

## Bath & North East Somerset Council

MEETING:	Regulatory (Access) Committee	
MEETING DATE:	27 <sup>th</sup> July 2010	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received (and sustained) to future Definitive Map Modification Orders (DMMO) and Public Path Orders (PPO), and are not withdrawn, resulting in a Public Inquiry, the Council is required to bear the associated costs.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	Public inquiry scheduled for 6 <sup>th</sup> and 7 <sup>th</sup> October 2010.
AQ78, Bath	Add FP to DM&S	01/01/2000	Awaiting final confirmation by PINS.
BA25/53, Wellow	BA25/53	15/11/1997	Notice needs to be served on landowners to validate application.
BA25/14, Wellow	BA25/14	15/11/1997	Order made 5/2/2003 with one objection.
Manor Farm, Norton Malreward	n/a	31/03/1998	Unknown
Dransfield Way, Bath	n/a	28/11/2000	Unknown

St Nicolas' Court, Bathampton	n/a	17/08/2003	Statement of case currently being assembled for PINS.
Chew Lane, Chew Stoke	n/a	21/01/2004	Awaiting determination.
BR Upgrades, Peasedown-S-J	BA19/XX	14/03/2004	Unknown
BA19/19 Upgrade, Peasedown-S-J	BA19/19	14/03/2004	Witness statement received; notice to be served on landowners.
BA19/17 Upgrade, Peasedown-S-J	BA19/17	14/03/2004	Witness statement received, notice to be served on landowners.
Ilford Close, Saltford	n/a	25/03/2004	Order can now be confirmed by the Council.
Solsbury Hill, Bath	n/a	22/09/2004	Negotiations are ongoing with landowners.
Candlegreas Lane, Paulton	n/a	09/12/2004	14 witness statements received. Some historic evidence available.
Box, Bathford	n/a	04/10/2005	Unknown
The Tumps, Bath	n/a	11/04/2006	21 witness statements received – Legal issue to resolve.
Tuckingmill, Compton Dando	n/a	29/08/2006	Evidence being looked at and a site visit has been made.
Midford Lane, Freshford	n/a	27/04/2007	Witness evidence forms received, landowner denies any dedication.
Maynard Terrace, Clutton	n/a	17/10/2007	Witness evidence forms received – but evidence of non-dedication.
Bathampton Mill, Bathampton	n/a	12/11/2007	Some historical evidence received – further research required.
Handel Road, Keynsham	n/a	18/04/2008	29 witness evidence forms received.
Somerset Place, Bath	n/a	02/06/2008	23 witness evidence forms received.
Solsbury Lane, Bath	n/a	31/10/2008	Application received
Little Silvers, Englishcombe	n/a	03/03/2010	Application received
Clandown Colliary, MSN	n/a	n/a	Application expected shortly.
Whitehall Lane, Hinton Blewett	n/a	n/a	No application received
Charlcombe Lane, Charlcombe	n/a	n/a	No application received
Church Street, MSN	n/a	n/a	No application received
Newbridge School, Bath	n/a	n/a	No application received
Stockwood Lane, Whitchurch	n/a	n/a	No application received
Sherbourne Springs, East Harptree	n/a	n/a	No application received

**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	Advertising period ended; awaiting completion of works
Brook Lodge, Wellow	BA25/21	24/03/2005	Public hearing scheduled for 2 <sup>nd</sup> and 3 <sup>rd</sup> November 2010
Fullers Earth, Combe Hay	BA7/1	06/03/2006	Order Confirmed; awaiting completion of works on site.
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	Order confirmed by Secretary of State
Heathers, Stanton Wick	CL18/25	02/05/2007	Confirmation of Order being advertised.
Abbotts Barn Fm, Hinton Blewett	CL12/9	01/08/2007	Order 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	Awaiting making of Order
Little Silvers, Englishcombe	BA11/1	12/12/2008	Order confirmed.
Chelscombe Fm, Charlcombe	BA5/12 & BA5/29	11/12/2008	Advertising of diversion Order complete; awaiting completion of works.
Upper Farm, Charlcombe	BA5/23	17/05/2010	Consultation ongoing.
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.
Kingswood School, Charlcombe	BA5/13	07/05/2010	No action.

4.3 The Council has recently deleted the post of Definitive Map Officer and the number of officers dealing with Legal Orders has been reduced from 3 full-time posts to 1.5 full-time posts. Consequently, the team will be reprioritising its workload and dealing with DMMO applications, and PPO applications which are already being dealt with, ahead of PPO application which have not yet been commenced.

## 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>	