

Public Rights of Way and Greens Committee Agenda



Date: Thursday, 11 July 2024
Time: 2.00 pm
Venue: City Hall

Distribution:

Councillors: John Goulandris, Donald Alexander, Abi Finch, Ed Fraser, Cam Hayward, Tim Kent, Al-Maghrabi, Kaz Self and Christine Townsend

Copies to: Anne Nugent (Legal Officer), Tom Dunsdon (Solicitor), Nancy Rollason (Head of Legal Services), Duncan Venison (Network Operations Manager) and Theo Brumhead

Issued by: Democratic Services
City Hall, College Green, Bristol, BS1 5TR
E-mail: democratic.services@bristol.gov.uk
Date: Wednesday, 3 July 2024



Agenda

1. Welcome, Introductions and Safety Information

(Pages 5 - 7)

2. Confirmation of Chair 2024/25

To note that at Full Council Annual General Meeting on 21 May 2024, Councillor John Goulandris was appointed Chair of the Public Rights of Way & Greens Committee for the 2024/25 municipal year.

3. Confirmation of Vice Chair 2024/25

To note the appointment of Councillor Cam Hayward as Vice-Chair of the Public Rights of Way & Greens Committee for the 2024/25 municipal year.

4. Membership of PROWG Committee 2024/25

To note the membership of the PROWG Committee for the municipal year 2024/25 –

Councillors Donald Alexander, Al Al-Almagrahbi, John Goulandris, Cam Hayward, Tim Kent, Abi Finch, Ed Fraser, Kaz Self, Christine Townsend.

5. Dates of meetings 2024/25

To agree proposed dates of meetings for remainder of the municipal year 2024/25.

All at 2 pm –

3 October, 16 January, 10 April.

6. Apologies for Absence and Substitutions

7. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to



indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

8. Terms of Reference

To be noted.

(Pages 8 - 11)

9. Minutes of Previous Meeting

To agree the minutes of the previous meeting as a correct record.

(Pages 12 - 15)

10. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on 5 July 2024.

Petitions and Statements - Petitions and statements must be received two clear working days prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on 9 July 2024.

Members of the press and public who plan to attend a public meeting at City Hall are advised that you will be **required to sign in** when you arrive, and you will be issued with a visitor pass which you will **need to display at all times**.

11. Current Claims, Inquiries and Miscellaneous Rights of Way matters

(Pages 16 - 26)



12. Update on Stoke Lodge Playing Fields Village Green

(Pages 27 - 29)



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings including Policy Committees, Full Council and regulatory meetings (where planning and licensing decisions are made) are held at City Hall.

Attendance at Public meetings

Bristol City Council welcomes public attendance and participation at all of its formal committee meetings. When attending public meetings please behave with courtesy, tolerance and respect at all times to Councillors, Council Officers and other meeting participants. Attendees who cause disturbance may be asked to leave or, may be removed from the meeting.

If you're a member of the press or public and want to attend a public meeting at City Hall, you will need to **sign in** when you arrive. You will be issued with a visitor pass which you will **need to display at all times**.

Due to the maximum occupancy of the venue, you may be asked to watch the meeting on a screen in another room.

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Members of the public may make a written statement, ask a question, or present a petition to most meetings. Please ensure that any submissions made are respectful, factual, and relevant.

- By contributing to the public forum process the participant acknowledges that any content submitted is at the authors own risk and the Council disclaims any obligation or responsibility for it.



- Questions, Statements and Petitions should be factually based and should not contain anything that could be construed as being defamatory, frivolous or offensive. Any submission including such information shall be redacted prior to publication without notice to the author.
- The Council reserves the right to reject any submission it deems defamatory, frivolous or offensive at its sole discretion.
- Sensitive personal information may be deleted or redacted
- Officer's names below Head of Service, will be replaced by the Officer's job title
- Company names may be deleted or redacted

Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:

- The statement is received no later than **12.00 noon two working days before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**



- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.
- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution

<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council, Policy Committee, Development Control, and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services



G.3 PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE

Terms of Reference

Functions

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens are as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

List A

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and
5. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).

List B

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planning, retention, and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).
12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).
13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).

16. Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway, or restricted byway by agreement (section 25 of the Act (C.66)).
18. Power to create footpaths, bridleways, and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements, and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways, and restricted byways (section 118 of the Act).
21. Power to determine application for public path extinguishment order (sections 118ZA and 118C (2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways, and restricted byways (section 119 of the Act).
25. Power to make a public path diversion order (sections 119ZA and 119C (4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to assert and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).
34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).
35. Power to authorize temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power to temporarily divert footpath, bridleway, or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 (section 53B of the Wildlife and Countryside Act 1981).

43. Power to prepare map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c.68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).
49. Power to discharge and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972).

Bristol City Council
Minutes of the Public Rights of Way and Greens
Committee
15 April 2024 at 2pm



Members Present: -

Councillors: Jos Clark, Tessa Fitzjohn (Chair), Jonathan Hucker, John Goulandris (Vice-Chair), Chris Jackson, Tim Ripington, 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 meetings

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 (agenda item 9)

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.

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 except 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.



10 Formal ratification by PROWG to authorise one member to provide instructions to Legal 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.

11 Ashton Vale Project – information item

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.

12 Any other business

None.

13 Chair's closing remarks

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.

The meeting ended at 3.20 pm

CHAIR



BRISTOL CITY COUNCIL
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
11th July 2024

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY MATTERS

(Report of the Executive Director for Transport, Growth and Regeneration directorate)

(Ward: Citywide)

Purpose of Report

1. To report for information on the present position with regard to claims under Section 53 of the Wildlife and Countryside Act 1981; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.
2. To inform members on the public right of way improvements made between April 2024 and July 2024 and the proposed improvements planned for 2024/2025.

Background

2. As Surveying Authority for the purposes of the Wildlife and Countryside Act 1981 the City Council has a duty, as imposed by Section 53(2)(b) of the Act, to keep the Definitive Map and Statement under continuous review and to determine any valid applications for Modification Orders which it receives.
3. There are currently thirteen outstanding claims that are waiting to be determined by the Authority, the most recent of which was validated by Legal Services 19 March 2024. See table at Appendix A for present position with applications.
4. There is no statutory advice relating to the order in which claims should be processed. However, the Council's standard practice is to deal with each application in chronological order of receipt, unless the claim is affected by a planning application in which case it is prioritised. Following a recent review of outstanding DMMO applications, officers resolved to prioritise routes over which the public currently have no access, as a result of development or other obstructions.
5. The area of work undertaken by the prow team is guided by statute and the targets set out in the Rights of Way Improvement Plan (ROWIP) 2018-2026. The ROWIP is a Highway Authority requirement under the Countryside and Rights of Way Act 2000.
6. A summary of the PROW improvement programme for 2024/25 is attached at appendix D. These works are carried out under the Highway and Surveying

Authorities duties; to assert and protect the rights of the public, to ensure routes are adequately signposted, maintained free from obstruction and fit for purpose and, to keep the definitive map and statement under continuous review.

Consultation None.

Appendices

Appendix A - Table of Definitive Map Modification Order applications.

Appendix B - Table of miscellaneous rights of way orders, agreements and legal proceedings.

Appendix C - Enforcement actions and longstanding obstructed PRow

Appendix D - PRow Improvement programme summary

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

Contact Officers:

For queries relating to rights of way matters:
Joanne Mansfield, Solicitor, Legal Division, Business Change

Theo Brumhead, Public Rights of Way, Traffic Services, Growth and Regeneration

APPENDIX (A)

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

Location	Date Received / Validated	Current Position*	Revised Priority
Claimed footpath at South Hayes and Parkside Gardens, Lockleaze	15.06.2006 [Validated 15.03.07] (Ref. ID3.640)	Report presented at this Committee, April 2024. Order to be advertised being prepared.	1 – Route currently obstructed
Claimed footpath at Argyle Place, Cliftonwood	24.04.1998 [Validated 1998] (Ref. ID3.83)	Investigation underway, to report to Committee June 2024	2 – Route currently unobstructed, within amenity space.
Claimed footpath at Ridgehill, Henleaze	14.10.2006 [Validated 24.11.06] (Ref. ID3.654)	Investigation underway, to report to Committee October 2024	3 – Route currently unobstructed but subject to current planning application
Claimed footpaths West Dene to Stoke Lodge, Cheyne Rd to Druid Hill, Cheyne Rd to Stoke Lodge, Cheyne Rd to West Dene, Stoke Bishop	30.05.2018 [Validated 07.06.18] (Ref. IEO14/15)	Contractor has been appointed to complete research and report to Committee October 2024	4 – All routes currently obstructed
Claimed footpath Penpole Lane to Public Footpath BCC/565 Claimed footpath Penpole Lane to Public Footpath BCC/565, Avonmouth & Lawrence Weston	18.12.2018 [Validated 01.10.19] (Ref. IEO.1500)	Awaiting investigation	5 – Route currently obstructed by adjoining landowner
Claimed footpath from Blackberry Hill (south of Frome Bridge) to FP153, Frome Vale	28.06.2008 [Validated 11.07.08] (Ref.ID3.685)	The lead claimant lodged an appeal with the Secretary of State which has not resulted in a direction to BCC. The land	6 – Route available to the public by virtue of being part of a Town & Village Green

		has subsequently been registered as a Town & Village Green.	
South Purdown route B-C, Lockleaze	14.03.2011 [Validated 21.09.11] (Ref. ID3/739)	Awaiting investigation	7 – Route on BCC Parks land and available to the public
Claimed footpath Trymwood Close /Henbury Hill to Arnall Drive, Henbury & Brentry	March 2014 [Validated June 2014] (Ref. ID3.788)	Awaiting investigation	8 – Route currently unobstructed
Claimed footpath Fishponds Road to Laburnum Grove, Frome Vale	26.02.2007 [Validated 24.11.16] (Ref. ID3/651)	Awaiting investigation	9 – Route currently unobstructed
Claimed footpath Woodgrove Road to Public Footpath BCC/21, Henbury & Brentry	18.11.2019 [Validated 25.11.19] (Ref. IEO.1644)	Awaiting investigation	10 – Route currently unobstructed
Claimed footpaths around Moorgrove Wood, Henbury & Brentry	28.11.2022 [Validated 29.11.22] (Ref. GM04.146)	Awaiting investigation	11 – Routes currently unobstructed
Claimed footpath from Airport Road to Willinton Road, Filwood	12.02.2023 [Validated 17.01.23] (Ref. GM04.140)	Awaiting investigation	12 – Routes currently unobstructed
Claimed footpath from Public Footpath BCC/156 to Public Footpath BCC/310, Frome Vale	19.06.2023 [Validated 26.06.23] (Ref. GM04.166)	Deed of Dedication prepared by PRow team to be reviewed by colleagues in Parks	13 – Routes currently unobstructed
Claimed footpath from Darley Close to BCC/9	05.03.2024 [Validated 19.03.2024]	Revise Priority	14 - Route obstructed by gate at Darley Close

* Valid applications will be dealt with in chronological order of receipt, except when prioritised as a result of development proposals, or because the current claimed route is obstructed.

MISCELLANEOUS RIGHTS OF WAY ORDERS, AGREEMENTS AND LEGAL PROCEEDINGS

Item	Ward	Site address/ description	Remarks
PUBLIC PATH ORDERS – Town and Country Planning Act 1990			
1	Brislington East	Public Footpaths BCC/478 (pt), BCC/482 (pt), BCC/613, BCC/614, BCC/615, BCC/616, BCC/617, BCC/618, BCC/619, BCC/620, BCC/621, BCC/622, BCC/623, BCC/625, BCC/626, BCC/627, BCC/628, BCC/629, BCC/630, BCC/631, BCC/632, BCC/633, BCC/634, BCC/635, BCC/636, BCC/637, BCC/638, BCC/640, BCC/641, BCC/642, BCC/643, BCC/644, BCC/645, BCC/646, BCC/647, BCC/648, BCC/649, BCC/650, BCC/651, BCC/652, BCC/653, BCC/654, BCC/655, BCC/656, BCC/657, BCC/658, BCC/659, BCC/660, BCC/661, BCC/662, BCC/663, BCC/664, BCC/665 and BCC/666, combined order	Order advertising period finished, now subject to objections.
2	Avonmouth & Lawrence Weston	Public Footpaths BCC/5 (part) and BCC/18 combined order	Order currently being advertised
3	Henbury & Brentry	Public Footpaths BCC/542	Draft Order awaiting confirmation
PUBLIC PATH ORDERS – Highways Act 1980			
4	None		
PUBLIC INQUIRIES			
5	None		

APPENDIX (C)

ENFORCEMENT ACTIONS AND LONGSTANDING OBSTRUCTED PROW

Location	Issue	Timescale	Officer Actions	Proposed remedy
BCC/4, Moorhouse Lane, Avonmouth & Lawrence Weston	Route blocked by concrete barrier, lack of a bridge over a rhine and overgrown path.	Obstruction first visited in December 2020	Site visit in 2020 and obstruction photographed, site visits with Landowner in Feb' 2022, and revisited in 2024 by officers to review obstructions.	Planning application to develop land for solar farm: landowner to apply for a diversion which will resolve obstructions.
BCC/142, Dovercourt Road, Lockleaze	Western part of route inaccessible due to overgrowth and eastern access obstructed by locked gates off Dovercourt Road	Obstruction first visited in May 2019.	Obstruction reported to Neighbourhood Enforcement in Feb' 2021.	Planning application for housing on Dovercourt Depot site includes proposal to divert PROW onto new pedestrian route across site and new bridge.
BCC/151, Park Road, Frome Vale	Route gated and fenced off halfway towards terminus at M32	Obstruction visited and photographed in May 2019. Obstructed since M32 was constructed.	Visited by officers in 2021 and revisited in May 2024 to review potential alternative routes for diversion.	Requires stopping up or diverted as and when resources allow. Most likely stopping up because of a lack of suitable, reasonable alternative routes at this location.
BCC/260A, Whitehall Road, Eastville	Encroachment onto path from house garden boundaries, dumped garden waste obstructions, narrowing from fencing, and damage to path from badger setts.	Obstructions from adjacent industrial garden boundaries and industrial estate first recorded in 2015/16.	Site visit 05/11/20 - obstructions photographed. Site revisited by officers in November 2023 – obstructions worsened, significant amounts of garden waste and new garden sheds further blocking route.	Identify specific parties responsible for physical obstructions and pass to enforcement for action. Adjacent industrial estate may be developed for housing under Bristol local plan. This case needs to be revisited.

Location	Issue	Timescale	Officer Actions	Proposed remedy
BCC/261, Deep Pit Road, Eastville	Impassable due to various obstructions: dumped materials, overgrown, parked vehicles and boundary fences of adjacent housing.	Site visited in November 2020.	Officer visits to review obstructions and consider remediation.	Potential for diversion through new estate, subject to discussions with landowner. This case needs to be revisited
BCC/337, Oaktree Gardens, Hartcliffe & Withywood	Installation of stile, damage to surface. The gate which could be used for accessible access is padlocked shut.	Obstructions installed in 2019 by Landowner.	Case was passed to Neighbourhood Enforcement in August 2022, instructing removal of stile or installation of accessible kissing gate. Site revisited and photographed in December 2023 by Officer noting no remediation has taken place.	Follow up with Neighbourhood Enforcement to instruct to remove stile or replace with accessible kissing gate.
BCC/381, Netham Park, St. George West	Obstructed by various parties including fence and dwelling without planning permission.	Obstructions have been recorded on route since 1987 and it is longstanding.	Various visits by officers and recent visit to review obstructions in Spring 2024.	Pass to Neighbourhood Enforcement and consider major improvement works to reopen route. Contact landowners on either side, and draw up action plan to reopen route.
BCC/408, Queen Ann Road, Lawrence Hill	Obstructed by locked gate and pub garden wall. Incorrect signage stating 'Private Lane' off Beaconsfield Close. Adjacent pub may be converted to	Photograph shows obstruction in 2009.	Site has been revisited following a planning application for the Rhubarb Tavern to be converted to flats. Path is now overgrown and	Planning application provides opportunity to divert or stop-up, or remove obstructions to the path and reopen the route. Awaiting further developments on this.

Location	Issue	Timescale	Officer Actions	Proposed remedy
	residential flats and community space.		walled up at both ends.	
BCC/419, Sherwell Road, Brislington East	Locked gates midway and at east end. Path overgrown with young trees. Dumped garden waste and rubbish along route.	Correspondence suggests difficulties maintaining access since 1991. Photographs show obstructions from 2020.	Site visits to review obstructions and consider actions in Spring 2024.	Future improvement scheme to clear vegetation and install gates/remove fences where appropriate.
BCC/484, Kings Head Lane, Bishopsworth	Blocked at both ends. Closed due to unsafe walls in 2006; now illegally blocked due to crime/ ASB concerns from local residents	Route obstructed since 2006 where residents lobbied for closure over crime concerns.	Revisited by officers to review condition of route in Spring 2024.	Case to be reviewed to identify potential remedies. Recommended that enforcement action is taken against adjacent landowners.
BCC/547, Hartcliffe Way, Filwood	Locked field gates along route, now young trees and overgrowth obstructing route. Section west of Hartcliffe Way fully overgrown.	2022 and development of Hartcliffe Way.	Revisited and reviewed by officers in Spring 2024.	Liaise with BCC land manager/ tenant to unlock. Vegetation cutback required. Future improvement scheme – consider installing pedestrian gate alongside field gate.

2024/25 PROW IMPROVEMENT PROGRAMME SUMMARY

Capital improvement schemes

1. Sea Mills Severn Way Bristol Link, Stoke Bishop (BCC/598, BCC/599). Install glass reinforced recycled plastic boardwalk and handrail under railway bridge. *Complete.*
2. Severn Way Bristol Link, nr Portway, Avonmouth and Lawrence Weston (BCC/588) steps repair and refresh. *Completed February 2024.*
3. Nibley Road playing fields, Avonmouth and Lawrence Weston (BCC/596). Surface improvement. *Completed May 2024.*
4. Cherry Orchard Lane/ Trym Valley, Westbury-on-Trym (BCC/89, BCC/90). Surface improvement. *Underway May 2024.*
5. Lamb Hill/ Strawberry Lane, St George Trooper's Hill (BCC/363, BCC/366A). Removal of fallen bank materials, restoration of revetment walling, drain and gully clearance, and pedestrian road crossing measures. *Strawberry Lane completed/ Lamb Hill scheduled 2024/25.*
6. Scotland Lane (BCC/512), Brislington West. Signage, route vegetation clearance and surface improvement. *Scheduled 2024/25.*
7. Callington Road lighting schemes (BCC/465 & BCC/468). Installation of lighting columns to improve safety along school routes. *Scheduled 2024/25.*
8. Lawrence Weston Nature Reserve (BCC/11). Extension of board-walked section within nature reserve. *To be scheduled 2024/25 subject to budget.*
9. Sir John's Lane/ South Purdown, Lockleaze (BCC/227). Surface improvement and drainage work. *Considered for 2024/25 subject to budget.*
10. Avon Gorge, Clifton/ Stoke Bishop (BCC/182, BCC/268, BCC/602). Drain and gully clearance and surface improvement. *To be scheduled alongside Portway project 2025-2027.*
11. Penpole Wood, Shirehampton (BCC/63). Repair and refresh of timber staircase descending from Penpole Point to Penpole Lane. *Scheduled 2024/25.*

Externally funded schemes

12. Grove Wood, Frome Vale (BCC/153). Renewal of steps, surface improvement, wall repair (S106 funding). *Considered for 2024/25 once fallen trees are removed by Landowner.*

13. Corbet Close, Avonmouth and Lawrence Weston (BCC/11). Surface improvement (S106 funding). *To be scheduled 2024/25 once housing development is complete.*

Public Rights of Way and Greens
Committee
11th July 2024



Report of: The Commons Registration Authority
Title: Update on Stoke Lodge Playing Fields Village Green
Ward: City Wide
Officer Presenting Report Nancy Rollason Head of Legal Service

Recommendation

That the Committee note the report.

Summary

This report updates the Committee on legal proceedings in respect of the above Village Green.

The significant issues in the report are:

The Judicial review of the Committee's decision of the 28th June 2023 to register the land has been discontinued with the consent of all parties to the application.
Cotham school has made an application under S14 of the Commons Registration Act 1965 to rectify the register of Village Greens maintained by the CRA by deleting the Stoke Lodge playing fields from the register.
The Council as landowner has adopted a neutral position in respect of the remaining application.
The CRA is actively defending the application on the instructions of the Committee.
Hearing of the application has listed for the 27th -31st January 2025.



Policy - There are no specific policy Implications arising from this report.

Consultation

1. **Internal** - Not applicable
2. **External** – Not applicable

Context

1. On the 28 June 2023 this Committee resolved to register the land at Stoke Lodge as a Town or Village Green. It was duly registered as a Village Green.
2. Cotham School issued a claim for Judicial review of that decision.
3. The School subsequently made a claim under s.14 Commons Registration Act 1965 and the Judicial Review proceedings were discontinued.
4. The School seeks an order for rectification of the register maintained by the CRA. The effect of the order sought would be to delete land at Stoke Lodge Playing Fields from the register as a Village Green.
5. The basis of the claim is that the CRA should not have made the amendment to add the land to the register. That is because the criteria at s.15 Commons Act 2006 were not made, alternatively s.15 was not available by virtue of the doctrine of statutory incompatibility.
6. The CRA are actively defending the claim. The Council as Landowner are taking a neutral position.
7. The matter has come before HHJ Matthews on 2 occasions to set directions for the hearing of the claim.
8. The School and the CRA have entered into an agreement to limit costs should the application be successful.
9. The CRA have instructed Mr Douglas Edwards KC to defend the claim, and submissions have been filed with the court on the instructions of the Committee, who have delegated decisions in respect of the litigation to the Chair.
10. The hearing of the application is listed for the 27th to the 31st January 2025.

Proposal

That the Committee notes the report.

