

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 7TH APRIL 2008 AT 2.00 P.M.**

- P Councillor Quartley (in the Chair)
- P Councillor Brown
- A Councillor Cole
- A Councillor Daniels
- P Councillor Davies
- P Councillor Jackson
- P Councillor Colin Smith

**PROWG
30.4/08 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Cole and Councillor Daniels.

**PROWG
31.4/08 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PROWG
32.4/08 MINUTES – PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE – 14TH JANUARY 2008**

RESOLVED - that the minutes of the meeting of the Public Rights of Way and Greens Committee held on 14th January 2008 be confirmed as a correct record and signed by the Chair.

**PROWG
33.4/08 PUBLIC PARTICIPATION - STATEMENTS AND
PETITIONS**

NUMBER	APPLICATION	NAME	AGENDA ITEM NO.
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1	Claimed Footpath from Hotwell Road to Charles Place, Through Bear Yard.	Rosemary Stibbon	5
2	Claimed Footpath from Hotwell Road to Charles Place, Through Bear Yard; and Current Claims, Inquiries and Miscellaneous Rights of Way Matters	Councillor Brian Price	5 & 6

**PROWG
34.4/08**

CLAIMED FOOTPATH FROM HOTWELL ROAD TO CHARLES PLACE, THROUGH BEAR YARD

The Committee considered a joint report of the Director of Planning, Transport and Sustainable Development and the Director of Central Support Services (Head of Legal Services) (Agenda Item No. 5) determining an application for a Modification Order under the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a footpath from Hotwell Road, through Bear Yard to Charles Place, Hotwells, Bristol.

A representative of the Director of Planning, Transport and Sustainable Development introduced the report and informed the Committee that;

- (i) The claim had been prompted by the temporary closure of the path, due to building works which commenced in 2002.
- (ii) The evidence to support the claim was very strong, for example the footpath was shown on an auctioneer's plan from 1878, and there were 70 statements from residents who said they had used the route for at least twenty years.
- (iii) As some of the user evidence forms had been partially completed by the applicant, interviews had taken place with users to validate their authenticity.
- (iv) As the new development at Bear Yard Mews encroached on the original route, the claimed route had been revised accordingly (as shown on

Appendix (5) A).

In response to questions asked, the representative of the Director of Planning, Transport and Sustainable Development confirmed that;

- (i) On Appendix (5) A, the triangular area above playground 2 and adjacent to the claimed route, had been sold alongside the land for Bear Yard Mews.
- (ii) The construction works that had temporarily blocked the route had been completed in, or shortly after, 2002.
- (iii) In the future, user evidence forms would emphasise that submissions should, where possible, be completed in the sender's own hand.

On being put to the vote it was unanimously resolved that;

- RESOLVED -**
- (1) the Head of Legal Services be authorised to make and advertise a Definitive Map Modification Order to show a footpath in the Definitive Map and Statement, as shown on the plan attached to the report; and**
 - (2) that if the Order is unopposed, or any objections lodged are subsequently withdrawn, the Head of Legal Services be authorised to confirm the Order.**

**PROWG
35.4/08**

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY MATTERS

The Committee considered a joint report of the Director of Planning, Transport and Sustainable Development and Director of Central Support Services (Head of Legal

Services) (Agenda Item No. 6) reporting for information the present position with regard to claims under the Wildlife and Countryside Act 1981 Section 53, informing Members of the reasons for the time taken to determine these claims.

A representative of the Director of Planning, Transport and Sustainable Development introduced the report and informed the Committee that;

- (i) As there was no strict guidance on the matter, the City Council usually dealt with claims in chronological order.
- (ii) All of the delayed claims related to routes that crossed Council owned land.
- (iii) Regarding the application at Sneed Park, it had been agreed that the City Council's department of Culture and Leisure Services would dedicate the claimed route as a Public Right of Way and maintain it as part of site management in the reserve. The path would be brought up to the standard approved by the Parks Manager and a number of physical works would be undertaken, including scrub clearance which would take place after the end of the bird nesting season (September 2008).
- (iv) The application at Argyle Place was expected to be resolved in August 2008, as the revised route would be transferred to the City Council. After this date the claimant would be contacted with a view to withdrawing the claim.
- (v) A meeting would take place to discuss a strategy for dealing with the outstanding claims and a report on the proposals would be brought before the Committee in July 2008.

In response to questions asked, the representative of the Director of Planning, Transport and Sustainable Development informed the Committee that;

- (i) The claimant for the route at Argyle Place had been kept up to date of developments relating to the site.

- (ii) It was permissible for the City Council to attempt to negotiate altered routes, providing that the amended route met the existing need.

As Members were interested in the history of the site, the Chairman agreed that it would be appropriate for Councillor Brian Price (Clifton ward) to address the Committee, during which he made the following comments;

- (i) Part of the planning obligation, secured in 1998 under Section 106 of the 1990 Town and Country Planning Act, was that a path through the site would be provided, but to the left of the original claimed route.
- (ii) Complications had arisen as there were two areas through which the claimed route passed (as shown on Appendix (6) C) and whilst one was a town green the other was not.
- (iii) The original agreement with the developer of the site was that the route would be maintained by the City Council from April 2008, but this date had been revised to August 2008 as works at the site had overrun.

- RESOLVED -**
- (i) that the report be noted; and**
 - (ii) that a report on the proposed strategy for dealing with outstanding claims on Council land be brought before the Committee at its meeting on 21st July 2008.**

**PROWG
36.4./08**

UPDATE REPORT - RIGHTS OF WAY

The Committee considered a joint report of the Director of Planning, Transport and Sustainable Development and the Director of Central Support Services (Head of Legal Services) (Agenda Item No. 7) noting the report for

information on the present position with regard to Wildlife and Countryside Act applications; town or village green applications; public inquiries and miscellaneous rights of way orders, agreements and legal proceedings.

A representative of the Head of Legal Services informed the Committee that;

- (i) The papers for the Definitive Map Modification Order at Friary Road, Bishopston had been collated and were in the process of being forwarded to the Inspectorate.
- (ii) An objection to the claim for a Public Path Diversion Order for FP 223 (Lockleaze) had been received.

In response to questions asked, Officers informed that Committee that;

- (i) The application for the Public Path Diversion Order for FP 5 (Avonmouth) had been delayed as Wessex Water needed to complete works in order to make the path passable.
- (ii) An assessment was planned in order to establish the resources required to progress all outstanding Legal Event Modification Orders and the Committee would be kept informed of further developments.

The Committee noted that Item 6 on page two of the report contained an error and should read 'Dedication of Bridleway Rights over Strawberry Lane'.

RESOLVED - that the report be noted.

**PROWG
37.4/08**

DATE OF THE NEXT MEETING

RESOLVED - that the provisional dates of meetings of the Public Rights of Way and Greens Committee for the 2008/09 Municipal Year be as follows:-

**2pm on Monday 21st July 2008
2pm on Monday 27th October 2008
2pm on Monday 19th January 2009**

2pm on Monday 6th April 2009

(The meeting ended at 2.28pm)

CHAIR