

**BRISTOL CITY COUNCIL
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE**

19 September 2016

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY MATTERS

(Report of the Service Director for Transport, Place 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.

Item	Ward	Site address/ description	Remarks
DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS – Section 53 of Wildlife and Countryside Act 1981			
1	Lockleaze (Ref. ID3.739)	South Purdown, site of new Fairfield School sports pitches (claimed route B to C).	Awaiting advice from Legal Services
PUBLIC PATH ORDERS – Town and Country Planning Act 1990			
2	None		
PUBLIC PATH ORDERS – Highways Act 1980			
3	Hartcliffe	Public Footpath 306, Bishport Avenue - combined order.	A footpath diversion order is required to resolve an historic obstruction. Order has been drafted.
PUBLIC INQUIRIES			
4	None		
Miscellaneous Rights of Way Matters			
5	See list of outstanding ‘Legal Event’ Orders at Appendix B and update on the Deregulation Act 2015 at Appendix C.		

APPENDIX A

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

PROGRESS REPORT 19 September 2016

LOCATION	DATE RECEIVED [& VALIDATED]	CURRENT POSITION**
Claimed footpath at Argyle Place, Cliftonwood	24.04.98 [Validated 1998] (Ref. ID3.83)	Approval given by Leisure Services for the dedication of an alternative footpath, subject to the acquisition and adoption of the land by the Council as public open space.
Claimed footpath at South Hayes and Parkside Gardens, Lockleaze	15.06.06 [Validated 15.03.2007] (Ref. ID3.640)	Awaiting investigation
Claimed footpath at Ridgehill, Henleaze	14.10.06 [Validated 24.11.06] (Ref. ID3.654)	Awaiting investigation
Claimed footpath rear of Shaldon Road and Morris Road, Lockleaze	09.05.07 [Validated 18.05.2007] (Ref. ID3.665)	Awaiting investigation
Claimed footpath from Blackberry Hill (south of Frome Bridge) to FP153	28.06.08 [Validated 11.07.2008] (Ref.ID3.685)	Head claimant lodged an appeal with the Secretary of State. Awaiting direction from DEFRA.
Claimed footpath from Machin Rd to Crow Lane, Henbury	15.10.13 [Validated 11.12.13] (Ref.ID3.776)	Awaiting investigation
Claimed footpath from Trymwood Close/Henbury Hill to Arnall Drive	March 2014 [Validated June 2014] (Ref. ID3.788)	Awaiting investigation
** 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 B

‘Legal events’* requiring the making of a modification order under Section 53(3)(a) of the Wildlife & Countryside Act 1981

[N.B. List incomplete – comprises list of events between 1999 to 2014 – see footnote**]

*The term ‘Legal’ events under s.53(3)(a) of the Act comprise the coming into operation of any enactment or instrument, or any other event, whereby:

“(a) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;

“(b) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or

“(c) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path.”

- 1) Burfords, Lawrence Weston Road – Public Path Diversion Order BCC/1A & BCC/1B (Ref. FRP/TC/24/1)
- 2) Wintour House, Kingsweston Lane – Public Path Diversion Order BCC/563 (Ref. DJE/IA2/323)
- 3) Units 1-4 Foundry Lane, Fishponds – Public Path Diversion Order BCC/246 (Part) (Ref. ID3.461)
- 4) Church Lane, St George – Public Path Stopping Up Order BCC/339 (Part) (Ref. IA5/296)
- 5) Meg Thatchers Gardens, St George – Public Path Diversion Order BCC/373 (Part) (Ref. ID3/518)
- 6) Sturminster Road, Stockwood – Public Path Diversion Order BCC/514 (Part)
- 7) Greystoke Avenue/Cricket Lane, Southmead – Dedication of public footpath linking BCC/41 to Cricket Lane & Public Path Order BCC/41 (Part) (Ref. ID3.599).
- 8) Briarwood, Westbury on Trym – Public Path Stopping Up Order BCC/112 (Part) (Ref. ID3.533)
- 9) Wilson Street, St Pauls – Public Path Extinguishment Order BCC/548 (Part) (Ref. ID3.269)
- 10) Blackswarth Road bridge, St Annes – Public Path Diversion Order BCC/524 (Part) (Ref. ID3.567)
- 11) George & Dragon Lane, Church Road, Redfield – Stopping Up Order BCC/340 (Part) (Ref. GOSW-SW/THM/8247/258)
- 12) Bentley Close, Whitchurch – Public Path Diversion Order BCC/520 (Part) (Ref. IA5/304).
- 13) Temple Way – Public Path Diversion Order BCC/345 (Part) (Ref. ID3.636).
- 14) Dovercourt Road – Public Path Diversion Order BCC/140 (Ref. ID3.635).
- 15) Cabot Park Avonmouth – Public Path Diversion Order BCC/1 (Part) 2004 (Ref. ID3.570) & Public Path Diversion Order BCC/1 (Part) 2006.

- 16) Wessex Water Works, Avonmouth – Public Path Diversion Order BCC/5 (Ref. ID3.642).
- 17) Eastwood Road/Wyndham Crescent, Brislington – Public Path Diversion Order BCC/416 (Ref. DP5/45).
- 18) Malago Sidings, Bedminster – Public Path Diversion Order BCC/437A (Part) 2003 (Ref. IA5/283) & Public Path Diversion Order BCC/437A (Part) 2007 (Ref. ID3.670).
- 19) South Purdown, Lockleaze – Public Path Diversion Order BCC/223 (Part) (Ref. ID4.189).
- 20) Wickham Glen, Stapleton, Eastville – Public Path Diversion Order BCC/236 (Ref. ID4.341)
- 21) Hallen Marsh, Avonmouth – Public Path Extinguishment Orders BCC/553 (part), BCC/555 (Part) & BCC/1A (Part) (Ref. ID3.715).
- 22) Hallen Marsh, Avonmouth – Public Path Diversion Order BCC/1A (part) (Ref. ID3.716).
- 23) Crabtree Slip Wood, Shirehampton – Section 25 Highway Act Creation Agreement of footpath BCC/588 – (Ref. ID3.710).
- 24) Avon Meads, St Philips Marsh - Section 25 Highway Act Creation Agreement of footpath BCC/589 (Ref. ID3.711).
- 25) Little Mead to Kings Weston Road, Kingsweston – Deed of Dedication of public footpath BCC/595 (Ref. ID3.737).
- 26) Lodge Hill to Woodland Way, Fishponds - Deed of Dedication of footpath BCC/590 (Ref. ID3.733).
- 27) Dundridge Farm Open Space, St George East – Deed of Dedication of circular public bridleway BCC/591 (Ref. ID3.546) & Deed of Dedication of extension of bridleway through car park BCC/591A.
- 28) Headley Park, Broadleas to Crox Bottom open space – Deed of Dedication of footpath BCC/582 (Ref. ID3.722 & 728).
- 29) Barracks Lane Open Space, Avonmouth – Section 25 Highway Act Creation Agreement of footpaths BCC/592, 593 & 594 (Ref. ID3.546).
- 30) Severn Way Link Path, Shirehampton – Deed of Dedication of various footpaths between Riverbank and Sea Mills Lane BCC/588A & 596-599 (Ref. ID3.747).
- 31) Dundry Hill Farm, Whitchurch Park – Section 25 Highway Act Creation Agreement BCC/519A (Part) (Ref. ID3.688).
- 32) Smoke Lane Avonmouth to BCC/543 – Deed of Dedication BCC/543A (Ref. ID3/757).
- 33) Station Road, St Werburghs – Deed of Dedication of bridleways BCC/209A & 209B (Ref. ID3.760).
- 34) Extension of Whitchurch Railway Path to Craydon Grove, Stockwood – Deed of Dedication of Restricted Byway from County boundary to Craydon Grove BCC/601 (Ref. ID3.110).

35) Old Sneyd Park, Stoke Bishop – Deed of Dedication of footpath BCC/602 (*Ref. ID3.765*)

36) Orpen Gardens, Lockleaze – Section 25 Highway Act Creation Agreement of footpath BCC/603A and Deed of Dedication of footpath BCC/603 (*Ref. ID3.768 & 769*).

37) Gatehouse Close & Gatehouse Way, Hartcliffe – Deed of Dedication of four footpaths 604-607 (*Ref. IE3.397*).

** Section 51 and paragraph 2 of Schedule 5 to the Countryside and Rights of Way Act 2000 inserted a new section 53A into the WCA 1981. The Combined Orders Regulations were published in 2010 [S.I. 2010 No. 2127]. Section 53A enables surveying authorities to include, in orders satisfying the criteria in section 53A(1), provisions to modify the definitive map and statement, thereby avoiding the need for a separate 'legal event' modification order.

The Deregulation Act 2015

On 21st September 2015, this Committee received a report for information on the changes to the rights of way provisions contained in the Deregulation Act 2015 – see link to papers below.

<https://democracy.bristol.gov.uk/CeListDocuments.aspx?CommitteeId=170&MeetingId=1412&DF=21%2f09%2f2015&Ver=2>

The rights of way provisions were originally expected to come into force in April 2016, but the timetable has slipped and they are now anticipated sometime this autumn. N.B. It is DEFRA's intention to commence all the regulations and guidance necessary to bring into force the package of reforms, including the "right to apply", on a common commencement date.