

AGENDA ITEM NO.

BRISTOL CITY COUNCIL PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE 27th September 2022

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 June 2022 and September 2022 and the proposed improvements planned for 2022/2023.

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 ten outstanding claims that are waiting to be determined by the Authority, the most recent of which was validated by Legal Services in November 2019. 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 2022/23 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

Appendix E - PRow forums

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)	Investigation underway, to report to Committee January 2023	1 – Route currently obstructed
Claimed footpaths West Dene to Stoke Lodge, Cheyne Rd to Druid Hill, Cheyne Rd to Stoke Lodge, Cheyne Rd to West Dene	30.05.2018 [Validated 07.06.18] (Ref. IEO14/15)	Awaiting investigation	2 – All routes currently obstructed
Claimed footpath Penpole Lane to Public Footpath BCC/565 Claimed footpath Penpole Lane to Public Footpath BCC/565	18.12.2018 [Validated 01.10.19] (Ref. IEO.1500)	Awaiting investigation	3 – Route currently obstructed by adjoining landowner
Claimed footpath at Argyle Place, Cliftonwood	24.04.1998 [Validated 1998] (Ref. ID3.83)	The Property Portfolio Officer is in the process of arranging the transfer to and adoption of the land by the Council, as required by the S106 Agreement. Investigation commenced as other means of resolving claim have reached an impasse	4 – Route currently unobstructed, within amenity space.
Claimed footpath at Ridgehill, Henleaze	14.10.2006 [Validated 24.11.06] (Ref. ID3.654)	A meeting with the landowner to enquire about the possibility of an express dedication of the claimed route was positive. A confirmatory letter from the owner, of the discussion and understanding is awaited by the officers	5 – Route currently unobstructed

Location	Date Received / Validated	Current Position*	Revised Priority
Claimed footpath from Blackberry Hill (south of Frome Bridge) to FP153	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 has subsequently been registered as a Town & Village Green.	6 – Route available to the public by virtue of being part of a Town & Village Green
South Purdown, Lockleaze – route B-C	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	March 2014 [Validated June 2014] (Ref. ID3.788)	Awaiting investigation	8 – Route currently unobstructed
Claimed footpath Fishponds Road to Laburnum Grove	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	18.11.2019 [Validated 25.11.19] (Ref. IEO.1644)	Awaiting investigation	10 – Route currently unobstructed

* 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.

ORDERS CONFIRMED WITHIN LAST 12 MONTHS

Location	Date Received / Validated	Current Position	Outcome
Claimed footpath rear of Shaldon Road and Morris Road, Lockleaze**	09.05.2007 [Validated 18.05.07] (Ref. ID3.665)	The Definitive Map & Statement Modification Order No.1 2019 was made on 5 th February 2019 and the consultation closed on 28 th March 2019. Objections were made and not withdrawn, An updated Order was confirmed by the Planning Inspectorate 1 st July 2022.	Complete, added to the Definitive Map & Statement as Public Footpaths BCC/609, BCC/610, BCC/611

APPENDIX (B)

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	Avonmouth & Lawrence Weston	Public Footpaths BCC/6 (part) & BCC/17(part) combined order	Diversion Order made on 11.11.2021 Awaiting certification subject to developer works
PUBLIC PATH ORDERS – Highways Act 1980			
2	Lockleaze	Public Footpath BCC/80 (part) combined order	Diversion Order currently being advertised
3	Avonmouth & Lawrence Weston	Public Footpaths BCC/543 (part) & BCC/543A (part) combined order	Diversion Order currently being advertised
4	Southmead	Public Footpath BCC/47 (part) combined order	Diversion Order made 17.08.2021 Order confirmed 19.11.2021
PUBLIC INQUIRIES			
5	None		

APPENDIX (C)

ENFORCEMENT ACTIONS AND LONGSTANDING OBSTRUCTED PROW

Location	Issue	Timescale	Proposed remedy
BCC/2A, Moorhouse Lane, Avonmouth & Lawrence Weston	Section under railway blocked by fence	Longstanding	Network Rail have agreed to remove
BCC/4, Moorhouse Lane, Avonmouth & Lawrence Weston	Route blocked by concrete barrier, lack of a bridge over a rhine and overgrown path	Longstanding	Planning application to develop land for solar farm: opportunity to resolve obstructions
BCC/142, Dovercourt Road, Lockleaze	Western part of route is inaccessible - overgrown/ locked gate/ stream crossing	Longstanding	Planning application for housing on Dovercourt Depot site includes proposal to divert PROW onto new pedestrian route across site/ new bridge
BCC/151, Park Road, Frome Vale	Route gated/ fenced off halfway towards terminus at M32	Longstanding	Route blocked off by construction of M32 and needs to be stopped up or diverted as and when resources allow
BCC/260A, Whitehall Road, Eastville	Encroachment onto path from house garden boundaries and dumped garden waste obstructing path	Longstanding	Identify parties responsible for physical obstructions and pass to enforcement for action. Adjacent industrial estate may be developed for housing under Bristol local plan
BCC/261, Deep Pit Road, Eastville	Impassable due to various obstructions: dumped materials, overgrown, parked vehicles and boundary fences of adjacent housing	Longstanding	Potential for diversion through new estate, subject to discussions with landowner

Location	Issue	Timescale	Proposed remedy
BCC/337, Oaktree Gardens, Hartcliffe & Withywood	Installation of stile, damage to surface	March 2019	Passed to Neighbourhood Enforcement August 2022 to instruct to remove stile or replace with self-closing gate
BCC/381, Netham Park, St. George West	Obstructed by various parties including fence and dwelling without planning permission	Longstanding	Pass to Neighbourhood Enforcement
BCC/408, Queen Ann Road, Lawrence Hill	Obstructed by locked gate and pub garden wall	Longstanding	Development application to convert pub alongside PROW: opportunity to divert or stop-up, or remove obstructions
BCC/419, Sherwell Road, Brislington East	Locked gates midway and at east end	Longstanding	Future improvement scheme to clear vegetation and install gates/remove fences were 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	2006	Case to be reviewed to identify potential remedies
BCC/547, Hartcliffe Way, Filwood	Locked field gate	2022	Liaise with BCC land manager/ tenant to unlock. Future improvement scheme – consider installing pedestrian gate alongside field gate
BCC/548, Wilson Street, Ashley	Fence and brewery storage area blocking route	2022	Informal contact with brewery and hotel to remove now hotel development complete August 2022

2022/23 PROW IMPROVEMENT PROGRAMME SUMMARY

Capital improvement schemes

1. Strawberry Lane, Hartcliffe and Withywood (BCC/335A). Stone infilling of gullying and drainage improvement. *Completed – see before (left) and after (right) photos below.*



2. Bridgewater Road to South Liberty Lane, Bedminster Down, Bishopsworth (BCC/430). Stone resurfacing and steps renewal. *Underway.*
3. Somerset Terrace, Windmill Hill (BCC/570). Installation of new light columns. *Underway.*
4. Cherry Orchard Lane/ Trym Valley, Westbury-on-Trym (BCC/89, BCC/90). Surface improvement.
5. Avon Gorge/ Severn Way Bristol Link, Clifton/ Stoke Bishop (BCC/182, BCC/268, BCC/598, BCC/599, BCC/602). Replacement of boardwalk under railway bridge, drain and gully clearance and surface improvement.
6. 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.

Externally funded schemes

7. Grove Wood, Frome Vale (BCC/153). Renewal of steps, surface improvement, wall repair and removal of fallen trees (S106 funding).
8. ASEA Area 4 Hallen Marsh habitat mitigation scheme, Avonmouth and Lawrence Weston (various PROW). New signage and waymarking, and other improvements for diverted PROW routes (S106 funding).

Appendix (E)

PRoW FORUMS

The Bristol Public Rights of Way team works with different forums each of which have their own specific agenda but all overlap in the desire to ensure rights of way are continued to be protected and enjoyed by the public. The key forums are:

- Public Rights of Way and Greens Committee who have a regulatory function;
- Joint Local Access Forum who bring together highway authorities, landowners, and user and interest groups to address PRoW and public access issues across Bristol, B&NES and South Gloucestershire;
- PRoW Liaison Group who represent Bristol user and interest groups and provide advice, support and comment on matters that the Rights of Way team are working on both currently and in the future.

