

BRISTOL CITY COUNCIL

PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
3 April 2006

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY MATTERS

(Joint report of the Director of Environment Transport and Leisure 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
CURRENT INVESTIGATIONS- Wildlife and Countryside Act 1980 Section 53			
1.	Southmead	Claimed right of way from Parkers Close (East) Brentry to Filton Golf Course (PROW 16)	This matter has been referred to the Secretary of State with a request that he either confirms or not confirms the Order. Due to illness the applicant is unable to present the claim at Inquiry. Accordingly the Planning Inspectorate has resolved to make a decision on the written papers before it. It is understood a site visit has taken place and a decision is awaited.
PUBLIC PATH ORDERS – Town and Country Planning Act 1990			
2.	Bedminster	Public Path Diversion Order for FP 487A (part) Malago Sidings, Bedminster	The Order was confirmed on 27 February 2003. The Developer has by planning application altered the route back to the original course and agreed to construct the steps. The variation to their planning permission gives 6 months from the 14 December 2005 to complete the works. The steps will not be along the route of the advertised order and a further order may be required.
3.	St George West	Stopping Up of part of Footpath BCC/339 (Church Lane), St George.	The Order was advertised on 22 March 2005 and one duly made objection has been received. The matter has been referred to the Secretary of State who has confirmed the matter is to be dealt with by way of written representations.

PUBLIC PATH ORDERS – Highways Act 1980			
4.	Southmead	Public Path Extinguishment Order for FP 41 (part)	The Council have resolved to take a neutral stance and the case will be presented by the applicant. The Planning Inspectorate is in the process of arranging a date for the Inquiry.
PUBLIC INQUIRIES			
5.	Brislington	Claimed right of way from Broomhill Road to Bonville Road, Brislington	An Inquiry was held on the 11 and 12 January 2005. The Order was confirmed subject to modification. The modification has now been advertised and there were no objections. The path can be added to the Definitive Map.

Consultation None.

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

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:
Victoria Nims, Solicitor, Legal Division, Central Support Services
Christine Pouncett, Public Rights of Way, Traffic Management, DETL

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 APRIL 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 may agree to dedicate bridleway rights along strawberry lane. 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	Awaiting investigation
Claimed right of way from Hotwell Road to Charles Place Hotwells	7.4.03	Awaiting Investigation
Claimed bridleway, Dundridge 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.