

PETER H. PHILLIPS,
24 MIDDLETON AVE,
HOVE,
BN2 4PT
8TH DECEMBER, 2008

HUGO BLOMFIELD,
COUNTRYSIDE MANAGER,
CITYPARKS,
STAMMER NURSERIES,
LEWES RD,
BRIGHTON,
BN1 9SE



DEAR MR. BLOMFIELD

- RE:- (1) CLAIM FOR PUBLIC RIGHT OF WAY
BLUE LAGOON PUBLIC HOUSE
(2) THE PLANNING APPLICATION
2007/02948 IS ALSO RELEVANT

THANK YOU FOR YOUR LETTER AND ENCLOSURES AND I NOW
SUBMIT THE FORMS COMPLETED TO THE BEST OF MY
ABILITY. I TRUST THE INFORMATION CONTAINED IS CLEAR,
BUT IF CLARIFICATION IS REQUIRED, DO NOT HESITATE TO
CONTACT ME AND I WILL DO MY BEST TO ELUCIDATE.

THE KNOB OF THE MATTER IS NOWHERE IN THE PLANNING
APPLICATION (2007/02948) IS MENTION MADE OF THE FACT THAT
FOR AN AWFUL LONG TIME MEMBERS OF THE PUBLIC HAVE
USED THIS ACCESS TO GET FROM THE A259 (KINGSWAY) TO
WHARF ROAD.

THE APPENDIX II (COPY) WAS SENT TO MRS. GEM KHAN BY POST
AND A CERTIFICATE OF POSTING WAS OBTAINED.

YOURS SINCERELY,

RECEIVED
11 DEC 2008



FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

To: Brighton and Hove City Council
of: Hove Town Hall, Town Hall, Norton Road, Hove, BN3 3BQ

I/We, [name of applicant PETER HUGH PHILLIPS]

Of [address of applicant 24 MIDDLETON AVE, HOVE,
E. SUSSEX BN3 4PJ]

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

[deleting the (footpath) (bridleway) (byway open to all traffic)

from N/A to]

[adding the (footpath) (bridleway) (byway open to all traffic)
THE EAST OF

from 330 KINGSWAY, HOVE to WHARF ROAD]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic)
the (footpath) (bridleway) (byway open to all traffic)

from N/A to]

[(Varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic)

from N/A to]

by making the following [(variations) (additions)]

.....]

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application: (Insert list of documents or list on reverse)

Dated: 8.12.08

Signed: [Signature]

APPENDIX II



FORM OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

To: [name of owner/occupier... MRS. GEM KANE]

of: [address of owner/occupier... 330 KINGSWAY, HOVE, BN3 4JW]

Notice is hereby given that on the [date 20.....] I/we [name of applicant PETER HUGH PHILLIPS] of [address of applicant

24 MIDDLETON AVE, HOVE, E SUSSEX BN3 4PJ] made an application to Brighton and Hove City Council of Hove Town Hall, Norton Road, Hove BN3 3BQ that the definitive map and statement for the area be modified by

[deleting the (footpath) (bridleway) (byway open to all traffic)

from ... N/A ... to ...]

[adding the (footpath) (bridleway) (byway open to all traffic)

THE EAST OF
from 330 KINGSWAY, HOVE to WHARF ROAD, HOVE]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic)
the (footpath) (bridleway) (byway open to all traffic)

from ... N/A ... to ...]

[(Varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic)

from ... N/A ... to ...]

by making the following [variations] [additions] ... N/A ...

.....]

Dated: 8.12.08

Signed: [Signature]



**FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER**

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

Certificate of Service of Notice of Application for Modification Order

To: Brighton and Hove City Council

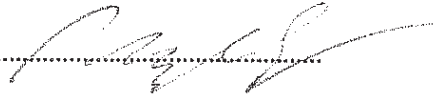
of: Hove Town Hall, Norton Road, Hove BN3 3BQ

I/We, [name of applicant PETER HUGH PHILLIPS]

of [address of applicant 24 MIDDLETON AVE, HOVE,
E. SUSSEX BN3 4PJ]

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: 8.12.08

Signed: 

APPENDIX IV



Wildlife and Countryside Act 1981

Claimed Public Right(s) of Way - EVIDENCE FORM

Please PRINT clearly. A separate form should be completed by each person.

Name (Mr/Mrs/Miss/Ms) PETER HUGH PHILLIPS

Address 24 MIDDLETON AVE, HOVE, B13 4PJ

Tel. no. 01273 418196

Occupation COURT OFFICIAL Age 67

Description of claimed public right of way: EAST SIDE OF 330 KINGSWAY
 Footpath * Leading from: HOVE
 Bridleway * (Grid reference:)
 Byway* SOUTH to: WHARF ROAD HOVE
 Other public right of way * (Grid reference:)
 (* delete as applicable)

1. (a) How long have you lived in the area and during which years?

31 total years/months 1977 (year) to 2008 (year)

(b) Have you moved house during that period? Yes/No

If YES, where did you live before? N/A

Did your pattern of use of the claimed public right of way alter when you moved address?

N/A

2. How long have you known the claimed public right of way? 31 years.

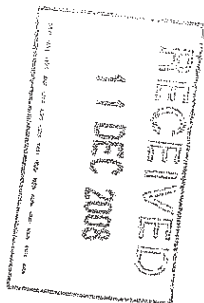
3. During which years have you used the claimed public right of way? 1977 to 2008

4. Did you use the way: on foot Yes/No
 on horseback Yes/No
 with a vehicle Yes/No

5. How often did you use the way? (the frequency of use in a week, month or a year) AT LEAST MONTHLY

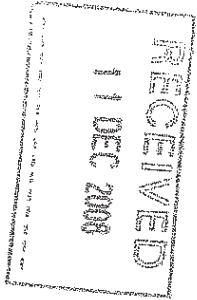
RECEIVED
11 DEC 2006

6. Where were you going to and from?..... TO HOVE LAGOON (B)
FROM MY HOME IN MIDDLETON AVE, HOVE (A)
7. Why did you use the way? IT HAS ALWAYS BEEN THE
SHORTEST ROUTE FROM A TO B ABOUT
8. When did you first believe the way to be public and why?..... OTHER MEMBERS
OF THE PUBLIC ALSO USE IT REGULARLY AND
HAVE DONE SO SINCE ~~1977~~ 1977 AND PROBABLY BEFORE
I ARRIVED IN THE AREA
- Has the way always run over the same route? Yes / No
- Has the way always been a clear and defined route? Yes / No
- How wide is the way? .. SEVERAL FEET (METRES)
12. What type of surface has the way? (e.g. beaten grass, earth). CONCRETE? STEPS AND
PATH
13. Do any of the present landowners know you personally?..... NOT BY NAME
14. Did any of the former landowners know you personally?..... NO
- Do you know the names of the former landowners and the dates of their
ownership?..... NO
15. Have you worked for any of the owners/occupiers of the land? Yes / No
- If YES, who did you work for and during which years?.....
-
16. Have you ever been a tenant of any of the owners/occupiers of the land?
Yes / No
- If YES, give details and the dates of your tenancy.....
-
17. Have you ever seen any Notices saying "Private", "Keep Out", "Trespassers
will be Prosecuted" or other signs that deterred use on or near the way?
Yes / No
- If YES, give details and dates.....
-



18. Have you ever seen any gates or fences across the way? Yes / No ✓
If YES, give details and mark their location on a plan if possible... ONLY IN
THE LAST TWO MONTHS
Were the gates ever locked? Yes / No ✓
19. Have you ever seen stiles across the way? Yes / No
If YES, give details and mark their location on a plan if possible.....
20. Have you seen any other structures on or near the way which affected your
use of the way? (e.g. buildings, shelters or temporary obstructions)... YES;
A FENCE HAS BEEN PUT UP IN THE LAST TWO
MONTHS (APROX) TO THE EAST NORTH AND SOUTH
OF THE WAY ABUTTING TO 330 KINGSWAY
21. Has anyone ever told you that the way was public? Yes / No
If YES, give details
22. Has anyone ever told you that the way was not public? Yes / No
If YES, give details
23. Did you ever seek permission to use the way? Yes / No
If YES, give details
24. Did you ever see anyone else using the way, and if so, how often? REGULARLY;
DIFFERENT MEMBERS OF THE PUBLIC USED IT
DAILY
25. Have you ever been verbally or physically challenged from using the way?
Yes / No
If YES, give details and dates.....
26. Do you know of anyone else being challenged?... NO
27. Has anyone maintained the way?... YES.; THE OWNER OF THE
PROPERTY

28. Are you prepared to attend a public inquiry, if necessary? Yes / No
29. Do you know of any documentary evidence to support the claim? Yes / No
- If YES, give details and supply copies if possible (e.g. photographs, guidebooks, maps, letters). SEE APPENDIX V



.....

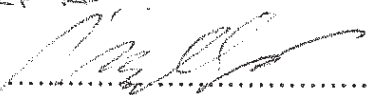
OTHER COMMENTS

Please provide any further details which you consider to be relevant.

① WHY WHEN SO MANY PEOPLE USED IT
 DAILY, WERE THE VIEWS OF SO FEW
 SOUGHT?

② WHY WERE THERE NO NOTICES PUT UP
 AND IT MONITORED TO SEE THEY WERE
 STILL IN PLACE DURING THE CONSULTATION PERIOD?

③ WHEN THE APPLICATION TO FENCE OFF
 WAS MADE,
 THE AREA I CAN SEE NO REFERENCE BY
 THE OWNER THAT THE PUBLIC USE IT
 REGULARLY TO GET FROM THE KINGSWAY TO
 WHARF RD?

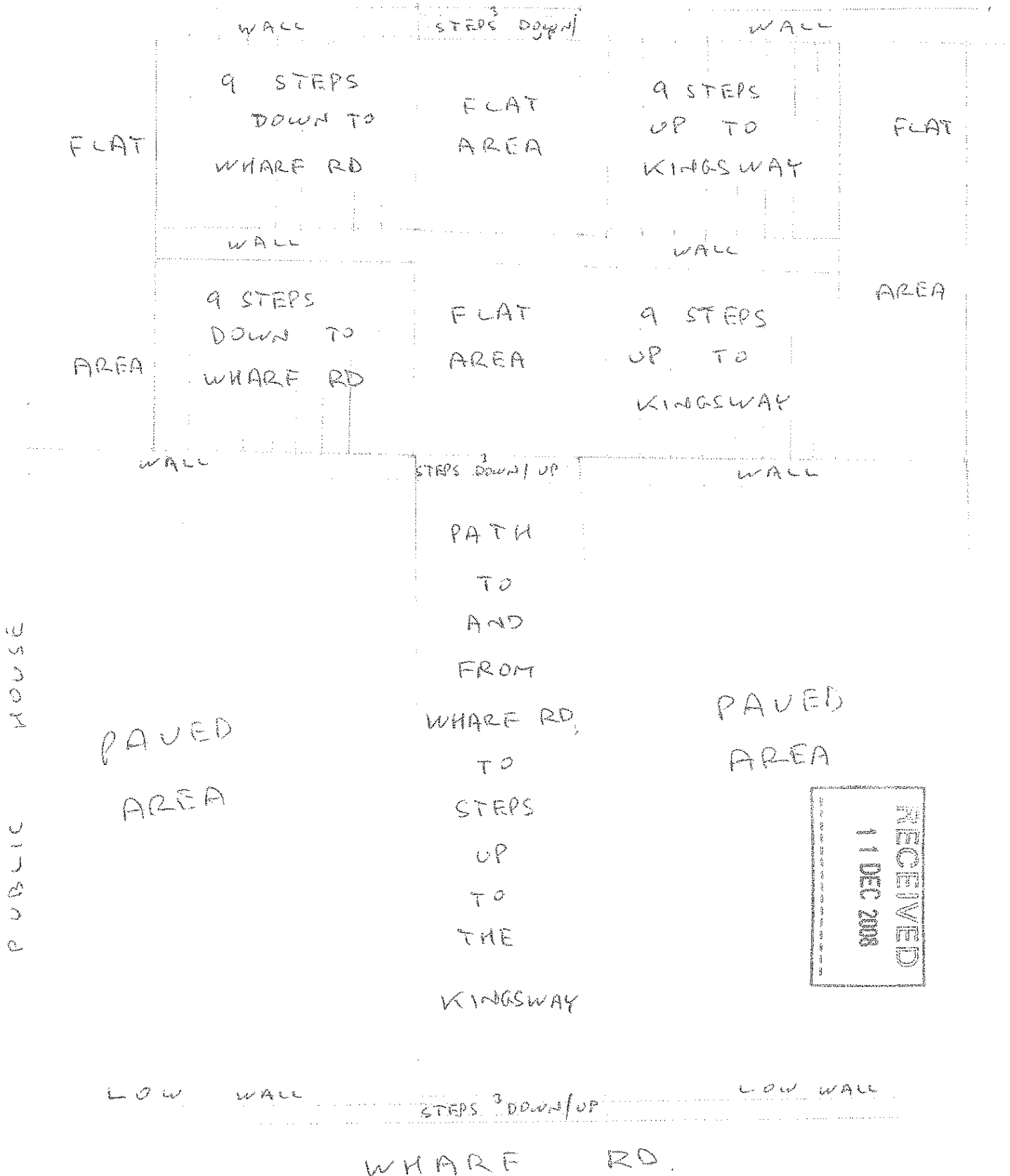
Signed: 

Date: 8.12.08

Brighton and Hove City Council will make a decision based on a consideration of all available evidence.

It is important that witnesses should answer the questions as fully as possible and not keep back any information.

NOTE: Your responses in this questionnaire will be made available for public inspection.



PUBLIC ROAD

RECEIVED
11 DEC 2008

THE ABOVE SHADED AREAS SHOW THE ROUTE I, MY FAMILY AND FRIENDS USED OVER THE 31 YEARS I HAVE LIVED IN MIDDLETON AVE, AS A QUICK WALK WAY FROM/TO KINGSWAY FROM/TO WHARF ROAD. I SUSPECT THOUSANDS OF OTHERS HAVE DONE LIKEWISE, SOME LONGER THAN I.

PETER W. PHILLIPS,
24 MIDDLETON AVE,
HOVE,
BN3 4PS
8TH DECEMBER, 2008

HUGO BLOMFIELD,
COUNTRYSIDE MANAGER,
CITYPARKS,
STAMMER NURSERIES,
LEWES RD,
BRIGHTON,
BN1 9SE

DEAR MR. BLOMFIELD

- RE: - ① CLAIM FOR PUBLIC RIGHT OF WAY
BLUE LAGOON PUBLIC HOUSE
② THE PLANNING APPLICATION
2007/02948 IS ALSO RELEVANT

THANK YOU FOR YOUR LETTER AND ENCLOSURES AND I NOW
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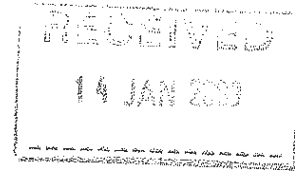
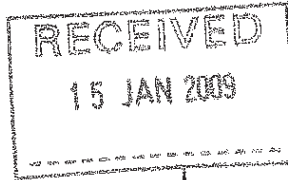
Peter Phillips



CC. HOVE TOWN HALL,

RE 2007/02948

APPENDIX I



FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

To: Brighton and Hove City Council
of: Hove Town Hall, Town Hall, Norton Road, Hove, BN3 3BQ

I/We, [name of applicant *Veronica J. Lawrence*]

Of [address of applicant *327 Portland Rd. Hove BN3 5ST*]

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

[deleting the (footpath) (bridleway) (byway open to all traffic)

from to]

[adding the (footpath) (~~bridleway~~) (~~byway open to all traffic~~)

from *Kingsway Hove* to *Wharf Rd Hove*]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic)
the (footpath) (bridleway) (byway open to all traffic)

from to]

[(Varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic)

from to]

by making the following [(variations) (additions)]

.....]

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application: (Insert list of documents or list on reverse)

Dated: *13-01-2009*

Signed: *V. Lawrence*

APPENDIX III



**FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER**

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

Certificate of Service of Notice of Application for Modification Order

To: Brighton and Hove City Council

of: Hove Town Hall, Norton Road, Hove BN3 3BQ

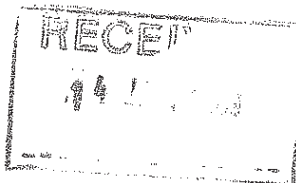
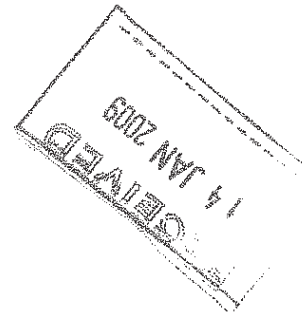
I/We, [name of applicant *Veronica J Browning*]

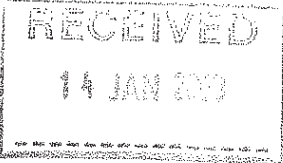
of [address of applicant *327, Port Havel Road Hove BN3 5SE*]

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: *13-01-2009*

Signed: *V J Browning*





APPENDIX IV



Wildlife and Countryside Act 1981

Claimed Public Right(s) of Way - EVIDENCE FORM

Please PRINT clearly. A separate form should be completed by each person.

Name (Mr/Mrs/Miss/Ms) MRS VERONICA T. CROKIN

Address 327 PORTLAND ROAD HOVE EAST SUSSEX

Tel. no. 01273-410595

Occupation PROPERTY MANAGEMENT Age 66

Description of claimed public right of way:

Footpath * Leading from: KINGSWAY
Bridleway * (Grid reference: ...)
Byway * to: WHARF RD - HOVE WOODEN
Other public right of way * (Grid reference: ...)
(* delete as applicable)

1. (a) How long have you lived in the area and during which years?

32 total years/months 1976(year) to 2008(year)

(b) Have you moved house during that period? Yes / No

If YES, where did you live before?

Did your pattern of use of the claimed public right of way alter when you moved address?

2. How long have you known the claimed public right of way? 52 years.

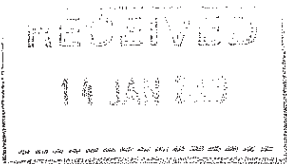
3. During which years have you used the claimed public right of way? 1956 to 2008

4. Did you use the way: on foot Yes No
on horseback Yes / No
with a vehicle Yes / No

5. How often did you use the way? (the frequency of use in a week, month or a

year) During 1960-1976: once a wk 1976 forward maybe half-a-dozen times a year

6. Where were you going to and from? *Home to either Brighton*
e. Home, Seapoint/beach or towards Shoreham 'Coral's Cafe'
7. Why did you use the way? *Leisure & exercise.*
8. When did you first believe the way to be public and why?.....
Popular. Thru cut from the main Kingsway.
useful diversion route with small children away from
traffic.
9. Has the way always run over the same route? Yes No
10. Has the way always been a clear and defined route? Yes No
11. How wide is the way?
12. What type of surface has the way? (e.g. beaten grass, earth) *Steps / concrete.*
13. Do any of the present landowners know you personally?..... *NO*
14. Did any of the former landowners know you personally?..... *NO*
- Do you know the names of the former landowners and the dates of their ownership?..... *NO*
15. Have you worked for any of the owners/occupiers of the land? Yes No
If YES, who did you work for and during which years?.....
16. Have you ever been a tenant of any of the owners/occupiers of the land?
Yes No
If YES, give details and the dates of your tenancy.....
17. Have you ever seen any Notices saying "Private", "Keep Out", "Trespassers will be Prosecuted" or other signs that deterred use on or near the way?
Yes No
If YES, give details and dates.....



18. Have you ever seen any gates or fences across the way? Yes / No

If YES, give details and mark their location on a plan if possible.....

NOT until recently from October 2008

Were the gates ever locked? Yes / No

19. Have you ever seen stiles across the way? Yes / No

If YES, give details and mark their location on a plan if possible.....

20. Have you seen any other structures on or near the way which affected your use of the way? (e.g. buildings, shelters or temporary obstructions).. *NONE*

21. Has anyone ever told you that the way was public? Yes / No

If YES, give details

22. Has anyone ever told you that the way was not public? Yes / No

If YES, give details

23. Did you ever seek permission to use the way? Yes / No

If YES, give details

24. Did you ever see anyone else using the way, and if so, how often?

Over the years probably thousands

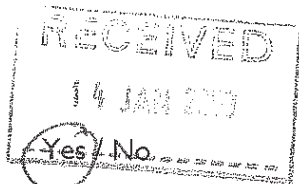
25. Have you ever been verbally or physically challenged from using the way?

Yes / No

If YES, give details and dates.....

26. Do you know of anyone else being challenged? *YES*

27. Has anyone maintained the way? *Had presumed by the Council*



28. Are you prepared to attend a public inquiry, if necessary?

29. Do you know of any documentary evidence to support the claim? Yes No

If YES, give details and supply copies if possible (e.g. photographs, guidebooks, maps, letters).

OTHER COMMENTS

Please provide any further details which you consider to be relevant.

These steps have been in situ for as long as I remember, providing a safe & short route to access the Lagoon & its amenities and also I have promenade. Steering children away from heavy traffic is hazardous for parents. The Elderly too could be disadvantaged under the current arrangement. This has been ill-thought out & appears to restrict the rights of Hove citizens generally in favour of the 'Blue Lagoon's' patrons.

Signed: *V. J. Barron*

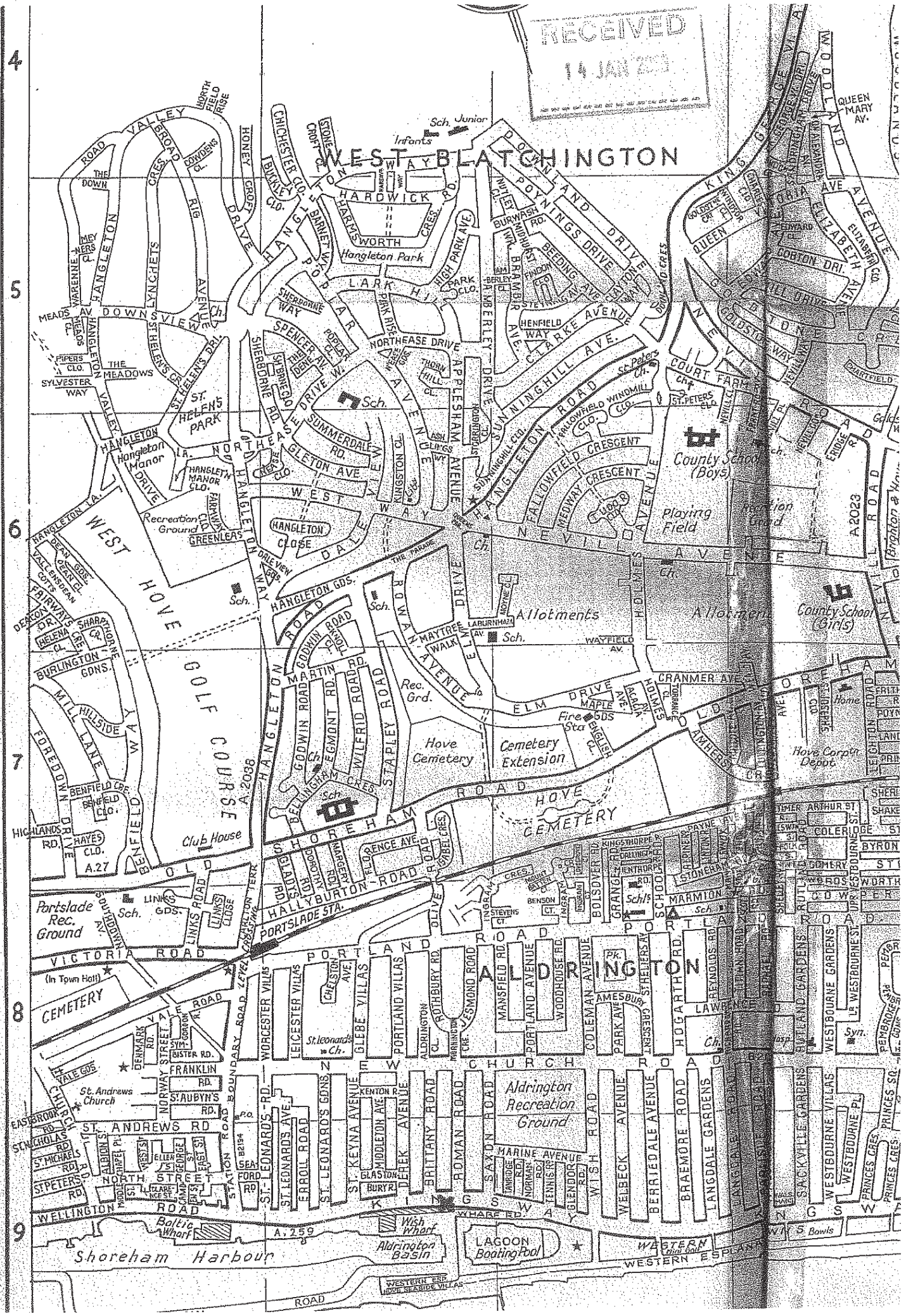
Date: *13/01/2009*

Brighton and Hove City Council will make a decision based on a consideration of all available evidence.

It is important that witnesses should answer the questions as fully as possible and not keep back any information.

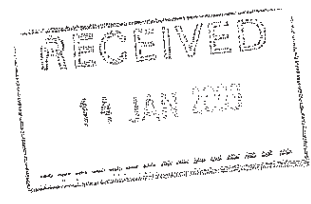
NOTE: Your responses in this questionnaire will be made available for public inspection.

RECEIVED
14 JAN 23



12-TH-11

APPENDIX I



FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

To: Brighton and Hove City Council
of: Hove Town Hall, Town Hall, Norton Road, Hove, BN3 3BQ

I/We, [name of applicant FIFTEEN, E. ODOM]

Of [address of applicant FLAT 16 PARNEL HOUSE
WESTBOURNE ST HOUSE BN3 5PE]

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

[~~deleting the (footpath) (bridleway) (byway open to all traffic)~~
from to]

[~~adding the (footpath) (bridleway) (byway open to all traffic)~~
from Kingsway to Wharf Road]

[~~(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic)~~
the ~~(footpath) (bridleway) (byway open to all traffic)~~
from to]

[~~(Varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic)~~
from to]

by making the following [(variations) (additions)]

and shown on the map accompanying this application. *Sent earlier,*
I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application; (Insert list of documents or list on reverse)

Dated: 10th JAN 2009

Signed: E. E. Odom

APPENDIX III



FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

Certificate of Service of Notice of Application for Modification Order

To: Brighton and Hove City Council

of: Hove Town Hall, Norton Road, Hove BN3 3BQ

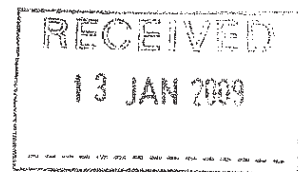
I/We, [name of applicant FILEEN E. ODOM.]

of [address of applicant. FLAT 16 BARMEL HOUSE
WESTBOURNE ST HOVE BN3 3PE]

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife
and Countryside Act 1981 have been complied with.

Dated: 10 JAN 2009.

Signed: E. E. Odom.



APPENDIX IV



Wildlife and Countryside Act 1981

Claimed Public Right(s) of Way - EVIDENCE FORM

Please PRINT clearly. A separate form should be completed by each person.

Name (~~M/Mrs/Miss/Ms~~) EILEEN . E . ODOM.
 Address FLAT 16. BARMER HOUSE
WESTBOURNE ST. HOVE BN3 5PE
 Tel. no. 01273/73972
 Occupation RETIRED Age 80

Description of claimed public right of way:

Footpath *

Bridleway *

Byway *

Other public right of way *

(* delete as applicable)

Leading from: KINGSWAY HOVE

(Grid reference:

to: DOWN TO LAGOON WHARF Rd

(Grid reference:

1. (a) How long have you lived in the area and during which years?

70 total years/months 1938 (year) to 192008 (year)

(b) Have you moved house during that period? Yes / ~~No~~

46 BOUNDARY Rd HOVE
 If YES, where did you live before? ST. LEONARDS Rd HOVE 84

28 GREBE VILLAS HOVE
 Did your pattern of use of the claimed public right of way alter when you moved address?
NO.

2. How long have you known the claimed public right of way? 70 years.


3. During which years have you used the claimed public right of way?to..... ALLWAYS

4. Did you use the way: on foot Yes / ~~No~~
 on horseback ~~Yes~~ / No
 with a vehicle Yes / ~~No~~

1945 - 2008

5. How often did you use the way? (the frequency of use in a week, month or a

year) ON AND OFF, MOST DAYS DURING SPRING + SUMMER.

6. Where were you going to and from? SHORT CUT DOWN TO LAGOON + SEA FRONT + BEACH HUT
7. Why did you use the way? MY CHILDREN NOW 55 + 53 RACE DOWN STEPS / LATER WITH GRANDCHILDREN. FUN WAY DOWN TWO SIDES RACE
8. When did you first believe the way to be public and why? NEVER THOUGHT ABOUT IT, ITS ALWAYS BEEN THERE, SINCE AFTER THE WAR, 1945? 

9. Has the way always run over the same route? Yes / ~~No~~

10. Has the way always been a clear and defined route? Yes / ~~No~~

11. How wide is the way? STEPS FROM TOP ROAD DOWN. ? 4 FT. WIDE

12. What type of surface has the way? (e.g. beaten grass, earth) REDISH BRICKS

13. Do any of the present landowners know you personally? NO

14. Did any of the former landowners know you personally? NO

Do you know the names of the former landowners and the dates of their ownership? NO

15. Have you worked for any of the owners/occupiers of the land? ~~Yes~~ / No

If YES, who did you work for and during which years?

16. Have you ever been a tenant of any of the owners/occupiers of the land?

~~Yes~~ / No

If YES, give details and the dates of your tenancy.

17. Have you ever seen any Notices saying "Private", "Keep Out", "Trespassers

will be Prosecuted" or other signs that deterred use on or near the way?

~~Yes~~ / No

If YES, give details and dates.

18. Have you ever seen any gates or fences across the way? ~~Yes~~ / No
 If YES, give details and mark their location on a plan if possible.....

- Were the gates ever locked? Yes / No
19. Have you ever seen stiles across the way? Yes / No
 If YES, give details and mark their location on a plan if possible.....

20. Have you seen any other structures on or near the way which affected your
 use of the way? (e.g. buildings, shelters or temporary obstructions)..... **NO**

21. Has anyone ever told you that the way was public? ~~Yes~~ / No
 If YES, give details
22. Has anyone ever told you that the way was not public? ~~Yes~~ / No
 If YES, give details
23. Did you ever seek permission to use the way? ~~Yes~~ / No
 If YES, give details
24. Did you ever see anyone else using the way, and if so, how often? **YES**
MOST OF THE TIMES WE USED IT.

25. Have you ever been verbally or physically challenged from using the way?
~~Yes~~ / No
 If YES, give details and dates.....

26. Do you know of anyone else being challenged?..... **NO**

27. Has anyone maintained the way?..... **?**

28. Are you prepared to attend a public inquiry, if necessary? Yes / ~~No~~
29. Do you know of any documentary evidence to support the claim? ~~Yes~~ / No
- If YES, give details and supply copies if possible (e.g. photographs, guidebooks, maps, letters).

.....

OTHER COMMENTS

Please provide any further details which you consider to be relevant.

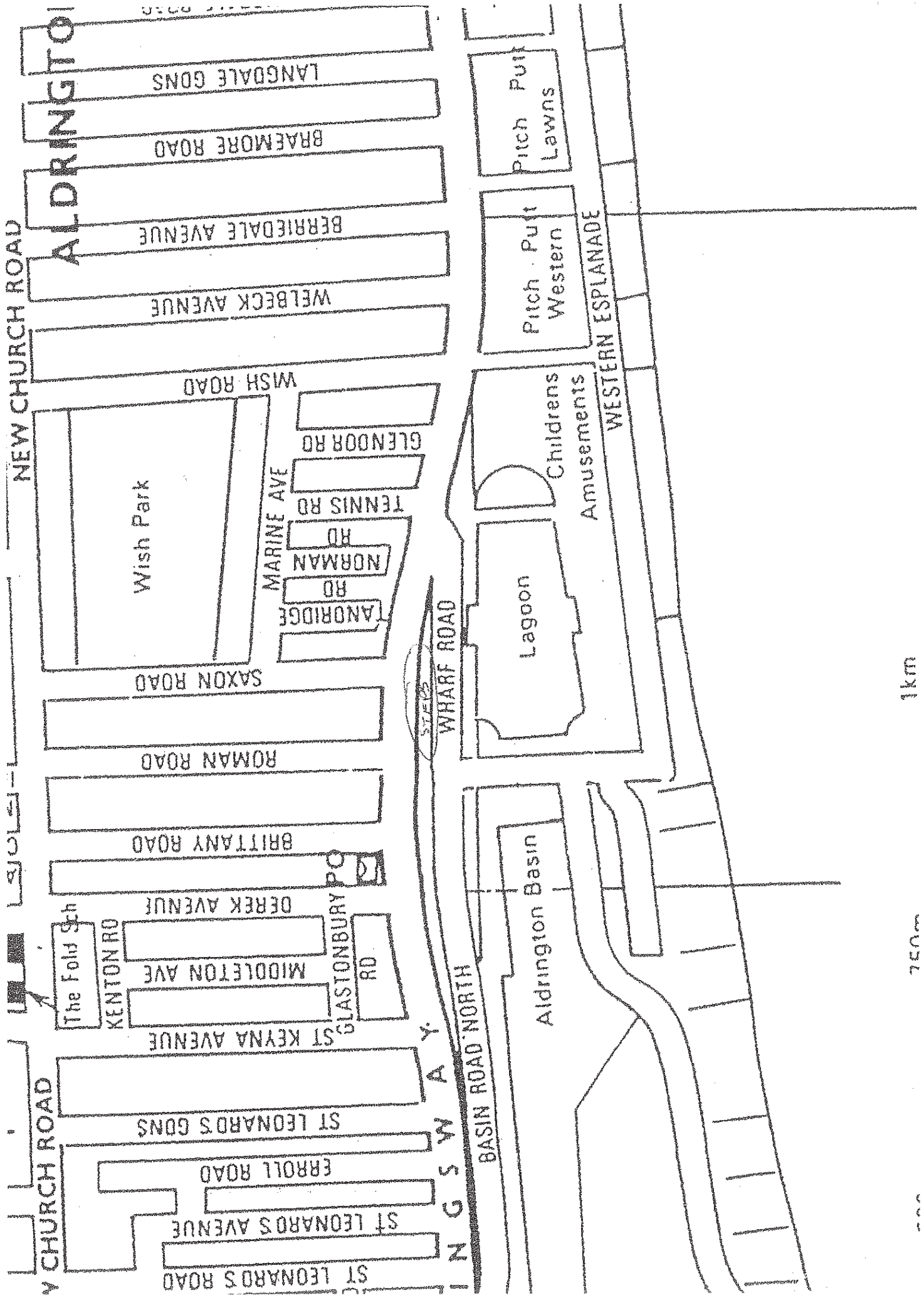
- 1/ THE STEPS ARE NEAR A CROSSING AT KINGWAY
WITH TRAFFIC LIGHTS
- 2/ ~~THE~~ THE NEXT CROSSING TO HARBOUR IS VERY
BUSY WITH THREE WAY TRAFFIC.
- 3/ FIRST PATH/CROSSING PAST BOUNDARY Rd
DOWN TO SEA FRONT, DEEP SEA ANGLERS,
FRESH FISH, WALK ALONG LOWER SIDE OF
HARBOUR, TO SHOREHAM ^{END} ~~END~~, HAVING HAD
GRAND SONS, I KNOW ALL ABOUT, BOATS, CRANES
LOCKS ECT. STILL WALK PART WAY WHEN GRAND SONS
AND FAMILY COME DOWN. NOW AGED 29 + 27.
- Signed: Eileen O'Connell
- Date: 4 Dec 2008

Brighton and Hove City Council will make a decision based on a consideration of all available evidence.

It is important that witnesses should answer the questions as fully as possible and not keep back any information.

NOTE: Your responses in this questionnaire will be made available for public inspection.

Sorry above writing
now registered partly sighted



APPENDIX I



FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

To: Brighton and Hove City Council
of: Hove Town Hall, Town Hall, Norton Road, Hove, BN3 3BQ

I/We, [name of applicant BRENDA LOUISE NEAVE WELLS.....]

Of [address of applicant 26 ST KEYNA AVENUE HOVE BN3 4PP.....]

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

[deleting the (footpath) (bridleway) (byway open to all traffic)

from to]

[adding the (footpath) (~~bridleway~~) (~~byway open to all traffic~~)

from KINGSWAY, HOVE to WHARF ROAD, HOVE.....]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic)
the (footpath) (bridleway) (byway open to all traffic)

from to]

[(Varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway
open to all traffic)

from to]

by making the following [(variations) (additions)]

.....]

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application: (Insert list of documents or list on reverse)

Dated: 16 December 2008

Signed: Brenda Louise Wells



**FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER**

Wildlife and Countryside Act 1981

Brighton and Hove City Council Definitive Maps and Statements

Certificate of Service of Notice of Application for Modification Order

To: Brighton and Hove City Council

of: Hove Town Hall, Norton Road, Hove BN3 3BQ

I/We, [name of applicant BRENDA LOUISE NEAVE WELLS]

of [address of applicant 26 ST. KEYNA AVE, HOVE, EAST SUSSEX] BN3 4PP

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: 16 December 2008

Signed: Brenda Louise Wells

Map attached.

APPENDIX IV



Map attached!

Wildlife and Countryside Act 1981

Claimed Public Right(s) of Way - EVIDENCE FORM

Please PRINT clearly. A separate form should be completed by each person.

Name (Mr/Mrs/Miss/Ms) ... BRENDA LOUISE NEAVE WELLS

Address ... 26 ST. KEYNA AVE, HOVE, EAST SUSSEX BN3 4PP

Tel. no. ... 01273 423102

Occupation ... RETIRED TEACHER Age ... 71

Description of claimed public right of way:

- Footpath *
Bridleway *
Byway *
Other public right of way *
Leading from: KINGSWAY HOVE
(Grid reference: ...)
to: SHARE ROAD HOVE
(Grid reference: ...)

1. (a) How long have you lived in the area and during which years?

21 total years/months 1987 (year) to 2008 (year)

(b) Have you moved house during that period? Yes / (No)

If YES, where did you live before? -

Did your pattern of use of the claimed public right of way alter when you moved address?

2. How long have you known the claimed public right of way? ... 46 years. (since 1962)

3. During which years have you used the claimed public right of way? 1962 to 2008

4. Did you use the way: on foot (Yes) / No
on horseback Yes / No
with a vehicle Yes / No

5. How often did you use the way? (the frequency of use in a week, month or a year) ... 1962-1987 Monthly 1987-2008 almost daily

6. Where were you going to and from? Lagoon/seafront
from King's way.
7. Why did you use the way? For recreation/walking.
8. When did you first believe the way to be public and why?.....
From 1962 it appeared to be the path
everyone used to access the lagoon/seafront
9. Has the way always run over the same route? Yes / No
10. Has the way always been a clear and defined route? Yes / No
11. How wide is the way? 6 to 8ft
12. What type of surface has the way? (e.g. beaten grass, earth) Paved.
13. Do any of the present landowners know you personally? No.
14. Did any of the former landowners know you personally? No.
- Do you know the names of the former landowners and the dates of their ownership? No.
15. Have you worked for any of the owners/occupiers of the land? Yes No
If YES, who did you work for and during which years?.....
16. Have you ever been a tenant of any of the owners/occupiers of the land?
Yes No
If YES, give details and the dates of your tenancy.....
17. Have you ever seen any Notices saying "Private", "Keep Out", "Trespassers will be Prosecuted" or other signs that deterred use on or near the way?
 Yes / No
If YES, give details and dates. Nothing until October 2008
when a chalked sign was placed on ground
saying "No thoroughfare"

18. Have you ever seen any gates or fences across the way? Yes / No
 If YES, give details and mark their location on a plan if possible.....
Nothing until fence and gates constructed Oct 200
- Were the gates ever locked? Yes / No *gates bolted*
19. Have you ever seen stiles across the way? Yes / No
 If YES, give details and mark their location on a plan if possible.....

20. Have you seen any other structures on or near the way which affected your use of the way? (e.g. buildings, shelters or temporary obstructions)..... No.....

21. Has anyone ever told you that the way was public? Yes / No
 If YES, give details
22. Has anyone ever told you that the way was not public? Yes / No
 If YES, give details *Yes by an employee of the Hotel (Blue lagoon October 2008)*
23. Did you ever seek permission to use the way? Yes / No
 If YES, give details
24. Did you ever see anyone else using the way, and if so, how often?
- Frequently over many years.*
25. Have you ever been verbally or physically challenged from using the way?
 Yes / No
 If YES, give details and dates... *As at N°22*

26. Do you know of anyone else being challenged?..... *NO-*

27. Has anyone maintained the way?..... *Paving appears to be maintained by Blue lagoon Hotel.*

28. Are you prepared to attend a public inquiry, if necessary? Yes No

29. Do you know of any documentary evidence to support the claim? Yes / No

If YES, give details and supply copies if possible (e.g. photographs, guidebooks, maps, letters).

.....

OTHER COMMENTS

Please provide any further details which you consider to be relevant.

The Right of Way from the Blue Lagoon leads directly across Wharf Road to ^{an} ~~the~~ entrance to the lagoon itself.

Mr. Kave is clearly trying hard to make a success of the Blue Lagoon - it is a pity to alienate local people.

Signed: Frank L W Wells

Date: 16th December

Brighton and Hove City Council will make a decision based on a consideration of all available evidence.

It is important that witnesses should answer the questions as fully as possible and not keep back any information.

NOTE: Your responses in this questionnaire will be made available for public inspection.

Land Registry
Official copy of
title plan

Title number SX128592
Ordnance Survey map reference TQ2604NE
Scale 1:1250
Administrative area BRIGHTON AND HOVE



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