

**BRISTOL CITY COUNCIL**

**PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE  
27 April 2009**

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

(Report of the Director of City Development)

(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**

<b>Item</b>	<b>Ward</b>	<b>Site address/ description</b>	<b>Remarks</b>
<b>CURRENT INVESTIGATIONS- Wildlife and Countryside Act 1980 Section 53</b>			
1	Bishopston 19/10/00	Definitive Map Modification Order, Friary Road, Bishopston	Appeal against decision to High Court defended by both the Council and Defra. Applicant to withdraw. Consent order agreed awaiting sealing of order by court. Once consent order is sealed the action will be stayed and the original modification order will stand.
2	Easton 13.03.08	Johnsons Lane to Bristol & Bath Cycle Path	Order refused at Committee on 19/01/09 due to insufficient evidence of presumed dedication. Head Claimant appealed to Secretary of State against refusal to make the Order. Secretary of State to

			review papers, decision awaited.
3	Lockleaze 26.11.08	South Purdown, Muller Road to connect current FP223 to FP227  Route (G-I)	Application being reviewed in the light of confirmation of the diversion order for FP223, Purdown.
4	Lockleaze 26.11.08	South Purdown, Muller Road to connect current FP223 to FP227  Route (J-K)	Application being reviewed in the light of confirmation of the diversion order for FP223, Purdown.
<b>PUBLIC PATH ORDERS – Town and Country Planning Act 1990</b>			
5	Lockleaze  10 /01/08	Public Path Diversion Order for FP 223 Purdown under s257	22 December 2008 Inspector's decision received and Order confirmed with modifications. Notice of Confirmation of Order published 21 January 2009 – appeal period against confirmation expired 4 March 2009. Ordnance Survey to be informed. Legal Event Order required to add diversion to Definitive Map.
<b>PUBLIC PATH ORDERS – Highways Act 1980</b>			
6	Avonmouth  29/03/06	Public Path Diversion Order for FP No. 5, Wessex Water Works, Avonmouth	Order confirmed on 23 November 2006. Works have been certified as completed to the Council's satisfaction. Order is now in force. Legal Event Order required to add diversion to Definitive Map.
<b>PUBLIC INQUIRIES</b>			
7	None		
<b>Miscellaneous Rights of Way Matters</b>			
8	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 APRIL 2009 COMMITTEE**

<b>LOCATION</b>	<b>DATE RECEIVED</b>	<b>CURRENT POSITION**</b>
Old Sneed Park, Sneyd Park, Bristol	07.02.92	Deed of Dedication held pending whilst there are health and safety issues concerning boundary wall.
Claimed footpath at Argyle Place Clifton wood	24.04.98	Deed of Dedication on hold, pending confirmation that the land has been adopted by the Council as public open space.
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 public open space between Avonmouth Old Boys 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>Negotiations with the owner of the rugby site have been unsuccessful regarding the express dedication of a route around the perimeter of the sports ground. The original DMMO application is incomplete - further evidence has been requested from witnesses and a request made to establish whether anyone is willing to co-ordinate the claim, as the original applicant no longer resides at the address given.</p>
Claimed footpath at	4.3.00	Agreement will be sought in writing

Little Mead, Kingsweston Road		from Leisure Services over the dedication route, subject to the Parks and Green Spaces Strategy. Approval to make and seal a Deed of Dedication will be sought from the Director of City Development in due course.
Claimed bridleway, Dundridge 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 writing by Leisure Services of the dedication route.
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
Blackberry Hill (S Frome Bridge) to FP153	11.07.08	Awaiting investigation

\*\* Valid applications will normally be dealt with in chronological order of receipt, with the exception of those which must be prioritised as a result of development proposals.

**CURRENT APPLICATIONS FOR REGISTRATION OF LAND AS NEW  
TOWN OR VILLAGE GREENS.**

Progress report for the April 2009 Committee:

<b>Item</b>	<b>Ward</b>	<b>Address</b>	<b>Remarks</b>
1	Hengrove	Whitchurch Park	Application received 14 February 2008 – objection by Bristol City Council as land owner – independent Inspector appointed – inquiry to open 23 April 2009.