

EXTRACT FROM MINUTES OF REGULATORY COMMITTEE 30TH JULY 2008

32. **Wylve: Proposed Addition of Footpath No. 11, Wylve to Definitive Map and Statement** At the beginning of the item the Committee received a statement from Mr. P. Lush on behalf of his parents who were the landowners objecting to the proposal, to which the Chairman responded.

Mr. A.N. Deane reported that he knew the area well as he lived fairly close by and his wife used the path for horse riding. He thereupon made a detailed statement in which he reported the views of some local residents who disputed that use of the path had been as of right, whilst not questioning its use.

The Deputy Head of Legal Services advised that the Committee was required to reach a determination based on the evidence available to it. As objections had been received, the matter would be referred to the Secretary of State for Environment, Food and Rural Affairs but the application and objections must be accompanied by the committee's recommendation.

It was noted that there were seven witness statements from users who had regularly walked this route for over 20 years and a further 15 witness statements from individuals claiming to have used this path for part of the 20 year period. The witnesses claimed to have used the path as of right.

During the following discussion, a number of Members, including Mr. I.C. West, the local Member, considered that some doubt had been cast on claims that use of the path had been as of right and the Committee did not feel able to determine the matter on the balance of probabilities. It was proposed that the matter should be deferred to allow time for further clarification.

Resolved: To defer consideration of the proposal until the next meeting in order that the officers could research the matter further so as to clarify the nature of the use of this path and its use over a twenty year period.