

## Bath & North East Somerset Council

MEETING:	Regulatory (Access) Committee	
MEETING DATE:	30 May 2012	AGENDA ITEM NUMBER
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received (and sustained) to future Definitive Map Modification Orders (DMMO) and Public Path Orders (PPO), and are not withdrawn, resulting in a Public Inquiry, the Council is required to bear the associated costs.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
Cinema Site, Keynsham	n/a	10/12/2002	The 2 <sup>nd</sup> public inquiry has concluded, the order has been confirmed and the case completed.
BA25/53, Wellow	BA25/53	15/11/1997	Order and objections have been submitted to the SoS for determination
Manor Farm, Norton Malreward	n/a	31/03/1998	R(A)C determining application
St Nicolas' Court, Bathampton	n/a	17/08/2003	Order and objections have been submitted to the SoS for determination

Chew Lane, Chew Stoke	n/a	21/01/2004	Application completed and case closed
Little Silvers, Englishcombe	n/a	03/03/2010	Order confirmed and case closed
Solsbury Hill, Bath	n/a	22/09/2004	Investigation commenced
Candlegrease Lane, Paulton	n/a	09/12/2004	Investigation commenced
Solsbury Lane, Bath	n/a	31/10/2008	Investigation commenced (Being dealt with out of chronological order to do proximity with Solsbury Hill, Bath application)
The Tumps, Bath	n/a	11/04/2006	Application received
Tuckingmill, Compton Dando	n/a	29/08/2006	Application received
Midford Lane, Freshford	n/a	27/04/2007	Application received
Maynard Terrace, Clutton	n/a	17/10/2007	Application received
Bathampton Mill, Bathampton	n/a	12/11/2007	Application received
Handel Road, Keynsham	n/a	18/04/2008	Application received
Somerset Place, Bath	n/a	02/06/2008	Application received
Clandown Colliary, MSN	n/a	20/08/10	Application received
Bilbie Road, Chew Stoke	n/a	06/09/10	Application received
Newbridge P&R, Newbridge	n/a	01/09/10	Application received
BR Upgrades, Peasedown-S-J	BA19/XX	14/03/2004	Application not duly made
BA19/19 Upgrade, Peasedown-S-J	BA19/19	14/03/2004	Application not duly made
BA19/17 Upgrade, Peasedown-S-J	BA19/17	14/03/2004	Application not duly made
Whitehall Lane, Hinton Blewett	n/a	n/a	Application not duly made
Charlcombe Lane, Charlcombe	n/a	n/a	Application not duly made
Church Street, MSN	n/a	n/a	Application not duly made
Newbridge School, Bath	n/a	n/a	Application not duly made
Stockwood Lane, Whitchurch	n/a	n/a	Application not duly made
Sherbourne Springs, East Harptree	n/a	n/a	Application not duly made

**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.

APPLICATION NAME	AFFECTED PATH(S)	APPLICATION DATE	PROGRESS
Chilcompton Road, MSN	Unrecorded	01/02/2005	Order Confirmed; awaiting completion of works on site.
Woollard Field, Publow w/ Pens.	CL17/22	09/03/2007	Order confirmed by SoS and case completed
Dundry Hill Farm, Whitchurch	BA26/15	08/07/2008	Order Made and being dealt with by BCC.
Upper Farm, Charlcombe	BA5/23	17/05/2010	Order made and physical works on going
Whitchurch Railway Path	BA26/6	n/a	Order made to create restricted byway
Tuckingmill Ho., Compton Dando	BA8/6	06/02/2008	Part of trial referred to in para. 4.3 below
New Manor Fm, Farmborough	CL9/22 & 23	22/01/2009	Part of trial referred to in para. 4.3 below
Former Alcan Site, Misomer Norton	CL24/7	n/a	Part of trial referred to in para. 4.3 below
Prior Park College, Bath	AQ63	14/01/2009	Application received
148 High Street, Publow w/ Pens.	CL17/40	25/01/2009	Application received
Woodborough Mill, Compton D.	BA8/3	27/03/2009	Application received
Howgrove Farm, Kelston	CL14/20	31/03/2009	Application received
Smallcombe Farm, Bath	AQ34	08/07/2009	Application received
Henmarsh Farm, Nempnett Thrub.	CL14/45	20/10/2009	Application received
Kingswood School, Charlcombe	BA5/13	07/05/2010	Application received
Church Farm, Publow w. Pens.	CL17/20 & 21	27/08/2010	Application received
Bushy Common, West Harptree	CL23/36	11/10/2010	Application received
Orchard Path, Whitchurch	BA28/6	28/02/2011	Application received
Bickfield Farm, Compton Martin	CL7/17	18/08/2011	Application received
Easton Cottage, West Harptree	CL23/1	07/09/2011	Application received
Meade Cottage, Nempnett Thrubwell	CL14/45	12/09/2011	Application received
K2 Development, Keynsham	BA27/16	28/02/2012	Application received

**4.3** A trial is currently being run with three PPO applicant following a new set of procedures whereby an agent acting on behalf of the applicant carries out all the non-statutory parts of the PPO process including the initial consultation and negotiation with objectors. The Council will then consider whether to make a PPO if all the legislative and policy tests have been met and if there are no outstanding objections.

## **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 (Senior Right of Way 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>	