

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 gulley 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 gulley 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.*

