

## Bath & North East Somerset Council

MEETING:	Regulatory (Access) Committee	
MEETING DATE:	18 December 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received (and sustained) to future Definitive Map Modification Orders (DMMO) and Public Path Orders (PPO), and are not withdrawn, resulting in a Public Inquiry, the Authority is required to bear the associated costs.

### 4 REPORT

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

APPLICATION NAME	AFFECTED PATH(S)	APPLICATION DATE	PROGRESS
BA25/53, Wellow	BA25/53	15/11/1997	Written representations process completed; awaiting decision from Planning Inspectorate
Manor Farm, Norton Malreward	n/a	31/03/1998	Awaiting submission to the Planning Inspectorate
St Nicolas' Court, Bathampton	n/a	17/08/2003	Order confirmed by the Planning Inspectorate
Little Solsbury Hill, Bath	n/a	22/09/2004	Awaiting making of Order to record public footpath
Candlegrease Lane, Paulton	n/a	09/12/2004	Awaiting making of Order to record public footpath
Solsbury Lane, Bath	n/a	31/10/2008	Awaiting decision on whether to make an order
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
Bathampton Swingbridge	n/a	27/03/2012	Application received
First Avenue, Westfield	n/a	26/07/2012	Application received
St Mary's Church, Saltford	n/a	30/10/2012	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

**4.2 PPO Applications:** The following provides brief details of all Public Path Order applications received by this Authority 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.
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 confirmed, works completed and case closed
Whitchurch Railway Path	BA26/6	n/a	Order confirmed, works completed and case closed
Tuckingmill Ho., Compton Dando	BA8/6	06/02/2008	Part of trial referred to in para. 4.3 below
New Manor Fm, Farnborough	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	Application withdrawn
Prior Park College, Bath	AQ63	14/01/2009	Application received
148 High Street, Publow w/ Pens.	CL17/40	25/01/2009	Application withdrawn

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	Part of trial referred to in para. 4.3 below
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
Lundy, High Littleton	CL11/23	17/07/2012	Application received

4.3 A trial is currently being run with three PPO applications 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 Authority 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 Authority 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 Authority 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 Legal 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>	