

BRISTOL CITY COUNCIL

**PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
3rd August 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

| Item | Ward | Site address/ description | Remarks |
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| CURRENT INVESTIGATIONS- Wildlife and Countryside Act 1980 Section 53 | | | |
| 1 | Bishopston 19/10/00 | Definitive Map Modification Order, Friary Road, Bishopston | Consent Order agreed 9.04.09 – appeal dismissed by Court. Order stands. File to be closed. Enforcement action will be taken to remove obstructions from the verge, prior to carrying out improvement works. |
| 2 | Easton 13.03.08 | Johnsons Lane to Bristol & Bath Cycle Path (Packers Field) | Order refused at Committee on 19.01.09. Awaiting decision from the Secretary of State on Applicant's appeal. |

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| 3 | Lockleaze 26.11.08 | South Purdown, Muller Road to connect FP223 to FP227 (Route G-I) | Application prioritised due to approved development on South Purdown affecting the claimed route (Fairfield School playing field). Officers have commenced investigation. |
| 4 | Lockleaze 26.11.08 | South Purdown, Muller Road to connect FP223 to FP227 (Route J-K) | Ditto above - investigation has commenced. |
| 5 | Lockleaze 03.06.09 | South Purdown, Muller Road to connect FP223 to FP227 Route (L-M) | Ditto above - investigation has commenced. |

PUBLIC PATH ORDERS – Town and Country Planning Act 1990

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| 6 | Lockleaze 10 /01/08 | Public Path Diversion Order for FP 223 Purdown under s257 | Ordnance Survey to be informed. Awaiting certification on completion of works. Legal Event Order required to add diversion to Definitive Map. |
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PUBLIC INQUIRIES

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| 7 | None | | |
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Miscellaneous Rights of Way Matters

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| 8 | Southmead 06/12/04 | Dedication of new public path linking FP41 to junction Greystoke Avenue and Cricket Lane | Legal Event modification order required to add dedicated route to the Definitive Map. |
| 9 | Avonmouth 29/03/06 | Public Path Diversion Order for FP5, Wessex Water Works | Legal Event modification order required to add diverted route to the Definitive Map. |

Consultation None.

Appendices

Appendix A - Statutory Orders Progress Report on Applications 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 AUGUST 2009 COMMITTEE

| LOCATION | DATE RECEIVED | CURRENT POSITION** |
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| Old Sneed Park, Sneyd Park, Bristol | 07.02.92 | Deed of Dedication held pending resolution of safety issues concerning boundary wall at rear of Cavendish Gardens. The responsibility for the upkeep of the wall lies with the adjacent householders. |
| Claimed footpath at Argyle Place Clifton wood | 24.04.98 | Approval from Parks to dedicate an alternative footpath will be sought on confirmation that the land has been acquired and adopted by the Council as public open space. |
| Claimed footpaths at Barracks Lane/Kings Weston Avenue, Shirehampton | 25.11.98 | <p>Approval to make and seal a Deed of Dedication of routes through Council land (Kings Weston Avenue open space) will be sought from the Director of City Development, on receipt of written agreement to the dedication from Leisure Services.</p> <p>Negotiations with the Rugby Club have been unsuccessful regarding the dedication of a route around the perimeter of the sports ground. The original applicant is untraceable and officers have established that there is no one willing to take over the role of lead applicant. Consequently, as the original application is incomplete, the file in this matter will now be closed.</p> |
| Claimed footpath at Fernhill Field, off Little Mead/ Kingsweston Road | 4.3.00 | <p>Approval to make and seal a Deed of Dedication will be sought from the Director of City Development on receipt of written agreement to the dedication from Leisure Services.</p> <p>The Applicant has confirmed in</p> |

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| | | writing that she will withdraw her right of way claim following the sealing of the Deed of Dedication. |
| 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. 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. Applicant wrote to Legal Services (c.c. Doug Naysmith MP) on 26 May to enquire when a decision will be made on the application – replied on 11.06.09. |
| Blackberry Hill (South of Frome Bridge) to FP153 ('Grove Woods') | 11.07.08 | Awaiting investigation. Councillor Hopkins has requested, with the support of Councillor Rogers, Cabinet Member for Transport & Sustainability, that this claim be prioritised above all others. Members will be aware that to do so will be contrary to PROW policy and strategy as approved in 1998 by the Planning, Transport and Development (Public Rights of Way) Sub-Committee. The strategy was amended in 1999 to prioritise applications in chronological order with the exception of those affected by development (**see below) and has not been reviewed since that time. Notwithstanding this request it is |

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| | | <p>difficult to justify this claim being prioritised above the South Purdown claims, which have been prioritised and are currently being investigated as a result of planning approval (see Items 3-5 of this Report).</p> <p>Members of Committee are asked to comment on the request received from Councillors Hopkins and Rogers and to advise officers whether or not they should give priority to the Grove Wood claim after a decision has been made on the South Purdown applications. It has been suggested that it may be in the public's interest to do so because of the strength of support that exists. It should however be noted that it may be necessary to firstly undertake further work on the 'Packers Field' claim, subject to the decision of the Secretary of State (see Item 2 of this Report).</p> |
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** 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 (11) B

Current applications for registration of land as new Town or Village Greens.
Progress report for the August 2009 Committee:

| Item | Ward | Address | Remarks |
|-------------|---------------|-----------------------------|--|
| 1 | Hengrove | Whitchurch Park | Application received 14 February 2008 – objection by Bristol City Council as land owner – independent Inspector appointed – inquiry opened 23 April 2009 – adjourned to 29 June 2009 – Inspector’s report awaited. |
| 2 | Windmill Hill | Cotswold Road Open Space | Application received 6 May 2009 to be advertised. |