

BRISTOL CITY COUNCIL

**PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
27 OCTOBER 2008**

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY/TOWN AND VILLAGE GREEN MATTERS.

(Joint report of the Director of City Development and Director of Central Resources (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 | Clifton 19/09/02 | Definitive Map Modification Order – Hotwell Road to Charles Place through Bear Yard | Order sealed 19 August 2008 Advertised 22 August 2008 Objection Period expired 6 October 2008 – no objections received – Order Confirmed 9 October 2008. |
| PUBLIC PATH ORDERS – Town and Country Planning Act 1990 | | | |
| 2 | Lockleaze 10 /01/08 | Public Path Diversion Order for FP 223 Purdawn under s257 | Statement of Case served 2 September 2008. Inquiry Date: 9 and 10 December 2008 Venue: Fairfield High School, Allfoxtton Road, Horfield, Bristol BS7 9NL |

| PUBLIC PATH ORDERS – Highways Act 1980 | | | |
|---|------------------------|--|---|
| 3 | Avonmouth 29/03/06 | Public Path Diversion Order for FP No. 5, Wessex Water Works, Avonmouth | Order confirmed on 23 November 2006 but is not yet in force - awaiting Certification on completion of works and further instructions from PROW team. PROW team in contact with site manager and Wessex Water and is awaiting confirmation of completion date. |
| PUBLIC INQUIRIES | | | |
| 4 | Bishopston 19/10/00 | Definitive Map Modification Order, Friary Road, Bishopston | Hearing held on 7 October 2008 for one day. The matter will now be determined by the inspector – the inspector’s decision is expected around the end of November 2008 |
| Miscellaneous Rights of Way Matters | | | |
| 5 | Southmead 06/12/04 | Dedication of new public path linking FP41 to junction Greystoke Avenue and Cricket Lane | A Legal Event modification order is required to add the dedicated route to the Definitive Map. |

Consultation None.

Appendices Appendix A - Statutory Orders Progress Report on claims for Modification of the Definitive Map
Appendix B – Current Applications to Register Land as new Town or Village Green

Policy Implications There are no specific policy 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 Officers:

For queries relating to rights of way matters:-

Rachel Johnson, Solicitor, Legal Division, Central Resources

Michelle Darby, Solicitor, Legal Division, Central Resources

Christine Pouncett, Walking & Cycling, Traffic Management, City Development

For queries relating to village green and commons matters:-

Frances Horner, Senior Solicitor, Legal Division, Central Resources

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

PROGRESS REPORT FOR THE OCTOBER 2008 COMMITTEE

| LOCATION | DATE RECEIVED | CURRENT POSITION |
|---|----------------------|--|
| Old Sneed Park, Sneyd Park, Bristol | 07.02.92 | As reported to Committee on 21 July 2008 |
| Claimed footpath at Argyle Place Clifton wood | 24.04.98 | Ditto |
| Claimed footpaths at Barracks Lane, Shirehampton | 25.11.98 | <p>Agreement has been reached in principle with Leisure Services over the dedication of routes across the open space between the Rugby Club land and Kings Weston Lane. Approval to make and seal a Deed of Dedication will be sought from the Director of City Development, subject to legal advice in respect of two short sections of connecting path not in the ownership of the Council.</p> <p>However, negotiations with the Rugby Club have been unsuccessful regarding the dedication of a route around the perimeter of the sports ground. A report will be taken to a future committee for decision on the claimed route affecting this land.</p> |
| Claimed footpath at Little Mead, Kingsweston Road | 4.3.00 | <p>Agreement has been reached in principle with Housing and Leisure Services over the dedication route. Approval to make and seal a Deed of Dedication will be sought from the Director of City Development in due course.</p> <p>The head claimant is happy with the</p> |

| | | |
|---|----------|--|
| | | proposed conditions for dedication, i.e. kissing gates at three points along the path. PROW team will seek confirmation in writing that the head claimant will be willing to withdraw the claim for footpath following sealing of the Deed of Dedication. |
| Claimed bridleway, Dundry Farm, St George | 6.4.04 | Approval to make and seal a Deed of Dedication will be sought from the Director of City Development following confirmation of the agreement in principle by Leisure Services of the dedication route. Lead claimants have confirmed in writing that they will withdraw their claim for bridleway following the sealing of the Deed of Dedication. |
| Claimed footpath at Ridgehill, Henleaze | 27.11.06 | Awaiting investigation |
| Claimed footpath at South Hayes and Parkside Gardens, Lockleaze | 15.06.06 | Awaiting investigation |
| Claimed footpath at rear of Shaldon Road and Morris Road, Lockleaze | 18.05.07 | Awaiting investigation |
| Johnsons Lane to Bristol & Bath Cycle Path | 13.03.08 | Affected by development proposal and may therefore be prioritised for investigation. |
| Blackberry Hill (S Frome Bridge) to FP153 | 11.07.08 | Awaiting investigation |

PLEASE NOTE:

The following Appendix is unavailable electronically and has therefore been scanned onto the system. If you require a hard copy of this document please contact the report author direct whose name and telephone number is displayed on the front page of the report.

Current applications for registration of land and new Town and Village Greens.

Progress report for the October 2008 Committee:

| Item | Ward | Address | Remarks |
|------|----------|---|--|
| 1 | Clifton | Clifton Wood Community Garden, eastern end of Ambra Vale East | Application received 29 November 2007, no objections, full report being prepared. |
| 2 | Cabot | Castle Park | Application received 16 January 2008 – eight objections – non-statutory Inquiry to open 1 December 2008. |
| 3 | Hengrove | Whitchurch Park | Application received 14 February 2008 – objection by Bristol City Council as land owner – independent Inspector appointed. |