP = East Wight Landscape Partnership www.downtothecoast.co.uk

IR = Island Roads is the name for the IWC Highways Contractor, they can be contacted at: St. Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ or Telephone 01983 822440 or email info@islandroads.com Website: www.islandroads.com

IWC = Isle of Wight Council. Address County Hall, High Street, Newport, Isle of Wight, PO30 1UD or Telephone 01983 821000 + add the extension when prompted if you know it or Email customer.services@iow.gov.uk or the specific services email if you know it. Website www.iwight.com

Permissive = a permissive path is one that a landowner allows the public to use in a certain way (i.e. walking, cycling, horse-riding) but the route has not been dedicated to the public. It is not therefore recorded on the Definitive Map and the landowner can withdraw their permission for the public to use it at any time.

PROW = Public Rights of Way recorded on the Definitive Map. The IWC Rights of Way team can be contacted at County Hall or Telephone 01983 821000 X 8745 or email Rightsofway@iow.gov.uk

Website www.iwight.com/Residents/Rights-of-Way/Public-Rights-of-Way/About

Revenue = the money which is allocated for general repair and maintenance, staff costs and normal reoccurring bills and running costs.

ROWIP = Rights of Way Improvement Plan. Every local authority must have a ROWIP. This document is reviewed every 10 years and it will explain how improvements will be made to the PROW network to provide a better experience for walkers, cyclists, horse riders, horse and carriage drivers, people with mobility problems and people using motorised vehicles. The original IWC ROWIP can be viewed on the Council website @ www.iwight.com/azservices/documents/2782-D6-Rights-of-Way-Improvement-Plan.pdf

S106 = Section 106 is an agreement between the Local Authority and developers and is attached to a planning permission make acceptable development which would otherwise be unacceptable in planning terms. S106 must be directly relevant to the proposed development.



Natural England
Nobel House, Area 3A
17 Smith Square
London
SW1P 3JR

Dear LAF,

Please find enclosed a copy of "Rights of Way: Restoring the Record" 2nd edition, by Sarah Bucks and Phil Wadey. We thought it would be useful if LAFs had their own copy of the book so that anyone involved with the LAF and who is interested in researching historic rights of way can have access to a copy.

Some LAFs have already held training days with Phil Wadey and Sarah Bucks, I was fortunate to be able to attend one of these and found the day really informative. If you cannot attend a training day the book is a good alternative, and an interesting read, especially if you are a cartophile like me!

If you have any interesting news about how your LAF is involved with work to complete the Definitive Map it would be great to hear about these. You can share your news on Huddle. I'd be particularly interested if any LAFs are reaching out to other interested groups like local history groups and parish councils. Some LAFs are already working well with their local authority and are co-ordinating the activity of volunteers – it would be great if you could share what you are doing on Huddle so that we can all learn from each other.

Finally I'd like to thank all members of LAFs for all the time you already give to your LAF.

Best wishes

A handwritten signature in blue ink, appearing to read "P. P. Langford".

Pippa Langford

Principal Specialist Commons and Public Rights of Way



Rights of Way

Restoring the Record

SECOND EDITION

By Sarah Bucks and Phil Wadey

Bucks & Wadey
PUBLISHING

- Want to check historic rights on a track but don't know where to start?
- Need to find extra evidence before a public inquiry?
- Experienced, but just want to check which Act authorised which activities?
- Then you need *Rights of Way: Restoring the Record*.

For each of the most commonly used documentary evidence types, this book explains where the evidence can be found, why it is of value to proving or disproving highway status, and how to set out an application for a definitive map modification order.

There are notes on the national and county archive offices and helpful hints and time saving tips on how to carry out the research.

It explains in detail how to initiate the legal process and, step-by-step, how to follow it through to an order being made.

This book is an essential guide for the novice, and an invaluable reference book for the more experienced.

It will appeal to user groups, local authority rights of way practitioners, land agents, land owners and property lawyers, as well as local historians and those interested in their part of the countryside.

This second edition contains new examples, updates on searching for documents, suggested projects for systematic and group research, and expanded notes on legislation and case law.

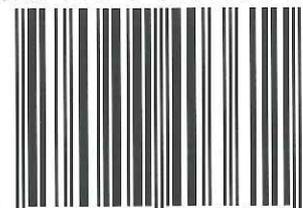
Comment on the first edition: "Sarah and Phil share their view that research into 'lost ways', and the preparation of definitive map modification order applications is not some black art available to only a few, but something to be carried out systematically and to a reasonably standard formula." *Byway and Bridleway*

Sarah Bucks BSc AIPROW has been an access volunteer for the British Horse Society and a committee member of the South Somerset Bridleways Association since 1994. She has submitted approaching 300 applications for paths to be correctly recorded. She is a former trustee of the British Horse Society, the current chair of their Access and Rights of Way Advisory Committee and Assistant Regional Access and Bridleways Officer for the South West.

Phil Wadey PhD BSc LLB MIPROW has been an access and bridleways officer for the British Horse Society since 1992, including 14 years as Regional officer for the East of England. He has made over 150 applications for paths to be recorded. He is a Past Chairman of the British Horse Society, and is currently Vice Chairman of the Open Spaces Society.

Bucks & Wadey
PUBLISHING

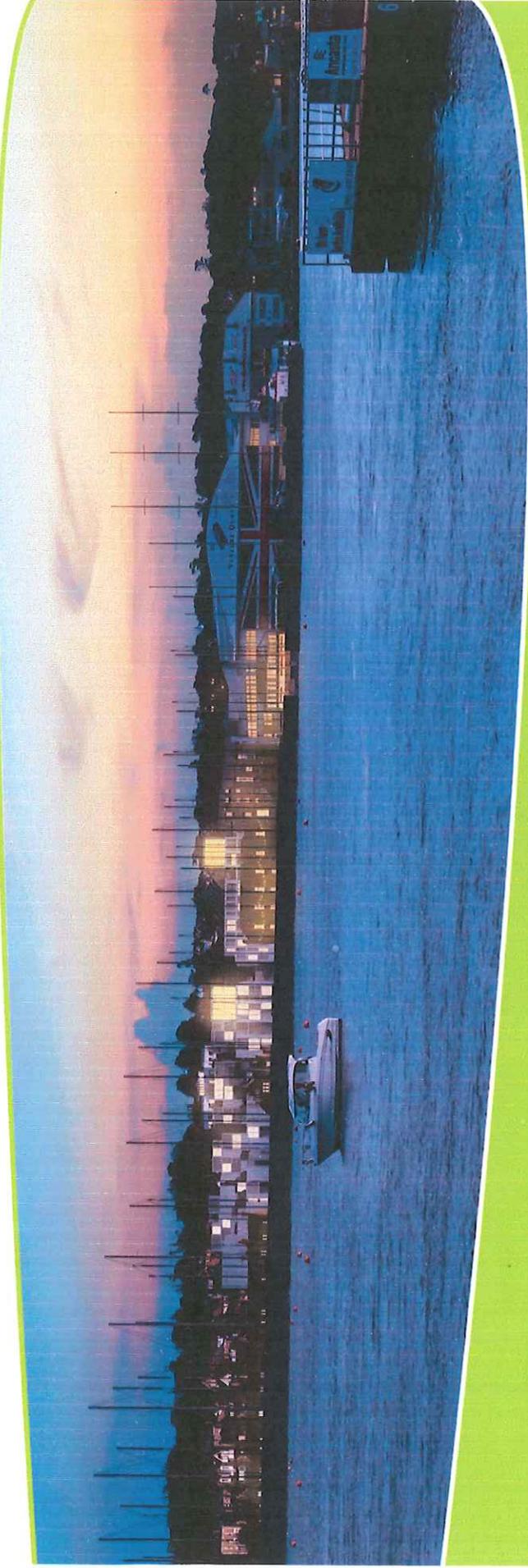
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An Isle of opportunities

Invest in
Isle of Wight



Newport Harbour

Is changing!

The process

- Site identification
- High level scoping work
- Procure architects to assess options and viability
- Preferred option identified
- Outline Business Case
- Agree to progress to Full Business Case

What's happened so far?

- Ash Sakula, award-winning architects, procured to look at concept design and options
- Potential option identified:
 - Generate revenue to ensure long-term viability of harbour walls and dredging (harbour accounts)
 - Generate revenue for Council from business rates and Council tax to support service delivery
 - Retain best of what's in the harbour, bring new vibrancy and make 'location destination'
 - Deliver an investable scheme

Potential VIABLE option

Private housing	140
Affordable housing	76
Long-term jobs	522
Construction jobs	52
Council Tax (per annum)	£378,000
Business Rates (per annum)	£675,000
New Homes Bonus (1 off)	£1,500,000
Local benefit (over 10 years)	£120m

What's not included?

- Barrage
- Vehicle crossing
- Foot / cycle bridge
- Lifting bridge repairs
- Full range of surveys: parking, transport, ecological etc

Significant impact on viability and other funding solutions need to be found.

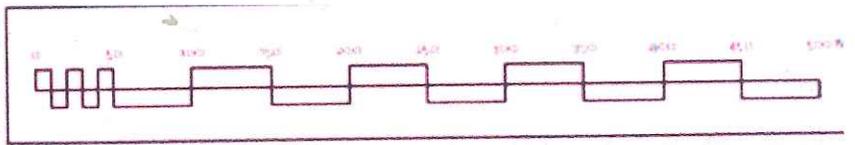
Stakeholder engagement plan

- Cabinet through Leader / Cabinet Member
Regeneration
- Ward Councillors
- Harbour Users Group (26/9)
- Open stakeholder event (6/10)
- Further stakeholder event (14/11 – tbc)

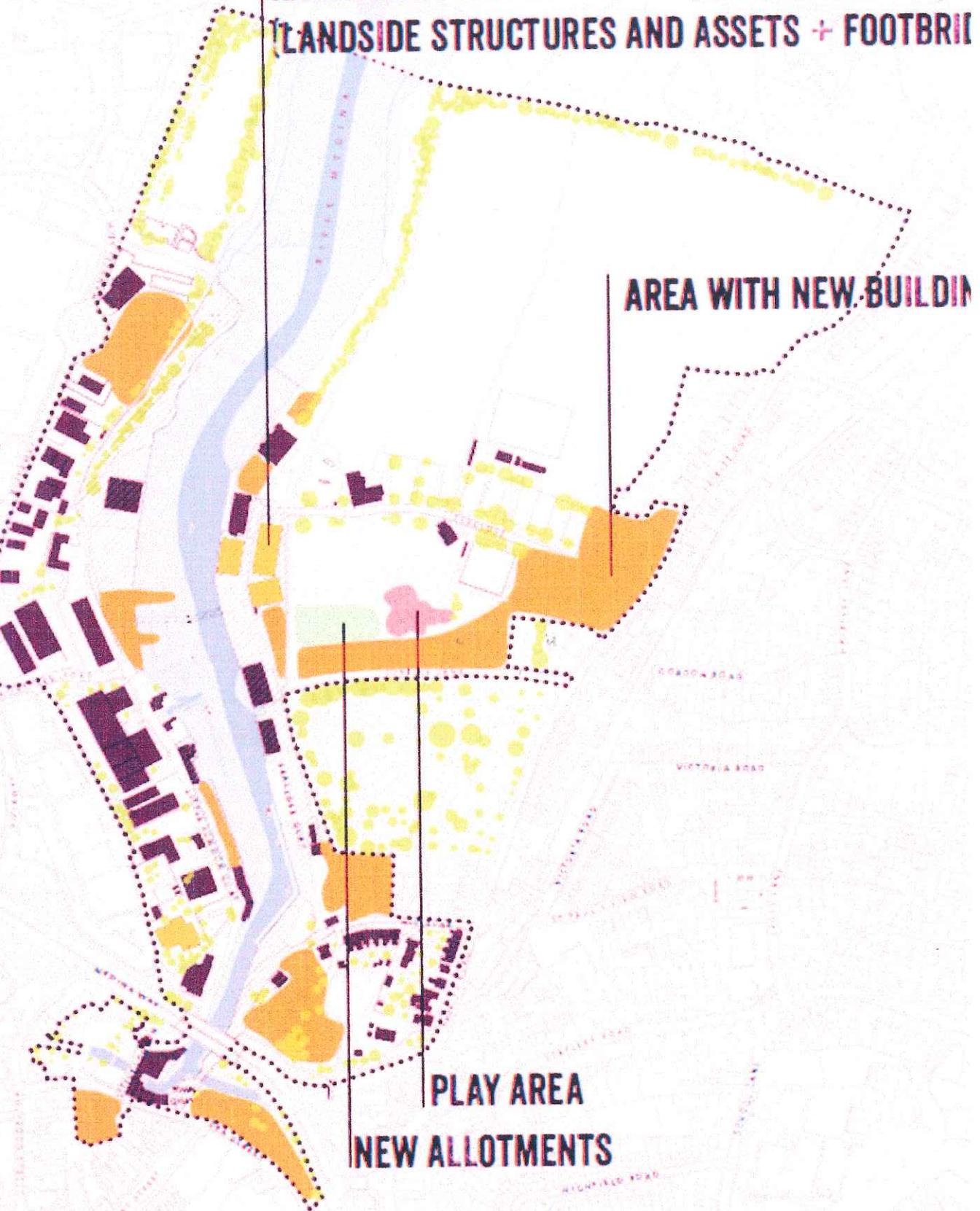
Pause to assess feedback on concept design

What else for Newport?

- Newport Place Plan
- Island Plan
- Links to Portsmouth School of Architecture
- Street Food Market (Meanwhile Use)
- Young Designer's Award
- Summer exhibition 2018



HARBOUR ESTATE INFRASTRUCTURE & BUILDING LANDSIDE STRUCTURES AND ASSETS + FOOTBRIDGE



HEDGES, TREES & RIGHTS OF WAY

The Isle of Wight Council's Public Rights of Way service manages the most concentrated network of public rights of way in the UK. Within the Isle of Wight's 147 square miles there are 520 miles of rights of way which include 326 miles of footpath, 165 miles of bridleways and 29 miles of byways. This equates to 3.5 miles of rights of way per square mile.

Owning hedges and trees

A hedge can be inexpensive and relatively easy to create. It can last for a long time, adding colour and privacy to your property and a food source and habitat for wildlife. However, in the wrong place it can also be a nuisance and/or become a danger to the public and the wildlife that you may be trying to encourage.

The ongoing maintenance of hedges and trees that run alongside public rights of way (footpaths, bridleways and byways, which are legally "highways") are the responsibility of the owner of the land they are planted on. In limited places that land may belong to the council but more commonly the land will be in private ownership.

How can a hedge be a hazard?

The full width of a public right of way should be available for people to use in a safe and convenient manner at all times. Side and overhead vegetation/branches must not be allowed to grow to obstruct a path. It is equally as important to keep encroachment trimmed back to prevent narrowing of a path.

Restricting the width of a path can cause injury to persons or damage to their property e.g. from thorns or low branches.

Consideration must be given to people using a mobility vehicle or wheelchair and to those that are partially-sighted or pushing a pram or a buggy.

On bridleways it is important to remember that horse riders require increased space in terms of width and height.

Where paths meet roads overgrown hedges and trees can obstruct sight lines meaning a clear view of the path or road ahead is difficult, increasing the risk of an accident. It is important that as much visibility as possible exists at points where public rights of way meet roads so that road users can see pedestrians, cyclists and horse riders when crossing or moving out into the path of traffic and vice versa.

What counts as overgrown or overhanging?

Any overhanging vegetation must be kept at least 2.4m above a footpath, and 3m above a cycleway or bridleway. Please remember that when branches are heavy with leaves and after rain they will sag, so clearance may call for a higher cut than the minimums stated above. There should be nothing in the actual width of the path (including any verge) i.e. the vegetation should be cut back to your boundary line.

Looking after your hedge

You are responsible for looking after any hedge, tree or vegetation on your property, ensuring that it is not a nuisance to anyone. The state and condition of trees and hedges that are next to a public right of way (and within falling distance) must be checked by the landowner regularly and maintained accordingly.

I do not own the property, I am a tenant - is the hedge my responsibility?

The occupier is usually responsible for this type of maintenance but check your tenancy agreement or lease. If your tenancy agreement or lease states that your landlord is responsible, you should contact him/her so they can make arrangements to cut back the vegetation as soon as possible. You should also pass on the landlord's/agent's contact details to the council so that contact can be made directly in the future.

What about motor vehicles?

No motor vehicles are permitted on public footpaths and bridleways unless there is a lawful reason to do so. If you live along an unadopted road which also has a public footpath or bridleway running along it, then landowners should ensure that the full width of the track (and any verge) is kept clear up to minimum height of 5.5m. This allows access for larger vehicles such as emergency services and bin lorries

If the tree is protected (Tree Preservation Order)

If the tree is subject to a Tree Preservation Order (TPO), seek advice from the council's tree officer before carrying out works. Do not delay contacting

the tree officer if you have any doubt that a tree has become unsafe and poses a danger to the public.

When to do the work

It is unlawful to disturb nesting birds. Before you start to cut, check that there are no birds' nests currently in use – this can be done by observing bird activity.

If you are cutting a small hedge by hand it is easy to avoid sections where birds are actively nesting, meaning you can still cut off the worst of the obstructing vegetation and come back later to do the rest. It is more difficult when cutting a long expanse of hedge by tractor and it is therefore prudent that this is carried out during the winter months when birds have finished nesting.

Debris from the work

Whether you cut the hedges yourself or use a contractor to carry out the work, all debris must be removed from the path and disposed of responsibly. The work must be carried out in a safe manner which does not put the public in danger. If a path needs to be temporarily closed while works take place, please contact the Public Rights of Way service.

What happens if I don't cut my hedge?

It is an offence under the Highways Act 1980 to allow trees, hedges, shrubs etc. to obstruct a public right of way. The council will be forced to serve a formal notice upon the landowner in the event of polite requests being ignored. Failure to comply with a notice will result in the council carrying out the works itself but it will seek to recover all costs and expenses in doing so from the landowner. This could involve court action in the event of non-payment.

Hedgerows Regulations

Hedgerows Regulations apply to countryside hedges but not those forming the curtilage of a property. Trimming back a hedge counts as 'management' for the purposes of the regulations, but if the roots of a hedge are to be taken out, this counts as 'removal' and a Hedgerow Removal Notice needs to be submitted. Seek advice from the council's ecology team.

REPORTING OVERHANGING HEDGES

Reporting overgrown hedges and low branches on public footpaths, bridleways, and byways (rural off-road network).

Public Rights of Way Service

Isle of Wight Council
County Hall
High Street
Newport
Isle of Wight
PO30 1UD
01983 821000
rightsofway@iow.gov.uk
iwight.com/PublicRightsOfWay

Roads and pavements are subject to similar legislation (road network and tarmac estate paths). In these circumstances please report to Island Roads.

Island Roads

St. Christopher House
42 Daish Way
Newport
Isle of Wight
PO30 5XJ
01983 822440
info@islandroads.com

If any trees are subject to a Preservation Order (TPO) contact the Tree Team.

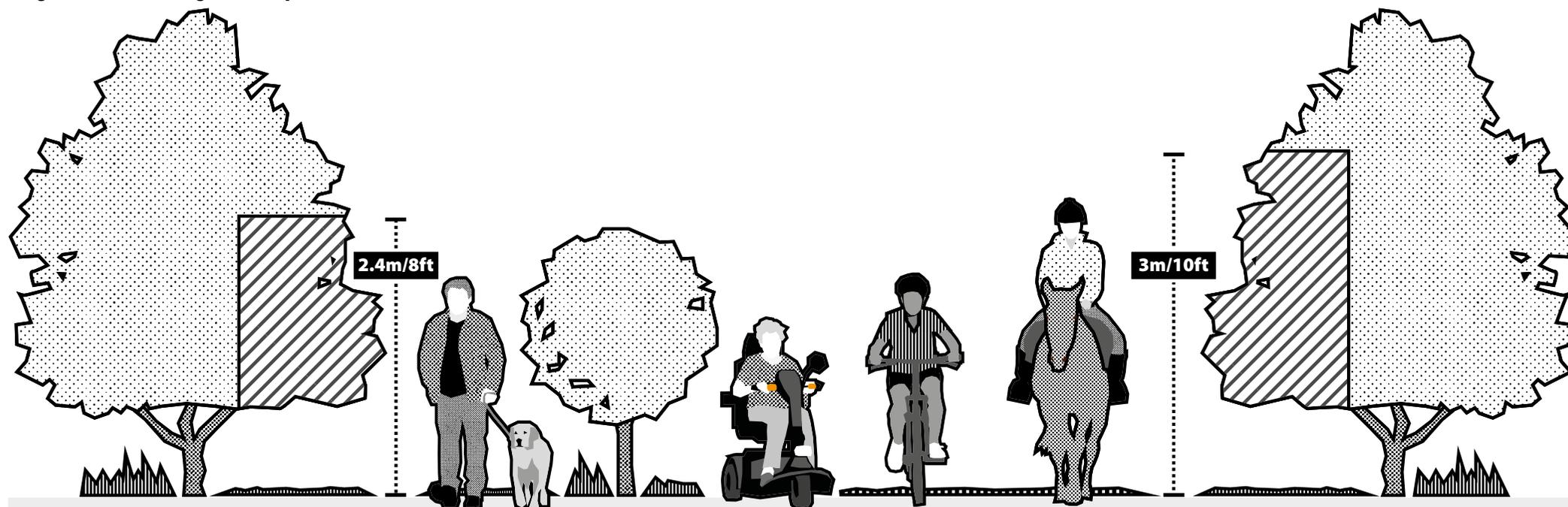
Tree Team

Isle of Wight Council
Seaclose Offices
Fairlee Road
Newport
Isle of Wight
PO30 2QS
01983 823552
development@iow.gov.uk
iwight.com/trees

If a countryside hedge needs to be removed contact the Ecology Team.

Ecology Team

Isle of Wight Council
Seaclose Offices
Fairlee Road
Newport
Isle of Wight
PO30 2QS
01983 823552
ecology@iow.gov.uk



You are responsible for looking after hedges and trees on your land and property.

Overhanging hedges and branches can be a hazard to path users.

Trim your hedge regularly.
Clearance for footpaths: **2.4m/8ft.**

Clearance for bridleways, cycle tracks and other public rights of way: **3m/10ft.**