

1. The Issue

- 1.1 The proposal is to create a Public Footpath ("the Proposed FP") between Public Footpath (FP) BC15/8 and FP BC15/2 at Newbridge by deed of dedication by Bath and North East Somerset Council ("the Authority").

2. Recommendation

- 2.1 That the Team Manager - Highways Maintenance and Drainage grants authorisation for a deed of dedication to be made by the Authority to create the Proposed FP between Public Footpath (FP) BC15/8 and FP BC15/2 in Newbridge as detailed on the plan attached at Appendix 1 ("the Decision Plan") and in the schedule attached at Appendix 2 ("the Decision Schedule").

3. Financial Implications

- 3.1 The legal costs and physical works on site will be funded from the approved 2023/24 PROW Capital Improvement Programme.
- 3.2 The Proposed FP would become maintainable at public expense.

4. Other Considerations

- 4.1 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.
- 4.2 The Authority is required to consider the proposal in accordance with the principle of proportionality. The Authority will need to consider the protection of individual rights and the interests of the community at large.
- 4.3 In particular the convention rights which should be taken into account in relation to this application are Article 1 of the First Protocol (Protection of Property), Article 6 (the right to a fair hearing) and Article 8 (Right to Respect for Family and Private Life).
- 4.4 The Authority will consider the effect on Climate Change.

5. The Legal and Policy Background

- 5.1 The Authority as landowner has the legal capacity to expressly dedicate a right of way creating a new public footpath.

5.2 The Authority has given regard to the following criteria:

- the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area,
- the needs of agriculture and forestry and the keeping and breeding of horses,
- the effect which the creation of the path would have on members of the public with protected characteristics under the Equality Act, and
- the desirability of conserving flora, fauna and geological and physiographical features.

5.3 In addition, the Authority has given regard to the Authority's adopted Public Path Order Policy. The Policy sets out the criteria against which the Authority will assess the benefit of a proposed public footpath and stresses that the Authority will seek to take a balanced view of the proposal against all the criteria as a whole.

5.4 The criteria are:

- Connectivity,
- Equalities Impact,
- Gaps and Gates,
- Gradients,
- Maintenance.
- Safety,
- Status,
- Width,
- Features of Interest,

6. Background

6.1 The Proposed Footpath runs over land wholly owned by the Authority.

6.2 The Proposed FP is to commence from a junction with Public Footpath BC15/8 at grid reference ST 7191 6577 (Point A on the Decision Plan) and proceeding in a generally northeasterly direction for approximately 62 metres to grid reference ST 7195 6582 (point B on the Decision Plan) and turning in a generally northerly direction for approximately 80 metres to a junction with Public Footpath BC15/2 at grid reference ST 7196 6589 (Point C on the Decision Plan). The Proposed FP is to be 2 metres wide.

6.3 The Proposed FP is to be dedicated as a public footpath with limitations of the right of the landowner to erect and maintain a pedestrian gate at grid reference ST 7195 6582 (point B on the Decision Plan).

7. Consultations

7.1 Cotswold Voluntary Wardens were consulted and the representative recommended the route to be created as a Right of Way rather than a permissive path in order for the infrastructure required to be made on a

more permanent basis and so that the responsibility for future maintenance will then rest within the Rights of Way budget.

- 7.2 Consultation regarding the route being an all weather "Route to School" was held with Oldfield School because it is already very well used by pupils walking to the school. The route becomes very slippery and muddy during the winter months. The school is in favour of the surface improvements as pupils currently arrive with muddy shoes.
- 7.3 Meetings were held with the Ward Councillor Cllr Mark Roper (who has since retired) and a local resident who have been campaigning for this for some time. Current Ward Councillors and the local Ramblers representative have been informed.
- 7.4 The Team Manager, Parking Services was consulted as the Proposed FP runs along a paved path at the edge of the Newbridge Park and Ride Car Park. He stated "I note that the formalising of this right of way and improvements to the surface that this can lead to will be of benefit to those looking to catch the service into the city from the park and ride, and therefore after further consideration am supporting of this request, noting that the site will not be promoted as a pick up/drop off location for parents collecting their children."
- 7.5 The route and the proposal are acceptable and have been agreed by the Head of Corporate Estate.
- 7.6 Avon Wildlife Trust, who manage the land, have been consulted and their only reservation is regarding continued vehicular access, which needs to be retained. This will be achieved by the addition of a separate pedestrian gate alongside the existing double wooden vehicular gates.
- 7.7 Public consultation is not required to dedicate a public right of way.

8. Officer Comments

- 8.1 The Proposed FP runs over land which is allocated by the Authority as Open Space and through the Newbridge Par & Ride Car Park. It will provide the public with a shorter alternative route on foot from the east via FP BC15/8 and Newbridge Park & Ride Car Park to FP BC15/2 and Kelston Road. The Proposed FP is already used by members of the public in an informal way which suggests that it is a convenient and enjoyable route to use. Wooden steps will be installed up the slope and the surface will be laid with planings making it suitable for all year round use. The Proposed FP from point A to point B is already paved.
- 8.2 **Agriculture, forestry and horses:** the land over which the Proposed FP runs is not used for agriculture or the keeping or breeding of horses and the proposal will not have any effect in these respects. Avon Wildlife Trust manage the land and have no reservations with regard to any adverse effect on the woodland.

- 8.3 **Equalities:** the Proposed FP will provide an improved surface over the existing informal route or and is more direct than the longer alternative right of way via FP BC15/8 and FP BC15/2 which will benefit those with visual and physical impairments. The Proposed FP will be improved by the addition of steps and an improved surface. A pedestrian gate is to be included from the car park to the woodland, which is in keeping with the principles of 'Least Restrictive Access'.
- 8.4 **Flora, fauna and geological and physiographical features:** The Proposed FP will encourage the public to not roam across the open space area which may improve flora and fauna in the vicinity. The proposal may therefore have a beneficial impact on these types of features.
- 8.5 **The effect of the Proposed FP on the additional criteria identified in the Authority's Public Path Order Policy;**
- 8.6 Connectivity – the Proposed FP will improve the connectivity between Newbridge Park & Ride Car Park/A4 Newbridge Road and A431 Kelston Road and improve access to Oldfield School.
- 8.7 Equalities Impact – as detailed in paragraph 8.3 above, the proposals take account of members of the public with Protected Characteristics.
- 8.8 Gaps and Gates – a pedestrian gate is to be installed at point B but the gate is in keeping with the principles of 'Least Restrictive Access'.
- 8.9 Gradients – the gradient cannot be avoided but the addition of steps and improved surface will assist the walker.
- 8.10 Maintenance - the Proposed FP would become the responsibility of the Authority as a public right of way; however, it is considered this will have minimal impact as the land is already maintained by the Authority as an open space and car park.
- 8.11 Safety – the improvements to the surface should make the route safer than the informal route currently used.
- 8.12 Recording the Proposed FP as a Public Footpath will increase the Rights of Way network and protect the route for use by walkers.
- 8.13 Width of the Proposed FP is to be 2 metres wide.
- 8.14 Features of Interest - the public already has access to the land. However, improvements to the surface will increase the potential use of the wooded area by the public.
- 8.15 The public benefit associated with increased connectivity, improvements to the surface and the environmental improvement by less pedestrian traffic over the wider area is deemed to outweigh the additional

maintenance responsibility and it is considered that on balance the proposal is in accordance with the Policy.

- 8.16 The proposal will have a positive effect on the Authority achieving actions which are identified in the Rights of Way Improvement Plan's Statement of Action. The proposal will assist with improving maintenance and safety (theme 1) by providing a firm surface and steps and improving access for local travel (theme 4), by improving access to the Newbridge Park & Ride, Oldfield School and improving the connection between two A roads.

9. Climate Change

- 9.1 Public rights of way are a key resource for shifting to low-carbon, sustainable means of transport. The proposal is part of the ongoing management of the network and therefore contributes towards helping to tackle the Climate Emergency.

10. Risk Management

- 10.1 There are no significant risks associated with creating the footpath.

11. Conclusion

- 11.1 After consideration of the merits of the Proposed FP the Authority considers that there is public benefit to creating the Proposed FP.
- 11.2 It appears that dedicating the right of way will support the aims of the Rights of Way Improvement Plan and that the proposal is in accordance with the Public Path Order Policy.
- 11.3 The Proposed FP should be created by a deed of dedication and recorded as a Public Footpath.
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AUTHORISATION

Under the authorisation granted by the Council on 21st July 2022, the Team Leader: Place Legal Services is hereby requested to seal a Public Path Deed of Dedication to create a public footpath as shown on the Decision Plan and detailed in the Decision Schedule.



Dated:08/11/2023.

Craig Jackson

Team Manager - Highways Maintenance and Drainage

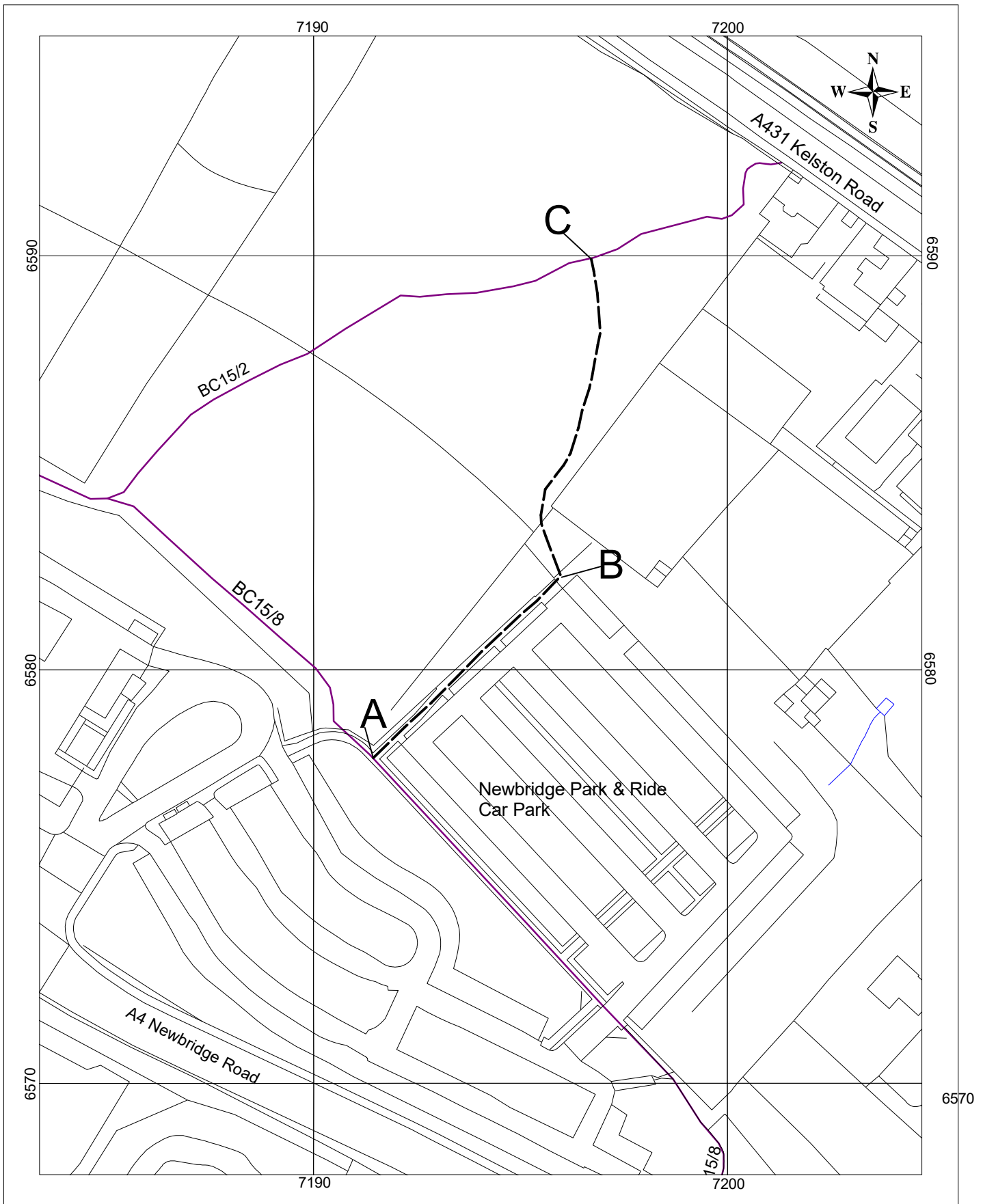
Appendix 1 – The Decision Plan

Appendix 2 – The Decision Schedule

**Appendix 1 The Decision Plan
Dedication of Public Footpath
BC15 Newbridge**

Public footpath to be created A ——— B ——— C
Unaffected public footpath —————

Scale: 1:1,250



DECISION SCHEDULE

DESCRIPTION OF SITE OF NEW PATH OR WAY

A public footpath commencing from a junction with Public Footpath BC15/8 at grid reference ST 7191 6577 (Point A on the Decision Plan) and proceeding in a generally northeasterly direction for approximately 62 metres to grid reference ST 7195 6582 (point B on the Decision Plan) and turning in a generally northerly direction for approximately 80 metres to a junction with Public Footpath BC15/2 at grid reference ST 7196 6589 (Point C on the Decision Plan).

Width: 2 metres between grid reference ST 7191 6577 (Point A on the Decision Plan) and grid reference ST 7196 6589 (Point C on the Decision Plan).

PART 3

LIMITATIONS

The right of the landowner to erect and maintain a pedestrian gate at grid reference ST 7195 6582 (point B on the Decision Plan).