

Bath & North East Somerset Council		
MEETING:	REGULATORY (ACCESS) COMMITTEE	AGENDA ITEM NUMBER 9
MEETING DATE:	8 th July 2008	
TITLE:	Definitive Map Modification Order to add 46 Public Rights of Way in Abbey ward, Bath	
WARD:	Abbey (and Widcombe)	
AN OPEN PUBLIC ITEM		
LIST OF ATTACHMENTS TO THIS REPORT:		
Appendix 1 – Plans identifying proposed DMMO routes		
Appendix 2 – Plans identifying routes not to be included on the DMMO		
Appendix 3 – List of paths considered		

1 THE ISSUE

- 1.1 This report deals with the evidence relating to 54 alleged public rights of way in Abbey Ward, Bath (one path crosses the ward boundary into Widcombe Ward) and seeks Committee approval to make a Definitive Map Modification Order (DMMO), to record 46 of these paths on the Definitive Map and Statement for the City of Bath.

2 RECOMMENDATION

The Regulatory (Access) Committee is asked to agree that:

- 2.1 The Divisional Director - Environmental Services be granted delegated authority to take all action to make an Order to modify the Definitive Map and Statement by adding the public rights of way as shown on the plans at Appendix 1, and to confirm the Order if no duly made objections are received to the Order and not subsequently withdrawn.

3 FINANCIAL IMPLICATIONS

- 3.1 Financial implications are not a relevant consideration which may be taken into account under the provisions of the Wildlife and Countryside Act 1981.

The costs associated with making an Order and any subsequent Public Inquiry would be met from the PROW budget.

4 RISK MANAGEMENT

- 4.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

5 EQUALITIES

- 5.1 An equalities impact assessment for this report has not been carried out. The Corporate Equalities Group has agreed that the EIA process for Public Rights of Way functions will be completed during July 2008

6 LEGAL FRAMEWORK

- 6.1 Bath and North East Somerset Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review.

- 6.2 Section 53(2)(b) states:

“As regards every definitive map and statement, the surveying authority shall:

..... keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event”.

- 6.3 The 'events' referred to in subsection (2) are set out in section 53(3). The event relevant to this report is set out in section 53(3)(c)(i) as follows:

“The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

“that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist.....”

- 6.4 Anyone may apply to the Council for an Order to modify the map and statement, and such application must be determined in accordance with the provisions of Schedule 14 of the Wildlife and Countryside Act 1981. The Council must also make an Order on its own initiative if it discovers evidence which justifies the making of an Order.

- 6.5 Documentary evidence is often considered in determining applications for Definitive Map Modification Orders. Section 32 of the Highways Act 1980 states:

"A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced."

7 THE REPORT

Background

- 7.1 In 1957 the City and Waterworks Engineer's Department of Bath City Council completed a survey of public rights of way in the city. The document produced is titled 'Survey of Public Rights of Way: For the Purpose of Part IV of the National Parks & Access to the Countryside Act 1949'. A foot note on the schedule states "All footpaths walked by R.F. Little between June 1st & 30th 1955". The survey did not cover all of the paths in the city of Bath, only 'the footpaths and public rights of way in the undeveloped parts of Bath and the footpaths in the built up areas which connect up with these paths'.
- 7.2 The 1949 Act established that public footpaths and bridleways that were in existence at that time were maintainable at public expense. It is assumed that the paths that were surveyed in 1955 were already in existence in 1949.
- 7.3 No 'official' action was taken on the above Act but the 1957 survey was a fairly comprehensive survey of the footpaths. A 6" scale map was produced showing footpaths within the city boundary. Three of the paths in Abbey are shown on this survey (AQ22, AQ23 and AQ24). The map and list produced is available as a background paper.
- 7.4 The method of research is described in the document 'Bath Definitive Map Plan (Working Document)' which is available as a background paper. The research in the Abbey ward began in July 2007.
- 7.5 The City of Bath boundary expanded in 1966 to incorporate newly developed areas into the City. A Definitive Map and Statement was prepared for the area surrounding Bath in the 1950s so the additional areas are not included in the scope of this project. The boundary for the project is therefore taken to be the boundary of the City pre-1966.

- 7.6 A convention for classifying paths has been adopted. Whilst not always rigidly applied the following prefixes to a path number normally indicates:
- “AQ”: The path was recorded on the 1957 Survey, or there is good evidence that the path was in existence at that time, or the path is included in the Council’s List of Streets, maintainable at public expense. If a right of way was in existence in 1949, by virtue of the National Parks and Access to the Countryside Act 1949, it became publicly maintainable.
 - “BQ”: Paths established or identified since the 1957 Survey.
 - “CQ”: Other paths identified for research prior to the project by members of the public. The maintenance liabilities of these paths are unclear.
 - “A”: Other paths identified for research as part of the project. The maintenance liabilities of these paths are unclear. Paths with an ‘A’ prefix have been identified either by interested groups, from map based research or from a walking survey undertaken around the ward.
- 7.7 Section 36(6) of the Highways Act 1980 requires every highway authority to make, and keep up to date, a list of streets within its area (known as the List of Streets). The list must contain all footpaths, bridleways and carriageways which are highways maintainable at public expense, whether or not they are shown on the definitive map.
- 7.8 During research, paths were classed as routine or non-routine, as defined in the ‘Bath Definitive Map Plan (Working Copy)’. Non-routine paths were put aside to be researched at a later date, outside of the scope of this project. A list of all paths considered at the beginning of the project is shown at Appendix 3. Generally, only routine paths were included in the consultations with adjacent property holders and the general public. A number of paths were removed from the original research list as, when visited, they were found to be non-routine. A list of paths considered in the research can be found at Appendix 3.
- 7.9 The towpath runs through Abbey Ward and will be looked at separately, along with the river path.
- 7.10 Where a path has several distinct branches, a different path number has been allocated to each branch to avoid confusion when describing it (for example with a suffix such as ‘a’, ‘b’ and ‘c’).
- 7.11 A new reference number will be allocated to each path that has an Order made and confirmed. The numbering convention complies with British Standards and is described in the document ‘Bath Definitive Map Plan (Working Document)’. Where a path has several distinct branches, a different path number will be allocated to each branch. This follows the convention used in the rural areas.

Landowners

- 7.12 Attempts have been made to contact all owners or occupiers of the paths being recommended for addition to the Definitive Map and Statement in this report. All properties adjacent to the paths researched were sent project details and a Public Right of Way Evidence Form. The form asks the respondent to list who they believe owns the land over which the path crosses.
- 7.13 Six of the paths are on land completely owned by the Council. Ten paths are on land partly owned by the Council and partly on land where the landowner is unknown. Three paths are partly on land in private ownership and partly on land where the landowner is unknown. One path is partly on land owned by the Council, partly in private ownership and partly on land where the landowner is unknown. Thirty four paths are completely on land where the landowner is unknown.
- 7.14 Bath & North East Somerset Council Property Services and Open Spaces teams were consulted about paths wholly and partly on Council owned land. No concerns were raised about the proposals for AQ192, AQ360, AQ413, AQ427a, AQ427b, AQ429a, AQ429b, AQ431a, AQ432, AQ437, AQ440, AQ448, CQ38, CQ39, UN700a or UN700b at the time of writing. Concerns were raised about including path A6 as a section is currently in disrepair.
- 7.15 A Land Registry search was carried out for the forty seven paths which cross land not wholly owned by the Council (A3, A6, A7, A9, A10, A11, A12a, A12b, AQ22, AQ23, AQ24, AQ192, AQ344, AQ345, AQ346, AQ347, AQ348, AQ359, AQ360, AQ363, AQ413, AQ414, AQ416, AQ417, AQ419, AQ420, AQ421, AQ424, AQ426a, AQ426b, AQ428, AQ429a, AQ429b, AQ429c, AQ429d, AQ431a, AQ432, AQ433, AQ434, AQ435, AQ436, AQ437, AQ439, AQ448, AQ547, AQ569, CQ38, CQ70). The Land Registry search was not able to provide details of the owners of all of the land over which any of the paths run.
- 7.16 In February 2008, properties alongside each of the paths included in the research were sent a letter advising that the neighbouring path was being researched with regard to being added to the Definitive Map and Statement. The reason for sending the letters was to ask for comments and enable anyone to state ownership of the land on which the path crossed, if applicable.
- 7.17 Where it has not been possible to ascertain the name or address of an owner or occupier, the authority can serve the notice of the making of an Order by affixing it to some conspicuous object(s) on the land. The notice may be addressed to the 'owner' or 'occupier'.

- 7.18 Where no conclusive evidence has been received regarding landownership, a notice addressed to the 'owner' or 'occupier' will be displayed on the following paths once an Order has been made: A11, A12a, AQ22, AQ23, AQ24, AQ192, AQ344, AQ345, AQ346, AQ347, AQ348, AQ359, AQ360, AQ363, AQ413, AQ414, AQ416, AQ417, AQ419, AQ420, AQ421, AQ424, AQ426a, AQ426b, AQ428, AQ429a, AQ429b, AQ429c, AQ429d, AQ431a, AQ432, AQ433, AQ435, AQ436, AQ437, AQ439, AQ448, AQ547, AQ569, and CQ38. (Where ownership is known, the landowner will be notified of the making of an Order in the usual way).

Consultations

Ward Councillors and Interested Groups

- 7.19 In July 2007, the Councillors for Abbey were sent a map and list of the paths to be included in the research. They were invited to comment on the list and to add any paths they felt were missing.
- 7.20 In October 2007, the Councillors for Abbey were sent another map showing the paths then classified as routine and non-routine and the reasons behind the classification.
- 7.21 Consultation was made with the Councillors for the surrounding wards and other interested groups in July 2007. A map of the paths to be included in the research was sent and all parties were invited to add any paths which they felt to be missing and to comment on the ones to be included. A six week consultation period was given.
- 7.22 The Councillors for Abbey were sent another list in May 2008 following the end of the consultation period with the interested user groups, the adjacent property holders and the general public. The list showed the paths to be put forward to the Regulatory (Access) Committee for inclusion on the Definitive Map and Statement for the City of Bath. It also showed those not to be included at this time along with the reasons for non-inclusion.

Adjacent Property Holders

- 7.23 Consultation was made with all property holders living adjacent to the public rights of way being researched; approximately 1086 properties were contacted. The property holders were invited to complete a Public Right of Way Evidence Form and to mark any sections of the paths they used on the map attached. The information received can help ascertain the reputation of the route.

The General Public

- 7.24 An exhibition was held in the Bath Central Library at The Podium Centre during 14th to 18th January 2008. A map and list of the paths to be included in the project were displayed along with information about the project. The public were encouraged to contact the Bath Definitive Map Project Officer for user evidence forms or with comments about the paths included and suggestions for any paths not already included in the consultation. The exhibition was publicised with notices posted around the Abbey ward from 9th January 2008.
- 7.25 At least one consultation notice was placed on each path, inviting the general public to write in with their comments within a response time of 6 weeks. The notices were checked and replaced if necessary. The dates on which the notices were posted and checked can be found as a background paper.
- 7.26 Information was displayed on the Council's website and was available until the end of the consultation period on 16th April 2008. A map and list of the paths to be included in the project were displayed, along with information about the project. The public were encouraged to contact the Bath Definitive Map Project Officer for user evidence forms or with comments about the paths included and suggestions for any paths not already included in the consultation.
- 7.27 A notice was displayed at the Council Office at Trimbridge House and at the Bath Central Library from 6th March 2008 until 16th April 2008. The notice referred to a folder holding information about the project which was available from the reception at both venues.

Evidence of use of the path

Ward Councillors and Interested Groups

- 7.28 The responses given by the Councillors for Abbey, the Councillors for the surrounding wards and the interested groups consulted are available as a background paper.

Adjacent Property Holders

- 7.29 The evidence collected includes Public Right of Way Evidence Forms from 155 properties. The majority of the properties were consulted on more than one path and 164 responses were received from the 155 properties. Of the 164 responses, 160 of these stated they had used the path they were being consulted on. Not all respondents answered all of the questions on the form. Some respondents filled in details about paths which they did not use. Where applicable, this information has been used as it is not necessary to use the

path in order to have knowledge or an opinion about it. A précis of the information given on the forms is available as a background paper.

The General Public

- 7.30 Three members of the public responded to the exhibition held at the Bath Central Library. Between them, they provided 77 responses.
- 7.31 A summary of the responses to the notices posted on each path is available as a background paper. 31 members of the public responded, providing information about 43 of the 54 paths included in the research. Many of the respondents provided information about more than one path, giving 71 responses in total.

Documentary Evidence

- 7.32 A summary of the documentary evidence is available as a background paper. In addition to the 1957 City Engineer's Survey and the Section 36(6) Highways Act 1980 List of Streets, other documentary sources researched include:

Maps

- 7.33 The following Ordnance Survey Maps were researched:

Item 1	OS 10'6" (1:500) scale, dated 1885
Item 2	OS 25" scale, sheet 14-5 (published in 1888)
Item 3	OS 25" scale, sheet 14-5 (2 nd Edition of 1904)
Item 4	OS 25" scale, sheet 14-5 (Edition of 1932)
Item 5	OS 25" scale, sheet 14-5 (Revision of 1936)
Item 6	OS 25" scale, sheet 14-1 (published in 1888)
Item 7	OS 25" scale, sheet 14-1 (2 nd Edition of 1903)
Item 8	OS 25" scale, sheet 14-1 (2 nd Edition of 1904)
Item 9	OS 25" scale, sheet 14-1 (Edition of 1932)
Item 10	OS 25" scale, sheet 14-1 (Revision of 1939)
Item 11	OS 1:1250 scale, sheet ST 7464 NE (published in 1951)
Item 12	OS 1:1250 scale, sheet ST 7464 SE (published in 1951)
Item 13	OS 1:1250 scale, sheet ST 7465 SE (published in 1952)
Item 14	OS 1:1250 scale, sheet ST 7564 NW (published in 1951)
Item 15	OS 1:1250 scale, sheet ST 7564 NE (published in 1951)
Item 16	OS 1:1250 scale, sheet ST 7564 SW (published in 1951)
Item 17	OS 1:1250 scale, sheet ST 7565 NW (published in 1952)
Item 18	OS 1:1250 scale, sheet ST 7565 SW (published in 1952)
Item 19	OS 1:1250 scale, sheet ST 7464 NE (published in 1967)
Item 20	OS 1:1250 scale, sheet ST 7464 SE (published in 1967)
Item 21	OS 1:1250 scale, sheet ST 7465 SE (published in 1969)

Item 22	OS 1:1250 scale, sheet ST 7564 NW (published in 1967)
Item 23	OS 1:1250 scale, sheet ST 7564 NE (published in 1965)
Item 24	OS 1:1250 scale, sheet ST 7564 SW (published in 1967)
Item 25	OS 1:1250 scale, sheet ST 7565 NW (Crown copyright 1970)
Item 26	OS 1:1250 scale, sheet ST 7565 SW (Crown copyright 1975)
Item 27	OS 1:1250 scale, sheet ST 7464 NE (Crown copyright 1974)

Additional Information

7.34 The following additional documents were researched. It was not possible to find copies of all of the orders in time for the publication of the report. In some cases, only the London Gazette Notice was available.

Item 28	1946 Aerial Photograph
Item 29	Cotterell's map of Bath (dated 1852) (the map does not cover the whole of the Ward)
Item 30	<u>The Conversion of Highways into Footpaths or Bridleways (County of Avon) (No SW2) Order 1977</u> . Made 22 nd July 1977. (Path A3).
Item 31	<u>Bath Magistrates' Court, 11th October 1978. Highways Act 1959, Walcot Loop Road, Stopping Up.</u> (Path A6).
Item 32	<u>Town and Country Planning Act 1971 – 'The Stopping Up of Highways (County of Avon) (No.SW2) Order 1979.</u> Made 8 th January 1979. (Path A9).
Item 33	<u>Road Traffic Regulation Act 1967 – 'County of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Variation No.7) Order 1977.</u> Made 14 th April 1977. (Path A9).
Item 34	<u>Town and Country Planning Act 1962 and 1968, 'The Stopping Up of Highways (City and County Borough of Bath) (No.3) Order, 1961</u> '. Made 5 th September 1961. (Paths AQ192 & AQ440).
Item 35	<u>Town and Country Planning Act, 1947. Made 26th August, 1960. 'The Stopping Up of Highways (City and County Borough of Bath) (No.3) Order, 1960</u> '. Made 23 rd September 1960. (Path AQ413).
Item 36	<u>Bath Magistrates' Court, 26th April, 1961, Highways Act, 1959.</u> (Paths AQ427a & AQ427b).
Item 37	<u>Road Traffic Act 1960 - The City of Bath (Abbey Street and Stall Street) (Restrictions on Driving) Order 1966.</u> Confirmed 3 rd February 1967. (Path AQ434).
Item 38	<u>Town and Country Planning Acts 1962 and 1968, 'The Stopping Up of Highways (City and County Borough of Bath) (No.9) Order 1971</u> '. Made 16 th December 1971. (Path AQ435).
Item 39	<u>County Council of Avon Footpath at Rear of Stall Street, Bath (Closure During Stated Hours) Order 1984.</u> (Path AQ440).
Item 40	<u>Town and Country Planning Act 1990, Proposed Stopping Up of Highway (Footway) Adjacent to 1 Hay Hill, Bath.</u> (Path AQ547).

Assessing the Evidence

- 7.35 The council has collected both user and documentary evidence concerning each of the paths. Taken together, it is possible to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 provided the relevant tests are met.
- 7.36 The Regulatory (Access) Committee has to decide what it considers are the correct facts and on the basis of those facts, whether, on the balance of probabilities, a right of way exists or is reasonably alleged to exist.
- 7.37 Evidence has been collected from adjacent property holders to ascertain the nature of the use of the path and its reputation. It has not been possible to collect significant volumes of user evidence. The information gathered will not be used as user evidence, but as information regarding the local reputation of the path.

Widths

- 7.38 The widths of the paths have been determined by what appears to have been used by the public and by reference to historic maps. Where the paths are on adopted highway, we are seeking to record the public right of way across the whole width of the adopted section, unless evidence suggests otherwise. Where the path is bounded, the fence to fence presumption is applicable, assuming the boundaries are set out in reference to the width of the highway. Where there is no clear indication of the width used by the public, and the path is not bounded, a standard width of 1.8m will be used.

7.39 to 7.84 - Summary sheet of evidence for each path

7.39 Summary of Evidence for Path A3 - Refer to the path shown at Appendix 2, Map 1

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received. All respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 15 years to 12 years. The frequency ranged from more than once a day to daily.

- 'All parts of this path are useable by members of the public. It is completely open to the public'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged from once or twice a week to 40 times a year.

- 'Owner aware of public use because many people were using it'.
- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per month, on foot for shopping. Often other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown as an alleyway between Pierrepont Place and Pierrepont Street.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show a through route.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: The Conversion of Highways into Footpaths or Bridleways (County of Avon) (No SW2) Order 1977. Made 22nd July 1977. The effect of the order is to extinguish any right which persons may have to use vehicles (other than those specified in Schedule 2 to the Order) on a length of Pierrepont Place, Bath, Avon and requiring the provision of a new highway.

1946 Aerial Survey: There is no evidence of a path.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957.

The effect of the Conversion Order made for Pierrepont Place was to extinguish the public right to use a vehicle.

6. Officer Recommendations

Only public vehicular rights along this section of Pierrepont Street have been extinguished, which are taken to include the right to ride a bicycle. It would appear that equestrian rights have not been extinguished. Because of this, it is not possible to record path A3 on the Definitive Map and Statement for the City of Bath as there is no applicable way to classify the path.



7.40 Summary of Evidence for Path A6 - Refer to the path shown at Appendix 2, Map 1

1. Landowner

Part of A6 (the Riverside Walkway) is owned by Bath & North East Somerset Council and part is owned by Title AV203954. Part of the path is not registered under the Land Registration Act and Rules.

The section of path consulted on with the public begins at Bridge Street, continues along the Riverside Walkway up steps into the car park and out onto Walcot Street (marked A to B below).

2. Evidence of use of the path

Response from nearby property holders

6 responses were received. 5 respondents had used the path on foot and 1 had not used the path. All 6 respondents believed it to be a footpath. Length of path usage ranged from 7 years to 1 year. The frequency ranged from 200 times a year to once a year.

- 'It is in constant use'.
- 'Use from Podium to Walcot Street - often dirty and slightly threatening by multi-storey car park as vagrants use this area. Also use other section - had not recognised it as a 'path' - is busy pedestrian thoroughfare'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot 5 times a year for 49 years and believed it to be a footpath.

- 'Owner aware of public use because used by many people'.

Comments from the general public

None received.

Looking towards Pulteney Bridge – this section was included in the public consultations.



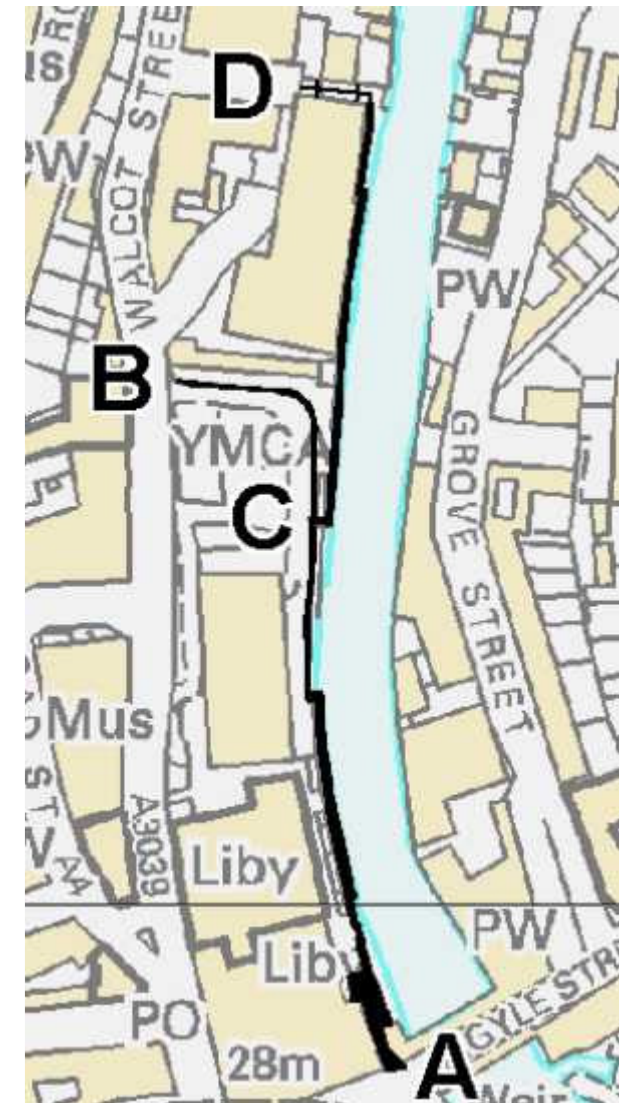
3. Documentary Evidence

Cotterell's 1852 Map of Bath: One map sheet is damaged but it is possible to see the southern end of the path where it leaves Bridge Street. It is shown shaded. It appears to provide access to the properties alongside. There is no evidence that it is a through route and there is no evidence of a route to the north.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951 & 1952, 1967 & 1975 maps. The maps do not appear to show a through route.

Bath City Engineer's Survey, 1957: Not

included.



List of Streets: Not included.

Previous Orders Made: Bath Magistrates' Court, 11th October 1978. Highways Act 1959, Walcot Loop Road, Stopping Up.

Walcot Loop Road was stopped up for the purposes of all traffic.

1946 Aerial Survey: There is no evidence of a path.

Other Information: The initial consultation also included the section of path starting at point C on the map and continuing north along the Riverside Walkway to Old Orchard at point D. On walking the path, a sign was discovered between points C and D stating 'No public right of way – Access by licence only'. There is a locked gate at point C.

A Committee Report was published on 19th December 2006 in which a recommendation was made to provide a lockable gate on the Riverside Walkway at point C to 'improve the safety and security of the riverside walk which would be more difficult to access and therefore help to prevent antisocial behaviour which has been a problem to date. On balance, the proposals are therefore considered to be acceptable on a short term basis and are recommended for approval'.

Planning Application 06/03914/REG was submitted for the extension of the existing fence and provision of a lockable gate to Riverside Walk. Permission was granted on 2nd January 2007.

4. Surface Condition

The surface of the path between A and C is stone and concrete paving flags. Between C and B the surface is partly stone paving flags and partly tarmac. Between C and D, the surface is partly gravel, partly brick paving

and partly unknown because it is inaccessible.

Location of Sign - this section was not included in the public consultations.



Locked gate - this section was not included in the public consultations.



5. Assessment of Evidence

The path is not included on the List of Streets or recorded on the Bath City Engineer's

Survey of 1957.

The locked gate and sign were discovered during the initial walking survey. The gate and sign are in place to temporarily prevent the public from using the Riverside Walkway for safety reasons as the cantilevered section is in disrepair. This section was not included in the consultation with the public because it is currently unavailable for use.

Once the locked gate and sign had been found, it was decided to extend the route along Walcot Loop Road, to point B on the map, in order to include at least part of the Riverside Walkway in the consultation.

During the consultation, it was discovered that a stopping up order was made in 1978 to stop up Walcot Loop Road to all traffic. This removes the public's rights to use the Walcot Loop Road, including pedestrian rights. It is unclear whether or not any public rights have been accrued along this section since the stopping up order.

Local residents appear to use the route between Bridge Street and Walcot Street and believe it to be a public right of way but it has not been possible to collect any significant evidence of a public right of way.

6. Officer Recommendations

The recommendation for this path is not to make an Order at this time. This does not prejudice any public rights which may have been accrued over time but Officers feel that the information gathered during this project

regarding path A6 is insufficient to make an Order at present.

The Riverside Walkway is an ongoing Council project. Land has been protected to form part of the Riverside Walkway in the future. However, it is unclear when repairs to the cantilevered will be made.

7.41 Summary of Evidence for Path A7 - Refer to the path shown at Appendix 2, Map 1

1. Landowner

The path is not registered under the Land Registration Act and Rules. Titles ST247944, AV62959 and ST223933 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage where stated was 9 years. The frequency where stated was daily.

- 'People wander along here all the time. They wrongly believe it is a through route'.

Response from the general public - Evidence Forms Received

None received.

Comments from the general public

None received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Barton Buildings is shown shaded. It is not a through route

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. Barton Buildings is shown on all the maps. It is not a through route.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Barton Buildings can be seen on the photo.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.



5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957.

It has not been possible to collect significant evidence of use by local residents or any evidence of use by the general public. The route is a cul-de-sac and appears to lead only to the properties alongside it.

6. Officer Recommendations

The recommendation for this path is not to make an Order at this time. It is not within the project aims to record paths which solely give access to people's properties. This does not prejudice any public rights which may have been accrued over time but Officers feel that the information gathered during this project regarding A7 is insufficient to make an Order at present.

7.42 Summary of Evidence for Path A9 - Refer to the path shown at Appendix 2, Map 1

1. Landowner

The path is not registered under the Land Registration Act and Rules. Title ST220513 owns a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent believed the path to be a footpath and had used it on foot, daily for 20 years.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot once or twice a week for over 30 years and believed it to be a footpath.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

None received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Burton Street is shown with the carriageway shaded yellow and the pavements shaded blue.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951 & 1967 maps. Burton Street is shown on all of the maps.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Town and Country Planning Act 1971 – 'The Stopping Up of Highways (County of Avon) (No.SW2) Order 1979. Made 8th January 1979. Three small sections of highway were stopped up to allow for development. This does not affect the area of the public right of way being recorded. Road Traffic Regulation Act 1967 – 'County of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Variation No.7) Order 1977. Made 14th April 1977. The effect of the Order was to make permanent the provisions of one of the experimental traffic Orders which prohibited any person from driving any vehicle along Burton Street.

1946 Aerial Survey: Burton Street appears to be a through route.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. Cotterell's 1852 map shows a difference between the carriageway and pavement of Burton Street. It appears to have been designed to accommodate both vehicular and pedestrian traffic. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957.

The effect of the Road Traffic Act Order made for Burton Street was to prohibit the use of vehicles.

6. Officer Recommendations

As vehicular rights along Burton Street have only been prohibited and not extinguished, it is not possible to record path A9 on the Definitive Map and Statement for the City of Bath.

7.43 Summary of Evidence for Path A10 - Refer to the path shown at Appendix 2, Map 1

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 18 years to 16 years. The frequency ranged from approximately 156 times a year to 15 times a year.

- 'It's owned by the Council and there are no physical barriers prohibiting access'.
- 'Everyone uses it especially now the bus station is the other side'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. Frequency ranged from over 300 times a year to once or twice a week.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per month, on foot for accessing car park and

bus station. Almost always several other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Somerset Street is shown shaded blue with a small section shaded yellow at The Ambury end. It is possible that this indicates steps.

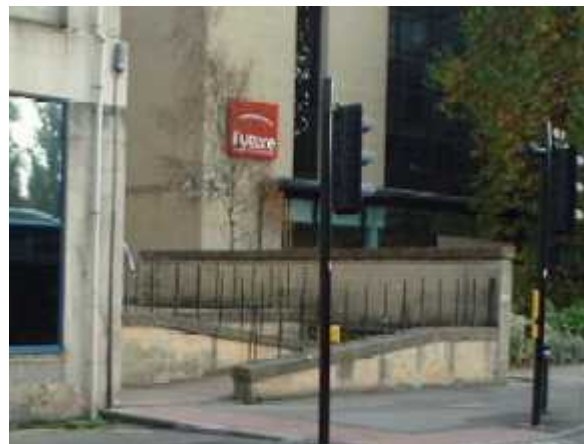
OS Maps: 1885, 1888, 1904, 1932, 1936, 1951 & 1967 maps. All maps appear to show steps between The Ambury and Somerset Street, except the 1936 map on which it is not possible to determine if a through route exists.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: There appears to be a route shown on the photo.



4. Surface Condition

The surface of the path is concrete paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The maps show steps between The Ambury and Somerset Street. The steps have been converted to a ramp since 1967. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The route has never been a through route for vehicles and following investigations is considered to be a footway.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

As footways are not a type of public right of way which can be recorded on the Definitive Map and Statement, it is not possible to record path A10 on the Definitive Map and Statement for the City of Bath.

7.44 Summary of Evidence for Paths A11 & AQ363 - Refer to the paths shown at Appendix 1, Map 4

1. Landowner

The paths are not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

A11

5 responses were received. 4 respondents had used the path on foot. 3 believed it to be a footpath. Length of path usage ranged from 28 years to 5 years. The frequency ranged from daily to once a week.

- 'It serves as a public footpath'.
- 'The whole area is used on a continuous basis'.
- 'I walk from my front door, down Sunderland St, down the path towards the left and to my garage / car. Or / cross straight over to the park / or / walk up Henrietta Mews'.

AQ363

4 responses were received. 3 respondents had used the path on foot. 2 believed it to be a footpath. Length of path usage ranged from 28 years to 21 years. The frequency ranged from 'continuously' to weekly.

Response from the general public - Evidence Forms Received

A11

1 response was received. The respondent had used the path on foot 26 times a year for

7 years and believed it to be a footpath.

- 'Owner aware as no barrier or hindrance ever met'.

AQ363

1 response was received. The respondent had used the path on foot over 20 times a year for 49 years.

- 'Owner aware of public use because of number of walkers, on foot, pedestrians using it'.

A11



Comments from the general public

4 responses were received for each path:

A11 only:

- 'This path is also used regularly, particularly by young mothers with buggys going to or from the nearby nursery and

the park'.

AQ363 only:

- 'My wife and I have used this path very regularly for the past 31 years (all the time we have lived in this area). We use it frequently - at least twice per day (sometimes more). We use it on foot (ie as pedestrians). It is the most obvious and convenient route from our house walking into the city. Many more people use it for the same purpose. It is obviously used by the vast majority of people walking into and out of the city who live in Henrietta Gardens / Mews, Daniel Street and Forester Road areas (also Bathwick St residents). The surface of this pathway (which is a slope) is currently 'cobbled' and has always been so. We would hope very much that this is not altered in any way as it provides very good foothold in icy / slippery conditions which no alternative could satisfactorily provide'.

A11 & AQ363:

- 'My husband and I use these paths connecting Henrietta Mews with Pulteney Street daily'.
- 'I have used these paths since I moved here in 1999. 0-6 times a day, average probably 2. Always on foot. Purpose: local amenities and leisure. It is quicker to walk into town via Sunderland Street than go round via the arch into Henrietta Street and then Laura Place. Quicker to

get to the Doctors at No. 35 than walking down Henrietta Mews to Sutton Street and then Great Pulteney St. Many people come up and down these paths, the park, they've parked their cars by the park, whatever, but there is a steady stream of pedestrians up and down. Don't know who owns it; imagine public land. As presumably the question is "should this be left as a public right of way?" Yes, it should so remain, constantly used by the public'.

- 'The use of A11 includes AQ363, as the two paths converge at Sunderland Street, so the information below applies to both. Length of time: Since 1984. Frequency: Between 1984 and 2003, I used them irregularly, but several times a year. Now I use the paths daily. How used: On foot. Purpose: Monday to Friday, the paths are on my route between my home and the railway station. Saturday and Sunday, I use them to access the city centre and other amenities. Other users: It is rare for me to use these paths and not see at least one other user. They are the optimum route between Gt. Pulteney Street and the Henrietta Park side of Bathwick. Ownership: I do not own the land'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: A11 is shown shaded yellow and AQ363 is shown shaded blue.

OS Maps: 1885, 1888, 1903, 1904, 1932, 1936, 1952, 1975 maps. The paths are shown on all the maps. The 1888 map

shows both paths shaded in yellow. The 1952 and 1975 maps show a dashed line along the same width as AQ363.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: The whole width of AQ363 is adopted highway. Only part of A11 is adopted highway.

Previous Orders Made: None found.

1946 Aerial Survey: There is no evidence of a path.

Other Information: A section of A11 is not recorded on the List of Streets. This section is shown shaded on Cottrell's 1852 map and also on the 1888 First Edition map. There is no information on file to say why this section has not been included in the List of Streets.

A letter written by a local resident dated 1987 states: "They (the Highway Dept) also informed me that the area at the top of the slope where they have installed a new telephone junction box would be tarmaced over but nothing has been done there either. It is very tatty, as is the whole area along the edge of the park where it meets the edge of the footpath in the Mews. Mr Woods kept this area very well indeed but since his retirement it has not been the same, in fact very much the opposite'.

It has not been possible to find any information in the Council's records to confirm whether or not the Council undertook repairs in the area. The area has obviously been tarmaced but it is unclear whether or not this was done privately.

AQ363



4. Surface Condition

The surface of A11 is tarmac. It is in a good condition. AQ363 is surfaced with cobblestones and stone paving flags. The flags are in a good condition but the cobblestones are fairly uneven.

5. Assessment of Evidence

The paths appear to have been in existence since at least as early as 1852. AQ363 and part of A11 are included on the List of Streets, but neither is recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support public rights of way existing along the paths.

Local residents and the public appear to use the paths and believe them to be public rights of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ363 and A11 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for these paths is to record them as public footpaths and add them to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: A11

Status: Footpath
Length: 26m
Ward / Parish: Abbey
Width: Varies between 2.5m – 9.0m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Henrietta Mews	ST 7543 6515	SE	Sunderland Street	ST 7545 6514

General Description:

The footpath starts on Henrietta Mews at a bollard and continues along a tarmac path in an easterly direction for a distance of approximately 15m to where the direction changes to south-south-easterly. The footpath continues for a distance of approximately 11m to where it finishes at a bollard on Sunderland Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Previous Path Number: A11 Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollard Bollard	ST 7543 6515 ST 7545 6514	

PART II
Modification of Definitive Statement

Path Number: **AQ363**

Status: Footpath
Length: 20m
Ward / Parish: Abbey
Width: Varies between 2.3m – 4.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Sunderland Street	ST 7545 6514	NW	Henrietta Mews	ST 7546 6516

General Description:

The footpath starts on Sunderland Street and continues along a cobbled path in a north-westerly direction for a distance of approximately 11m to where the direction changes to north-easterly. The footpath continues for a distance of approximately 9m to where it finishes on Henrietta Mews.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.45 Summary of Evidence for Path A12a & A12b – Refer to the paths shown at Appendix 1, Map 5 and Appendix 2, Map 1

1. Landowner

A12a

Titles AV191010 and ST130502 own sections of A12a. Part of A12a is not registered under the Land Registration Act and Rules.

A12b

Titles AV187693, AV4925, ST163128, AV86560, AV17425, ST167760, ST149821, ST160592 and AV86802 own sections of A12b. Part of A12b is not registered under the Land Registration Act and Rules. Titles ST170268 and ST195862 own sections of the vaults beneath.

2. Evidence of use of the path

Response from nearby property holders

A12a

1 response was received. The respondent had used the path on foot every day for 6 years and believed it to be a footpath.

- 'It's used daily by everyone'.

A12b

2 responses were received and both respondents used the path on foot. 1 respondent believed it to be a footpath. The length of path usage ranged from 20 years to 6 years. The frequency was daily. One respondent commented that they were told the way was not public in 1988.

- 'It's used daily by everyone'.

Response from the general public - Evidence Forms Received

A12a

3 responses were received. The respondents had used the path on foot and 2 believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and 52 times a year.

- 'Owner aware because no barriers in place ever'.
- 'Constantly used by public'.
- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

A12a



A12b

3 responses were received. The respondents had used the path on foot and 2 believed it to be a footpath. Length of path usage ranged

from 67 years to over 30 years. The frequency ranged between once or twice a week and 52 times a year.

- 'Owner aware because of obvious presence of pedestrians'.
- 'Public use it constantly'.
- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

A12b



Comments from the general public

1 response was received for both paths:

A12a & A12b:

- 'Used from 1975 to now. Once per week, on foot for shopping. Almost always several other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: The paths are shown shaded. There are bollards on Union Street, Union Passage and High Street.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The Corridor is shown on all of the maps.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None found.

1946 Aerial Survey: It is not possible to see a path.

Other Information: The Corridor has a lockable gate at one end. It is unclear whether or not it is currently locked at night or during holidays. It is believed that until as recently as 2000, a sign erected on A12b stated words of a similar nature to 'Not dedicated as a public right of way'.

4. Surface Condition

The surface of A12a is stone paving flags. The surface of A12b is concrete. The paths are in a good condition.

5. Assessment of Evidence

The paths appear to have been in existence since at least as early as 1852. The paths are not included on the List of Streets or recorded on the Bath City Engineer's Survey of 1957.

Path A12a appears to have always been available for public use. Path A12b has probably been closed at night by the means of a locked gate.

6. Officer Recommendations

A12a

Although officers have not found substantial evidence for A12a, it is considered that there is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

A12b

The recommendation for this path is not to make an Order at this time. This does not prejudice any public rights which may have been accrued over time but Officers feel that the information gathered during this project regarding A12b is insufficient to make an Order at present.

The path may be looked at in more detail at the end of the project

PART II
Modification of Definitive Statement

Path Number: A12a

Status: Footpath
Length: Approximately 17m
Ward / Parish: Kingsmead
Width: Varies between 2.0m – 6.8m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Union Street	ST 7501 6484	E	Union Passage	ST 7502 6485

General Description:

The footpath starts on Union Street and continues along a path surfaced with stone paving flags in an easterly direction for a distance of approximately 17m to where it finishes on Union Passage.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.46 Summary of Evidence for Path AQ22 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents had used the path. 2 respondents believed it to be a footpath and used the path on foot. Length of path usage ranged from 6 years to 3 years. The frequency ranged from daily to 'numerous'.

- 'These steps are obviously a public right of way. There is a painting of them in the Bath Art Museum that is about 100 years old'.
- 'I believe in existence from the start 1790. Should be open in the day only not night time'.
- 'I'm not sure who owns the passage, however there are no keep off, Private Property signs, etc. And so I therefore took it as a public route. Many people use the stairway to get to the shops further down Walcot Street. Students use the route to get to the night club and I use it got get from my house to work, Podium etc. I think it's a public right of way'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 50 times a year for 60 years.

- 'Owner aware by virtue of the numbers using these steps'.

Comments from the general public

3 responses were received:

- 'Living in central Bath I use many of the public rights of way when walking around. Of particular use, almost every day or so, are AQ22 and AQ569 that I use from my home to the railway station, shops etc. I have used these regularly for over 20 years'.
- 'In response to the public consultation, I should like to say that residents of the Vineyards have used all these paths on a regular basis. My wife and I personally have used the paths regularly since we moved to Bath in 1980'.
- 'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street, BA1 and always walk into town for business, shopping, amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. This route could be kept cleaner - a favourite wino haunt and urinal. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those

indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown unshaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952, 1975 maps. The path is shown on all of the maps with steps. The 1885, 1952 and 1975 maps show bollards at either end.

Bath City Engineer's Survey, 1957: Described as 'FP' London Road (Paragon) to Walcot Street. Stepped footway.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not possible to see a path.

4. Surface Condition

The steps are stone and are in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets and recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ22 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ22**

Status: Footpath
Length: Approximately 25m
Ward / Parish: Abbey
Width: Varies between 2.0m – 2.6m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
The Paragon	ST 7503 6527	E	Walcot Street	ST 7505 6527

General Description:

The footpath starts at bollards on The Paragon and continues down stone steps in an easterly direction for a distance of approximately 25m to where to where it finishes at bollards on Walcot Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	<p>Bollards Steps Bollards</p>	<p>ST 7503 6527 ST 7503 6527 ST 7505 6527</p>	

7.47 Summary of Evidence for Path AQ23 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

4 responses were received and all respondents had used the path on foot and believed the path to be a footpath. Length of path usage ranged from 24 years to 2 years. The frequency ranged from approximately 700 times per year to 'often'.

- 'It appears to have always been a public right of way'.
- 'It is a busy area, particularly with the YMCA residents'.
- 'On the north and south sides of the open area there were rows of cottages (one row on each side). These were pulled down in the late 60s and were known as Broad St Court. Broad St Place was at one time known as 'Gracious Court'. This can just about be seen on the wall at the Broad St entrance'.
- 'The steps could do with a little bit more attention from the street cleaners'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 20 times a year for 60 years and believed it to be a footpath.

- 'Owner aware by virtue of footfall'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping. Often other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown as 'Gracious Court' and is shaded across the whole width. The steps are shown.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1975 maps. The maps all show a route between Broad Street and Walcot Street. The 1885 map appears to show a gate at the Broad Street end and is labelled footpath.

Bath City Engineer's Survey, 1957: Described as 'FP' Walcot Street to Broad Street. Stepped Footway.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not possible to see a route on the photo.

4. Surface Condition

The surface of the path is stone paving flags. The steps are stone. The surface is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets and recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ23 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ23**

Status: Footpath
Length: Approximately 55m
Ward / Parish: Abbey
Width: Varies between 1.4m – 4.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Broad Street	ST 7501 6513	E	Walcot Street	ST 7506 6514

General Description:

The footpath starts at a step on Broad Street and continues in an easterly direction along a path surfaced with stone paving flags for approximately 37m to a flight of stone steps leading down to Walcot Street for a distance of approximately 18m to where the path finishes.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Step Steps	ST 7501 6513 ST 7504 6514	

7.48 Summary of Evidence for Path AQ24 – Refer to the path shown at Appendix 1, Map 4

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

4 responses were received. All respondents stated they had used the path on foot. 3 respondents believed the path to be a footpath and 1 believed the path to be a bridleway. Length of path usage ranged from 46 years to 6 years. The frequency ranged from approximately 700 times a year to 50 times a year.

- 'Everyone uses it all the time. Our only access to our house is along this lane! The house has been here since approx 1850, so the occupants must have been using the lane for over 150 years'.
- 'This was the main access for the houses and the school'.
- 'In daily use by many people'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 20 times a year for 60 years and believed it to be a footpath.

- 'Owner aware by virtue of traffic'.

Comments from the general public

1 response was received:

- 'I use this path several times a day when I take my dog to Henrietta Park; and have done so since I moved to Bath in 2001. My neighbours also use this path several times a day, not only when taking their dogs out but also for gaining access to their cars which have to be parked in Henrietta Street when Grove Street parking is full. All my neighbours and other people who live locally use this path all the time as it provides access to the local amenity of Henrietta Park and a short cut to Argyle Street and the river. Now that 4 new houses have been built at the Henrietta Place end of the path I would imagine that the path will be used even more'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936,

1952 & 1975 maps. The path is shown on all of the maps.

Bath City Engineer's Survey, 1957:

Described as 'FP' Grove Street to Henrietta Road. Metalled footway.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path can be seen on the aerial photo.

4. Surface Condition

The surface of the path is tarmac. It is in a reasonable condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets and recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ24 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ24**

Status: Footpath
Length: Approximately 101m
Ward / Parish: Abbey
Width: Varies between 3.8m – 18.0m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
St John's Road	ST 7519 6518	NE	Henrietta Road	ST 7526 6525

General Description:

The footpath starts on St John's Road and continues along a tarmac path in a north-easterly direction for a distance of approximately 101m to where it finishes on Henrietta Road.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07 & 27/11/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.49 Summary of Evidence for Path AQ192 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

Part of AQ192 is owned by Bath & North East Somerset Council. The rest of the path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

1 response was received and the respondent had used the path on foot and believed it to be a footpath. The path usage was 2 years. The frequency was not stated.

Response from the general public - Evidence Forms Received

2 responses were received and both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 57 years to over 30 years. The frequency ranged from once or twice a week to 50 times a year.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per week, on foot for shopping. Always other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: There is a school on the site. The present day path does not exist.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951 & 1967 maps. The path does not appear until the 1967 map

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Town and Country Planning Act 1962 and 1968, 'The Stopping Up of Highways (City and County Borough of Bath) (No.3) Order, 1961'. Made 5th September 1961 authorising the stopping up of Weymouth Street and lengths of St James's Street South, New Orchard Street and Stall Street. The London Gazette notice mentions the provision of two new roads and two new footpaths. It has not been possible to locate a copy of the Order but it is believed that path AQ192 is one of the two new footpaths provided.

1946 Aerial Survey: There does not appear to be a route.



4. Surface Condition

The surface of the path is concrete paving slabs. It is in a good condition.

5. Assessment of Evidence

The path does not appear on the maps until 1967. The path is included on the List of Streets but was not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ192 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ192**

Status: Footpath
Length: Approximately 40m
Ward / Parish: Abbey
Width: Varies between 2.2m – 3.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Abbey Green	ST 7512 6463	ENE	North Parade Buildings	ST 7516 6464

General Description:

The footpath starts on Abbey Green and continues along a path surfaced with concrete paving flags in a southerly direction for a distance of approximately 4m to where the direction changes to east-north-easterly. The footpath continues for a distance of approximately 36m to where it finishes on North Parade Buildings.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.50 Summary of Evidence for Path AQ344 – Refer to the path shown at Appendix 1, Map 1

1. Landowner

AQ344 is not registered under the Land Registration Act and Rules. Titles AV247940, AV20594, AV155797 and ST241543 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

10 responses were received and 9 respondents stated they had used the path. 6 respondents believed it to be a footpath and 2 believed it to be a bridleway. 8 respondents used the path on foot. Length of path usage ranged from 36 years to 3 years. The frequency ranged from 3 times a day to 100 times a year.

- 'Pedestrians walk up and down it every day'.
- 'The presence of shops and shoppers tends to give the game away'.
- 'Shops front it and have done since Georgian times'.
- 'It was built as a pedestrian street in 1767. Margaret's Buildings is a footpath lined on both sides by shops with homes above each shop'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot 4 times a day for over 50 years and believed it to be a footpath.

- 'It's a public thoroughfare 24 hours a day'.



Comments from the general public

2 responses were received:

- 'I have used the path between 1954 - 1955, once or twice a week or even daily. I used the path on foot for shopping'.
- 'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street BA1 and always walk into town for business, shopping, amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those indicated on your map,

will always be available for access to the public as they are much appreciated by the majority'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Margaret's Buildings is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. Margaret's Buildings is shown on all of the maps. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Margaret's Buildings can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ344 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ344**

Status: Footpath
Length: Approximately 76m
Ward / Parish: Abbey
Width: Varies between 5.3m – 8.3m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Brock Street	ST 7462 6532	NNE	Catharine Place	ST 7464 6539

General Description:

The footpath starts at bollards on Brock Street and continues along a path surfaced with stone paving flags in a north-north-easterly direction for a distance of approximately 76m where it finishes at bollards on Catharine Place.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards Bollards	ST 7462 6532 ST 7464 6539	

7.51 Summary of Evidence for Path AQ345 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

AQ345 is not registered under the Land Registration Act and Rules. Title ST225739 owns a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents stated they had used the path on foot. 2 respondents believed it to be a footpath. Length of path usage ranged from 31 years to 3 years. The frequency ranged from daily to nearly every day.

- 'Saville Row has existed as a pedestrian thoroughfare since its construction in 1773. There is no means of access to or egress from any of the buildings in Saville Row, other than Saville Row itself'.

Response from the general public - Evidence Forms Received

None received.

Comments from the general public

1 response was received:

- 'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street BA1 and always walk into town for business, shopping, amenities and pleasure. We do more

walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Saville Row is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. Saville Row appears on all of the maps. It is shown shaded on the 1888 map

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not possible to see a through route on the aerial photo.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ344 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ345**

Status: Footpath
Length: Approximately 54m
Ward / Parish: Abbey
Width: Varies between 3.1m – 4.6m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Bennett Street	ST 7489 6533	SSE	Alfred Street	ST 7490 6528

General Description:

The footpath starts on Bennett Street and continues along a path surfaced with stone paving flags in a south-south-easterly direction for a distance of approximately 54m to a bollard where it finishes on Alfred Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Bollard	ST 7490 6528	

7.52 Summary of Evidence for Path AQ346 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

Part of AQ346 is owned by Bath & North East Somerset Council. The rest of the path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

15 responses were received and all respondents believed the path to be a footpath. All respondents had used the path on foot. Length of path usage ranged from 38 years to 1 year. The frequency ranged from daily to 10 times a year.

- 'Long established and sign posted'.
- 'A well known footpath'.
- 'It is used as a footpath daily by local people and visitors.'
- 'I use any part of it to suit my purpose. Continual usage without notification or signs to the contrary.'
- 'Obvious daily use by public. Forecourt of Assembly Rooms is used for vehicle access / parking on a restricted basis'.

Response from the general public - Evidence Forms Received

None received.

Comments from the general public

None received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. The path is shown on all of the maps. It is shown shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The northern half of the path is visible but it is difficult to see the southern half because of trees.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears

sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. No responses were received from the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ346 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ346**

Status: Footpath
Length: Approximately 107m
Ward / Parish: Abbey
Width: Varies between 3.3m – 18.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Bennett Street	ST 7482 6532	SSE	St Andrew's Terrace	ST 7485 6522

General Description:

The footpath starts on Bennett Street and continues along a path surfaced with stone paving flags in a south-south-easterly direction for a distance of approximately 2m to bollards. It continues for a further 69m to a bollard. The path continues for a distance of approximately 36m to where it finishes on St Andrew's Terrace.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07 & 17/09/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollard Bollard	ST 7482 6532 ST 7484 6525	

7.53 Summary of Evidence for Path AQ347 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

AQ347 is not registered under the Land Registration Act and Rules. Title AV49543 owns a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

6 responses were received and all respondents believed the path to be a footpath and had used the path on foot. Length of path usage ranged from 50 years to 8 years. The frequency ranged from daily to every week.

- 'Everyone walks down the path. There is no indication this is not a private pathway'.
- 'There is no signage to state otherwise and to my knowledge, there never has been'.
- 'It is a street'.

Response from the general public - Evidence Forms Received

None received.

Comments from the general public

1 response was received:

- 'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street BA1 and always walk into town for business, shopping,

amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The northern section is shown shaded across the whole width. The southern section is shaded on the pavement only. The carriageway is shown as part of Edward Mews and is shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. Bartlett Street is shown on all of the maps. It is shaded on the 1888

map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Bartlett Street can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. Only 1 response was received from the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ347 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ347**

Status: Footpath
Length: Approximately 94m
Ward / Parish: Abbey
Width: Varies between 2.2m – 7.3m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Alfred Street	ST 7490 6527	SSE	George Street	ST 7493 6518

General Description:

The footpath starts at a bollard on Alfred Street and continues along a path surfaced with stone paving flags in a south-south-easterly direction for a distance of approximately 40m to a bollard. It continues for a distance of approximately 54m to a bollard where it finishes on George Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollard Bollard Bollard	ST 7490 6527 ST 7491 6523 ST 7493 6518	

7.54 Summary of Evidence for Path AQ348 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

AQ348 is not registered under the Land Registration Act and Rules. Titles ST220059, ST219674, ST213845, ST218677, ST218351, ST213923, AV12048, AV53498, ST154437 and ST218502 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

12 responses were received and all respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 25 years to 1 year. The frequency ranged from hundreds of times a year to 6 times a year.

- 'The original 18th Century building leases show that the path at St Andrews Terrace was for pedestrians and sedan chairs only - horses and carriages were prohibited'.
- 'It has always been a footpath'.
- 'Been used for public access as long as I know'.
- 'It's such an obvious through way'.
- 'An accepted right of way. This pathway gives me garden access at the rear of my property on Gay St, where I have resided since June 2004'.
- 'There is nothing to say it's a private path'.

Response from the general public - Evidence Forms Received

None received.

Comments from the general public

1 response was received:

- 'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street BA1 and always walk into town for business, shopping, amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1952 & 1969 maps. Miles's Buildings and St Andrew's Terrace appear on all of the maps. St Andrew's Terrace is shown shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted highway.

Previous Orders Made: None found.

1946 Aerial Survey: Miles's Buildings and St Andrew's Terrace can both be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. Only 1 response was received from the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ348 is sufficient to make an

Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ348**

Status: Footpath
Length: Approximately 162m
Ward / Parish: Abbey
Width: Varies between 2.9m – 6.3m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
George Street	ST 7484 6514	NE	Bartlett Street	ST 7491 6523

General Description:

The footpath starts on George Street and continues along a path surfaced with stone paving flags in a north-north-westerly direction for a distance of approximately 69m to where the direction changes to east-north-easterly. The footpath continues for a distance of approximately 93m to where it finishes on Bartlett Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.55 Summary of Evidence for Path AQ359 – Refer to the path shown at Appendix 1, Map 2

1. Landowner

The path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

4 responses were received and 3 respondents stated they had used the path. 3 respondents believed the path to be a footpath and had used the path on foot. Length of path usage ranged from 8 years to 1 year. The frequency ranged from every day to weekly.

- 'It has been used as of right for many years'.
- 'The path is used heavily by many people as a short cut between Roman Road and Walcot Street'.
- 'This path / steps have been used continuously by the public'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 50 times a year for 60 years and believed it to be a footpath.

- 'Owner aware by virtue of the volume of users'.

Comments from the general public

1 response was received:

- 'In response to the public consultation, I

should like to say that residents of the Vineyards have used all these paths on a regular basis. My wife and I personally have used the paths regularly since we moved to Bath in 1980'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1903, 1904, 1932, 1939, 1952 & 1970 maps. The path is shown with steps at the London Street end on all of the maps.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not possible to distinguish a through route on the photo.

4. Surface Condition

The surface of the path is concrete paving

flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. Only 2 responses were received from the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ359 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ359**

Status: Footpath
Length: Approximately 12m
Ward / Parish: Abbey
Width: Varies between 2.0m – 3.5m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
The Paragon	ST 7509 6559	SE	London Street	ST 7510 6559

General Description:

The footpath starts on The Paragon and continues down steps surfaced with concrete paving flags in a south-easterly direction for a distance of approximately 8m to a barrier. The footpath continues for a distance of approximately 3m to another barrier where it finishes on London Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Steps Barrier Barrier	ST 7509 6559 ST 7510 6559 ST 7510 6559	

7.56 Summary of Evidence for Path AQ360 – Refer to the path shown at Appendix 1, Map 2

1. Landowner

Part of AQ360 is owned by Bath & North East Somerset Council. The rest of the path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

4 responses were received. 3 of the respondents had used the path and believed it to be a footpath. 2 had used the path on foot and 1 on foot and by vehicle. Length of path usage ranged from 41 years to 8 years. The frequency ranged from every day to dozens of times a year.

- 'Path is distinctly divided into approximately 2/3 cobbled roadway and 1/3 paved footpath. No 2 uses the cobbled road way for vehicular access and the paved footpath for pedestrian access to rear of 2 London St'.
- 'The path has original cobble stones and the parking of vehicles, which is not allowed, only adds to the deterioration of the stones. Elderly people from Walcot Gate use the path but with obstructions i.e. car. It restricts the use of the path. The bollards should be removed as they are unnecessary - it is not a private path or car park'.

Response from the general public - Evidence Forms Received

1 response was received but the respondent did not specify how they had used the path

and for how long.

- 'Owner aware by virtue of numbers of public etc using it'.

Comments from the general public

1 response was received:

- 'I have been using this path for the last 18 months and expect to continue to do so for the foreseeable future. I walk it 2 or 3 times a week on my way from Hedgemoor Park to the old burial ground and back again, to exercise my dog. I occasionally see others there, including people who live in the adjoining houses whose back access is there. I don't know who owns the land it is on'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The map is damaged and it is not possible to see if a

route exists.

OS Maps: 1885, 1888, 1903, 1904, 1932, 1939, 1952, 1970 maps. A route is shown on all of the maps but it is unclear whether or not it is a through route.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: There appears to be a through route.

Other information: A letter on file dated 31/05/1984 mentions a key being issued to a resident for the lockable bollard.

4. Surface Condition

The surface of the path is cobblestones and stone paving flags. The cobblestones are uneven in places and the paving flags are in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1885. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. Only 2 responses were received from the general public.

It appears that private rights are enjoyed by one of the properties alongside the footpath.

The recording of a public footpath along AQ360 will not affect any private rights which may exist.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ360 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ360**

Status: Footpath
Length: Approximately 25m
Ward / Parish: Abbey
Width: Varies between 3.3m – 6.0m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
London Street	ST 7511 6557	SE	Walcot Gate	ST 7514 6556

General Description:

The footpath starts at bollards on London Street and continues along a cobbled path in a south-easterly direction for a distance of approximately 20m to stone paved steps leading down to Walcot Gate. The footpath continues for a distance of approximately 5m to where it finishes on Walcot Gate.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards Steps	ST 7511 6557 ST 7513 6556	

7.57 Summary of Evidence for Path AQ413 – Refer to the path shown at Appendix 1, Map 5

1. Landowner

Part of AQ413 is owned by Bath & North East Somerset Council. The rest of the path is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 3 years to 2 years. The frequency ranged from 1400 times a year to 'most days'.

- 'It's a footpath and some shops are on it'.
- 'It is a street'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot once or twice a week for over 30 years and believed it to be a footpath.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per week, on foot for shopping. Often other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Old Bond Street is shown shaded. It appears to be slightly narrower in places than the present day route.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 & 1974 maps. Old Bond Street is shown on all of the maps. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Town and Country Planning Act, 1947. Made 26th August, 1960.

'The Stopping Up of Highways (City and County Borough of Bath) (No.3) Order, 1960'.

Made 23rd September 1960, authorising the stopping up of a length of Old Bond Street, Bath and requiring the provision of a new footpath. The order concerns a small section of footpath at the southern end of Old Bond Street.

1946 Aerial Survey: Old Bond Street is shown but it is not clear if it is a through route.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents appear to use the path and believe it to be a public right of way. Only 2 responses were received from the general public.

An order was made in 1960 to stop up a section of Old Bond Street with the provision of a new section of footpath. Although the order did not cover the whole length and width of Old Bond Street, it provides evidence that Old Bond Street was considered to be a public footpath when the order was made.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ413 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ413**

Status: Footpath
Length: Approximately 56m
Ward / Parish: Abbey
Width: Varies between 6.3m – 29.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
New Bond Street	ST 7496 6495	SSE	Upper Borough Walls	ST 7497 6489

General Description:

The footpath starts on New Bond Street and continues along a path surfaced with stone paving flags in a south-south-easterly direction for a distance of approximately 49m to bollards. The footpath continues for a distance of approximately 7m to where it finishes on Upper Borough Walls.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Bollards	ST 7497 6490	

7.58 Summary of Evidence for Path AQ414 – Refer to the path shown at Appendix 1, Map 5

1. Landowner

AQ414 is not registered under the Land Registration Act and Rules. Titles ST225744 and ST219005 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

4 responses were received and all respondents had used the path. 3 believed it to be a footpath 1 believed it to be a bridleway. 3 respondents had used the path on foot and 1 on foot and by bicycle. Length of path usage ranged from 24 years to 3 years. The frequency ranged from every day to 2 to 3 times a year.

- 'Many people use it every day'.
- 'It is used normally at a short cut for shoppers in the day and drunkards at night. You don't feel safe at night if you are walking home or have to go out for a takeaway. Drug taking, drinking, smashing bottles. Big Issue Sellers from 7.00am swearing, drinking. It is a very used alley or lane whatever. I and other tenants hate it with a passion'.
- 'Frequent use. Public street'.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 49 years to over 30 years. Frequency ranged from once or twice a week to 52 times

a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware of public use by virtue of numbers using it'.



Comments from the general public

1 response was received:

- 'I have seen notices about the 2 paths AQ414 and AQ416 which I use on a very regular basis. These paths are my most direct route to my place of work. I began working there in 1995, so since then I have used them daily. I usually see other people even though one of them is very short. Apart from the fact that these paths take me directly to where I need to go I also like the idea that I am using a route that follows the line of earlier roads

through the city'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Bridewell Lane is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 & 1974 maps. Bridewell Lane is shown on all of the maps. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Bridewell Lane is shown and appears to be a through route.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ414 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife

and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ414**

Status: Footpath
Length: Approximately 94m
Ward / Parish: Abbey
Width: Varies between 3.2m – 7.0m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Upper Borough Walls	ST 7492 6486	S	Westgate Street	ST 7493 6477

General Description:

The footpath starts on Upper Borough Walls and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 94m to bollards where it finishes on Westgate Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards	ST 7493 6477	

7.59 Summary of Evidence for Path AQ416 – Refer to the path shown at Appendix 1, Map 6

1. Landowner

AQ416 is not registered under the Land Registration Act and Rules. Title ST222290 owns a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent had used the path on foot every day for a year and believed it to be a footpath.

- ‘The delivery entrance to the pub is situated at the rear of the building. Access is only available via the pathway. The pathway is between two buildings. The path is paved and used very frequently’.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 49 years to over 30 years. Frequency ranged from once or twice a week to over 20 times a year.

- ‘Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths’.
- ‘Owner aware by the sheer volume of users’.

Comments from the general public

2 responses were received:

- ‘Used from 1975 to now. Once per month, on foot for going to and from the cinema. Often other people using it concurrently’.
- ‘I have seen notices about the 2 paths AQ414 and AQ416 which I use on a very regular basis. These paths are my most direct route to my place of work. I began working there in 1995, so since then I have used them daily. I usually see other people even though one of them is very short. Apart from the fact that these paths take me directly to where I need to go I also like the idea that I am using a route that follows the line of earlier roads through the city’.



3. Documentary Evidence

Cotterell’s 1852 Map of Bath: The path is shown shaded and called Cross Bath Lane.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 & 1974 maps. The maps show the path as St Michael’s Place. It is shown shaded on the 1888 map. The later maps show a bollard at the Westgate Street end.

Bath City Engineer’s Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not clear from the aerial photo if a through route exists.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer’s Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect much evidence of use by local residents but the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ416 is sufficient to make an

Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ416**

Status: Footpath
Length: Approximately 29m
Ward / Parish: Abbey
Width: Varies between 2.5m – 2.8m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Westgate Street	ST 7493 6476	S	Hot Bath Street	ST 7493 6473

General Description:

The footpath starts on Westgate Street and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 29m to where it finishes on Hot Bath Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.60 Summary of Evidence for Path AQ417 – Refer to the path shown at Appendix 1, Map 6

1. Landowner

AQ417 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

No responses were received.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 49 years to over 30 years. Frequency ranged from once or twice a week to over 20 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by the sheer volume of users'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per month, on foot for going to and from the cinema. Often other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: Chandos Buildings is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The path is shown on all

of the maps. It is unshaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not clear from the aerial photo if a through route exists.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ417 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ417**

Status: Footpath
Length: Approximately 44m
Ward / Parish: Abbey
Width: Varies between 3.1m – 5.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Westgate Street	ST 7488 6470	NE	Hot Bath Street	ST 7492 6472

General Description:

The footpath starts on Westgate Street and continues along a path surfaced with stone paving flags in a north-easterly direction for a distance of approximately 44m to where it finishes on Hot Bath Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.61 Summary of Evidence for Path AQ419 – Refer to the path shown at Appendix 1, Map 6

1. Landowner

AQ419 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

2 responses were received and both respondents had used the path on foot. 1 respondent believed it to be a footpath. Length of path usage ranged from 28 years to 1 year. The frequency ranged from daily to 2 or 3 times a week.

- 'It looks very public. It is a common thoroughfare'.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and both believed it to be a footpath. Length of path usage ranged from 49 years to over 30 years. Frequency ranged from once or twice a week to 52 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by the sheer volume of public using this path'.

Comments from the general public

None received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: There appears to be a passageway with columns between numbers 4 and 5 Bath Street.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 & 1974 maps. The path is shown beneath an archway between Bath Street and Bimberry (or, on later maps), Bilberry Lane. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Part of AQ419 is included and part is not included.

Previous Orders Made: None found.

1946 Aerial Survey: It is not clear from the aerial photo if a through route exists.

Other information: It has not been possible to find a copy of the Proposed Walkway Agreement, Shopping Arcade, Bath, dated 1st July 1988. This may have identified why part of AQ419 is not included in the List of Streets.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The majority of the path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ419 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ419**

Status: Footpath
Length: Approximately 13m
Ward / Parish: Abbey
Width: Varies between 6.4m – 7.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Bath Street	ST 7499 6470	S	Bilbury Lane	ST 7499 6468

General Description:

The footpath starts on Bath Street and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 13m to where it finishes on Bilbury Lane.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Previous Path Number: AQ419 Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.62 Summary of Evidence for Path AQ420 – Refer to the path shown at Appendix 1, Map 6

1. Landowner

AQ420 is not registered under the Land Registration Act and Rules. Title ST228860 owns a section of the vaults beneath the path.

2. Evidence of use of the paths

Response from nearby property holders

3 responses were received and all respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 4 years to 2 years. The frequency ranged from daily to 5 times a year.

- 'Whole width used for access to our properties. Been open to the public for years'.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and both believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. Frequency ranged from once or twice a week to over 20 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware because of sheer numbers'.

Comments from the general public

None received.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Hetling Court is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 & 1974 maps. Hetling Court is shown on all of the maps. It is shaded on the 1888 map. The 1967 and 1974 maps show a bollard at the Westgate Buildings end.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not clear from the aerial photo if a through route exists.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is

included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the general public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ420 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ420**

Status: Footpath
Length: Approximately 40m
Ward / Parish: Abbey
Width: Varies between 4.7m – 8.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Westgate Buildings	ST 7490 6466	NE	Hot Bath Street	ST 7494 6467

General Description:

The footpath starts on Westgate Buildings and continues along a path surfaced with stone paving flags in a north-easterly direction for a distance of approximately 40m to where it finishes at bollards on Hot Bath Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Bollards	ST 7494 6467	

7.63 Summary of Evidence for Path AQ421 – Refer to the path shown at Appendix 1, Map 6

1. Landowner

AQ421 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

1 response was received and the respondent had used the path on foot and believed it to be a footpath. Length of path usage was 4 years and the frequency was 300 times a year.

- 'Use the path for access to the shop. The Council clean it'.

Response from the general public - Evidence Forms Received

2 responses were received. The respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. Frequency ranged from once or twice a week to over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer volume of users'.

Comments from the general public

None received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936,

1951, 1967, 1974 maps. The path is shown on all of the maps. It is not shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: It is not clear from the aerial photo if a through route exists.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.



5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ421 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ421**

Status: Footpath
Length: Approximately 36m
Ward / Parish: Abbey
Width: Varies between 2.2m – 5.7m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
St James's Parade	ST 7497 6455	NNE	Lower Borough Walls	ST 7498 6459

General Description:

The footpath starts on St James's Parade and continues along a path surfaced with stone paving flags in a north-north-easterly direction for a distance of approximately 36m to where it finishes on Lower Borough Walls.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Previous Path Number: AQ421 Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

7.64 Summary of Evidence for Path AQ424 – Refer to the path shown at Appendix 1, Map 5

1. Landowner

AQ424 is not registered under the Land Registration Act and Rules. Titles ST220514 and ST220513 own a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

1 response was received and the respondent had used the path on foot and believed it to be a footpath. Length of path usage was 9 years and the frequency was over 200 times a year.

Response from the general public - Evidence Forms Received

2 responses were received. 1 respondent had used the path once or twice a week on foot for over 30 years and believed it to be a footpath. The other respondent did not provide details of use.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by numbers using this route'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per week, on foot for shopping and leisure. Generally other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: New Bond Street is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. New Bond Street Place is shown on all of the maps. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: New Bond Street Place is shown and appears to be a through route.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not

recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ424 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ424**

Status: Footpath
Length: Approximately 35m
Ward / Parish: Abbey
Width: Varies between 3.1m – 7.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
New Bond Street	ST 7501 6494	S	Upper Borough Walls	ST 7501 6491

General Description:

The footpath starts on New Bond Street and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 35m to where it finishes on Upper Borough Walls.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.65 Summary of Evidence for Path AQ426a & AQ426b – Refer to the paths shown at Appendix 1, Map 5

1. Landowner

AQ426a and AQ246b are not registered under the Land Registration Act and Rules. Titles AV191010 and ST223017 own sections of the vaults beneath AQ426b.

2. Evidence of use of the path

Response from nearby property holders AQ426a

2 responses were received. The respondents believed the path to be a footpath and had used it on foot. Length of path usage ranged from 7 years to 1 year. The frequency ranged from daily to 'many times a year'.

- 'In the 7 or more years of using the so called 'way' I have never seen signs preventing people from using it'.

AQ426b

1 response was received. The respondent believed the path to be a footpath and had used it on foot. Length of path usage was 8 years. The frequency was 400 times a year'.

- 'It's in the city centre and it's pretty obvious'.

Response from the general public - Evidence Forms Received

AQ426a

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice

a week and over 20 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware because of volume of users'.

AQ426a



AQ426b

2 responses were received and both respondents believed it to be a footpath. 1 respondent had used the path once or twice a week on foot for over 30 years. The other respondent did not provide details of use.

- 'Owner aware by virtue of number of users'.
- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

1 response was received for both paths:

- 'Used from 1975 to now. Once per week, on foot for shopping and leisure. Always other people using it concurrently'.

AQ426b



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Union Passage is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. Union Passage is shown on all of the maps. It is shaded on the 1888 map. The 1885, 1951 and 1967 maps show steps at the northern end.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Union Passage is shown and appears to be a through route.

4. Surface Condition

The surface of the paths is stone paving flags. They are in a good condition.

5. Assessment of Evidence

The paths appear to have been in existence since at least as early as 1852. The paths are included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the paths.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ426a and AQ426b is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for these paths is to record them as public footpaths and add them to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ426a**

Status: Footpath
Length: Approximately 36m
Ward / Parish: Abbey
Width: Varies between 2.3m – 7.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Upper Borough Walls	ST 7501 6490	S	Northumberland Place	ST 7502 6486

General Description:

The footpath starts on Upper Borough Walls and continues along a path surfaced with stone paving flags for a distance of approximately 2m to steps. The footpath continues down the steps for a distance of approximately 1m to where the steps end and then continues for a distance of approximately 33m to where it finishes on Northumberland Place.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Steps	ST 7501 6490	

PART II
Modification of Definitive Statement

Path Number: **AQ426b**

Status: Footpath
Length: Approximately 78m
Ward / Parish: Abbey
Width: Varies between 3.7m – 7.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Northumberland Place	ST 7502 6486	S	Cheap Street	ST 7503 6479

General Description:

The footpath starts on Northumberland Place and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 78m to where it finishes at a bollard on Cheap Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollard	ST 7503 6479	

7.66 Summary of Evidence for Path AQ427a & AQ427b – Refer to the paths shown at Appendix 1, Map 8

1. Landowner

The land is owned by Bath & North East Somerset Council. Title AV225326 contains a Caution Title affecting Apartment 18, The Empire, Grand Parade, Bath, BA2 4DF.

2. Evidence of use of the path

Response from nearby property holders **AQ427a**

4 responses were received and all respondents had used the path. 3 respondents believed the path to be a footpath. 2 respondents had used it on foot and 2 on foot and by vehicle. Length of path usage ranged from 12 years to 7 years. The frequency ranged from daily to 'various'.

- 'I never thought about it. It was there and no one ever questioned my use of it'.
- 'I use all of it on a daily basis. The side door to the Empire (Hotel) leads on to Boat Stall Lane - providing footpath access to Grand Parade (The Podium etc). Going east and to city centre going south. At the southern end, the lane provides vehicular access to the Empire Garage'.
- 'I use all of it as a pedestrian as well as a motorist. From the back door of the Empire it is used to go to the Market itself and beyond - or to go to the main road and Pulteney Bridge area'.

AQ427b

4 responses were received and 3 respondents had used the path. 3

respondents believed the path to be a footpath and had used it on foot. Length of path usage ranged from 12 years to 7 years. The frequency ranged from 100 times a year to 'not very often'.

- 'I use the lane occasionally to walk to / from Orange Grove and The Empire Hotel / home - side entrance in Boat Stall Lane'.

AQ427a



Response from the general public - Evidence Forms Received

AQ427a

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between

- 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer volume of users'.

AQ427b

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer volume of users'.

Comments from the general public

AQ427a

1 response was received:

- 'Herewith our comments on the Right of Way that runs between the Rummer and the East Gate, through the Guildhall car park, towards Orange Grove. My wife, who is a Mayor of Bath's Honorary Guide, has always called this "Boatstall Lane" and uses it every week to show tourists the East Gate. It is also used as a short cut between Orange Grove and the back of the Podium. She has also seen other people using it as well. I have always used it, though fairly infrequently, as access to the Market, through its side entrance, as opposed to the main

entrance and exit. We have used this footpath fairly regularly between us over the last 28 years’.

AQ427a

No responses received.

3. Documentary Evidence

Cotterell’s 1852 Map of Bath: The map is damaged and so it is not possible to see if AQ427b exists. It is possible to see a route along the same line as AQ427a. Another route travelled in the same direction but below road level. It is named Slaughterhouse on the map.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The 1885 map also shows AQ427b in the same alignment as present day, with steps. The route of AQ427a does not join Orange Grove in the same place as the present day – it is slightly to the west. The 1885 map shows Boat Stall Lane at the lower level (previously named Slaughterhouse). The 1888 map and later maps show both AQ427a and AQ427b in the same alignment as the present day. The 1951 and 1967 maps appear to show a barrier on AQ427b at the Orange Grove end.

Bath City Engineer’s Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Bath Magistrates’ Court, 26th April, 1961, Highways Act, 1959.

The effect of the order is to stop up a section of carriageway between the two central pillars of the archway at the junction with Orange Grove, subject to the reservation of a footpath.

1946 Aerial Survey: Through routes exist along the line of both AQ427a and AQ427b.

Other Information: A sign affixed to the wall of The Old Police Station states ‘Public Footpath No Parking’.

AQ427b



4. Surface Condition

The surface of path AQ427a comprises stone paving flags, tarmac and concrete. It is in a good condition. The surface of path AQ427b is stone paving flags. It is in a good condition.

5. Assessment of Evidence

Path AQ427a appears to have been in existence along its present day route since at least as early as 1888. Path AQ427b appears to have been in existence along its present day route since at least as early as 1885. The paths are included on the List of Streets but not recorded on the Bath City Engineer’s Survey of 1957. The documentary evidence appears sufficient to

support a public right of way existing along the paths.

Local residents and the public appear to use the paths and believe them to be public rights of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ427a and AQ427b is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for these paths is to record them as public footpaths and add them to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ427a**

Status: Footpath
Length: Approximately 83m
Ward / Parish: Abbey
Width: Varies between 1.0m – 9.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
The Arches on Orange Grove	ST 7515 6482 ST 7516 6482	NE	Grand Parade	ST 7519 6488

General Description:

The footpath starts between the two arches on Orange Grove and continues along a path with a stone flagged pavement and tarmac carriageway in a north-north-westerly direction for a distance of approximately 21m to where the direction changes to north-north-easterly and the surface changes to concrete. The footpath continues for a distance of approximately 27m where the direction changes to north-easterly. The footpath continues for a distance of approximately 8m to bollards and the surface changes to stone paving flags. The footpath continues for a distance of approximately 27m to where it finishes on Grand Parade.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Bollards	ST 7516 6487	

PART II
Modification of Definitive Statement

Path Number: **AQ427b**

Status: Footpath
Length: Approximately 37m
Ward / Parish: Abbey
Width: Varies between 2.7m – 12.6m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Footpath AQ427a	ST 7516 6486	SE	Orange Grove	ST 7518 6483

General Description:

The footpath starts on footpath AQ427a and continues along a path surfaced in stone paving flags in a south-easterly direction for a distance of approximately 14m to steps. The footpath continues down the steps for a distance of approximately 2m to where the steps end. The footpath continues for a distance of approximately 21m to bollards where it finishes on Orange Grove.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Bollards	ST 7518 6483	

7.67 Summary of Evidence for Path AQ428 – Refer to the path shown at Appendix 1, Map 5

1. Landowner

A section of the path is registered under Title AV27132. The rest of the path is not registered under the Land Registration Act and Rules. Titles ST214685, ST201742 and AV233956 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent had used the path on foot and believed it to be a footpath. Length of path usage was 7 years and the frequency was approximately 200 times a year.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per week, on foot for shopping and leisure. Generally other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath:

Northumberland Street is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The 1885 map shows Northumberland Place going through a covered passageway onto High Street. The 1888 map shows Northumberland Place shaded. The 1904, 1932 and 1936 maps possibly show a gate on the High Street end. All maps show a passageway at the High Street end.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Northumberland Street is shown and appears to be a through route.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ428 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ428**

Status: Footpath
Length: Approximately 85m
Ward / Parish: Abbey
Width: Varies between 2.0m – 6.7m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Union Street	ST 7500 6486	E	High Street	ST 7509 6487

General Description:

The footpath starts on Union Street and continues along a path surfaced with stone paving flags in an easterly direction for a distance of approximately 85m to where it finishes on High Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.68 Summary of Evidence for Paths AQ429a, AQ429b, AQ429c and AQ429d – Refer to the paths shown at Appendix 1, Map 7

1. Landowner

Parts of AQ429a and AQ429b are owned by Bath & North East Somerset Council. Parts of AQ429a and AQ429b and all of AQ429c and AQ429d are not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

6 responses were received and all respondents had used the paths. 3 respondents believed them to be footpaths. 5 respondents had used the path on foot. Length of path usage ranged from 65 years to 19 years. The frequency ranged from approximately 600 times a year to approximately 100 times a year.

- 'I have always understood that the Abbey Church Yard is a restricted area for vehicles for use of which permission is required from Highways'.
- 'I have always considered the Abbey Churchyard was an Open space used as a thoroughfare, with no restriction to a definitive pathway. I am the third generation owning the property and have not been aware of any spoken restriction'
- 'Used by a large number of people every day'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the paths on foot and believed them to be footpaths. Length of

path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware because of sheer volume of usage / users'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Once per week, on foot for shopping and leisure. Always other people using it concurrently'.

AQ429a



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The whole area is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936,

1951, 1967 maps. The maps all show the paths along the same alignment as the present day. It is not possible to tell if AQ429b is a through route on the 1904 and 1932 maps, although it can be seen as a through route on the other maps.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The whole area can be seen, except AQ429b.

AQ429b



4. Surface Condition

The surface of the paths is stone paving flags. They are in a good condition.

AQ429c



Local residents and the public appear to use the paths and believe them to be public rights of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ429a, AQ429b, AQ429c and AQ429d is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for these paths is to record them as public footpaths and add them to the Definitive Map and Statement for the City of Bath.

AQ429d



5. Assessment of Evidence

The paths appear to have been in existence since at least as early as 1852. The paths are included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the paths.

PART II
Modification of Definitive Statement

Path Number: **AQ429a**

Status: Footpath
Length: Approximately 69m
Ward / Parish: Abbey
Width: Varies between 12.5m – 28.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Stall Street	ST 7502 6474	NE	Footpath AQ429c	ST 7508 6476

General Description:

The footpath starts on Stall Street and continues along a path surfaced with stone paving flags in a north-easterly direction for a distance of approximately 69m to where it finishes on footpath AQ429c.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

PART II
Modification of Definitive Statement

Path Number: **AQ429b**

Status: Footpath
Length: Approximately 26m
Ward / Parish: Abbey
Width: Varies between 3.6m – 4.9m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Cheap Street	ST 7504 6478	SSE	Footpath AQ429a	ST 7505 6475

General Description:

The footpath starts at bollards on Cheap Street and continues along a path surfaced with stone paving flags in a south-south-easterly direction for a distance of approximately 26m to where it finishes on footpath AQ429a.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Previous Path Number: AQ429b Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards	ST 7504 6478	

PART II
Modification of Definitive Statement

Path Number: **AQ429c**

Status: Footpath
Length: Approximately 77m
Ward / Parish: Abbey
Width: Varies between 3.9m – 7.8m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Kingston Parade	ST 7509 6474	NE	High Street	ST 7511 6479

General Description:

The footpath starts on Kingston Parade and continues along a path surfaced with stone paving flags in a northerly direction for a distance of approximately 39m to where the direction changes to easterly. The footpath continues for a distance of approximately 32m to where the direction changes to northerly. The footpath continues for a distance of approximately 6m to where it finishes on High Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

PART II
Modification of Definitive Statement

Path Number: **AQ429d**

Status: Footpath
Length: Approximately 8m
Ward / Parish: Abbey
Width: Varies between 10.8m – 17.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
High Street	ST 7510 6479	S	Footpath AQ429c	ST 7510 6478

General Description:

The footpath starts on High Street and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 8m to where it finishes on footpath AQ429c.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.69 Summary of Evidence for Path AQ431a – Refer to the path shown at Appendix 1, Map 7

1. Landowner

Part of AQ431a is owned by Bath & North East Somerset Council. The majority of AQ431a is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent had used the path on foot and believed it to be a footpath. Length of path usage was 'many years' and the frequency was daily.

- 'I believe the right of way runs along the front of Kingston Buildings. The area by the Abbey is not necessarily a public right of way'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware of public use because of sheer volume / numbers'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping and leisure. Generally other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show the path in the same alignment as the present day. It is unshaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path can be seen on the aerial photo.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ431a is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ431a**

Status: Footpath
Length: 58m
Ward / Parish: Abbey
Width: Varies between 4.8m – 13.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Kingston Parade	ST 7512 6474	NE	Orange Grove	ST 7516 6476

General Description:

The footpath starts on Kingston Parade and continues along a path surfaced with stone paving flags in an easterly direction for a distance of approximately 39m to where the direction changes to north-easterly. The footpath continues for a distance of approximately 5m to where the direction changes to northerly. The footpath continues for a distance of approximately 14m to where it finishes on Orange Grove.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.70 Summary of Evidence for Path AQ432 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

Part of AQ432 is owned by Bath & North East Somerset Council. Part of AQ432 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent had used the path on foot and believed it to be a footpath. Length of path usage was 19 years and the frequency was approximately 300 times a year.

- 'I was told on taking up my position as manager that the entire space of Kingston Parade is owned by the Council and that the space shown on the map was a 'public right of way' where the permission of the Highway authority is required to take vehicles. No such right exists in the central area of Kingston Parade which is entirely privately owned without restriction by the Council'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always

other people walking the footpaths'.

- 'Owner aware of public use because of sheer volume / numbers'

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping and leisure. Generally other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show the path in the same alignment as the present day. The path is unshaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path is shown on the aerial photo.

Other information: A plaque on the Abbey wall dated June 1960 makes two declarations: 'The Mayor Alderman and Citizens of Bath, Being the owners of the part of this open space shown hatched red on the plan, hereby give notice that the same has not been dedicated as a highway'. Jared E. Dixon, Town Clerk. 'I Edwin Arthur Cook, incumbent of the Benefice of Bath Abbey with St James, being the owner of the part of this open space shown hatched green on the plan, hereby give notice that the same has not been dedicated as a highway'. Edwin A. Cook, Rector of Bath.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

The plaque dated June 1960 matches the extent of the area which is on the List of Streets as adopted highway.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ432 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ432**

Status: Footpath
Length: 78m
Ward / Parish: Abbey
Width: Varies between 4.1m – 11.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
York Street	ST 7510 6471	E	York Street	ST 7512 6472

General Description:

The footpath starts at bollards on York Street and continues along a path surfaced with stone paving flags in a north-north-westerly direction for a distance of approximately 28m to where the direction changes to easterly. The footpath continues for a distance of approximately 28m to where the direction changes to southerly. The footpath continues for a distance of approximately 22m to where it finishes at bollards on York Street.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: Definitive Map Modification Order to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards Bollards	ST 7510 6471 ST 7512 6472	

7.71 Summary of Evidence for Path AQ433 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

AQ433 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

2 responses were received and both respondents had used the path. 1 respondent believed it to be a footpath and stated they had used the path on foot. 1 respondent believed it to be a BOAT. Length of path usage ranged from 13 years to 4 years. The frequency ranged from several times a day to daily.

- 'We have a licence and planning permission to place five tables and twelve chairs on the path immediately outside our house'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 50 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware of public use because of sheer volume / numbers'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping and leisure. Generally other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Church Street is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show Church Street. There appear to be bollards at the York Street end on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Church Street can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ433 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ433**

Status: Footpath
Length: 28m
Ward / Parish: Abbey
Width: Varies between 5.8m – 8.1m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
York Street	ST 7512 6471	S	Abbey Green	ST 7512 6468

General Description:

The footpath starts on York Street and continues along a path surfaced with stone paving flags in a southerly direction for a distance of approximately 28m to where it finishes at bollards on Abbey Green.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards	ST 7512 6468	

7.72 Summary of Evidence for Path AQ434 – Refer to the paths shown at Appendix 2, Map 1

1. Landowner

AQ434 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents had used the path on foot. 2 respondents believed it to be a footpath and 1 respondent believed it to be a BOAT. Length of path usage ranged from 18 years to 3 years. The frequency ranged from every day to 100 times a year.

- 'All of this short path is in constant everyday use by very many people. It runs directly past the entrance to my property, plus the flats on the other side of it, plus 'Bijoux Beads', plus 'Hands Restaurant' plus 'The Peapod' Shop. It is a busy route from York St through Abbey Green (and vice versa) and esp. on Saturdays (visitors to Bath). It is a vital small street'.
- 'I use the path to gain entrance to the property I rent. Please note that the cobbles were replaced a few months ago; that this site is of historic interest; and that several films / documentaries have been filmed here recently. This is a tourist site and lots of tourists pass on foot down Abbey St'.
- 'I believe this is a public path for all types of use - but vehicle use should be limited to resident deliveries and services only'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 100 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware of public use because of sheer volume of footfall'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping and leisure. Generally other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Abbey Street is shown with the carriageway shaded yellow and the pavements blue.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show Abbey Street in the same alignment as the present day.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Road Traffic Act 1960 – 'The City of Bath (Abbey Street and Stall Street) (Restrictions on Driving) Order 1966'. Confirmed 3rd February 1967. The effect of the order is to prohibit any motor

vehicle, pedal bicycle or pedal tricycle to proceed along Abbey Street from a line 24 feet south of the northern kerb-line of York Street, southwards for a distance of 101 feet.

1946 Aerial Survey: Abbey Street can be seen.

4. Surface Condition

The surface of the path is stone paving flags and part cobblestones. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. Cotterell's 1852 map shows a difference between the carriageway and pavement of Abbey Street. It appears to have been designed to accommodate both vehicular and pedestrian traffic. The path is included on the List of

Streets but not recorded on the Bath City Engineer's Survey of 1957.

Local residents and the public appear to use the path and believe it to be a public right of way.

The effect of the Road Traffic Act Order made for Abbey Street was to prohibit the use of vehicles.

6. Officer Recommendations

As vehicular rights along Abbey Street have only been prohibited and not extinguished, it is not possible to record path AQ434 on the Definitive Map and Statement for the City of Bath.

7.73 Summary of Evidence for Path AQ435 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

AQ435 is not registered under the Land Registration Act and Rules. Title ST229538 owns a section of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents had used the path on foot. 2 respondents believed it to be a footpath. Length of path usage ranged from 30 years to 13 years. The frequency ranged from daily to 'every week day bar holidays'.

- 'It is a thoroughfare used by the public all the time'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 100 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer number of public using this route'.

Comments from the general public

1 response was received:

- 'Used from 1975 to now. Twice per month, on foot for shopping and leisure. Generally other people using it concurrently'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. All maps show North Parade Passage. The 1888 map shows it shaded.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Town and Country Planning Acts 1962 and 1968, 'The Stopping Up of Highways (City and County Borough of Bath) (No.9) Order 1971'. Made 16th December 1971. The order authorised the stopping up of part of North Parade Passage. It has not been possible to locate a copy of

this order and it is unclear what effect the order had, if any.

1946 Aerial Survey: North Parade Passage can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ435 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ435**

Status: Footpath
Length: 57m
Ward / Parish: Abbey
Width: Varies between 4.3m – 8.5m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Abbey Green	ST 7513 6468	E	North Parade	ST 7518 6469

General Description:

The footpath starts on Abbey Green and continues along a path surfaced with stone paving flags in an easterly direction for a distance of approximately 57m to where it finishes on North Parade.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.74 Summary of Evidence for Path AQ436 – Refer to the path shown at Appendix 1, Map 8

1. Landowner

AQ436 is not registered under the Land Registration Act and Rules. Titles ST229539, ST203059, ST167732, AV27988 and AV110296 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

13 responses were received and 11 respondents stated that they had used the path. 8 respondents believed it to be a footpath, 2 believed it to be a BOAT and 1 believed it to be a restricted byway. 11 respondents had used the path on foot. Length of path usage ranged from 37 years to 1 year. The frequency ranged from 2920 times a year to 50 times a year.

- 'Duke Street is a side street in the city centre used by all pedestrians at all times. No traffic uses it - there are 2 street lights in the middle and bollards and seats at each end'.
- 'Central Bath location - impossible to overlook the fact that the public are using the way'.
- 'In common use by several hundred persons a day. As you know, this is a wide pedestrian road established when this land was developed by John Wood (the elder) c 1745 and used by the public since then'.
- 'It is a public footpath / pedestrian area'.
- 'The street is residential housing'.
- 'A very popular route from Rec (Rugby

etc). Very wide footway'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 100 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer number of public users'.



Comments from the general public

1 response was received:

- 'Used from 1975 to now. About 4 times per year, on foot for leisure. Sometimes

other people using it concurrently'.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is called Duke Street and is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show Duke Street in the same alignment as the present day. It is shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: Duke Street can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ436 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ436**

Status: Footpath
Length: 69m
Ward / Parish: Abbey
Width: Varies between 11.1m – 11.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
South Parade	ST 7532 6462	N	North Parade	ST 7531 6469

General Description:

The footpath starts at bollards on South Parade and continues along a path surfaced with stone paving flags in a northerly direction for a distance of approximately 69m to where it finishes at bollards on North Parade.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Bollards Bollards	ST 7532 6462 ST 7531 6469	

7.75 Summary of Evidence for Path AQ437 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

Bath and North East Somerset Council own part of AQ437. The rest of AQ437 is not registered under the Land Registration Act and Rules. Titles ST245166 and ST218216 own sections of the vaults beneath the path.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received and all respondents had used the path on foot. 2 respondents believed it to be a footpath. Length of path usage ranged from 32 years to 2 years. The frequency ranged from 'hundreds' of times a year to daily.

- 'It is a pedestrianised street'.

Response from the general public - Evidence Forms Received

4 responses were received. All respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to 22 years. The frequency ranged between once or twice a week and over 20 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'
- 'Owner aware by sheer numbers'.
- 'No attempt to obstruct'.

Comments from the general public

No responses received.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The northern half of the path is shown shaded blue but it is not a through route because of the position of the school.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps up to and including the 1951 map show the path stopping at the boundary of the school. By 1967, the school has been demolished and the map shows a through route to path AQ192.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path can be seen on the aerial photo but it is unclear if it is a through route.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852 but does not appear to have become a through route until the demolition of the school. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ437 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ437**

Status: Footpath

Length: 50m

Ward / Parish: Abbey

Width: Varies between 6.5m – 8.8m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Footpath AQ192	ST 7515 6464	NNE	North Parade Passage	ST 7516 6468

General Description:

The footpath starts on footpath AQ192 and continues along a path surfaced with stone paving flags in a north-north-easterly direction for a distance of approximately 50m to where it finishes on North Parade Passage.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.76 Summary of Evidence for Path AQ439 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

AQ439 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

2 responses were received and both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 44 years to 2 years. The frequency was 250 times a year.

- 'It is maintained by Council as a paved path - with street lighting. This path can be found on earliest maps of Bath - on no map does it carry a name. I would like to suggest a name for this path 'Lilliput Alley' as it passes by 'Lilliput Court'.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 58 years to over 30 years. The frequency ranged between once or twice a week and over 100 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'
- 'Owner aware by sheer volume'.

Comments from the general public

No responses were received.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The map is damaged but there appears to be a route, shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps all show a path in the same alignment as the present day. It is not shown shaded on the 1888 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path can be seen on the aerial photo.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ439 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ439**

Status: Footpath
Length: 31m
Ward / Parish: Abbey
Width: Varies between 2.4m – 4.4m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Abbey Green	ST 7513 6467	ESE	North Parade Buildings	ST 7516 6466

General Description:

The footpath starts on Abbey Green and continues along a path surfaced with stone paving flags in an east-south-easterly direction for a distance of approximately 31m to where it finishes on North Parade Buildings.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.77 Summary of Evidence for Path AQ440 – Refer to the path shown at Appendix 1, Map 7

1. Landowner

Bath and North East Somerset Council own the whole length of AQ440.

2. Evidence of use of the path

Response from nearby property holders

No responses were received.

Response from the general public - Evidence Forms Received

5 responses were received. All respondents had used the path on foot and 4 believed it to be a footpath. Length of path usage ranged from 58 years to 22 years. The frequency ranged between over 200 times a year and 12 times a year.

- 'Every time I use the paths, between 9.30am and 8.30pm there are always other people walking the footpaths'.
- 'Owner aware by sheer numbers of public using this way'.

Comments from the general public

2 responses were received:

- 'Used from 1975 to now. Once a month, on foot for leisure and shopping. Usually other people using it concurrently'.
- 'I have used the path regularly for over twenty years. I use it at least once a week and sometimes several times a week. It is a probably a good idea that the path is shut at night.'
- 'The path has been a historic pathway since before the Blitz of 1942 when St

James' Church stood on the corner. The use by Marks and Spencer, first by enclosing it, then by gating it and now by using it as a permanent store for their containers is a gradual take-over of a once public right of way. With each development in the City, there is the risk that historic paths, bridleways and roads are absorbed into the scheme giving developers 'free' land whilst losing the historic pattern of Bath's roads and alleys. I have used the path for over 20 years to gain access to Abbey Green, the Guildhall and Trim Street and as a route to the City Centre'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: There is no path - a school is built on the site.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The path does not appear on the map until 1967, when the present day

route is shown.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: Town and Country Planning Act 1962 and 1968, 'The Stopping Up of Highways (City and County Borough of Bath) (No.3) Order, 1961'. Made 5th September 1961 authorising the stopping up of Weymouth Street and lengths of St James's Street South, New Orchard Street and Stall Street. The London Gazette notice mentions the provision of two new roads and two new footpaths. It has not been possible to locate a copy of the Order but it is believed that path AQ192 is one of the two new footpaths provided.

County Council of Avon Footpath at Rear of Stall Street, Bath (Closure During Stated Hours) Order 1984. Sealed on 5th March 1985, came into operation on 12th March 1985. Closed 6.00pm and 6.00am Mondays to Saturdays and all day on Sundays and Bank Holidays.

1946 Aerial Survey: There is no path.

4. Surface Condition

The surface of the path is concrete paving flags. It is in a good condition.

5. Assessment of Evidence

Map evidence appears to show that the path came into existence between 1951 and 1967. A stopping up order was made in 1961, providing two new footpaths. It has not been possible to locate a copy of the order but it is

likely, given the description on the notice displayed in the London Gazette, that AQ440 was one of the new footpaths.

One path user states that the path has been in existence since before 1942, although it is probable that this is in reference to St James's Street, which was stopped up as part of the order made in 1961.

The footpath is closed during the stated times by the locking of a gate at either end. The public's right to use the path during these hours has not been extinguished so details of the closure cannot be recorded under Limitations on the Definitive Map and Statement.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ440 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ440**

Status: Footpath
Length: 53m
Ward / Parish: Abbey
Width: Varies between 2.7m – 3.0m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Henry Street	ST 7514 6458	N	Footpath AQ192	ST 7514 6463

General Description:

The footpath starts on Henry Street and continues along a path surfaced with concrete paving flags in a northerly direction for a distance of approximately 53m to where it finishes on footpath AQ192.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.78 Summary of Evidence for Path AQ448 – Refer to the sections of path shown at Appendix 1, Map 9 and at Appendix 2, Map 1

1. Landowner

Bath and North East Somerset Council holds the title to the bridge section of AQ448. The rest of AQ448 is not registered under the Land Registration Act and Rules. A letter received from Network Rail provided evidence of land ownership for the whole area, excluding the bridge.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received. 2 respondents stated they had used the path on foot and believed it to be a footpath. Length of path usage ranged from 17 years to 7 years. The frequency ranged from every week day to 200 times a year.

- 'British Rail car park is at the rear of the station and signs are up directing you to the station'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 400 times a year for 58 years and believed it to be a footpath.

- 'Owner aware by sheer volume of usage'.

Comments from the general public

12 responses were received:

- 'Used from 1975 to now. 1-5 times per week on foot for leisure, work and

shopping. Almost always several other people using it concurrently.

- 'I confirm that we make frequent foot use of this right of way on almost a daily basis in order to access the city centre, rail station etc. We have been using this route since moving here some 11 years ago. This route is used throughout the year by hundreds & hundreds of pedestrians going about their business from both sides of the river Avon. Tens of cyclists also use this route. We have no interest or own land on this route'.
- 'I have used this right of way since 2002 on foot to get from Rossiter Road to the Railway Station. I use it every weekday. The route is used for this purpose by large numbers of people in Bath'.
- 'I have used path number AQ448 irregularly (about once a week) since 1972 for amenity or leisure purposes, and regularly (about three times a week) since 2000 to reach the station for work. I am usually on foot, but occasionally on a bicycle. My experience is that it is a very popular path for people walking to and from the station, as well as people accessing the city from the south side of the city'.
- 'Used on and off for 24 years. Used almost daily to go to/from home in Widcombe. On foot. Used to access local amenities and train station/bus station. In continuous use - I have never been the only person on it.
- 'Used since 1950, 2 or 3 times a week on

foot for access to local amenities and leisure. On most days I see many other users. I don't own the land'.

- 'This bridge has been the main route into the city for the residents of the south side of Bath since the toll bridge was built in the nineteenth century to access the railway and bus stations, work and shops. I have used the route since I moved to Bath in October 1961. When I was working I used the route daily and at least once at the weekend. Now, 4-5 times a week. I am on foot. I use it to access shops, meetings, railway and bus stations, entertainments, parks etc. It is always busy. I generally see 6-10 people each time I use it. At school and rush hour time many more. I do not own any part of the route'.
- 'I have used this path since 1991 on average between 6 and 16 times a week'.
- 'We use the bridge almost daily. We walk. We have used it for nearly 18 years for access to shops & Railway Station and leisure. There are nearly always other people on the bridge at the same time'.
- 'I am a regular user of the footbridge and have been since moving to Bath 5 years ago. It is the shortest pedestrian route from my home in Darlington Place to the railway station, and I always use it for that journey (I routinely travel to and from London once a week in connection with my work, usually walking to the railway station at around 9.00am, and returning at around 9.30pm). I also often use it when

walking into the centre of Bath from home on weekdays and at weekends for shopping and leisure purposes. The bridge is almost always being used by other pedestrians when I am there, regardless of the time of day. The bridge provides valuable access and in my view must be properly maintained and kept open as a public right of way’.

- ‘This is to inform you that since 1989 my wife and I have been regular users of the subject footpath. I use the footpath on average three days a week to walk from my house into the railway station and Bath city. The use of the path is split evenly between use for business (to the station), leisure and to use the amenities of the city. My wife uses the route on 4/5 days per week, two of which are for business and the majority of the others to use the amenities within the city. When using the route we invariably meet four to five other persons in the same direction and a slightly smaller number in the opposite direction. We trust that this direct link between Widcombe and the city will be maintained’.
- ‘In response to your request for responses from the public, I would like the following to be taken into account. As a Bath resident living south of the River Avon, I have out of necessity used the footpath over this footbridge twice each weekday since July 1997, and occasionally on other days since that time, and occasionally before that date from May 1978. This path is used by hundreds of commuters every day, and is the only pedestrian route over the Avon

between Churchill Bridge and North Parade Bridge. It is therefore essential that the Public Right of Way AQ448 is preserved for public use’.



3. Documentary Evidence

Cotterell’s 1852 Map of Bath: There is no evidence of a bridge crossing the river.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The 1885 map shows Widcombe Suspension Bridge with a toll house at the southern end. The later maps show a route across Widcombe Bridge and through a tunnel underneath the railway.

Bath City Engineer’s Survey, 1957: Not included.

List of Streets: The section across Widcombe Suspension Bridge is adopted highway.

Previous Orders Made: None found.

1946 Aerial Survey: Widcombe Bridge is shown.

Other Information: Enquiries made to

Network Rail produced possible evidence of closures of the path on railway land to prevent public rights being accrued. A quote from the letter (attached as a Background Paper) states: ‘...it is my belief that the archway under the railway and the footway which you are investigating was originally provided as a private means of access for the benefit of the landowner, Earl Manvers and that controls have been in place from the date of construction of the railway through to the passing of the British Transport Commission Act of 1949 to prevent public rights being acquired.that public use of the archway and connecting roads on railway property is by invitation only and not as of right’.

4. Surface Condition

The surface of the path comprises of concrete paving flags and tarmac. It is in a good condition.

5. Assessment of Evidence

The path is shown on maps as early as 1885. Only the bridge section is recorded on the List of Streets. The path is not recorded on the Bath City Engineer’s Survey of 1957.

The response to the consultation provides evidence that the general public frequently use the path and believe it to be a public right of way. The path is an important link across the river. The Council has no objection to the path being recorded as a public footpath.

Provisions made by the railway company show a lack of intention to dedicate a public right of way on land owned by the railway

company. The representative of the railway operator believes that the public has been using the route by permission, rather than as of right.

The inclusion of this path in a Definitive Map Modification Order is likely to be subject to objections from Network Rail.

Any path which is known to be contentious is outside the scope of this project (refer to the guidelines in the 'Bath Definitive Map Plan (Working Document)') and will be researched in more detail at the end of the project. Useful information has been gathered which may be revisited at a later date.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for the section of AQ448 on Council owned land is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this section of path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

The recommendation for the section of path on land owned by Network Rail is not to make an Order at this time. This does not prejudice any public rights which may have been accrued over time. This section of path may be looked at in more detail at the end of the project.

PART II
Modification of Definitive Statement

Path Number: **AQ448**

Status: Footpath
Length: 52m
Ward / Parish: Abbey
Width: Varies between 2.5m – 4.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Rossiter Road	ST 7529 6425	N	Rear Bath Spa Station	ST 7529 6430

General Description:

The footpath starts at barriers on Rossiter Road and continues along a tarmac path over Widcombe Bridge in a northerly direction for a distance of approximately 39m to where the surface changes to concrete paving flags. The footpath continues for a distance of approximately 13m to where it finishes at barriers at the rear of Bath Spa Station.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07, 17/09/07 & 27/11/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Barriers Barriers	ST 7529 6425 ST 7529 6430	

7.79 Summary of Evidence for Path AQ547 – Refer to the path shown at Appendix 1, Map 3

1. Landowner

AQ547 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

3 responses were received. All respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 23 years to 6 years. The frequency ranged from 1000 times a year to 'frequently'.

- 'The path is used to get to and from my front door. The residents and general public use it every day'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 100 times a year for 58 years and believed it to be a footpath.

- 'Owner aware by sheer volume of footfall'.

Comments from the general public

2 responses were received:

- 'In response to the public consultation, I should like to say that residents of the Vineyards have used all these paths on a regular basis. My wife and I personally have used the paths regularly since we moved to Bath in 1980'.
- 'We use the following paths most frequently. I use them nearly every day

when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We live in Northampton Street BA1 and always walk into town for business, shopping, amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. This route is often strewn with litter and bin bags attacked by seagulls. Part of the charm of Bath is that it is such a walkable city and a pleasure to do so. I hope the paths above and those indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: Hay Hill is shown shaded.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps show Hay Hill. The 1888 map shows it shaded.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Orders Made: The Government Office of the South West has informed the Council that it intends to make an order under the Town and Country Planning Act 1990 'Proposed Stopping Up of Highway (Footway) Adjacent to 1 Hay Hill, Bath'. The Council as Highway Authority has no objection to the making of this order. The affected section is not included in the recommendation to add AQ547, as a public footpath, to the Definitive Map and Statement for the City of Bath.

1946 Aerial Survey: Hay Hill can be seen.

4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ547 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ547**

Status: Footpath
Length: 49m
Ward / Parish: Abbey
Width: Varies between 4.1m – 9.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Lansdown Road	ST 7497 6528	ENE	The Paragon	ST 7502 6529

General Description:

The footpath starts on Lansdown Road and continues along a path surfaced with stone paving flags in an east-north-easterly direction for a distance of approximately 49m to where it finishes on The Paragon.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>			

7.80 Summary of Evidence for Path AQ569 – Refer to the path shown at Appendix 1, Map 2

1. Landowner

AQ569 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

5 responses were received. All respondents had used the path on foot and believed it to be a footpath. Length of path usage ranged from 7 years to 2 years. The frequency ranged from over 600 times a year to 30 times a year.

- 'Always been a right of way as I have known'.
- 'Path is very steep and narrow so not really suitable for access other than on foot. It's an established path'.
- 'All users of land adjoining this way use it - the way marks a boundary between different land owners' property'.

Response from the general public - Evidence Forms Received

3 responses were received. All respondents had used the path on foot and 1 believed it to be a footpath. Length of path usage ranged from 58 years to 18 years. The frequency ranged between over 400 times a year and 12-15 times a year.

- 'Path always been there. Many people use it. Well used path. Unfortunately fly tipping still continues at bottom of path steps - despite sign. This makes the path occasionally unpleasant and hazardous to

use. As do the remains of the vagrants drinking on the steps of the Old Walcot School'.

- 'Owner aware by sheer volume of pedestrians'.
- 'You can see people using it'.

Comments from the general public

3 responses were received:

- 'Living in central Bath I use many of the public rights of way when walking around. Of particular use, almost every day or so, are AQ22 and AQ569 that I use from my home to the railway station, shops etc. I have used these regularly for over 20 years'.
- 'In response to the public consultation, I should like to say that residents of the Vineyards have used all these paths on a regular basis. My wife and I personally have used the paths regularly since we moved to Bath in 1980'.
'We use the following paths most frequently. I use them nearly every day when at home. We never take the car into town. The other numbers/ routes we also use but not on a daily basis. We always walk into town for business, shopping, amenities and pleasure. We do more walking on a daily basis since living in the City of Bath these last 8 years, than when we lived further out in the countryside. We use the River/Canal walkways for bicycle, jogging and walking. Part of the charm of Bath is that it is such a walkable city and

a pleasure to do so. I hope the paths above and those indicated on your map, will always be available for access to the public as they are much appreciated by the majority'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: The path is shown shaded.

OS Maps: 1885, 1888, 1903, 1904, 1932, 1939, 1952, 1975 maps. The path is shown on all of the maps. The majority of the maps show steps at The Paragon end

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None found.

1946 Aerial Survey: The path appears on to be a through route.

4. Surface Condition

The surface of the path is stone paving flags. It is uneven in places.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. The path is included on the List of Streets but not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for AQ569 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **AQ569**

Status: Footpath
Length: 24m
Ward / Parish: Abbey
Width: Varies between 1.5m – 10.8m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Guinea Lane	ST 7501 6545	ENE	The Paragon	ST 7503 6545

General Description:

The footpath starts on Guinea Lane and continues along a path surfaced with stone paving flags in an east-north-easterly direction for a distance of approximately 6m to steps. The footpath continues down the steps for a distance of approximately 18m where it finishes on The Paragon.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 16/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Steps	ST 7501 6545	

7.81 Summary of Evidence for Path CQ38 – Refer to the path shown at Appendix 1, Map 8

1. Landowner

The majority of CQ38 is owned by Bath & North East Somerset Council. Part of CQ38 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

No responses were received.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 400 times a year for 58 years and believed it to be a footpath.

- 'Owner aware because of sheer volume of users'.

Comments from the general public

2 responses were received:

- 'In response to the request for information about usage of path running along river bank from Pulteney Bridge to North Parade. I have lived in Bath for over twenty years and use this path on a regular basis. It also one of the few pleasant stretches of the river in the heart of Bath with public access for walkers!'
- 'Used from 1975 to now. Once per month or more, on foot for leisure and shopping. Always other people using it concurrently (especially in summer)'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: There is no evidence of this path.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The path does not appear on the maps consulted as it was not constructed until 1971/1972.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Part adopted highway.

Previous Orders Made: None Found.

1946 Aerial Survey: There is no route in existence.

Other Information: A licence has been granted to the owner of Riverside Café to place 3 tables with chairs to the front of the café, along CQ38.

Development Committee: On 5th October 1971, the Council resolved to accept a quote for £5770.40 to be accepted for the provision of a partially cantilevered footpath 5 feet wide from the east bank of the river linking with No.

7 Argyle Street.

Public Works Committee: On 3rd July 1973, the Committee resolved that 'the new access way between Argyle Street and Spring Gardens Road (through a part of the basement of No. 17 Argyle Street and a former garden at the side of those premises) be declared to be maintainable at the public expense ...(and) be appropriated from corporate property to highway purposes'.

Notice: A small sign on the wall of 16 Argyle Street states 'Private Property No Public Right of Way'. It is believed that the previous owner of 16 Argyle Street erected the notice around 1989. It is unclear whether or not the previous owner had any right to erect the notice as it is unclear who owns the land over which this section of path crosses.



4. Surface Condition

The surface of the path is stone paving flags. It is in a good condition.

5. Assessment of Evidence

It has not been possible to find plans relating to the Bath Flood Protection Scheme which resulted in the new design of Pulteney Weir, including the walkway. Bath City Council paid for the works to construct a walkway but cannot claim ownership of the section of path behind No. 16 Argyle Street. It would seem likely that the Council's intention was to provide a through route between Argyle Street and Spring Gardens Road for members of the public. One section has been adopted and is maintained at public expense.

It has not been possible to collect significant evidence of use by local residents or the general public.

The path is an important link between Argyle Street and the river Avon. The Council appears to have no objection to the path being recorded as a public footpath.

6. Officer Recommendations

Although officers have not found substantial evidence for CQ38, the decision is to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **CQ38**

Status: Footpath
Length: 64m
Ward / Parish: Abbey
Width: Varies between 1.2m – 3.9m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Argyle Street	ST 7521 6495	ESE	Spring Gardens Road	ST 7525 6493

General Description:

The footpath starts at stone steps on Argyle Street and continues down the steps in an overall southerly direction for a distance of approximately 8m. The footpath continues in a south-south-easterly direction for a distance of approximately 12m to steps where the direction changes to north-easterly and continues down the steps for a distance of approximately 5m. The footpath continues along a stone paved path for a distance of approximately 9m to where the direction changes to south-easterly. The footpath continues for a distance of approximately 30m to where it finishes on Spring Gardens Road.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07 & 29/11/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	<p>Steps Steps</p>	<p>ST 7521 6495 ST 7521 6494</p>	

7.82 Summary of Evidence for Path CQ39 – Refer to the path shown at Appendix 1, Map 8

1. Landowner

The whole length of CQ39 is owned by Bath & North East Somerset Council.

2. Evidence of use of the path

Response from nearby property holders

No responses were received.

Response from the general public - Evidence Forms Received

2 responses were received. Both respondents had used the path on foot and 1 believed it to be a footpath. Length of path usage ranged from 58 years to approximately 20 years. The frequency ranged between over 50 times a year and 4-6 times a year.

- 'Owner aware of public use because of numbers using this way'.
- 'People are always using it'.

Comments from the general public

4 responses were received:

- 'I use the Riverside Walk in Bath regularly - at least twice a week. A lot of other people are met each time. There is some cycle use as it joins two roads. The path is popular with visitors on foot and by boat. Personally I access through the tunnel from Grove Road'.
- 'Used from 1975 to now. Once per month or more, on foot for leisure and shopping. Always other people using it concurrently (especially in summer)'.
- 'We have been using this path at least

twice a week since moving to Widcombe in 1981'.

- 'I have used this path very regularly, several times a week since I moved into my present house in January 1975. I use it to walk to work, to the shops, to the Sports Centre and to my GP on Great Pulteney Street (by turning into the Recreation Ground past the rugby club). I occasionally cycle along it too to go to the shops or my GP or to reach Cleveland Bridge where Bath Cycle Club meets or to visit friends who live that side of Bath. I always see other people walking along it. The number of people varies according to the time of day, sometimes it can be quite crowded in the section alongside the Recreation Ground and Sports Centre. At school times it can be busy at the Widcombe end as families walk their children to Widcombe Infants and Widcombe Juniors as I used to when my children were young. There has never been any doubt in my mind that this footpath is a right of way so I was very surprised to see the notice indicating that it is not on the official list of rights of way.'
- 'In response to your consultation about the use of the riverside path between Widcombe Lock and Pulteney Bridge, I would advise that my wife and I have used the path for recreation and access to town on an occasional basis since moving to Bath in 1979. I am now using it much more frequently since moving office into the town centre in 2006, perhaps 4 times per week in each direction, one of which

would be by bicycle and the rest walking. The path lies on the shortest route between my car parking and office or is the safest off-road route when cycling from Bear Flat to my office or town'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: A road is shown shaded yellow with blue shaded pavements in roughly the same alignment as Spring Gardens Road. It is not clear if there are steps leading up to North Parade Bridge.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. The maps show a path leading along the river bank and up a staircase to North Parade Bridge.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Part adopted highway.

Previous Orders Made: None Found.

1946 Aerial Survey: The southern half of the path appears on the aerial photo, leading

along the river bank.

4. Surface Condition

The surface of the path is tarmac and the steps are concrete. It is in a good condition.

5. Assessment of Evidence

The path appears to have been in existence since at least as early as 1852. Part of the path is included on the List of Streets. The path is not recorded on the Bath City Engineer's Survey of 1957. The documentary evidence appears sufficient to support a public right of way existing along the path.

Local residents and the public appear to use the path and believe it to be a public right of way.

6. Officer Recommendations

Officers are satisfied that the evidence gathered for CQ39 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **CQ39**

Status: Footpath
Length: 256m
Ward / Parish: Abbey
Width: Varies between 0.9m – 9.2m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Spring Gardens Road	ST 7527 6492	ESE	North Parade Road	ST 7539 6470

General Description:

The footpath starts on Spring Gardens Road and continues along a tarmac surfaced path in a south-easterly direction for a distance of approximately 253m to concrete steps at North Parade Bridge. The footpath continues up the steps for a distance of approximately 3m to where it finishes on North Parade Road.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07, 10/10/07 & 29/11/07	Conditions and Limitations	Position	Width
<p>Reason for inclusion: <u>Definitive Map Modification Order</u> to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.</p>	Steps	ST 7539 6471	

7.83 Summary of Evidence for Path CQ70 – Refer to the path shown at Appendix 1, Map 1

1. Landowner

CQ70 is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Response from nearby property holders

1 response was received. The respondent had used the path on foot and believed it to be a footpath. Length of path usage was 9 years and the frequency was over 100 times a year.

- 'It has been used for so many years and has stairs leading off it to the street'.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 400 times a year for 58 years and believed it to be a footpath.

- 'Owner aware of public use because of sheer numbers of users'.

Comments from the general public

No responses received.

3. Documentary Evidence

Cotterell's 1852 Map of Bath: There is no path in existence.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967, 1974 maps. The path does not appear on the earlier maps. By 1967, the area has been demolished and it is possible that there is a route between Corn Street and

St James's Parade. There are steps at the St James's Parade end.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None found.

1946 Aerial Survey: There is no path along the route.

Other information: Planning permission was permitted for the site in 2005. A condition of the granting of the planning permission was to 'provide adequate community pedestrian access to serve the development and site'. The public do not appear to be discouraged from using the route across the site.



4. Surface Condition

The surface of the path comprises of tarmac, stone paving flags and concrete steps. It is in a good condition.

5. Assessment of Evidence

It is possible that the path appears on the 1967 map although this is not clear. One path user claims to have used the route for 58 years.

The path is not on the List of Streets or recorded on the Bath City Engineer's Survey of 1957.

It has not been possible to collect significant evidence of use by local residents or the general public.

6. Officer Recommendations

The recommendation for this path is not to make an Order at this time. This does not prejudice any public rights which may have been accrued over time but Officers feel that the information gathered during this project regarding CQ70 is insufficient to make an Order at present.

The path may be looked at in more detail at the end of the project.

7.84 Summary of Evidence for Paths UN700a & UN700b – Refer to the paths shown at Appendix 1, Map 8

1. Landowner

The land is owned by Bath & North East Somerset Council.

2. Evidence of use of the path

Response from nearby property holders

No responses were received.

Response from the general public - Evidence Forms Received

1 response was received. The respondent had used the path on foot over 100 times a year for 58 years and believed it to be a footpath.

- 'Owner aware of sheer numbers of pedestrians'.

Comments from the general public

2 responses were received:

- 'I have used this path for 25 years since moving to Widcombe. Initially for recreational walks along the canal, up Gt. Pulteney St. and along the river; recently to get to and from the Podium. Initially, once a week; recently 3 times a week. Always walking. Many residents use it to get to the Podium; many tourists use it, especially at weekends, for picnics, photos of the weir and bridge, and exercise. I do not own any of the land'.
- 'Used from 1975 to now. Once per month or more, on foot for leisure. Always other people using it concurrently (especially in summer)'.



3. Documentary Evidence

Cotterell's 1852 Map of Bath: There is no evidence of a path.

OS Maps: 1885, 1888, 1904, 1932, 1936, 1951, 1967 maps. There is no evidence of a path on the maps consulted.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None found.

1946 Aerial Survey: There is no path in existence.

4. Surface Condition

The surface of path UN700a comprises of tarmac and stone paving flags. The surface of UN700b is tarmac. They are both in a good condition.

5. Assessment of Evidence

The paths are not included on the List of

Streets or recorded on the Bath City Engineer's Survey of 1957. It has not been possible to find plans relating to the Bath Flood Protection Scheme which resulted in the new design of Pulteney Weir and paths UN700a and UN700b.

It has not been possible to collect significant evidence of use by the public or local residents. The Council appears to have no objection to the recording of a public footpath.

6. Officer Recommendations

Although officers have not found substantial evidence for UN700a or UN700b, it is considered that there is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation for these paths is to record them as public footpaths and add them to the Definitive Map and Statement for the City of Bath.

PART II
Modification of Definitive Statement

Path Number: **UN700a**

Status: Footpath
Length: 59m
Ward / Parish: Abbey
Width: Varies between 1.5m – 5.9m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Footpath CQ38	ST 7524 6494	SE	Spring Gardens Road	ST 7527 6490

General Description:

The footpath starts on footpath CQ38 and continues along a tarmac surfaced path in a south-westerly direction for a distance of approximately 9m to where the direction changes to south-easterly. The footpath continues for a distance of approximately 45m to where the direction changes to east-south-easterly. The footpath continues for a distance of approximately 3m up steps and continues for a distance of approximately 2m to where it finishes on Spring Gardens Road.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: Definitive Map Modification Order to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.	Steps	ST 7527 6490	

PART II
Modification of Definitive Statement

Path Number: **UN700b**

Status: Footpath
Length: 51m
Ward / Parish: Abbey
Width: Varies between 1.2m – 5.3m, as shown shaded on the plan included in the Order: Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Reference		County Road or Right of Way	Grid Reference
Footpath UN700a	ST 7524 6493	ESE	Footpath UN700a	ST 7524 6492

General Description:

The footpath starts on footpath UN700a and continues along a tarmac surfaced path in a north-westerly direction for a distance of approximately 13m to where the direction changes to south-westerly. The footpath continues for a distance of approximately 7m to where the direction changes to south-easterly. The footpath continues for a distance of approximately 28m to where the direction changes to north-easterly. The footpath continues for a distance of approximately 3m to where it finishes on footpath UN700a.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 13/08/07	Conditions and Limitations	Position	Width
Reason for inclusion: Definitive Map Modification Order to be made under s53(3)(c)(i) Wildlife and Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (Abbey) 2008.			

8 CONSULTATION

Please see sections 7.19 to 7.31 regarding consultations undertaken

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 The surveying authority must make an Order on its own initiative if it discovers evidence which shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist.

9.2 After analysis of the submitted evidence, officers are satisfied that the relevant legislation (Wildlife and Countryside Act 1981 section 53(3)(c)(i)) has been met and that an Order should be made for 46 paths in Abbey ward and Widcombe wards.

10 HUMAN RIGHTS IMPLICATIONS

10.1 The Human Rights Act incorporates the rights and freedoms set out in the European Convention on Human Rights into UK law. So far as it is possible, all legislation must be interpreted so as to be compatible with the convention.

10.2 However, the Wildlife and Countryside Act 1981 does not impact on human rights in that it is only concerned with the accurate recording of public rights of way that already exist. It does not create any new rights, nor does it extinguish any existing rights. In this sense, the HRA is not a relevant consideration in the determination of this application / order.

11 OTHER OPTIONS CONSIDERED

11.1 Local Authorities are under a statutory duty to consider evidence and make Orders within the provisions of section 53 of the Wildlife & Countryside Act 1981. The Regulatory (Access) Committee is required to make a decision whether or not to make any DMMO.

12 ADVICE SOUGHT

12.1 The Council's Planning & Environmental Law Team has had the opportunity to input to this report and have cleared it for publication.

13 CONCLUSIONS

- 13.1 Officers are satisfied that, on the balance of probabilities, the evidence gathered for A11, A12a, AQ22, AQ23, AQ24, AQ192, AQ344, AQ345, AQ346, AQ347, AQ348, AQ359, AQ360, AQ363, AQ413, AQ414, AQ416, AQ417, AQ419, AQ420, AQ421, AQ424, AQ426a, AQ426b, AQ427a, AQ427b, AQ428, AQ429a, AQ429b, AQ429c, AQ429d, AQ431a, AQ432, AQ433, AQ435, AQ436, AQ437, AQ439, AQ440, AQ448, AQ547, AQ569, CQ38, CQ39, UN700a and UN700b is sufficient to conclude that they should be recorded as public rights of way and that DMMOs should be made to that effect. It may be that higher rights exist, but these have not been proved at this time.
- 13.2 The level of response received from the notices was generally good, although no responses were received from the general public for 9 of the paths. It has not been possible to collect sufficient evidence during the project to demonstrate the existence of public rights of way along some of the paths in the ward (A3, A6, A7, A9, A10, A12b, AQ434 and CQ70). These paths will not be included in a DMMO for the Abbey Ward made at this time. This does not prejudice any public rights which are subsequently found to exist.
- 13.3 The towpath runs through several wards, including Abbey. The whole length of the towpath will be looked at separately as it will benefit from more extensive research.
- 13.4 The response from the Public Right of Way Evidence Forms was fairly good, with 155 households returning forms out of the 1100 households sent forms. This is a response of 14.1%.

Contact person	<i>Jenny King, Bath Definitive Map Project Officer, PROW</i>
Background papers	<ul style="list-style-type: none"> • <i>List of private landowners</i> • <i>List of consultees and comments received</i> • <i>Summary of documentary evidence</i> • <i>Bundle of Public Rights of Way Evidence Forms;</i> • <i>Extract from City of Bath Engineer's Map and Statement, 1957;</i> • <i>Definitive Map Plan (Working Document);</i> • <i>Public Path Orders & Road Traffic Orders (Items 30 - 40, listed in Section 7.34)</i> • <i>Response from the adjacent property holders;</i> • <i>Schedule of checking notices;</i> • <i>Response from the notices;</i> • <i>Letter dated 15th February 2008 from Network Rail</i>