

AGENDA ITEM NO. 7

**BRISTOL CITY COUNCIL
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
9 JANUARY 2006**

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY MATTERS

(Joint report of the Director of Planning Transport and Sustainable Development and Director of Central Support Services (Head of Legal Services))

(Ward: Citywide)

Purpose of Report

1. To report for information on the present position with regard to claims under the Wildlife and Countryside Act 1981 Section 53; town or village green applications; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.

Background

Item	Ward	Site address/description	Remarks
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CURRENT INVESTIGATIONS - Wildlife and Countryside Act 1980 Section 53

None

PUBLIC PATH ORDERS – Town and Country Planning Act 1990

1.	Bedminster	Public Path Diversion Order for FP 487A (part) Malago Sidings, Bedminster	The Order was confirmed on 27 February 2003. The Order will come into force once the diverted route has been completed for use. Negotiations with developers have stalled and a breach of planning condition notice is to be issued forthwith. A Section 73 Application has been made by the developer and approved on 14/12/05.
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2.	St George West	Stopping Up of part of Footpath BCC/339 (Church Lane), St George.	The Order was advertised on 22 March 2005. The objection period has expired and one duly made objection has been received which has not been withdrawn. This is being referred to the Secretary of State
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PUBLIC PATH ORDERS – Highways Act 1980

3.	St George East	Public Path Diversion Order for FP373 (part) Meg Thatchers Gardens, St George	In force, to be added to the definitive map.
4.	Southmead	Public Path Extinguishment Order for FP 41 (part)	A pre-Inquiry meeting has been requested from the Inspectorate in order to determine the detailed procedural rules for the Inquiry

MISCELLANEOUS RIGHTS OF WAY MATTERS

5.	Southmead	Public Path Dedication of new path linking part of FP 41 to the junction of Greystoke Avenue with Cricket Lane.	The Deed of Dedication was made and sealed on 24 March 2005. Needs to be added to the definitive map.
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PUBLIC INQUIRIES

6.	Southmead	Claimed right of way from Parkers Close (East) Brentry to Filton Golf Course (PROW 16)	The Planning Inspectorate have advised that, in the absence of a supporter to put the case, the matter will be determined by an Inspector on the basis of papers already on file. A site visit was recently cancelled and a replacement date is awaited
7.	Brislington	Claimed right of way from Broomhill Road to Bonville Road, Brislington	Final stages of process to be completed and addition to definitive map made in due course.

Consultation None.

Appendices Appendix A - Statutory Orders Progress Report on claims for Modification of the Definitive Map

Appendix B – Summary of Delegated Rights of Way Decisions and the Current Status

Appendix C - Current and pending applications to register new town or village greens

Policy Implications

There are no specific resource implications arising from this report.

Resource Implications

There are no specific resource implications arising from this report.

Other Approvals Necessary None.

Recommended That the report be noted

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers None.

Contact Officer: For queries relating to rights of way matters:

Amanda Sutherland, Solicitor, Legal Division, Central Support Services

John Roy, Public Rights of Way, Traffic Management, PTSD

For queries relating to village green and commons matters:

Frances Horner, Senior Solicitor, Legal Division, Central Support Services

APPENDIX A

APPLICATIONS FOR MODIFICATION OF DEFINITIVE MAP AND STATEMENT UNDER SCHEDULE 14 OF WILDLIFE AND COUNTRYSIDE ACT 1981

PROGRESS REPORT FOR THE JANUARY 2006 COMMITTEE

LOCATION	DATE RECEIVED	CURRENT POSITION
Old Sneed Park, Sneyd Park, Bristol	07.02.92	A dedication agreement is proposed for a section of the claimed route. If agreed, the Council will seek a withdrawal of the claim on completion of the Agreement.
Strawberry Lane (Hartcliffe to Dundry)	27.01.93	Bridleway provision is being considered as part of the Dundry Slopes study, and the Council has agreed to provide an alternative route to the claimed bridleway. The claimants have already stated that they will withdraw their claim if such provision was made.
Claimed footpath at Clifton wood	24.04.98	Awaiting investigation
Claimed footpaths at Barracks Lane, Shirehampton	25.11.98	Awaiting investigation
Claimed footpath at Little Mead, Kingsweston Road	4.3.00	Awaiting investigation
Claimed footpath along Friary Road, Bishopston between Berkeley Road and FP 567	19.3.01	A planning application has been made affecting this claim. Investigation of this claim has therefore been reprioritised and Counsel's opinion is being sought on the merits of the claim.
Claimed right of way from Hotwell Road to Charles Place Hotwells	7.4.03	Awaiting Investigation
Claimed bridleway, Dundry Farm, St George	6.4.04	Bridleway provision is currently under consideration. If a dedication agreement is proposed, the Council will seek a withdrawal of the claim on completion of the Agreement.

APPENDIX B

SUMMARY OF DELEGATED RIGHTS OF WAY DECISIONS: CURRENT STATUS

See items 4 and 5 above (Southmead Ward)

APPENDIX C

CURRENT APPLICATIONS TO REGISTER LAND AS NEW TOWN OR VILLAGE GREENS

Any new matters will be reported orally to Committee