

BRISTOL CITY COUNCIL

PUBLIC RIGHTS OF WAYS AND GREENS COMMITTEE

21 July 2014

Current claims, inquiries and miscellaneous Rights of Way matters
(Report of the Director of City Development)

(Ward: Citywide)

Purpose of Report

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

Item	Ward	Site address/ description	Remarks
DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS – Section 53 of Wildlife and Countryside Act 1981			
1	Lockleaze (Ref. ID3.739)	South Purdown, site of new Fairfield School sports pitches (claimed route B to C).	As the site has planning permission for development, this application will be prioritised for investigation.
PUBLIC PATH ORDERS – Town and Country Planning Act 1990			
3	None		
PUBLIC PATH ORDERS – Highways Act 1980			
4	Hartcliffe	Public Footpath 306, Bishport Avenue - combined order.	A footpath diversion order is required to resolve an historic obstruction. Order currently being drafted.
PUBLIC INQUIRIES			
5	None		
Miscellaneous Rights of Way Matters			
6	See list of outstanding 'Legal Event' Orders at Appendix B		

APPENDIX () A

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

PROGRESS REPORT 21 July 2014

LOCATION	DATE RECEIVED [& VALIDATED]	CURRENT POSITION**
Claimed footpath at Argyle Place, Cliftonwood	24.04.98 [Validated 1998] (Ref. ID3.83)	Approval given by Leisure Services for the dedication of an alternative footpath, subject to the acquisition and adoption of the land by the Council as public open space.
Claimed footpath at South Hayes and Parkside Gardens, Lockleaze	15.06.06 [Validated 15.03.2007] (Ref. ID3.640)	Awaiting investigation
Claimed footpath at Ridgehill, Henleaze	14.10.06 [Validated 24.11.06] (Ref. ID3.654)	Awaiting investigation
Claimed footpath rear of Shaldon Road and Morris Road, Lockleaze	09.05.07 [Validated 18.05.2007] (Ref. ID3.665)	Awaiting investigation
Claimed footpath from Blackberry Hill (south of Frome Bridge) to FP153	28.06.08 [Validated 11.07.2008] (Ref.ID3.685)	Head claimant lodged an appeal with the Secretary of State. No direction as yet from DEFRA.
Claimed footpath from Machin Rd to Crow Lane, Henbury	15.10.13 [Validated 11.12.13] (Ref.ID3.776)	Awaiting investigation
Claimed footpath from Trymwood Close/Henbury Hill to Arnall Drive	March 2014 [Validated June 2014] (Ref. ID3.788)	Awaiting investigation
** Valid applications will be dealt with in chronological order of receipt, with the exception of those which must be prioritised as a result of development proposals.		

APPENDIX () B

'Legal events' requiring the making of a modification order under Section 53(3)(a) of the Wildlife & Countryside Act 1981

[N.B. List incomplete - events between 2006 to July 2014 only**]

The term 'Legal' events under s.53(3)(a) of the Act comprise the coming into operation of any enactment or instrument, or any other event, whereby:

“(a) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;

“(b) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or

“(c) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path.”

- 1) Church Lane – Public Path Diversion Order BCC/339 (Ref. ID3.?)
- 2) Greystoke Avenue/Cricket Lane, Southmead – Dedication of public footpath linking BCC/41 to Cricket Lane & Public Path Order BCC/41 (Part) (Ref. ID3.599).
- 3) Bentley Close, Whitchurch – Public Path Diversion Order BCC/520 (Part) (Ref. ID3.?)
- 4) Temple Way – Public Path Diversion Order BCC/345 (Part) (Ref. ID3.?)
- 5) Dovercourt Road – Public Path Diversion Order BCC/140 (Ref. ID3.?)
- 6) Cabot Park Avonmouth – Public Path Diversion Order BCC/1 (Part) (Ref. ID3.?)
- 7) Wessex Water Works, Avonmouth – Public Path Diversion Order BCC/5 (Ref. ID3.642).
- 8) Eastwood Road/Wyndham Crescent, Brislington – Public Path Diversion Order BCC/416 (Ref. ID3.?)
- 9) Malago Sidings, Bedminster – Public Path Diversion Order BCC/437A (Part) (Ref. ID3.?)
- 10) South Purdown, Lockleaze – Public Path Diversion Order BCC/223 (Part) (Ref. ID4.189).
- 11) Wickham Glen, Stapleton, Eastville – Public Path Diversion Order BCC/236 (Ref. ID4.341)
- 12) Hallen Marsh, Avonmouth – Public Path Extinguishment Orders BCC/553 (part), BCC/555 (Part) & BCC/1A (Part) (Ref. ID3.715).

- 13) Hallen Marsh, Avonmouth – Public Path Diversion Order BCC/1A (part) (Ref. ID3.716).
- 14) Little Mead to Kings Weston Road, Kingsweston – Dedication of public footpath from Little Mead to Kings Weston Road (Ref. ID3.737).
- 15) Dundry Farm, St George East – Dedication of circular public bridleway at Dundry Farm (Ref. ID3.546).
- 16) St Michael's Hill, Clifton – Public Path Extinguishment Order BCC/299 (Ref. ID3.749) – Combined Order**.

** Section 51 and paragraph 2 of Schedule 5 to the Countryside and Rights of Way Act 2000 inserted a new section 53A into the WCA 1981. Section 53A enables surveying authorities to include, in orders satisfying the criteria in section 53A(1), provisions to modify the definitive map and statement, thereby avoiding the need for a separate 'legal event' modification order.