

# Bristol City Council

## Minutes of the Public Rights of Way and Greens Committee



27 September 2022 at 2.00 pm

### Members Present:-

**Councillors:** Tessa Fitzjohn (Chair), Jude English, Lily Fitzgibbon, Paul Goggin, John Goulandris, Jonathan Hucker, Philippa Hulme and Andrew Varney

### Officers in Attendance:-

Tom Dunsdon (Solicitor) and Duncan Venison (Network Operations Manager)

## 1 Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting and asked them to introduce themselves.

## 2 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Tim Rippington.

## 3 Declarations of Interest

There were no Declarations of Interest.

## 4 Minutes of Previous Meeting

**RESOLVED** – that the minutes of the meeting held on 20<sup>th</sup> June 2022 be confirmed as a correct record.



## 5 Public Forum

The Committee noted the questions and written responses, as set out below, which had been submitted regarding the Stoke Lodge T&VG application.

### Question 1 TVG Applications

From Helen Powell WLSL

'The draft minutes of the PROWG meeting on 20 June 2022 include the following under the heading of Town or Village Green applications:

'The Committee agreed that, following an informal briefing of the Committee by officers, it would be helpful to visit the Stoke Lodge site, if possible, with other interested parties from the school and transport (growth and regeneration) Action: Jeremy Livitt to seek legal advice from Anne Nugent on the operation of the site visit.'

We Love Stoke Lodge and the TVG applicants would of course be concerned if the Committee were to undertake a visit accompanied by representatives of Cotham School and the Council (i.e. the Objectors to the applications) but without representatives from WLSL, including the TVG applicants and, if the public right of way applications are under discussion, the PROW applicant.

The Committee may of course decide to visit the site unaccompanied, but please could you confirm the Committee's views on this matter and that if the Committee undertakes a site visit accompanied by the Objectors, representatives of the relevant Applicants will also be invited?'

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### Question 2

From: Alan Preece

'Though the full comments are not reflected in the minutes, I recall that when Item 11 was discussed and Ann Nugent left the meeting, it was also agreed that the site visit to Stoke Lodge in consideration of the TVG, would also look at the claimed Public Rights of Way.

Q1. Is this correct?

Q2. As the applicant for the PROWs across Stoke Lodge, may I have some assurance that I would be invited as one of "other interested parties" in addition to the school, so that I could point out to the Committee the problems for the public introduced by the fencing?'

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### Answer to Questions 1 and 2



1. There are no plans for the PROWG Committee to carry out a formal site visit before the Inspector reports to the Committee.
2. As/when a site visit is undertaken, arrangements will be set out in advance. All parties would be able to attend but no representations would be permitted as this would not be a formal meeting of the committee.

Arising from the public forum discussion the following points were clarified:

- 1) Regarding the PROW issue in Q2(2) it was not standard practice to arrange a site visit for a PROW application. Noted that this was associated with the T&VG Application, although it was an entirely separate legal process. A site visit could be useful if new evidence was brought forward but this might require a fresh application. Legal advice would need to be sought.
- 2) The Council's Solicitor advised that regarding the site visit for the TVG it was usual for all interested parties to attend, however the final decision of who should attend rested with the Inspector.
- 3) The current process was that the Inspector would submit a final report, a site visit by the Inspector could then take place, and then the PROWG Committee would make its decision.

## **6 Current Claims Inquiries and Miscellaneous Rights of Way Matters (Report of the Executive Director for Transport, Growth and Regeneration)**

The Network Operations Manager introduced the report and made highlighted key points concerning some of the applications listed in Appendix A (Applications for Modification of Definitive map and Statement).

- 1) The actions since the last meeting had now been carried out with the ten claimed footpaths listed in Appendix 1 of the report being prioritised considering the age and current state of obstruction. Obstructed claimed paths will not take priority over unobstructed paths that continue to be useable.
- 2) The claimed footpath at the rear of Shaldon Road and Morris Road, Lockleaze had recently been confirmed.
- 3) A long-standing obstruction at Moorhouse Lane Avonmouth had been resolved, Network Rail had agreed that it be removed from the list as a new railway siding had not been built.
- 4) The Strawberry Lane PROW improvement work had now been completed.

Members welcomed the actions that had been taken and emphasised the importance of promoting use of PROW by the public in the interests of greater health and wellbeing benefits. The Network



Manager said that this was done to some extent through liaison work with the Ramblers Association and the Institute of Public Rights of Way.

Ward members could have role in this too, eg regarding the Strawberry Lane improvement, Councillor Goggin agreed to publicise the work that had been done, to local residents in his ward.

It was noted that the PROW Liaison Group also played a useful role, and this could be expanded by PROWG Committee members attending some of the meetings and perhaps give informal feedback to members of PROWG Committee.

Noted also that some members of the public voluntarily helped to clear footpaths including removal of litter and that the importance of this should be recognised, suggestions included a nomination for the *Lord Mayor's Medal*, which was awarded to highlight local, unpaid community work and achievement, to improve the lives of local communities.

**RESOLVED – that the report be noted.**

## **7 Town or Village Green (TVG) Applications**

The Committee received a report of the Commons Registration Authority (CRA) setting out the present position with regard to current TVG applications duly made under the Commons Act 2006.

Members noted that the CRA had one current application. On 20<sup>th</sup> July 2022, the Inspector had issued Directions for the progress of the application that the parties were actioning including, for CRA to prepare and circulate to the parties an electronic bundle of all material submitted to date in respect of the application. On 2<sup>nd</sup> August 2022 the Inspector agreed to vary the Directions timetable with a view to all evidence being sent to the Inspector by 21<sup>st</sup> December 2022. Thereafter the Inspector would prepare a report to the Committee.

It was noted that the Directions timetable might be subject change as the inquiry process was non statutory and the Inspector would generally allow a reasonable extension in order to not exclude evidence. Once all the evidence had been received and collated, the final part of the process could begin.

It was anticipated that the bundle of material from the application would be circulated by the CRA to the parties 28 September 2022. Some members expressed concern that the lack of just one piece of evidence however could further delay the process. The Council's Solicitor confirmed that was a possibility.



**RESOLVED – that the report be noted.**

**8 Date of next meeting**

It was noted that the next meeting was scheduled for 2pm on 31 January 2023.

Meeting ended at 3.10 pm

**CHAIR** \_\_\_\_\_

