

Bristol City Council

Minutes of the Public Rights of Way and Greens Committee



15 April 2024 at 2.00 pm

Members Present:-

Councillors: Jos Clark, Tessa Fitzjohn (Chair), John Goulandris, Jonathan Hucker, Chris Jackson, Tim Rippington and Christine Townsend

Officers in Attendance:-

Duncan Venison (Network Operations Manager), Theo Brumhead (PROW Officer), Tim O’Gara (Director Legal and Democratic Services), Tom Dunsdon (Solicitor-Legal Services), Steve Gregory (Democratic Services)

1 Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

The Chair advised members of a change of order to the published agenda, namely that agenda item 9 would now be considered as the first substantive item.

2 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Jude English and Philippa Hulme.

3 Declarations of Interest

There were no Declarations of Interest.

4 Minutes of Previous Meeting



Resolved – That the Minutes of PROWG Committee held on 22 January 2024 be approved as a correct record.

5 Public Forum

Members of the Committee received Public Forum Statements and three Questions/Replies in advance of the meeting. All statements as submitted were noted by the Committee.

Comments made in statement 1 about certain parties being excluded in the litigation process were not accepted and the Director Legal and Democratic Services confirmed that all parties to the litigation process were treated equally in accordance with standard legal processes.

Question 1 – The Director Legal and Democratic Services responded that it would be inappropriate to reply to the question as the matter was the subject of litigation and a current court case. Also, not in a position to answer comments made about protecting Cotham School or any potential developer, this would be a matter for the Executive, and it was suggested that these issues should be directed there.

Question 2 – A supplementary question was asked about costs relating to the case. The Director Legal and Democratic Services commented that he was not in a position to answer this question.

Question 3 – reply noted.

6 Stoke Lodge Village Green - verbal update from vice chair re CRA stance on S14 litigation

The Vice-Chair gave an update on the CRA's stance on the S14 litigation regarding the Stoke Lodge Village Green, namely that following on from its original stance to remain neutral the CRA was now fully supporting the Committee to uphold its decision to register Cotham school playing fields, at *Stoke Lodge*, as a village green.

Some members expressed concern that the CRA's original stance was not in support of the committee's decision. Members were advised that the litigation case was particularly unique and was not inherently suitable for extensive debate in open public meetings. Members were assured that the litigation process would continue to be conducted in accordance with standard professional practices in a fully inclusive manner.



The Vice-Chair gave an update on the CRA's stance on the S14 litigation regarding the Stoke Lodge Village Green, namely that following on from its original stance to remain neutral the CRA was now fully supporting the Committee to uphold its decision to register Cotham school playing fields, at *Stoke Lodge*, as a village green.

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7 Current Claims, Inquiries and Miscellaneous Rights of Way matters

The Network Operations Manager introduced the report and highlighted key points regarding some of the items listed in Appendix A - Applications for Definitive Map Modification Orders, Appendix B – Miscellaneous rights of way orders, Appendix C – Enforcement actions and Appendix D – PROW improvement programme.

Members noted that a consultant had been appointed to help reduce the current backlog of work relating to footpaths. Network Operations Manager confirmed that funding for the consultant would be from salary savings from vacant posts within the budget. Comments on Planning Applications were in the interest of Rights of Way and as such were funded through rights of way general revenue.

Points highlighted were –

- a) Argyle Place Cliftonwood - investigation underway, further report to PROWG Committee June 2024.
- b) Ridgehill Henleaze - investigation underway, further report to PROWG Committee October 2024.
- c) Town & Country Planning Act 1990 Diversion Order, Brislington Meadows – objections, order to be submitted to Secretary of State for determination, work done by PROW officers, but powers were delegated to planning officers. Local members to be updated on progress.
- d) Sherwell Road Brislington – enforcement action regarding obstruction, work would be done as soon as possible but serious resource issue as this particular case would take up a lot of officer time and financial resources to resolve.

Members welcomed the update report and in addition gave their very best wishes to a retiring footpath officer (Mary Knight).



RESOLVED – that the report be noted.

8 Claimed Footpath(s) from South Hayes and Parkside Gardens to Heath House Lane, Lockleaze DMMO

The Committee received a report regarding a claimed footpath at South Hayes and Parkside Gardens to Heath House Lane Lockleaze and were advised that although there were no specific resource implications arising from this matter, if an Order was made which subsequently received objections that were not withdrawn, there would be cost implications if the Secretary of State decided to hold a public inquiry or hearing. A right of way added to the definitive map was publicly maintainable if it could be shown to have come into existence prior to the 1959 Highways Act.

Members were informed that no information had been received from the landowner and all attempts to get in touch had not been successful. The available evidence showed that, on the balance of probabilities, a presumption of dedication of the public path between points A-D and B-D had been raised and so the report recommended that an Order be made under section 53(2)(b) of the Wildlife and Countryside Act 1981 to add the claimed public footpath to the Definitive Map and Statement on the basis of the occurrence of an event. It also recommended that the Council confirm the Order if it was unopposed or asks the Secretary of State to confirm it if it was opposed.

The recommendation in the report was then put to the vote and it was unanimously -

RESOLVED –

- 1) That the Head of Legal Services be authorised to make and advertise a Definitive Map Modification Order to show a footpath in the Definitive Map and Statement, as shown on the plan attached to the report.**
- 2) That if the Order was unopposed or any objections lodged were subsequently withdrawn, the Head of Legal Services be authorised to confirm the Order.**

9 Application to register land at Ridgehill, Henleaze, Bristol as a Town or Village Green

Members noted that the Commons Registration Authority (CRA) had one current application at land at Ridgehill Henleaze. the application was to register land at Ridgehill, Henleaze Bristol as a Town or Village Green (the Ridgehill TVG Application) under the Commons Act 2006 (CA 2006).



In considering the options available to them members were minded to conclude that as there was no significant conflict of evidence, or no significant objection accept the application on the paperwork and register the application as a Town or Village Green.

On being put to the vote it was unanimously –

RESOLVED – That as there was no significant conflict of evidence, or no significant objection, to accept the application on the paperwork and register the application as a Town or Village Green.

**1 Formal ratification by PROWG to authorise one member to provide instructions to Legal
0 Services in respect of the ongoing S14 litigation**

Members were advised that the Council’s legal services team had requested a single point of contact regarding the ongoing S14 litigation in respect of Stoke Lodge Village Green.

RESOLVED – that Councillor Goulandris be the single point of contact on behalf of the PROWG Committee regarding the ongoing S14 litigation in respect of Stoke Lodge Village Green.

**1 Ashton Vale Project - information - Chair to provide verbal update
1**

The Chair referred to a conservation project at Ashton Vale and sought support from members about a strategy to reverse wildlife decline and make space for nature at Ashton Vale, as well as recognising the need for housing targets for more homes in the city. The Chair asked members for their support including possible funding. Members noted the Chair’s comments but felt that formal support could not be given in the absence of a formal officer report submitted to the PROWG Committee.

**1 Any other business
2**

None.

**1 Chairs closing remarks
3**



The Chair advised members that this was her final meeting as Chair of PROWG Committee and wanted to record her sincere thanks to all councillor members, officers, and members of the public for their contribution to the work of the committee.

Meeting ended at 3.20 pm

CHAIR _____

