

## Bath & North East Somerset Council

MEETING:	Regulatory (Access) Committee	
MEETING DATE:	6 <sup>th</sup> April 2010	AGENDA ITEM NUMBER <b>10</b>
TITLE:	UPDATE OF DEFINITIVE MAP ORDER AND PUBLIC PATH ORDER WORK	
WARD:	All	

### 1 THE ISSUE

- 1.1 This report is provided to update Members on the present position regarding Definitive Map Order and Public Path Order work – excluding work on the Bath Definitive Map Project.

### 2 RECOMMENDATION

- 2.1 The Committee is asked to note the current workload and content regarding claims/applications to modify the Definitive Map & Statement, and to create, divert or extinguish public paths.

### 3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications at this stage, but Members should be aware that if objections are received (and sustained) to future Definitive Map Modification Orders (DMMO) and Public Path Orders (PPO), and are not withdrawn, resulting in a Public Inquiry, the Council is required to bear the associated costs.

### 4 REPORT

- 4.1 **DMMO Applications:** The following provides brief details of all Definitive Map Modification Order applications received by this Council (for which a statutory duty exists to determine the application) and current progress on each application.

APPLICATION NAME	AFFECTED PATH(S)	APPLICATION DATE	PROGRESS
AQ78, Bath	Add FP to DM&S	01/01/2000	Awaiting final confirmation by PINS.
The Tumps, Bath	Add FP to DM&S	11/04/2006	21 witness statements received – Legal issue to resolve.
Somerset Place, Bath	Add FP to DM&S	02/06/2008	23 witness evidence forms received.
Solsbury Hill, Batheaston	Add FP to DM&S	22/09/2004	Negotiations are ongoing with landowners.
St. Nicholas Ct, Bathampton	Add FP to DM&S	03/09/2003	Statement of case currently being assembled for PINS.
Bathampton Mill, Bathampton	Add FP to DM&S	13/11/2007	Some historical evidence received – further research required.

Maynard Terrace, Clutton	Add FP to DM&S	20/10/2007	Witness evidence forms received – but evidence of non-dedication.
Tucking Mill, Compton Dando	Add BR to DM&S	05/09/2006	Evidence being looked at and a site visit has been made.
Freshford, off Midford Lane	Add FP to DM&S	27/04/2007	Witness evidence forms received, landowner denies any dedication.
Cinema Site , Keynsham	Add FP to DM&S	11/06/2003	Possible legal problem with Order, may require remaking.
Handel Rd, Keynsham	Add FP to DM&S	18/04/2008	29 witness evidence forms received.
Candlegrease Lane, Paulton	Add FP to DM&S	06/12/2004	14 witness statements received. Some historic evidence available.
BA19/17, P. St John	Upgrade FP to BR	16/04/2004	Witness statement received, notice to be served on landowners.
BA19-19, P. St John	Upgrade FP to BR	16/04/2004	Witness statement received, notice to be served on landowners.
Iford Close, Saltford	Add FP to DM&S	25/03/2004	Order can now be confirmed by the Council.
BR upgrades, Shoscombe	BA19/33,23 & 44 to BR	16/04/2004	Notice needs to be served on landowners to validate application.
Weavers Farm, Wellow	Add FP to DM&S	-	Order made 5/2/2003 with one objection.

**4.2 PPO Applications:** The following provides brief details of all Public Path Order applications received by this Council and the current progress on each application.

<b>APPLICATION NAME</b>	<b>AFFECTED PATH(S)</b>	<b>APPLICATION DATE</b>	<b>PROGRESS</b>
Chilcompton Road, MSN	Unrecorded	01/02/2005	Order Confirmed; awaiting completion of works on site.
Lower Gurney Farm, W.Harptree	CL23/37	17/03/2005	Order made and currently being advertised.
Brook Lodge, Wellow	BA25/21	24/03/2005	Order being submitted to PINS for determination.
Fullers Earth, Combe Down	BA7/1	06/03/2006	Order Confirmed; awaiting completion of works on site.
Upper Hayes BR, Wellow	BA25/14	09/01/2007	Pre-Consultation
Weavers Farm, Wellow	BA25/14	09/01/2007	Pre-Consultation
Woollard Field, Publow w/ Pens.	CL17/22	09/03/2007	Awaiting determination of related planning application.
Bridge Farm, South Stoke	BA22/17	25/04/2007	Awaiting Inspector's decision
Heathers, Stanton Wick	CL18/25	02/05/2007	Report with Divisional Director for consideration
Abbotts Barn Fm, Hinton Blewett	CL12/9	01/08/2007	Report with Regulatory (Access) Committee for consideration
Tuckingmill Ho., Compton Dando	BA8/6	06/02/2008	Consultation
Dundry Hill Farm, Whitchurch	BA26/15	08/07/2008	Order Made and being dealt with by BCC.

Charnwood Ho., Compton Dando	BA8/18 & 19	14/11/2008	Consultation
Little Silvers, Englishcombe	BA11/1	12/12/2008	Report with Divisional Director for consideration
Prior Park College, Bath	AQ63	14/01/2009	No action.
New Manor Fm, Farmborough	CL9/22 & 23	22/01/2009	No action.
148 High Street, Publow w/ Pens.	CL17/40	25/01/2009	No action.
Woodborough Mill, Compton D.	BA8/3	27/03/2009	No action.
Howgrove Farm, Kelston	CL14/20	31/03/2009	No action.
Smallcombe Farm, Bath	AQ34	08/07/2009	No action.
Henmarsh Farm, Nempnett Thrub.	CL14/45	20/10/2009	No action.
Pendean Farm, Charlcombe	BA5/31	01/01/2005	Diversion order completed; dedication of remainder of route being sought.
Chelscombe Fm, Charlcombe	BA5/12 & BA5/29	11/12/2008	Works being completed on creation route; diversion order being advertised.

4.3 The Council is currently considering proposals to reduce the number of officers dealing with legal order work associated with public rights of way from three to two. This will have a knock-on effect on the rate at which applications will be dealt with.

## 5 HUMAN RIGHTS IMPLICATION

5.1 There are no Human Rights implications to be considered from this report.

## 6 RISK MANAGEMENT

6.1 No option exists for the Council to disregard duly made DMMOs. Local Authorities are under a statutory duty to consider and determine all applications made within the provisions of section 53 of the Wildlife & Countryside Act 1981. Committee is required to consider all DMMO applications regardless of whether or not objections are received during consultation.

6.2 The power to make PPOs is discretionary but the Council must exercise this discretion with due regard to natural justice and all applicable legislative tests.

## 7 EQUALITIES

7.1 Not applicable - this report is merely to update members on the workload of the team.

## 8 CONSULTATION

8.1 Relevant consultations are carried out as part of the consideration of each individual case.

## 9 CONCLUSIONS

- 9.1 It is hoped that this report will provide Members with an overview of the current position regarding Public Rights of Way Order work, and will provide an awareness of possible forthcoming decisions to be taken by the Committee.

<b>Contact person</b>	Graeme Stark (Mapping Officer)
<b>Background papers</b>	No background papers accompany this report.
<b>Please contact the report author if you need to access this report in an alternative format</b>	