

BRISTOL CITY COUNCIL

**PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
1st MARCH 2010**

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

(Joint Report of the Head of Legal Services and 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
CURRENT INVESTIGATIONS- Wildlife and Countryside Act 1980 Section 53			
1	Lockleaze	South Purdown, site of new Fairfield School sports pitches.	See main Committee report (item 5).
PUBLIC PATH ORDERS – Town and Country Planning Act 1990			
2	Lockleaze 10 /01/08	Public Path Diversion Order for FP 223 Purdown under Section 257	Ordnance Survey to be informed. Awaiting certification on completion of works. Legal Event Order required to add diversion to Definitive Map.
3	Hillfields 3/12/2009	Section 257 Public Path Stopping Up Order - footpaths, Roegate House	Notice advertised on 9 December 2009. Deadline for representations or objections is 13 January 2010.

PUBLIC INQUIRIES			
4	None		
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 Order is required to add the dedicated route to the Definitive Map.
6	Avonmouth 29/03/06	Public Path Diversion Order for FP5, Wessex Water Works	Legal Event Order required to add diverted 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, Resources

Michelle Darby, Solicitor, Legal Division, Resources

Andrew Whitehead, Walking & Cycling, Traffic Management, City Development

For queries relating to village green and commons matters:-
Frances Horner, Senior Solicitor, Legal Division, Resources

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

PROGRESS REPORT MARCH 2010

LOCATION	DATE RECEIVED	CURRENT POSITION**
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	Leisure (Parks) has approved the dedication of an alternative footpath subject to confirmation that the land has been acquired and adopted by the Council as public open space. Approval to make and seal a Deed of Dedication has been sought from the Director of City Development.
Claimed footpaths at Barracks Lane, Shirehampton	25.11.98	Agreement has been reached 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 has been sought from the Director of City Development As previously reported, negotiations with the Rugby Club have been unsuccessful regarding the dedication of a route around the perimeter of the sports ground. In the absence of a lead applicant for the claim, and as the original modification order application is incomplete, the Legal file in this matter has now been closed.
Claimed footpath at Fernhill Field, off	4.3.00	Agreement to dedicate the claimed route has been received in principal

Little Mead, Kingsweston Road		from Leisure Services. However, Parks have advised that they cannot give final approval to the dedication until the land has been reviewed under the Parks & Green Spaces Strategy. The Applicant has confirmed in 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 has been sought from the Director of City Development 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 South Hayes and Parkside Gardens, Lockleaze	15.06.06	Awaiting investigation
Claimed footpath at Ridgehill, Henleaze	27.11.06	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	Order refused at Committee on 19 January 2009 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.
Blackberry Hill (S Frome Bridge) to FP153	11.07.08	Head Claimant has applied for a direction from DEFRA

** 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 (7) B

Current applications for registration of land as new Town or Village Greens.
Progress report for the March 2010 Committee:

Item	Ward	Address	Remarks
1	Hengrove	Whitchurch Park	Inquiry in progress.
2	Windmill Hill	Cotswold Road Open Space	Objection by Bristol City Council under consideration.
3	Bedminster	Ashton Vale Fields	Application on behalf of Ashton Vale Village Green Association received on 28 th October 2009 – being advertised – inquiry to open 17 th May 2010.
4	Filwood	Filwood Park Open Space	Application by Ms. Mil Lusk received 12 th November 2009.
5	Frome Vale	Grove Wood, Stapleton	Application on behalf of the Snuff Mill Action Group received 4 th December 2009.