

# Appendix 4 – Path Summary

## Introduction

To avoid confusion, the paths included in the initial list for consultation were given reference numbers between 1 and 22. It is considered that these numbers are easier to identify with than the numbering convention used by the Public Rights of Way Team. The numbers given in the consultation are shown in brackets.

The consultation began with 22 paths, eight of these paths were added during desk-based research. Two paths were removed from the list before the initial consultation with the interested groups. (Path 6 is obstructed by a locked gate; Path 17 does not finish on a highway that can be added to the Definitive Map and Statement and is potentially included in a project involving another team within the Authority).

During the consultation with the interested groups, additional paths were recommended for research. These paths were given the references: Path A, Path B, Path C, Path D and Path E.

The landowners and adjoining property holders of the 25 paths were consulted. Additional information was sought from the respondents for eight paths (Path 7, Path 8, Path 9, Path 10, Path 11, Path 12, Path 13 and Path 19). Answers to the consultation given in italics are direct written quotes from the consultee. Answers given in plain text are a summary of a spoken conversation with the consultee.

Following the consultation with landowners and adjoining property holders, 11 paths were removed from the project in line with the Definitive Map Plan Working Document, outlined at Point 1.8 in Appendix 1.

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## 1. INITIAL CONSULTATION

### A) Details of landownership

#### i) Landowner

Attempts were made to contact all owners or occupiers of the paths being recommended for addition to the Definitive Map and Statement in this report. Land Registry searches were undertaken for all paths not completely on Authority owned land or land owned by Curo Group. The Land Registry searches returned as follows:

#### **Completely Unregistered:**

Path 1 (AQ52), Path 2 (CQ109), Path 3 (AQ59), Path 4 (CQ23), Path 7, Path 8, Path 9, Path 12, Path 13, Path 19 and Path E.

#### **Partly Unregistered:**

Path 5 (CQ10), Path 10, Path 11, Path 14, Path 15 (AQ73), Path 18 (AQ75), Path 20 (AQ86a) and Path 22 (BQ49).

#### **Completely Registered:**

Path 16 (AQ474), Path 21 (AQ86b), Path A, Path B, Path C and Path D.

Landowners were consulted by letter or email between July and August 2023 (Paths 1 to 22) and during December 2023 and January 2024 (Paths A to E). Each landowner was sent a Landowner Evidence Form and Map to complete and sign. The Landowner Evidence Form comprises of the following questions:

1. Does this route cross or adjoin your land?  
Years' ownership      Years' tenancy
2. Do you regard this claimed route to be public?  
If so, with what status?  
For how long have you regarded this to be the case?
3. Have you seen, or been aware of, members of the public using this route?  
If so, please state the period, regularity and nature of such use.
4. Have you ever required people to ask permission before using the route?  
If so, please give details:
5. Have you made a Section 31(6) (Highways Act 1980) deposit?
6. Have you, or has someone on your behalf, ever turned back or stopped anyone from using the route?  
If yes, please give details and approximate dates.
7. Have you, or someone on your behalf, ever told anyone using the route that it was not public?  
If yes, please give details and approximate dates.
8. Have you ever erected notices or signs stating that the route was not public?
  - a) If yes, please give details and approximate dates.
  - b) State whether those notices or signs were ever defaced, destroyed or removed
  - c) Show their position on the accompanying plan [marked with letters: e.g. X, Y, Z etc.]
9. Have there, to your knowledge, ever been any stiles or gates on the route?  
If yes, state whether the gate or gates were ever locked.
10. Have you ever obstructed or blocked the route?  
If yes, state where, how and when.
11. Can you give any further information?

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### **ii) Adjoining Property Holders**

All adjoining property holders were sent a letter requesting details on how they use and perceive the path adjoining their property. The questions asked were as follows:

1. How long have you used the path (during which years)?
2. How frequently you use the path?
3. How you use the path (on foot, by bicycle, by horse, by vehicle)?
4. For what purpose you use the path (for work, access to local amenities or leisure)?
5. Do you see many other people using the path?
6. Do you own the land over which the path crosses?

88 properties responded to the consultation; some respondents gave responses about more than one path in their locality. Some responses are given as a series of answers to these questions.

Additional information was sought from the respondents for eight paths (Path 7, Path 8, Path 9, Path 10, Path 11, Path 12, Path 13 and Path 19). The purpose of the additional questions was to identify whether observed use of the paths was by residents or the general public and whether or not objections would be made to an Order. The questions asked were as follows:

1. Do you see any members of the public using the path on foot (people who don't live in a property adjoining the path)? If so, is this daily/weekly/less frequent?
2. Have you ever done anything to discourage the public from using the path on foot (for example, put up notices to say that the path is not a public right of way or tell a member of the public that they can't use the path because it isn't a public right of way)?
3. Would you object to the path being included in a legal order to add it to the record of public rights of way as a public footpath? When a footpath is added to the definitive map and statement (DM&S) for the City of Bath, it is also recorded on OS Maps and the public have the right to use it on foot at all times. I anticipate that there would be no change to the physical appearance of the footpath on the ground. There would be no change to any private rights enjoyed along the path (such as the property holder's right to drive a vehicle to their property).

### **B) Interested Groups**

The following groups were consulted: three ward councillors, five adjoining ward councillors, four statutory user groups, 11 statutory undertakers, six local user groups and eight residents' associations.

#### **i) Ward Councillors (eight):**

##### **Councillor Ian Halsall, Oldfield Park Ward:**

1. *“Relevant to my ward is footpath 14 which links Bloomfield Road in the east to Maple Grove to the west and follows a metalled route as far as the entrance to the Bloomfield allotment car park along the northern edge of Bloomfield Green and then becomes a gravel / mud track that also serves as a private access from the entrance to the car park to Maple Grove. In addition to this there is a footpath that connects the demarked path 14 to the Linear Park / Two Tunnels Greenway on the western side of Bloomfield Green. This runs across Council owned land, and I wonder whether this should be included in the research to establish whether this can be included on the definitive map?”*

**RESPONSE:** “It's a path that we won't be able to include on the DM&S as one of the criteria for recording a public right of way is that it must start and end on a highway.

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The Two Tunnels route is not a route that we can record on the DM&S as it doesn't fit neatly into one of the 4 categories (footpath, bridleway, restricted byway or byway open to all traffic). Neither is it adopted highway. The path is on Council owned land so it is maintained by the Council and will remain open for use by the public."

2. *"Although I am not ward member for the area covering Poets Corner, as a resident I am intrigued by the "drungs" – the back alleys that serve the respective avenues including the very well-used link from Longfellow to Shakespeare. The only route included in the research is the non-metalled connection between Kipling and Shakespeare. I am assuming the other tarmacked lanes are adopted as highway so therefore don't come under this consultation and research?"*

**RESPONSE:** Confirmation that the tarmacked lanes are Class 4 adopted highway, enjoying higher public rights than can be recorded on the Definitive Map and Statement.

**Councillor Alison Born, Widcombe & Lyncombe Ward:** *"this looks like a really thorough piece of work."*

**Councillor Deborah Collins, Widcombe & Lyncombe Ward:** *"this looks a very interesting piece of work."*

### **ii) Statutory User Groups (four)**

Auto-Cycle Union, The British Horse Society, Byways and Bridleways Trust, The Open Spaces Society.

- **Byways and Bridleways Trust:** *"Thank you for your notice. Due to the number of notices received, we will not necessarily respond."*

### **iii) Statutory Undertakers (11)**

Vodafone, Virgin Media, SKY UK Ltd, City Fibre, Wales & West Utilities, Western Power Distribution, British Telecom plc, National Gas Transmission, Wessex Water Services Ltd, National Rivers Authority, Civil Aviation Authority.

- **Atkins:** No Objection.
- **City Fibre:** Plans generated which show no issues.
- **Sky UK Ltd:** Not affected.
- **National Gas Transmission:** Not affected.
- **Wessex Water:** *"We have no comments to make, I have attached copies of our asset maps for your info."*
- **Wales & West:** Plans sent.

### **iv) Local User Groups (six)**

GLASS Area Rep Co-ordinator, Area Footpath Secretary (Ramblers), Bath Ramblers, Living Streets Representative (Bath), Alexandra Park Friends, Friends of Bloomfield Green.

- **Bath Ramblers:** *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation. We have identified a number of other paths within the consultation boundary that we feel should be considered as public rights of way:*

1. *"The Two Tunnels Greenway: We are unclear what the right of way status of this path is. It appears to be jointly managed by Sustrans and BathNES, where some aspects*

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*of the route are managed by Sustrans and some by the local authority. The section from Bellotts Road to the mouth of the first tunnel has been used as a footpath for many years, long before the partnership upgraded the path surface and reopened the tunnels. This ambiguous status appears to complicate the thinking around paths accessing the Greenway, like Path 17.”*

**RESPONSE:** The Two Tunnels Greenway is not included in the consultation because it is not of a status that can be recorded on the DM&S. Paths linking to the Two Tunnels Greenway are not included in the consultation because they do not start / end on another highway that is recorded / can be recorded on the DM&S.

2. *“Path connecting the Greenway (ST 74359 63587) to Path 14 (ST 74402 63691).”*

**RESPONSE:** This path is not included because it does not start on another highway. It is on Council owned land and is open and available to the public to use at all times.

3. *“Paths across Bloomfield Green from approx ST 74379 63619 and approx ST 74496 63682, both connecting to the gate in the SE corner at ST 74540 63574” (Path A).*

**RESPONSE:** Path A (from approximately ST 74496 63682, connecting to the gate in the south-east corner at ST 74540 63574) is included in the consultation. The other path is not included in the consultation because it does not start on another highway that is recorded / can be recorded on the DM&S.

4. *“The short but extremely useful path from Bloomfield Road at ST 74577 63734 to Wellsway at ST 74597 63730, which provides a direct route when walking from Path 14 to Greenway Lane, and then accessing Path 15 or existing footpaths such as BC43/2 and BC43/3”.*

**RESPONSE:** Included in the consultation (Path B).

5. *“Path 18a enters the open field at approx ST 74962 63128, joining Springfield Park at approx ST 74962 63037. It then runs across Springfield Park to approx ST 74999 62938. This is very well walked, and is clearly useful in accessing the park and Meare Road. We noted a very overgrown metal kissing gate just off the currently walked line of this path, somewhere around ST 74952 63093, suggesting this path has some history of maintenance.”*

**RESPONSE:** Included in the consultation (Path C).

6. *“Path 18b leaves Path 18 at approx ST 75145 63057, and rises to Springfield Park at approx ST 75124 63031. At this point, there is what appears to be a very dilapidated stile.”*

**RESPONSE:** Included in the consultation (Path D).

- **Friends of Bloomfield Green:** Information was circulated to the group members. The responses are shown on the Path 14 summary.

### **v) Residents' Associations (nine)**

Upper Oldfield Park Residents' Association, Lower Oldfield Park Residents' Association, Hensley & Egerton Road, Bear Flat Association, Bloomfield Residents' Association, Entry Hill Community Association, Entry Hill Drive Residents Association, Greenway Lane Area Resident's Forum, Widcombe Association.

- **Bear Flat Association:** *“Our response covers the northern and central parts of the ward shown on the map, i.e. paths 1-18. Presumably the Entry Hill Association and perhaps others will be looking at paths 19-22.”*

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Information submitted about individual paths is shown on the Path Summary.

1. *“Remaining paths in Poets Corner, known locally as lanes, are believed to be adopted. We ask that a check is made to ensure that every lane between Devonshire Buildings and Beechen Cliff Road/Shelley Road, both east-west and north-south, is either adopted or part of this research investigation, unless there is a reason to omit it (e.g. path 6).”*

**RESPONSE:** The lanes between Kipling Avenue, Milton Avenue, Longfellow Avenue and Devonshire Buildings have not been included in the consultation because they are Class 4 Adopted Highway. They carry higher public rights than can be recorded on the Definitive Map and Statement.

2. *“Path 14 across Bloomfield Green has two paths spurring off it. One is a grass path cutting across the Green, skirting the children's play area, and ending at the upper gate on Bloomfield Road - shown on the map as a single line (Path A). The second is a tarmacked path running south to the Two Tunnels path - shown on the map as a double line. Possibly these warrant official designation. True, both fall within a BANES Park, but then so does much of Path 14.*

*Another omission from the map provided is a short route running west from the hammerhead on Maple Gardens via the garage block and a lane to emerge on Durley Park/Oldfield Lane. This link ‘unblocks’ what would otherwise be a no-through-road for pedestrians and forms part of an east-west route connecting Bear Flat/Greenway/ Bloomfield areas with Moorfields and beyond (Path E).*

*Outside the blue boundary, incidentally, the short ramp that leads from the footbridge at the end of Maple Grove down to the Two Tunnels path is not shown as being designated, though it is an important entry / exit for the Two Tunnels.”*

**RESPONSE:** The paths at Bloomfield Green and from the end of Maple Gardens to Durley Park will be visited. The Two Tunnels Greenway is not included in the consultation because it is not of a status that can be recorded on the DM&S. Paths linking to the Two Tunnels Greenway are also not included in the consultation because they do not start / end on another highway that is recorded / can be recorded on the Definitive Map & Statement.

- **Greenway Lane Area Resident’s Forum:** A response was received from the forum. Information submitted about individual paths is shown on the Path Summary. General comments received are as follows:

1. *“In fact, there is a pathway all the way from alongside the nonconformist church at the northern end to the northern street named Devonshire Buildings at the southern. The 18th century buildings on the southern side of that street evidently prevented the route being continued to Devonshire Buildings’ back street; and there seems to have formerly been a path straight through from the Devonshire Bldgs-Longfellow Ave block across the Longfellow Ave-Milton Ave block, though the latter has at some time been obstructed by the building of a garden shed or garage – whether that right of way still remains is to be determined, though there is another route through a few doors uphill, where there is a gap in the Longfellow Ave and Milton Ave housing.”*

**RESPONSE:** Path 8 is included in the consultation. The rest of the routes are Class 4 Highway. These are highways that are maintained by the Authority to a standard suitable for vehicles (they are tarmacked). As the Authority only maintains public

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highway, in theory, the public has a right to drive along these alleyways in exactly the same manner as in the surrounding streets. These alleyways are not included in the consultation because they already have higher public rights than can be recorded on the Definitive Map & Statement (DM&S).

2. *“There is a small but important northern continuation of this route behind the shops at the beginning of Holloway and by a flight of steps down onto Holloway itself. This is faithfully recorded on the map, but is not marked as a right-of-way. I would suggest that it should be.”*

**RESPONSE:** This path is Class 4 Adopted Highway and is not included in the consultation because it already has higher public rights than can be recorded on the Definitive Map & Statement (DM&S).

3. *“Path 14 is marked on the map across land which is partly allotment and partly open space, and is locally known by various names such as Bloomfield Open Space or Bloomfield Park. There is a link from Path 14 to the Linear Park (the old Midland Railway route, now a cycleway and footway). That link is not marked as a right-of-way on the map, and should be so, as it has been in use as such for many years. This is also a strategically important route since it offers the closest access to the western end of the Devonshire Tunnel, which provides a pedestrian and cycle route (including one from the west to Beechen Cliff School) which avoids the road safety dangers of crossing the Wellsway.”*

**RESPONSE:** The Two Tunnels Route is not on the DM&S because it is not of a status that can be recorded on the DM&S. The path that leads from Path 14 to the Two Tunnels Route is not included in the consultation because one of the criteria of a public right of way is that it must end on another highway that is recorded on the DM&S. The path is on Council owned land and the public has unrestricted access to it.

- **Entry Hill Drive Residents Association:** A response was received, following the AGM:

*“We have just had held our AGM and I said I would write to state our objections. We would object to the path A to B being added to the records as we suggest this will be to the detriment of the residents of Entry Hill Drive (who are also members of the Entry Hill Drive Residents’ Association), for the following reasons.*

*a. The Drive is not as far as we know an unadopted highway or highway, it has no lighting, drainage or footpath. We, the residents, regard it as a private road or driveway, giving us access to our properties.*

*b. The Drive is maintained by all the residents, by means of an annual subscription, which is paid to the Association. We hold insurance cover in case of injury in the Drive to the public.*

*c. Its usage and maintenance has been unchanged for many years.”*

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# Appendix 4 – Path Summary

## AQ52 (Path 1)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

Five letters were sent, and one response was received.

- **147 WELLS ROAD:** *“My family has used this path on foot on a regular basis since we bought our house in 2000. Generally a number of times a week - to access gym/shops and also to walk along the rest of the path and down the Holloway to the station. Throughout this period we have seen many other people walking along the path. We also see the occasional cyclist (and now e-scooter) even though this is clearly not suitable as a cycle path (too narrow and often narrower due to overhanging trees/bushes - and these days the large weeds that grow there!). The footpath ultimately ends in a steep set of steps and a narrow pavement on the Holloway - and can only be accessed by riding over the pavement at each end - so clearly should not be used by bikes/scooters. I have personally been ridden into by a high speed cyclist here. I have previously requested that No Cycling signs be put up at each end of the path to try to keep pedestrians safe. Ideally we would also have a fence chicane (as there is between Holloway and St Mark's Road) - as No Cycling signs don't deter the typical Bath cyclist! I have never seen horses or motorbikes etc. I don't own the land.”*

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

##### v) Residents' Associations

- **Bear Flat Association:** *“We can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes.”*

### 2. DOCUMENTARY EVIDENCE

**Cottrell's 1852 Map of Bath:** The path is shown by two solid lines.

**1885, OS Map:** The path is shown by two solid lines with posts at the Wells Road end.

**1887 – 1891, OS Map:** The path is shown by two solid lines.

**1901 – 1905, OS Map:** The path is shown by two solid lines.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.



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**Bath City Engineer’s Survey, 1957:** FP. Wells Road (Op Oldfield Road) to Holloway. Metalled footway crossing Hayesfield Park.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Class 6 Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** The Bath City Engineer recorded a footpath from Wells Road to Holloway. The section of path between Hayesfield Park and Holloway was recorded as a public footpath as part of the City of Bath DMMO (No.16 - Widcombe) 2019. Made 21/03/19. Confirmed 27/06/19. This section of footpath was not included in the 2019 DMMO as it was outside of the Widcombe Ward boundary at the time of the initial consultation.

### **3. SURFACE CONDITION**

The surface of the path is tarmac. It is in a good condition. There are bollards at the Hayesfield Park end of the path.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1852. The path was included in the 1957 Survey by the Bath City Engineer. It is Class 6 Adopted Highway and is maintained by the Council. It is a section of a longer footpath, the northern section of which was added to the Definitive Map and Statement for the City of Bath in 2019 during the research in the old Widcombe Ward.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## CQ109 (Path 2)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

Two letters were sent, and two responses were received. Additional information was provided by a local resident who lives alongside Path 10.

- **SHIRLEY COTTAGE:** *“We moved to the property in April 2023, but used to walk in this area and have used the path since we moved to Bath in 2016. Having moved to Shirley Cottage, as a family of 5, each of us uses the path on average 2 times a day for walking. We walk our dog on Alexandra Park almost every day, accessing it via the path; we use the path to walk into town, or to go to the train station (which I need to do to go to work, 3-4 times a week); we have one school age child who uses the path to get to the bus station to get to school. The path is well used by the public. Many people come and go. Our land registry map suggests our property goes to the edge of the path and does not include the path.”*
- **STANLEY HOUSE:** *“We have lived here since 2002 and have been using this path daily as it is the only way to access our front gate and door. We use the path several times a day, every day. We use the path on foot. We use the path every time we want to leave or return to our house. Lots of people use the path every day. We do not believe that we own the land which the path crosses. However, we would like to know if the council will remove weeds growing along the length of the footpath like they used to do? This path is now neglected when council staff tidy Beechen Cliff Road and Beechen Cliff itself.”*

#### **Additional information from a local resident who lives alongside Path 10:**

- **10 CHAUCER ROAD:** *“Connecting Beechen Cliff Road to the path leading from Alexandra Park to Holloway (I don’t know the number of that one). This is very heavily used by pedestrians - I would say every couple of minutes - and for me it avoids the necessity of walking all the way down to Bear Flat to reach Holloway. It cuts several minutes off the walk to town from where I live. Without the access provided by Path 2, the path down from Alexandra Park to Holloway is useless to those living in Chaucer Rd, Beechen Cliff Road and nearby. In my opinion, Path 2 encourages people to walk into Bath, and is thus a promoter of good health and exercise. I have used path 2 for over 20 years 4/5 times a week to get to work and for leisure. I have to say that the broken-up surface of the path is in very poor repair, although it is well-lit. I tripped here a few years ago and broke my wrist.”*

#### **B) Interested Groups**

The following responses were received:

##### **i) Ward Councillors**

##### **ii) Statutory User Groups**

##### **iii) Statutory Undertakers**

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### iv) Local User Groups

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

### v) Residents’ Associations

- **Bear Flat Association:** *“we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes.”*

## 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is shown by two solid lines and is shaded yellow.

**1885, OS Map:** The path is shown by two solid lines in the same alignment as the present day.

**1887 – 1891, OS Map:** The map does not clearly show the path.

**1901 – 1905, OS Map:** The path is shown by one solid and one dashed line in the same alignment as the present day.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information: November 2007** - The adjoining property holder enquired about who owned the path as the Council were not maintaining it. If the two adjoining properties own it, can it be closed? **November 2007** - PROW asked The Cleansing Team to add it to the regular cleansing schedule.

## 3. SURFACE CONDITION

The surface of the path is tarmac. It is in a generally good condition but there are some rough and uneven patches.

## 4. ASSESSMENT OF EVIDENCE

The path appears to have been in existence since at least as early as 1852. It appears to be a well-used route into Magdalene Gardens Open Space. The Council has included the path in its Cleansing Schedule.

## 5. OFFICER RECOMMENDATIONS

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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## AQ59 (Path 3)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

Three letters were sent and two responses were received.

- **17 SHELLEY ROAD:** *“In response to your series of questions about usage of the path, we (my wife and I) have used this path on an almost daily basis for the last forty years, on foot, for access to local amenities and leisure. The path is used by a range of other people, local residents as well as visitors to Alexandra Park, and by pupils walking, morning and afternoon in term time, to and from Beechen Cliff School.”*
- **26 SHELLEY ROAD:** *“Path 3 - My partner and I use this path several times a week to access the park and allotment carrying tools and produce.”*

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

##### v) Residents’ Associations

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is shown by one solid and one dashed line.

**1885, OS Map:** The path is shown by two dotted lines and appears to be much longer than the present day path.

**1887 – 1891, OS Map:** The path appears to be in existence and is shown by one solid and one dashed line.

**1901 – 1905, OS Map:** The route of the path is not easily seen but the letters FP are present.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** FP. Beechen Cliff to Greenway Lane. Footway across top of Shelley Road, Shakespeare Ave, Kipling Ave, through KG, over school grounds - turn left at next KG to KG at Greenway Lane.

**ST76SW 1961, OS Map:** The path is shown by two solid lines and is labelled FP.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Class 6 Adopted Highway.

**Previous Orders Made:** None found.

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**Other Information:** Nothing on file.

### **3. SURFACE CONDITION**

The surface of the path is mainly gravel, stone and compacted mud, with some tarmac. The tarmac is in a poor condition. There is a post where the path meets the path running to the rear of the houses on Shelley Road and Shakespeare Avenue (Path 7). The two sections of path leading down steps to Shelley Road are tarmac with concrete steps.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1852. It is Class 6 Adopted Highway and is maintained by the Council. The path was included in the 1957 Survey by the Bath City Engineer, originally extending in a generally southerly direction to a junction with Greenway Lane. The southern end of the footpath was added to the Definitive Map and Statement by a Definitive Map Modification Order in 2002 and has the reference number BC43/1.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## CQ23 (Path 4)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

19 letters were sent and five responses were received.

- **BEECHEN CLIFF METHODIST CHURCH:** *“I am writing regarding Path 4 between Shakespeare Avenue and Bruton Avenue which is to the West of Beechen Cliff Methodist Church. I believe that the path has been in existence since the church was built in 1907 and is outside of the church boundary. I personally have been using the path since I moved to Bath in 1968 and so over 50 years. I use the path about once a week by foot. I use the path to either access the local shops on the Bear Flat or the church entrance in Shakespeare Avenue. The path is in constant use all day, especially mornings and afternoons by pupils from Beechen Cliff school making their way to and from local shops and the school. The path is outside of the church boundary and provides rear access to the houses on Wellsway. I have no objection to the path being added to the list of Public Rights of Way, and would be grateful if you would let me know the outcome of your consultation.”*
- **GREEN SHOOTS PRE SCHOOL:** *“We have used the path for 10hrs 2013-2023 and this is daily x2 during the working week Mon-Fri, on foot to access work at Bruton Community Hall. We see lots of school children and preschool families using the path with bikes and buggies and on foot. We do not have ownership of the land however unsure as to whether the Methodist church would have ownership as we use their site for our preschool.”*
- **25 WELLSWAY:** *“I have been associated with the property of 25 Wellsway since 1990. I'm not sure who owns the path 4 land. The path at the back (path 4) was for the use of the terrace for rubbish collection and rear garden access. On the deeds of the property in 1899 I can see that when Shakespeare Avenue was created, a right of way was granted over the land to the rear of what is now the Da Vinci deli on Wellsway, to the occupants of what was then called Hayesfield Terrace (now 21 to 33 Wellsway) to access Shakespeare Avenue, rather than coming through the garden of the end property (now 33 Wellsway) to the then “Wells Road.” The deed mentions a gate was erected which was meant to be maintained by the owners of the terrace. I personally remember there was wooden gate on Shakespeare Avenue next to the Methodist church with a sign on saying something like not a public right of way, or some such. At some stage the gate fell into disrepair, fell off its hinges and was removed. Some people on Bear Flat may have used the lane for their convenience but I (as a property owner on the terrace) have never intended that it should become a public right of way, and I still maintain this intention today. Over the years path 4 has been used in an antisocial way which has impacted my quality of life: When I lived at the property we experienced a lot of antisocial behaviour in the back path which seriously impacted our quality of life at the time, culminating in the end garage on Bruton Avenue next to path 4 being set on fire. Police were involved. I tried to get the lane gated again but not all neighbours were responsive to this idea. I understand that people in Oldfield Park have gated off their back paths in the past*

## Appendix 4 – Path Summary

*because it makes houses more vulnerable to burglary. I understand that a burglar accessed the back of one of the houses on our terrace via path 4. The lane has also been used by petty criminals and substance abusers. It's a bit of hang-out for school kids who often drop litter and are disrespectful to residents. Last year a group of youths, most of who were from the local school, were scrapping in the lane with bricks and stones. When I intervened, a brick was thrown into my back garden on purpose, by luck it missed me. Police were involved. For this reason, it does not seem sensible for residents of the terrace it serves to encourage a public right to use path 4, because: It was not the intention of the provision of this path to serve the public and it has the potential to seriously impact the quality of life of the occupants of the terrace in the future if public entry cannot be controlled if desired, due to a change in how people use or abuse path 4. I do not hold that path 4 is a public right of way." I have: "Consorted with owners of all properties on the terrace to get the gates reinstated." Would you object to the path being included in a legal order to add it to the record of public rights of way as a public footpath? "YES!"*

- **27 WELLSWAY:** *"We have owned 27 Wellsway since 2007. We use the back path every summer and at other times to maintain the back garden. The house is an HMO and I know our students use the back path to bring their bikes in and out. We do not know who owns the land. We do not support the idea of making this path into a Public Right of Way. It was not declared as a Public Right of Way when we purchased the property. We understand it was never intended for this purpose. It seems pretty pointless - it does not lead anywhere interesting, is not a significant shortcut and is definitely not scenic. In fact, for security and the safety of our tenants, we would like to discourage people from using this path."*
- **31 WELLSWAY:** *"I have been using the path since Summer 2002 when I moved to 31 Wellsway. Path 4 is adjacent to my back garden, and access to the path is achieved by way of my garden gate. Unlike the occupiers of nearly all the other houses in my terrace, I live here 365 days a week. I mention this because one of the houses in the terrace is currently unoccupied and for sale; the others are all rented out to tenants, mostly students on a short-term basis. I use the path occasionally, to reach my car (always parked in the RPZ on Shakespeare Avenue). I only ever walk along Path 4, which is only 4 feet wide (according to my house deeds) so totally unsuitable for use by motor vehicles and even bicycles. The path gives me access to the Poets' avenues (Shakespeare, Kipling, Milton, Chaucer et al.) where I have friends. I also use the path when I go for walks towards Alexandra Park, or southwards towards Entry Hill. It is worth noting that the footpaths, behind the houses along Wellsway, continue to Devonshire Buildings, and provide an escape for pedestrians from the noisy, air polluting traffic on the main road. When I first lived in the house, Path 4 was where I and my neighbours left their waste/rubbish for weekly collection by B&NES. Now the bins are placed along Wellsway. I have views of Path 4 from the rear of my property and from my rear garden, over the top of my gate. I know that it is used routinely by school children travelling to Beechen Cliff School, as well as adults – possibly going to and from work from the Poets' Avenues, or going to the Co-op and other shops and community facilities in the Bear Flat Local Centre. From the Bruton Avenue end of Path 4, it is a 2 minute walk to the pedestrian crossing giving access to The Bear PH. Bruton Avenue is also close to Hayes Place from where many people walk down Holloway to the city centre, bus and rail stations. I do not own the land which comprises Path 4. However, I have an Indenture made in July 1899 (my house was built in 1896). The indenture confirms my right of way along the path to the "new" Shakespeare Avenue."*

## Appendix 4 – Path Summary

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association:** *“we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes.”*
- **Greenway Lane Area Resident’s Forum:** *“Route from Bruton Avenue to Devonshire Buildings” (includes Path 4, Path 8 and Class 4 Adopted Highway not included in the consultation). “Apart from the need to negotiate the brief passage of Devonshire Buildings from their front road to their back road, this route is of considerable importance, since it provides an access for pedestrians free of traffic noise and fumes all the way from Entry Hill and Greenway Lane up to Holloway and thence down to the river. It is a significant resource for commuters, shoppers and schoolchildren (particularly for Beechen Cliff School).”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** Houses have been built on Wellsway and a path appears to run along the back of the houses.

**1920 – 1933, OS Map:** Buildings have been erected on both sides of the path. The map does not clearly show the path.

**1933 – 1939, OS Map:** Buildings have been erected on both sides of the path. The map does not clearly show the path.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines; however it is unclear if it is a through route.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

## **3. SURFACE CONDITION**

The surface of the path is compacted mud, stone and gravel. It is in a reasonable condition. There is one concrete step at the Bruton Avenue end.

## **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1905. Two Residents’ Associations have identified the path as part of a longer network of paths, running between Bruton Avenue and Devonshire Buildings. Two of the adjoining



## Appendix 4 – Path Summary

property holders who responded to the consultation stated that they do not believe that the path is a public right of way and will object if the path is included in an Order.

### **5. OFFICER RECOMMENDATIONS**

Objections have been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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## Appendix 4 – Path Summary

### CQ10 (Path 5)

#### 1. INITIAL CONSULTATION

##### A) Land Ownership

###### i) Landowner

The Land Registry Search revealed that part of the land is not registered under the Land Registration Act and Rules and 15 of the properties along Shakespeare Avenue own land over which the path crosses. Eight responses were received.

- **AV228323 - 11 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned the land for 5.5 years. She does not believe that the path is a public right of way. She has seen, or been aware of, members of the public using this route. She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit. She has never turned back or stopped anyone from using the route. She has told school children using the route that it was not public: *“School children regularly jump over the wall from Bruton Av and walk up the path to school. Once last year when they were found writing graffiti on the wall they were told this was not a public right of way.”* She has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. She has never obstructed or blocked the route. Additional information: *“Each house on this stretch of Shakespeare Av owns the path directly behind the house and has reciprocal access to the land behind the other houses.”*

- **AV121348 - 13 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned the land for 26 years. She does not believe that the path is a public right of way: *“It is in private ownership and is not a short cut to anywhere.”* She has believed this for: *“26 years since purchasing and following solicitors enquiries at purchase. Deed dated 2 December 1902.”* She has seen, or been aware of, members of the public using this route: *“School boys hop over wall owned by others so walk part way up the back green lane.”* She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit: *“If the deposit would protect our lane and preserve my belief that there is no ‘right of way’ I will make one.”* She has never turned back or stopped anyone from using the route, but: *“I haven’t but Beechen Cliff School has so far as I’m aware told its pupils not to use this ‘route.’”* She has told school children using the route that it was not public: *“Only in general terms to school boys at various times or to explain it was not a route to the park when asked.”* She has never erected notices or signs stating that the route was not public: *“There has been no need.”* There was a gate on the route: *“There used to be a gate for homeowners on this section of Shakespeare Avenue that opened onto Bruton before the houses were built. It was kept locked - to access the garages that were there.”* She has obstructed or blocked the route: *“I have building works going on at present. The builders compound extends midway into the lane so still allows pedestrian access. With my neighbours at No 9 we wrote to all the Shakespeare households backing on to the lane to give them advance notice given the access rights we each have over each others section of this private lane. This private lane is necessary to give rear access to our properties. It has no other purpose but it is also a wildlife corridor. It has no value to members of the public and this is an unnecessary expense for the Council to investigate it.”* Additional information: *“The gist is I do not believe the lane is a PROW and that my ownership of the relevant section is governed by a deed dated 2 December 1902 that grants mutual rights between me and my neighbours.”*

## Appendix 4 – Path Summary

- **ST317034 - 19 Shakespeare Avenue, Bath, BA2 4RF**

The respondents have owned the land for 8.75 years. They do not believe that the path is a public right of way. They have seen, or been aware of, members of the public using this route: *“School boys climb over the wall at the end of our garden to access paths afternoons during school time damaging our property.”* They have never required people to ask permission before using the route. They have never made a Section 31(6) (Highways Act 1980) deposit. They have never turned back or stopped someone from using the route. Additional information: *“The only purpose of this path is for residents to access the rear of their property for maintenance, and taking waste bins for collection etc. The path does not really serve another purpose as it is not a short cut to anywhere. The other footpaths in “Poets” where they run parallel to Wells Way do enable walkers to avoid traffic fumes on Wells Way and are generally wider than this one. The only non-res “users” have been Beechen Cliff pupils who vault over the wall to get into Bruton.”*

- **AV80994 - 21 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned the land for 40 years. He does not believe that the path is a public right of way and has believed this: *“Since purchasing.”* He has not been aware of, members of the public using this route: *“Not apart from as mentioned in Section 6. There have been burglaries where access was via the back lane.”* He has never made a Section 31(6) (Highways Act 1980) deposit. He has turned back or stopped someone from using the route: *“In the early 1980s I politely pointed out to a dog walker using the alleyway for fouling that it was private property. He left and was not seen again.”* He told the same individual that the route was not public. He has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. He has obstructed or blocked the route: *“Only for delivery of building materials on rare occasions in the 1980s.”* Additional information: *“Private lane with rights of access to other properties in the terrace as detailed in the deeds. Lane offers no benefit to any potential users so is not used. For security reasons it should remain private.”*

- **AV254947 - 23 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned and lived in the property for approximately 25 years. *“My land corresponds with the area in which the dotted line is included - at the end of No.23.”* He does not believe that the path is a public right of way: *“No. It is not a public footpath and is not used as such. It is the rear access to the back of my property and subject to covenants restricting who I can allow access.”* He has not been aware of, members of the public using this route: *“I am not aware that the ‘route’ (using your nomenclature throughout) outlined, has been or is used by members of the public. The route (or more precisely the rear garden access) is merely the image of the more obvious street pavements. It does not provide any benefit for the general public. It is not a particularly attractive or inviting alternative, being largely overgrown and often used for compost bins and as a temporary place for unwanted garden waste. I believe some residents grow flowers/vegetables in their ‘area’ and one uses it to site a cold frame. It is a sanctuary for hedgehogs who are able to access the length of the terrace in the undergrowth. As far as I am aware the ‘route’ is only used by the residents whose gardens abut the ‘route’, for tradesmen carrying out work on the properties, making deliveries of building materials and very occasionally visitors entering the rear of the houses. I am conscious that a very small number of Beechen Cliff school pupils (minors) may occasionally linger in a small section of the ‘route’ which provides ‘cover’ for predominantly antisocial and unacceptable schoolboy behaviour, such as littering and vaping/smoking. However, to access they have to climb over the original, privately owned, Bath stone wall which is the boundary shared with the, again,*

## Appendix 4 – Path Summary

*privately owned Bruton Avenue road and housing estate.” He has never required people to ask permission before using the route: “I have not requested any member of the public to ask permission to use the route (our rear garden access) as shown on the map. Essentially, there has been no need - I have not seen anybody.” He has not made a Section 31(6) (Highways Act 1980) deposit: “Given your enquiry together with my responses above, I was unaware of this legislation or most particularly the need for it to ensure the status quo (there is no public right of way). If, therefore, this is a requirement to preserve my belief that no general right of way exists, I would like to make such a claim/’deposit’. Could you provide further information please?” He has never turned back or stopped anyone from using the route: “No. I have not and I am not aware of any neighbours turning back members of the public. Once again, there has been no need. It is my understanding that from time to time Beechen Cliff School request their pupils not to use the rear garden access of Shakespeare Avenue.” He has never told anyone using the route that it was not public: “I have addressed this above. There are no members of the public of whom I am aware who use the route and that I could advise them that the route was not public.” He has never erected notices or signs stating that the route is not public: “Any signage would in practice be potentially impractical and have limited meaning.” Have there ever been any stiles or gates on the route: “There used to be a locked wooden door that led from the rear garden access way into the then Bruton Avenue garage complex. The gate was solely for the use of the property owners of lower Shakespeare Avenue to access their respective garage and each resident had a key. The garages were replaced with housing and the wooden gate which belonged solely and only for the benefit of Shakespeare Avenue residents was bricked up as there was no longer a requirement. There have never been any gates at the ends of the route. There simply has been no need. The addition of gates at either end would in my view merely add a layer of inconvenience for each of the residents accessing their rear gardens.” He has obstructed or blocked the route: “From time to time Shakespeare Avenue residents block access along the rear of the properties. This may be for a variety of reasons including building works and deliveries, lane clearance, working on cars etc. Residents agree informally between themselves that this is generally only temporary, lasting perhaps only a few days or at odd occasions over an agreed timespan. I have blocked the lane with my car pending repairs. As mentioned, there have been times when the route has been closed for clearing and tidying. The last occasion involved a number of households several months ago.” Additional information: “I was advised by my solicitor on purchasing the property that the original deeds state that each individual privately owns the area to the rear of the property but individual owners must give their neighbours along and within the terrace permission in order that they may access their area. All householders are aware of this. It makes the need for signage and gates etc totally inappropriate in a friendly, functioning neighbourhood environment. Whilst unusual I would also mention that my house (and several other houses in the terrace) my house has been burgled in the past using the rear garden access way. Currently, householders will know that should anyone be seen along the route they will know that they shouldn’t be there and can be asked to leave. Whilst I am confident that no right of way exists to the general public, I would be obliged if you would keep me informed of the position and progress regarding the status of the rear garden access, prior to any final decision being established or determined.”*

- **AV219840 - 27 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned the land for 31 years. She does not believe that the route is public: “We own the part of the lane at the rear of our property. It is our rear garden access. The part we own is subject to covenants restricting who we can

## Appendix 4 – Path Summary

*allow to cross it. It is not used by members of the public.” She has not seen, or been aware of, members of the public using this route: “No. I am not aware of members of the public using this route as documented on your map. It is where bins are kept, blackberries overgrow, where workmen use to access the rear of our properties, and temporarily leave waste materials. It is a “dog leg” route behind the properties, not a short cut to anywhere and not a pleasant alternative route to using the road. The only people I am aware of, who use this route as documented on your map, are residents of the terrace or others associated with residents i.e. work men or residents’ visitors. I am aware that a few Beechen Cliff school pupils occasionally “loiter” in the upper part of the route, often to smoke or mess about, sometimes causing damage to garden fences. They access the upper part of the route by climbing over the privately owned boundary wall with Bruton Avenue housing development via a private road.” She has never required people to ask permission before using the route: “To my knowledge, no members of the public use the route as documented on your map, we have therefore not requested that people ask permission to use it.” She has never made a Section 31(6) (Highways Act 1980) deposit: “I was not aware of this option until mentioned in your form. If it is required to ensure no right of way is claimed, then I would like to do so.” She has never turned back or stopped anyone from using the route: “Beechen Cliff School routinely direct their pupils not to use the rear garden access of Shakespeare Avenue. I believe that any pupils, who climb the wall, and use part of our rear garden access, know that they should not. There has, to my knowledge, been no one else to turn back from using the route.” She has never told anyone using the route that it was not public: “There are no members of the public I am aware of who uses the route so we could not tell them that it is not public.” She has never erected notices or signs stating that the route was not public: “There are no members of the public I am aware of who uses the route.” There has been a gate on the route: “Historically there used to be a gate at the bottom of the brick wall between the rear garden access of Shakespeare Ave and Bruton Avenue. It was solely for residents to access their garages in Bruton Avenue. It was a locked gate. It was bricked up by the new owner of Bruton Avenue when the garages were demolished in 2007 prior to the new houses being built. There have never, to my knowledge, been gates at either end of your documented route. This is because no member of public, to my knowledge uses the route as documented, so didn’t need to be stopped.” She has obstructed or blocked the route: “At times residents in Shakespeare Ave specifically block the rear garden access for their own use, ie to temporarily work on a car, to temporarily have workmen blocking the access with equipment or vehicles. It is understood by all residents that this is done on a consensual and temporary basis. Sometimes notice is given in writing to neighbours about a “blockage” in case it causes difficulty. There have never to my knowledge been any disagreements with respect to this arrangement. The rear garden access is also, in parts, relatively overgrown with flowering plants and blackberries, at times preventing access. If a resident requests overgrowth is cut back to enable access, then it is cut back.” Additional information: “In the terms of the house deeds and restrictive covenants, it is clear that each resident owns their part of the rear garden access, and with restrictions. Our restrictions state we can only give other residents in the terrace permission to cross our land to assess the rear of their own property. The rear garden access is not used by members of the public, it is not a pleasant alternative route to using the road, it is not a short cut, it is periodically blocked for residents use, it is privately owned with restrictive covenants regarding access and therefore not a right of way.”*

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- **ST242104 - 29 Shakespeare Avenue, Bath, BA2 4RF**

The respondent has owned the land for 18 years. He does not believe that the route is public: *"I own the land to the Bruton Ave boundary wall."* He has not seen, or been aware of, members of the public using this route: *"This is used by residents only. Occasionally school children use the lane and cause litter, damage and other anti social behaviour."* He has never required people to ask permission before using the route: *"No people, other than residents use the route. This is therefore not required."* He has never made a Section 31(6) (Highways Act 1980) deposit: *"However if it is required to ensure no right of way is maintained, please advise accordingly."* He has turned back or stopped someone from using the route: *"Occasionally, Beechen Cliff pupils are asked to leave."* He has never told anyone using the route that it was not public: *"This is not necessary as no one uses the area other than residents on a regular basis."* He has never erected notices or signs stating that the route was not public: *"This is not necessary as no one uses the area other than residents on a regular basis."* There has been a gate on the route: *"There was a gate between Shakespeare and Bruton Ave. It was locked and provided access to garages which are replaced by houses. No gates were required as it was not being accessed."* He has obstructed or blocked the route: *"To load and unload items into my garage and to the rear of my house."* Additional information: *"The deeds of the property confirm my ownership of the property to allow me to permit other residents access to their property."*

- **AV13718 - 37 Shakespeare Avenue, Bath, BA2 4RF**

The respondents have owned the land for 34 years. They have always believed that the path is a public right of way: *"public footpath."* They have seen, or been aware of, members of the public using this route: *"Beechen Cliff school boys & neighbours."* They have never required people to ask permission before using the route. They have never made a Section 31(6) (Highways Act 1980) deposit. They have never turned back or stopped someone from using the route. They have never blocked or obstructed the route. Additional information: *"First five houses have garages which are access by this land & No 2 Chaucer Villas."*

**The following landowners did not respond to the consultation:**

- ST363213 - 17 Shakespeare Avenue, Bath, BA2 4RF
- ST228856 - 31 Shakespeare Avenue, Bath, BA2 4RF
- ST142856 - 33 Shakespeare Avenue, Bath, BA2 4RF
- AV84902 - 35 Shakespeare Avenue, Bath, BA2 4RF
- AV195684 - 39 Shakespeare Avenue, Bath, BA2 4RF
- AV48233 - 41 Shakespeare Avenue, Bath, BA2 4RF
- ST157345 - 43 Shakespeare Avenue, Bath, BA2 4RF

**ii) Adjoining Property Holders**

Two letters were sent and one response was received.

- **7 SHAKESPEARE AVENUE:** *"My wife and I have lived at 7 Shakespeare Avenue since March 2001, since when we have used the path regularly. We currently use it several times a week for access to Shakespeare Avenue via our rear garden side gate which opens on to the path between No 7 and No 9, to put the recycling containers out, and for access with gardening tools to the front garden. We use the path on foot. Apart from neighbours using the path for the same purposes as ourselves, the main users are dog walkers. It is also used by the local wildlife, badgers, hedgehogs and foxes. We do not own the land over which the path crosses."*

## Appendix 4 – Path Summary

### B) Interested Groups

The following responses were received:

#### i) Ward Councillors

#### ii) Statutory User Groups

#### iii) Statutory Undertakers

#### iv) Local User Groups

- **Bath Ramblers:** *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation."*

#### v) Residents' Associations

- **Bear Flat Association:** *"Path 5 was a useful route but is now almost impassable following the erection of a garage on Bruton Avenue. The north-south section is little used and consequently overgrown. The east-west section is still used by schoolchildren (especially leaving school in the afternoon) who somehow get through to Bruton Avenue (on their way to the shops and buses)."*

## 2. DOCUMENTARY EVIDENCE

**Cottrell's 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The houses on Shakespeare Avenue have been built and there appears to be a path leading to the rear of the properties.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer's Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by one solid line and one dashed line.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information: December 1991** - Letter from the Liberal Democrats to the PROW Team seeking "advice concerning a "track" which runs from Bruton Avenue along the rear of the houses on the north side of Shakespeare Avenue. It appears that a locked gate has been placed across the entrance to this "track", and that residents are required to pay a fee for a key giving them access." The PROW Team was asked to confirm "whether this "track" is, as a number of residents believe, a public right of way, and what the position is regarding the locked gate and the charge for keys." **January 1992** - Response from the PROW Team. Explained that Bath was an exempted area and that there are routes which have been claimed as public rights of way and routes that are safeguarded and treated as though they were on the Definitive Map. The route in question does not appear in either circumstance. Advice was given to say that "If the path users can show by providing evidence that the route has been used for 20 years without let or hindrance until the gate was erected, then it is possible to add it to the records as a public footpath." There is no record of a claim being made by any member of the public. **November 2006** - A Land Registry Search showed that the path is owned by the houses that adjoin it. **November 2006** - A resident asked about putting up a gate, following a burglary. The usual advice was given - that there is no public right of way recorded but a locked gate may prompt a claim for a public right of way. **March 2013** - a resident asked if the path was adopted and if it was a public right of way.

## Appendix 4 – Path Summary

### **3. SURFACE CONDITION**

The section of path leading northwards from Shakespeare Avenue is grassed over. Turning eastwards, the first section of the path is grassed over. Some householders have tarmacked or gravelled the sections of path behind their property.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1905. The Bear Flat Residents' Association commented that the path was a useful route, but it is now partially blocked. Of the 15 identified owners of the land over which the path runs, eight responded to the consultation. Seven of these respondents will object to the recording of the path as a public right of way. Over the years, enquiries to the PROW Team regarding the status of the path have not resulted in an application to make a Definitive Map Modification Order to add the path to the Definitive Map and Statement for the city of Bath.

### **5. OFFICER RECOMMENDATIONS**

Objections have been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path 7

Path 7 was added to the consultation during desk-based research.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

33 letters were sent, and 10 responses were received.

- **19 SHELLEY ROAD:** *“We have used the path continuously since 1978. The path is used most days and access is required unrestrained 24/7. The path is used on foot, by bicycle, by vehicular access and for any other requirements. The path is used for permanent access to the back gate at the rear of our property, including putting out re-cycling bins etc and all general egress from and access to our property for any reason. The path is in general use from other home-owners for themselves and for vehicular access to the rear of their properties for whatever purpose. Upon checking the deeds to our property, we find that the rear access way is noted as not maintained. The deeds also show that in conjunction with the other adjacent property owners, we have a permanent right of access to the lane for its use at all times for ourselves, vehicles etc. There is no designation otherwise of any general public right of access to it.”*
- **21 SHELLEY ROAD:** *“My wife and I have lived at 21 Shelley Road since 1985. Our property backs onto Path 7 we are the fourth house up from Byron Road. When we moved in there was a large garage at the rear of our property which we accessed up Path 7. For various reasons we stopped using the garage as a garage in 1994. In those early days a number of properties further up Path 7 from both Shelley and Shakespeare had garages which were in use although this is not really the case now. Again in those days our bins were placed by the garage at the rear of the property and the bin collection van reversed up the path. At some stage the council decided that this was no longer safe and advised that the path was not a maintained Road so now we put our bins and recycling at the front of the property, which of course is rather unsightly. I am a keen Walker and have used the path for walking up to and down from the park and onward from there from 1985 to current time. We use the path quite frequently and regularly, more in Summer than in Winter. When our children were small we used it to walk up to the park and now with our grandchildren. We use the path by foot, no longer by vehicle as explained above, and occasionally by cycle. Other people still use the path by foot and by cycle. The children from Beechen Cliff School certainly use it quite regularly. Vans do drive up normally when building work or similar is being carried out at the rear of somebody's property either Shelley or Shakespeare and the workmen use it for access and delivery. I am afraid that I have no idea whether or not we own the land!”*
- **22 SHELLEY ROAD:** *“When we bought the house 13 years ago the solicitor mentioned that there was no clear ownership of the back alley and we had to take out insurance to protect ourselves from this. You can drive up the back alley - and many people do to drop off things into their gardens - you can just fit a car up it. I cycle and walk up it to get to back my gate. Most of the houses use it to one degree or another. It used to be much wider - when people used it for the garages (and the*

## Appendix 4 – Path Summary

turning circle to get in) but for some reason it was made more narrower and now you can't access the garages.”

- **23 SHELLEY ROAD:** “My wife and I own 23 Shelley Road, which we bought in March 2000. On our deeds, our boundary ends at the rear of our garage, ie where the thick line on your plan marks path 7. When we moved in, there were more garages at the rear of Shelley Road and Shakespeare Avenue than shown in your map. Dustbins were collected from the back of the gardens, until about 15 years ago when they began to be collected from the front of houses. Very few of the garages are now used, as the quality of the path has deteriorated; the area became an RPZ in 2018; and changing lifestyles led to turning garages in summer houses, offices for WFH, etc. Lack of maintenance of the local network of paths has affected use. The maintained paths at the bottom of the avenues, close to Wellsway, are used much more. At a time when we are more aware of damage done, particularly to the young, by walking along busy roads, it is even more essential to have the network usable for people pushing prams, pushchairs, and wheelchairs, cyclists, older people, children going to and from school, and so on. Beechen Cliff School, entered from the top of Kipling Avenue, has doubled its roll from about 700 to over 1,400 in the last ten years. Many of the additional pupils come from outside Bath and are driven right up to the school gates. Roads up to the school are particularly unpleasant in the morning rush hours and during the afternoon, and deliveries of online orders since the first lockdown add to the problem. The School has been on its present site since 1932, and boys used Path 7 and other paths in the Poets’ avenues to and from their homes. Use has declined with the poor state of the paths. The School’s Travel Plan encourages the walking and cycling to school, and this would be better achieved by improving the Path 7, and others in the area. Recent promotion to tourists of views from Alexandra Park over Bath has led to a dramatic increase in overseas visitor numbers in the Park, which is accessible by road from Shakespeare Avenue, though some online mapping still wrongly lists Shelley Road as a road entrance. Again the increased volume of traffic affects walking in the area, and highlights the poor state of the paths, which would make safe alternatives for pedestrians and cyclists. We used to use path 7 frequently, but do so much less because of the condition it is in because of lack of maintenance. We can access local amenities using the footpath BC44/33, and the city centre through the revamped area on Beechen Cliff. It is the path network we miss for walking. In short, rights of way, and improving the quality of Path 7, and other similar paths in the area, would cater for increased demand for walking and cycling off busier roads and improve health and well-being for the local community, and visitors.”
- **25 SHELLEY ROAD:** “I have used this path for nearly 25 years. About once a week I walk on this path for leisure. About 5-6 a year I drive my car up the path to load it with garden rubbish to take to the recycling centre. I see other people using the path, perhaps a little more than I do. I do not own the land over which the path crosses.”
- **26 SHELLEY ROAD:** “This is the only access to the back of the house and garden and is used to deliver and remove heavy goods or building materials to the back of the house as well as social access to our garden for neighbours visiting on foot.”
- **30 SHELLEY ROAD:** “We have used the path for seven years to date. We use the path daily. We use the path on foot. We use the path to leave our house from the back garden to visit the park and other local amenities. We often see others use the path. We don’t own any land over which the path crosses.”
- **79 SHAKESPEARE AVENUE:** “In answer to your questions yes we do use the path behind our house daily as it is the only access to our garden (No79 Shakespeare Avenue). We use it every day by foot, sometimes by bike and on the odd occasion by car if I need to load or unload something heavy. I also use the path to take out the

## Appendix 4 – Path Summary

waste and garden bins. It's not a heavily used path as it is mainly only used by residents living on the top half of Shakespeare Avenue and Shelley Road but yes I do often see someone using it. We have been living here just over 12 years and have been using the path all that time."

- **99 SHAKESPEARE AVENUE:** "We have used this path since we purchased the property in June 2005. We use this path on a daily basis. I use the path to access my bike and cycle to work daily, we use the path to access our bins to bring them to the front of the property. We also access this path daily to take the dog for a walk. The path is used by bicycle and on foot. We also access the path to remove rubbish from the property and therefore will drive our car as far up the path as possible to load the car with larger items to take to the tip. Workmen access the path also to deliver and remove building materials. The path is used for work and leisure. I see the path used by other neighbours for similar purposes."
- **101 SHAKESPEARE AVENUE:** "I've lived here for 1 year. I probably use it once every 2 - 4 weeks, primarily to take the green wheelie bin round to the front of the house. I have also used it a couple of times to drive my car up it to take bags of gravel directly into the back garden. I occasionally see other people, particularly dog walkers. I don't know who owns the land."

The ten respondents were asked the additional three questions and six responses were received.

- **22 CHAUCER ROAD:**
  1. Yes, occasionally, people use it to walk their dogs etc. But, I wouldn't say it's a thoroughfare. From what I've seen it's rare to see a member of the public walking up the back passage.
  2. No. I haven't.
  3. For me, it's not an issue to have the path as public right of way. Effectively, it already is. As an aside, the one that it flows into as you go down the hill has a gate in front of it (on the back of the Shakespeare Road). Just by the 'A' on your map."
- **23 SHELLEY ROAD:**

".... the use of the path by non-residents is now infrequent, and I feel this relates to the deterioration of the path. You would not find it comfortable to cycle or push a pram or pushchair, for instance. I am not aware of anyone ever discouraging use of the path, and I cannot see why anyone should object to the path becoming a public ROW."
- **19 SHELLEY ROAD:**

"In response to your thoughts, we would say that we would strongly recommend that the pathway is not designated as a public right of way. As we understand it from when we moved in many years ago, it is a private pathway for the users of all the houses backing onto it in Shelley Road and the top of Shakespeare Avenue. It is the means of access by foot, or vehicle or by whatever means and also for security's sake, as it gives access to the rear of the houses, it should not be available for members of the public for general use."
- **21 SHELLEY ROAD:**
  1. We cannot really see the path from our house it is hidden by our shed so it is difficult to answer this one. I know that pupils from Beechen Cliff school use it, possibly more in summer than winter as it can be damp in winter. I think other people from the general Bear Flat area do use it but impossible to say how frequently.

## Appendix 4 – Path Summary

2. *We have certainly never done anything to discourage the public from using the path on foot.*
3. *In reality I probably would not object to the path being included in a legal order.”*
- **26 SHELLEY ROAD:**
  - “1. *The path is used by Shelley Road and Shakespeare Avenue to access Byron Road. Beechen Cliff boys occasionally use the path as a cut-through to and from school and dog-walkers use the path to access the park.*
  2. *I have not seen any discouragement of any kind to the path being used as a public path (as other paths in Poets Corner).*
  3. *Personally I have no objection to it being a public right of way (as other paths in Poets Corner).”*
- **30 SHELLEY ROAD:**
  - “1 *Weekly.*
  - 2 *No.*
  - 3 *No objection to this.”*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association:** *“Path 7 is used as a route, by both adjacent residents and the public generally.”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

## **3. SURFACE CONDITION**

The surface of the path is tarmac at the Byron Road end and is in a generally poor state of repair. The surface becomes more grassed over towards Path 3. There is a worn track through the middle of the path.

## Appendix 4 – Path Summary

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence at least as early as 1933, as a service lane for houses on Shakespeare Avenue and Kipling Avenue. Adjoining property holders also report use of the path by pupils from Beechen Cliff School, other residents and dog walkers. There appears to be some use of the path by the public. The Bear Flat Association commented that: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”* One of the adjoining property holders will object to a legal order.

### **5. OFFICER RECOMMENDATIONS**

An objection has been received at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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## Appendix 4 – Path Summary

### Path 8

Path 8 was added to the consultation during desk-based research.

#### 1. INITIAL CONSULTATION

##### A) Land Ownership

###### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

###### ii) Adjoining Property Holders

16 letters were sent and one response was received. Additional information was provided by a local resident who lives alongside Path 10.

- **43 WELLSWAY:** *“We have lived at the property for 1.5 years but I used to live on Longfellow avenue so have been using these paths for ~30 years. We currently use the path every day. Predominantly driving (we park at the back of our house) but also walking and occasionally cycling. We drive on the path whenever we leave the house by car (work, leisure etc). We also use path 9 to walk up to the park with our young daughter. There is always a steady stream of people walking along the paths - school students and people walking to work on weekdays and families etc on weekends. Our neighbours also access the rear of their properties and park off path 8. Unfortunately, the path also used quite frequently by tradespeople to access the rear of properties on Shakespeare or Kipling Avenues. They will often park a van where paths 8 and 9 intersect in order to avoid paying for parking etc. This means that we are unable to access our property until they return to the vehicle. This will generally happen every few weeks and can be frustrating.”*

The respondent was asked the additional three questions but did not respond.

###### **Additional information from a local resident who lives alongside Path 10:**

- **10 CHAUCER ROAD:** *“Next I will mention Paths 8 and 9. I use these almost on a daily basis to reach Bear Flat from my house, and they are heavily used by schoolboys, dog walkers and others like me, preferring a quieter alternative to Shakespeare Avenue. People on Shakespeare and Kipling Avenues also use them to access their properties, and there are car pull-ins and garages along them. Again, they provide green verges and a habitat for insects and small mammals.”*

##### B) Interested Groups

The following responses were received:

###### i) Ward Councillors

- **Councillor Ian Halsall, Oldfield Park Ward:** *“Although I am not ward member for the area covering Poets Corner, as a resident I am intrigued by the “drungs” – the back alleys that serve the respective avenues including the very well-used link from Longfellow to Shakespeare. The only route included in the research is the non-metalled connection between Kipling and Shakespeare” (Path 8).*

###### ii) Statutory User Groups

###### iii) Statutory Undertakers

## Appendix 4 – Path Summary

### iv) Local User Groups

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

### v) Residents’ Associations

- **Bear Flat Association:** *“we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Path 8 is well used, as it forms part of a route between Bruton Avenue and Devonshire Buildings – a popular traffic-free alternative to Wellsway.”*
- **Greenway Lane Area Resident’s Forum:** *“Route from Bruton Avenue to Devonshire Buildings. Apart from the need to negotiate the brief passage of Devonshire Buildings from their front road to their back road, this route is of considerable importance, since it provides an access for pedestrians free of traffic noise and fumes all the way from Entry Hill and Greenway Lane up to Holloway and thence down to the river. It is a significant resource for commuters, shoppers and schoolchildren (particularly for Beechen Cliff School).”*

## 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is shown by two solid lines.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

## 3. SURFACE CONDITION

The surface of the path is compacted stone and gravel at the Kipling Road end. It is in a good condition. There are some potholes and puddles. The surface is rougher at the Shakespeare Avenue end.

## 4. ASSESSMENT OF EVIDENCE

The path appears to have been in existence at least as early as 1905, as a service lane for the properties on Wellsway and access to the lane to the rear of properties on Shakespeare Avenue and Kipling Avenue. An adjoining property holder reports use of the path by the public and there has been no indication of objections at this stage. The Bear Flat Association commented that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Path 8 forms part of a route between Bruton Avenue and Devonshire Buildings *“a popular traffic-free alternative to Wellsway.”* Greenway Lane Area Resident’s Forum identified Path 8 as being part of an important traffic free route between Bruton Avenue and Devonshire Buildings.

## Appendix 4 – Path Summary

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, there have been no indications of an objection to a legal order. Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## Path 9

Path 9 was added to the consultation during desk-based research.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

53 letters were sent, 13 responses were received. Additional information was provided by a local resident who lives alongside Path 10.

- **9 KIPLING AVENUE:** *“Our property, number 9 Kipling Avenue, backs on to this path and we do use it regularly via a garage that opens on the path. We have lived here for 7 years (2016-present) and use the path almost daily in one way or another. Usually we use the path on our bikes and it is very useful to be able to load our car with heavy items from the garage; saving the journey through the house! Many of our neighbours use the path, there is usually a dog walker (either a resident or otherwise) using the path and it is frequently used by boys accessing Beechen Cliff School to avoid using the busy roads. We don’t own any of the land that the path crosses.”*
- **10 KIPLING AVENUE:** *“I have used the path for 11 years - 2012- current. Use it 3-4 times per month on foot, by bicycle and vehicle. I use it to gain rear access to my property for the delivery of heavy items eg garden compost, logs; for building work access; leisure. Several others use the path regularly and I don’t think I own the land over which the path crosses.”*
- **21 KIPLING AVENUE:** *“We have used the path since we moved to Kipling Avenue in 1988. We use the path daily. We use the path on foot and occasionally by bicycle. We use the path for access to local amenities. We also use it to transport our refuse/recycling wheelie bins from our back garden to the front of our property on collection days. We frequently see our neighbours on the path, using it for rear access to our properties. I am not aware that we own the aforementioned path. You may be informed by other residents that Beechen Cliff pupils also use the lane during term time. We have communicated with the headteacher re litter issues.”*
- **22 KIPLING AVENUE:** *“At the time we purchased the house our solicitor confirmed that the house owners had a right of way over this accessway at the rear of their properties. Use and status of the lane: We have used the lane for 28 years. Used frequently and regularly. Used on foot and bicycle. Used for ease of access to local amenities, including removal of garden waste. Used regularly by many people.”*
- **8 SHAKESPEARE AVENUE:** *“We have used the path since we moved into our property (8 Shakespeare Avenue) in July 2016. We use the path every day - either on foot, by bicycle and also by car. We the path for access to local amenities and for leisure. Yes, we see other people using the path. We do not own the land over which the path crosses.”*
- **14 SHAKESPEARE AVENUE:** *“I have used the path since I purchased 14 Shakespeare Avenue in April 2018. Daily use. Used for foot access to the rear of my property, and vehicle access by various tradespeople that have required access to the rear of my property, including scaffolders, builders and window cleaners. Path*

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*is also used by neighbours, schoolchildren, dog walkers, cyclists and other vehicles accessing the rear of their properties, some of which have off street parking or garages. Bath was an exempt area for the purposes of the National Parks and Access to the Countryside Act 1949 and Path 9 was not added to the Definitive Map for Bath under the Wildlife and Countryside Act 1981. Consequently my understanding is that Path 9 is not currently recorded as having a public right of way. However, searches performed at the time of my purchase of my property in April 2018 indicated that Path 9 has the benefit of a right of way for the Purchasers, the Owners or occupiers of my premises. Path 9 is currently maintained by local neighbours.”*

- **16 SHAKESPEARE AVENUE:** *“We purchased number 16 Shakespeare Avenue 15 plus years ago, and have no claim to any of the path - boundaries are as we purchased. Initially we used the path frequently via our back gate onto the path when we had to unload heavy packages or garden stuff, or for taking away heavyish goods - at that time parking on the road was chaotic. As we aged (now 88 and 87) and permit parking came in to our relief, we closed up the back gate, and fitted a nearby security light. Many people use the passage - Beechen Cliff schoolchildren, dog walkers, anyone who has work done at the back of the house or garden, and occasionally those up to no good - twice we have had recycling/ rubbish left against our fence. And of course, owners who have garages. Trust that helps - the path is a bit of a shambles, uncared for.”*
- **18 SHAKESPEARE AVENUE:** *“We have lived at 18 Shakespeare Ave since early 1998 and regularly use the back lane for pedestrian access, bicycles, and general maintenance access such as clearing bulk garden waste using a vehicle. The lane has also provided occasional access for scaffolding the rear of our property. Use is generally less frequent during the winter with the shorter hours of daylight. The lane is (mis)used by Beechen Cliff School children during term time and also by occasional dog walkers etc. and residents in the locality. We understand that the lane is private with a right of access to all properties which back onto it. The section immediately behind each property is effectively within that property's ownership.”*
- **30 SHAKESPEARE AVENUE:** *“We have owned 30 Shakespeare Avenue since Dec 1986 and have used the path since then, every week, either on foot, bicycle or car, for a variety of purposes. We have a garage adjoining the lane and require access to that at times. Also access is required for gardeners and other workmen from time to time to load/unload. There are many others who use the lane for access to garages, cycling, running, dog walking and access to the rear of their property for building work etc. We don't own the land over which the path crosses. Are there regulations governing parking in the lane or are these down to individual responsibility/consideration for others? From time to time there are builders' vans parked in the lane for days at a time, which can make access difficult for some.”*
- **34 SHAKESPEARE AVENUE:** *How long have you used the path? Since we moved in during October 1983. So 40 years. How frequently do you use the path? On average about once a week nowadays. How do you use the path? I use a bike, walk and drive my car along it when requiring access to the back of my house. For what purpose do you use the path? For access to the back of my house. Do you see many other people using the path? Yes. Many boys from Beechen Cliff school use it as a route to and from the school. Otherwise, mainly dog walkers. Do you own the land over which the path crosses? I believe so. About 30 years ago a neighbour looked at getting the path covered in tarmac. He gave up as it became too complex to get all potential stakeholders to agree.”*
- **38 SHAKESPEARE AVENUE:** *“I have used the path since 2012 until today. I use the path about 3 times a week. I walk down the path. The purpose is leisure. I see*

## Appendix 4 – Path Summary

*the school children at Beecham Cliff use the path to and from school every day. I sometimes see my neighbours using the path to access their garages that back onto it. I do not believe that I own the land over which the path crosses.”*

- **46 SHAKESPEARE AVENUE:** *“I have used the path for over 20 years. I use the path 5 or 6 times a week. I use the path on foot and by bicycle. Until the path became overgrown by one particular shrub + tree combination three years ago, I did use the path occasionally by car. I use the path mostly to provide a quick, traffic-free route by foot to my allotment on Bloomfield Road. I also access the path by bike as a traffic-free method to reach the Two Tunnels cycle path and Linear Park cycle path to Oldfield Park, Victoria Park and the city centre. I see many pupils at Beechen Cliff school using the path each morning and afternoon, walking to school. I see neighbours using the path to access the rear of their properties. I see people walking their dogs along the path. I do not own the land over which the path crosses.”*
- **48 SHAKESPEARE AVENUE:** *“We have used the path since we bought the house 10 years ago. We use the path regularly, most days. Foot to walk dog, occasionally cycle, occasionally ridden when I bring my horse home. Leisure and access for builders. People seen on the path include: local residence, school children from Beechen Cliff, Builders work vans. As far as I know the end of our garden borders the path, rather than being included in it.”*

### **Additional information from a local resident who lives alongside Path 10:**

- **10 CHAUCER ROAD:** *“Next I will mention Paths 8 and 9. I use these almost on a daily basis to reach Bear Flat from my house, and they are heavily used by schoolboys, dog walkers and others like me, preferring a quieter alternative to Shakespeare Avenue. People on Shakespeare and Kipling Avenues also use them to access their properties, and there are car pull-ins and garages along them. Again, they provide green verges and a habitat for insects and small mammals.”*

The 13 respondents were asked the additional three questions and eight responses were received.

- **10 KIPLING AVENUE:**
  - 1 Yes, school children use it on a daily basis. Occasionally others use it for dog walking for example.
  - 2 No I have never discouraged anyone from using it.
  - 3 I have no objections.”
- **22 KIPLING AVENUE:**

*“In response to your further email, workmen employed by residents do use it. However, we would object to its function being changed to a public right of way. It has always been for the use of the residents living in the houses and imposing more public rights would remove our ability to manage who does use it if we so decided to. It might also pose a significantly higher risk to housebreaking through our back garden.”*
- **14 SHAKESPEARE AVENUE:**
  - 1 Members of the public use the path on foot daily to exercise their dogs and Beechen Cliff school children also use the path school daily as a short cut to and from school.
  - 2 To my knowledge, no signs or notices discouraging the public or stating the path is not a public right of way have ever been put up.
  - 3 The neighbours backing on to path 9 pick up the waste and rubbish left behind and recycle it. Who will pay for the waste bins and notices asking the public to take care of the environment if it becomes a clear right of way? Additional foot

## Appendix 4 – Path Summary

*movement will increase the wear and tear together with extra waste. I would object, without assurances to introduce bins and notices, and who would be responsible for paying and maintaining such facilities?”*

- **16 SHAKESPEARE AVENUE:**

*“1 There are plenty of schoolchildren who use the right of way, all going to Beechen Cliff school, or from as the case may be - this in preference to walking up the avenues. Otherwise dogwalkers are frequent - when looking after my sons’ dogs I do as well. It is also extensively used by those who are having work done to their houses, viz., workmen.*

*2 No, I have never discouraged anyone from using the right of way.*

*3 No objection to a legal order!!”*

- **18 SHAKESPEARE AVENUE:**

*“1 As previously mentioned, the most obvious and frequent non-resident users of the rear lane are Beechen Cliff schoolchildren during term time, at the start and end of the school day - this is not encouraged and has been problematic on occasions - for example when builders carry out work at the rear of properties. It is pretty quiet the rest of the time. It is also rather difficult to establish if other very occasional users live on a property adjoining the lane, as there are more than 50 such houses!*

*2 We have occasionally contacted Beechen Cliff School to remind them of the current nature of the lane although we appreciate it is rather futile.*

*3 Yes, we would object as we are partly responsible (along with other residents) for maintenance of the lane to provide necessary private access. If B&NES was to formally adopt, improve and maintain the lane, we might be persuaded.”*

- **34 SHAKESPEARE AVENUE:**

*“1 Yes. Daily during Beechen Cliff school term times.*

*2. No.*

*3. No, as long as my rights are retained.”*

- **38 SHAKESPEARE AVENUE:**

*“1 Yea, the Beecham cliff school boys walk up and down it enroute to school.*

*2 No.*

*3 That would be fine to do.”*

- **46 SHAKESPEARE AVENUE:**

*“1 Yes, pupils walking to school at Beechen Cliff use the lane daily, both in the morning and afternoons. People walking dogs use it daily.*

*2 No.*

*3 Yes, I think I would object. As my concern is if I bought an electric car:*

*There is plenty of room to park a car in the lane.*

*Currently I believe I could (with the agreement of my neighbours) reasonably park an electric car in the lane overnight to recharge it once every two weeks, parking it late at night and moving it very early the next morning (recharging a car every two weeks would be sufficient for my needs). However, if the lane became a public right of way, it becomes a criminal offence to block the right of way - and I assume that means parking a car in the lane overnight becomes a criminal offence - even if there was plenty of room for people to walk past the car - as Highways Act 1980 section 137 states it is an offence to obstruct the whole or part of the width of a public path.”*

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### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association:** *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

## **3. SURFACE CONDITION**

There are sections of rough, stony track and other parts are tarmacked, with a grass centre. The path is generally in a reasonable condition although there are some areas where the surface condition is poor.

## **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence at least as early as 1933, as a service lane for houses on Shakespeare Avenue and Kipling Avenue. Adjoining property holders also report use of the path by pupils from Beechen Cliff School, other residents and dog walkers. There appears to be some use of the path by the public. Four of the adjoining property holders have stated that they will object to a legal order. The Bear Flat Association commented that: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*

## **5. OFFICER RECOMMENDATIONS**

Objections have been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the

## Appendix 4 – Path Summary

recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path 10

Path 10 was added to the consultation during desk-based research.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that part of the land is not registered under the Land Registration Act and Rules.

One of the properties along Kipling Avenue owns land over which the path crosses:

- **AV220394 - Southfield, Kipling Avenue, Bath, BA2 4RD.**

The respondent has owned the land over which the route crosses for approximately 30 years. He regards the route to be public of the status: *“Most like a byway open to all traffic.”* He has regarded this to be the case: *“Since c 1930.”* He has seen members of the public using this route: *“Yes. Daily, regular private cars, some commercial vehicles.”* He has never required people to ask permission before using the route. He has never made a Section 31(6) (Highways Act 1980) deposit. He has never turned back or stopped anyone from using the route. He has never told anyone using the route that it was not public. He has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. He has never obstructed or blocked the route. Additional information: *“It is a pathway and route for private cars allowing access to garages. Not suitable for commercial vehicles which sometimes use it and cause obstruction.”*

##### ii) Adjoining Property Holders

15 letters were sent, eight responses were received.

- **1 CHAUCER ROAD:** *“The path marked as “Path 10” is at the rear of our property, although we do not have direct access onto it. Due to an entry on our properties title we pay (what is now) a peppercorn charge to what I assume was originally the owner of the land upon which our property and others in the area were built. Hence it may be this path is actually “owned.” However I don’t believe anyone other than local homeowners maintain the path, and even then it is only a very sporadic cutting back of brambles etc. The path is used for access by homeowners. It’s also used as a “short cut” by a small number of school children going to/ coming from Beechen Cliff, and dog walkers. Part of Path 10, from A to junction with Path 11 is passable for motor traffic. From Path 11 to B the path is too narrow for cars (but occasionally motorbikes are used on it). I would expect the legal status of this path is the same as most others in the “Poets Corner” of Bear Flat, though what that status is I don’t know.”*
- **2 CHAUCER ROAD:** *“I have used Path 10 since 2017 when I moved to Bear Flat from Widcombe and continue to use the path now, although less frequently. I used the path every weekday from 2018-2020 when I cycled to work because my garden backed onto the path. I rode my bike starting and finishing from Path 10. Now I use the path every 2 weeks (good weather) to once a month. I use the path mainly by cycle but on foot as a shortcut (I use all the paths around Bear Flat in this way). It was for work (commuting by cycle) but now leisure (occasional cycle) or access on foot to local amenities. I see people use the path all the time, I mainly work from*

## Appendix 4 – Path Summary

home now (overlooking the path) and Beechen School boys use the path every day, as do my family and other locals. I do not own land crossing the path. I hope this helps with the Path 10 becoming safeguarded for future use.”

- **4 CHAUCER ROAD:** “I have used this path ever since I bought my house (4 Chaucer Road) in 1963, 60 years ago now! My children used to play out there, in the back lane, with their friends. My husband and I still use the path frequently, perhaps once or twice a week, sometimes more often, to go to post a letter at the post box at Shelley Road, or to go for a walk, or to go up to the park via path 11. (Our cats follow us up and wait for us to come back!). We normally use the path on foot, but on occasions we bring the car round to the back to wash it, or load up garden waste to take to the tip. We see a lot of people using the path, walking dogs, getting bicycles out of back gates, and many schoolboys use it habitually. We do not own the land over which the path crosses.”
- **6 CHAUCER ROAD:** “We have used this path daily as long as we have lived at our property (2.5 years); we use the path for foot and bicycle use; we use the path for a variety of functions - leisure, access to garden, route to work); the path is used regularly- particularly by school pupils; we own land adjacent to the path.”
- **7 CHAUCER ROAD:** “I and my wife are the owners of the first floor flat, 7 Chaucer Road and have a parking spot at the back of our property which we can only access by way of this path. We have owned the flat since October 2012 and our responses below therefore cover an 11 year period. In response to your questions. We have used the path for 11 years. We use the path daily to access our parking spot and bike shed. We use the path on foot, by bike, and by car. We use the path for access to go to work and for leisure activities. A number of local residents use the path to access similar parking spots, garages, and out buildings as well as school children. We own the land adjacent to the path - the path does not cross our land. We would not be able to access our land without using the path.”
- **8 CHAUCER ROAD:** “We have used the path since we moved in approximately 7 years ago. We use the path every couple of weeks. We drive, cycle and walk down the path. The path is used for access to the back garden, collection of materials that are stored in the garage before going to recycling. We will be using the road to access the rear of our house for building works in the coming months as we are doing some works internally on the rear of our house. We often see other people using the path. From service vehicles, people walking through between Kipling and Shakespeare. Not sure if we own the land we would have to check land registry.”
- **9 CHAUCER ROAD:** “Our back garden gate opens onto the section of Path 10 between point A and the T junction of Path 11. Both of those sections I would describe as lanes rather than paths. We have lived here since 1996 and still regularly walk along the lanes to adjoining paths behind Alexander Park or to join the Beechen Cliff School public rights of way. The other section on the map noted as point B and leading to Shakespeare Avenue is an actual Footpath and too narrow for a vehicle, but also well used as a footpath. We see many other local residents using the lanes and the footpath. Some residents still use the lane sections to park their cars in garages or on hard standings at the back of houses as well as for access and storage of bicycles and motorcycles. We believe that the narrow strips of land bordering the edges of the lanes are a part of each of the residents properties and have always been used for various purposes, propagating and growing plants, storing gardening items, green bins etc. There are many other lanes and footpaths running between the Avenues, one or two of which have been blocked off over the years, but most are still accessible and regularly used by residents and builders / contractors working on resident’s properties. A couple of the lanes have been surfaced with tarmac, but most are still rough unmanaged surfaces.”



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- **10 CHAUCER ROAD:** *“This runs from Kipling Avenue to Shakespeare Avenue. I have used this path since 2012 on a regular basis. It is vital for the houses 1-12 Chaucer Road to have access to their properties from the back, for loading, bringing in garden supplies, and for builders to gain access to the backs of properties. There are a couple of garages and car pull-ins. This constitutes the vehicular use. We don’t own the land, but we value the use of it, to bring in garden supplies and take away material for the rubbish and recycling centre by car, approximately once every six weeks. These would otherwise have to be carried through the house. Many other people use the path - schoolboys from Beechen Cliff on their way home and dog walkers. Because it connects with its continuation, paths 12 and 13, it provides a peaceful alternative to walking along Chaucer Road, which cars use as a ‘rat-run’, especially in the morning rush hour and at the end of the school day. It is also a useful wildlife resource, providing green verges and a habitat for insects and small mammals.”*

The eight respondents were asked the additional three questions and eight responses were received.

- **1 CHAUCER ROAD:**
  - 1 Daily.
  - 2 No.
  - 3 *I am not 100% clear on the implications of such a legal order. Currently I (and others) use this area to store items (primarily garden items such as garden waste bins). Such items are not impeding access but they could be considered "obstructions" (for example, to access for those with mobility issues). Further I am unclear if this area became a Public footpath (a) where responsibility for maintenance lies (b) implications for access via bicycles on the northern end of the "path" (c) how current "property holder's rights" are determined. Given the above my current position is I do not wish this path to be included in the legal order. I am satisfied with its current status (whatever that may be)."*
- **2 CHAUCER ROAD:**
  - 1 *Yes, on an almost daily basis I see Beechen Cliff boys using the path as a shortcut. It isn't just this path, all the paths behind the houses are used as shortcuts by school children and locals, myself included. The reason I see the boys is because I hear them chatting normally on their way to and from school because my window where I work from home overlooks the path.*
  - 2 *No, I would never do this, people are using the path to and from their homes or school, it is just a normal occurrence.*
  - 3 *I have no objection to the path being included in a legal order so that the public have the right of way. As a long time member of the Ramblers this is a cause I have actively supported in the past."*
- **4 CHAUCER ROAD:**
  - 1 *Many people use the path on foot. I don't know where they live.*
  - 2 *No I have never discouraged anyone from using the path. I always thought it was a right of way.*
  - 3 *I would not object, I would welcome the path being included in a legal order to add it to the record of public rights of way as a public footpath."*
- **6 CHAUCER ROAD:**
  - 1 *Yes - school children from Beechen Cliff school use the paths on a daily basis during their time. Vehicles use the paths for access during works - perhaps fortnightly. Members of the public use the paths as a cut through daily.*
  - 2 No.

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- 3 *I would object as a legal right of way, I would find it hard to object to eg. People gathering or loitering in the lane to the rear of my property. The lane is unlit and is the most vulnerable access vector to my property from a home security aspect.”*
- **7 CHAUCER ROAD:**
  - “1 Yes, I see members of the public daily using the path who are not living in a property adjoining the path.
  - 2 No.
  - 3 No objection.”
- **8 CHAUCER ROAD:**
  - “1 Public do use footpath almost on a daily basis to move between the two main roads.
  - 2 Never had to put up any notices. We have a small gate that tends to keep people away from the back garden.
  - 3 No issues with path being on public right of way.”
- **9 CHAUCER ROAD:**
  - “1 Yes. Daily.
  - 2 No and not aware that anyone ever has.
  - 3 No objections on that basis.”
- **10 CHAUCER ROAD:**
  - “1 It’s difficult to see the path from our house because we have a high fence at the end of our garden. However, we hear people on the path, including pupils from Beechen Cliff on their way home. I wouldn’t say a huge number of the public use the path but I think it is used daily.
  - 2 No.
  - 3 No objection.”

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** “We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”

#### **v) Residents’ Associations**

- **Bear Flat Association:** “Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

## Appendix 4 – Path Summary

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

### **3. SURFACE CONDITION**

The section of path leading from Kipling Avenue is compacted stone and mud with a central grass strip. This could imply that vehicles access the path from the Kipling Road end. Beyond Path 11, the surface of the path is grass, with a walked line roughly down the centre.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence at least as early as 1933, as a service lane for the houses on Chaucer Road. Adjoining property holders also report use of the path by pupils from Beechen Cliff School, other residents and dog walkers. There appears to be some use of the path by the public. Two of the adjoining property holders have stated that they will object to a legal order. The Bear Flat Association commented that: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*

### **5. OFFICER RECOMMENDATIONS**

Objections have been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path 11

Path 11 was added to the consultation during desk-based research.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that part of the land is not registered under the Land Registration Act and Rules.

Seven of the properties along Kipling Avenue own land over which the path crosses. Six responses were received:

- **ST274897 - Lindens, Kipling Avenue, Bath, BA2 4RD**  
The respondent has owned the land over which the route crosses for 13.5 years. She does not know if the route is a public right of way. She has seen members of the public using this route: *“Yes. Daily, usually walking.”* She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit. She has never turned back or stopped anyone from using the route. She has never told anyone using the route that it was not public. She has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. She has never obstructed or blocked the route.
- **AV30877 - Fairmead, Kipling Avenue, Bath, BA2 4RD**  
The respondent has owned the land over which the route crosses for 16 years. She regards the route to be public of the status: *“Byway open to all traffic”* and has believed this *“Since we purchased the property.”* She has seen members of the public using this route: *“Weekly to monthly - access to the rear of the properties & utilities (ie. Phone lines) walking to / back from the top of the hill.”* She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit. She has never turned back or stopped anyone from using the route. She has never told anyone using the route that it was not public. She has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. She has never obstructed or blocked the route.
- **AV97735 - Kia Ka Mina, Kipling Avenue, Bath, BA2 4RD**  
The respondent has owned the land over which the route crosses for 8 years. She regards the route to be public of the status: *“Footpath”* and has believed this for *“8 Years.”* She has seen members of the public using this route: *“Frequently - hourly.”* She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit. She has never turned back or stopped anyone from using the route. She has never told anyone using the route that it was not public. She has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. She has never obstructed or blocked the route.
- **AV88012 - Carnanton, Kipling Avenue, Bath, BA2 4RD**  
The respondent has owned the land over which the route crosses for approximately 40 years. He regards the route to be public of the status: *“Byway open to all traffic”* since *“As long as I have lived here.”* He has seen members of the public using this route: *“Yes. Only local residents know the path exists, kids from the school use it.”* He has never required people to ask permission before using the route. He has

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never made a Section 31(6) (Highways Act 1980) deposit: *“No. Don’t know what that is!”* He has never turned back or stopped anyone from using the route. He has never told anyone using the route that it was not public. He has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route: *“No. Garage access for residents cars was used a lot more 40 years ago (cars were smaller).”* He has never obstructed or blocked the route. Additional information: *“I have access for a car into my rear garden and use the lane on a regular basis.”*

- **AV220394 - Southfield, Kipling Avenue, Bath, BA2 4RD**

The respondent has owned the land over which the route crosses for approximately 30 years. He regards the route to be public of the status: *“Pathway and private car”* since *“Southfield’ was built c 1930.”* He has seen members of the public using this route: *“Yes. Daily, regular private cars, some commercial vehicles.”* He has never required people to ask permission before using the route. He has never made a Section 31(6) (Highways Act 1980) deposit. He has never turned back or stopped anyone from using the route. He has never told anyone using the route that it was not public. He has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. He has never obstructed or blocked the route. Additional information: *“It is a pathway and route for private cars allowing access to garages. Not suitable for commercial vehicles which sometimes use it and cause obstruction.”*

- **ST238074 - The Nook, Kipling Avenue, Bath, BA2 4RD**

The respondent has owned the land over which the route crosses for approximately 18 years. He regards the route to be public of the status: *“Byway open to all traffic”* since *“Always.”* He has seen members of the public using this route: *“Yes. Combination of pedestrians (e.g. school children) and neighbours (sometimes in vehicles) accessing the back of their gardens.”* He has never required people to ask permission before using the route. He has never made a Section 31(6) (Highways Act 1980) deposit. He has never turned back or stopped anyone from using the route. He has never told anyone using the route that it was not public. He has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. He has never obstructed or blocked the route.

### **The following landowners did not respond to the consultation:**

- **AV237933 - Far End, Kipling Avenue, Bath, BA2 4RD**

### **ii) Adjoining Property Holders**

25 letters were sent and nine responses were received.

- **GREENBANK:** *“I have used Path 10 and 11 for the past 23 years to gain access, and egress, to my garage which is located at the rear of my property, Greenbank, Kipling Avenue. I do not have a driveway off of Kipling Avenue and therefore this is my only means of parking my car off road. I use the path three or four times per week for the purpose of using my car and occasionally checking the rear boundary of my property, (grass cutting, shrub pruning and general maintenance of the path). The path is sufficiently wide enough to drive a four wheel vehicle. My car usage is for work and leisure. A number of neighbours also use the path for vehicle access etc. This number has varied over the 23 years but currently I know of eight persons using the path for access to their properties. With respect to land ownership, I am not aware that I own any of Path 11.”*
- **HOMELEIGH:** *“How long have you used the path..? Since 2005 when we commenced ownership and residence. How frequently used? Average of at least*

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*once per month over the course of the year (at varying frequencies). How do you use the path...? Mostly on foot although very rarely (almost never) by motor vehicle. For what purpose...? To gain access to the rear boundary of the property for maintenance. Do you see many other people using the path? Yes frequently. Do you own the land...? No it is outside of our perimeter.”*

- **62 SHAKESPEARE AVENUE:** *“How long - 7 years. How frequently – monthly. How use – vehicle. Why - to access our rear garden. Others - yes Beecham pupils week days. Own land over which path crosses – no.”*
- **66 SHAKESPEARE AVENUE:** *Lots of people use the path – dog walkers use it because it is quite grassy so it’s more comfortable for dogs. Other people use it to access their garages using a vehicle. There are always people coming and going along it – usually trades people using the lane to access the rear of properties. It’s not just the neighbours who use the path. They have been using the path since they moved in February 1988 and use it virtually every day. They have a garage in which the owner works virtually every day, using the path at the same time. He has put a few patio slabs down, outside his garage. His grandchildren say that he has the best house because it has a secret path leading to Grandad’s park!*
- **70 SHAKESPEARE AVENUE:** *“This path is actually the rear access way for properties in the upper parts of Shakespeare and Kipling. Many properties – including my own at 70 Shakespeare – have vehicle garages that are accessed from this route. I have used it regularly since purchasing this property in 1990 for garaging a car, as do some of my neighbours. It’s not used very often for that now because many modern cars are simply too big, but those of us with smaller cars do so occasionally. It’s also used occasionally for access by contractors (gardeners, builders, etc) who need access to the rear of properties. So it’s not really a footpath, it’s a vehicle access and needs to be kept as such. As for ownership of it, I’m not really sure. I vaguely recall something from the time of purchase that all adjoining property owners have a shared maintenance responsibility, and that no single person or group had the right to obstruct it. From that, my guess is that ownership is shared equally between adjacent properties (eg my bit extends from the rear wall of my property up to the midline of the access way). But that’s pure guesswork. Nor am I aware whether this is formally recognised as a right-of-way. Although there are no gates at the ends, anyone is free to come and go, and that’s been the case for at least 30 years. By the way, I also have an interest in Path 10, because the southern section towards Kipling Avenue is the vehicle access to the western end of Path 11.”*
- **82 SHAKESPEARE AVENUE:** *“We have lived at 82 Shakespeare Avenue for 9 years. During this time we’ve used the access path (or ‘lane’) at the rear of our house daily, sometimes many times a day, as we keep bicycles at the rear. Occasionally we use it for vehicle access. Most of our neighbours use it also, on foot or bicycle or by car. It is also used by children going to the school at the top of the hill and by dog walkers. Those of us whose houses back onto the lane do basic maintenance. It is unknown who owns the land but according to the deeds there was a rent charge payable when the houses were built (1907) so some residents have indemnity policies in place to insure against the risk of somebody trying to restrict access in the future. Much the same is true for many of the paths in the neighbourhood.”*
- **84 SHAKESPEARE AVENUE:** *“We have used this path since we moved to 84 Shakespeare Avenue in 2007. We occasionally (mainly weekends) use this path for access to the rear of our house with bikes that we keep in our garden shed that backs onto the path. Visiting tradesmen also occasionally use this path for access to the rear of our house for window cleaning/building work/delivering logs etc. Some houses on Shakespeare Avenue use this path for parking their car in their garage*

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*that backs onto the path. As far as I am aware I do not own the land over which the path crosses. Mostly see dog walkers and students going to Beechen Cliff School using the path.”*

- **86 SHAKESPEARE AVENUE:** *“I have lived in 86 Shakespeare Avenue since 1988. I do not own any land the path crosses. In all that time the path has been used daily by residents for access to our back gardens, some of which have garages. It is also used daily by dog walkers and pedestrians going to and from Alexandra Park, by schoolchildren walking to and from Beechen Cliff school and people going to their allotments at the other side of Alexandra Park.”*
- **88 SHAKESPEARE AVENUE:** *“Firstly I would question the description of ‘Path’. It was essentially designed as a ‘service lane’, once used by dust carts, coal and other heavy or cumbersome deliveries or removals. (The latter function is very much in use today.) I have used the ‘service lane’ continuously and frequently on foot for the last 16 years, principally for access to our allotment, enabling us to keep dirty boots and allotment implements at the back of the house. Occasionally we meet up with our neighbours via the lane. On occasion, the lane is invaluable in enabling builders, decorators, scaffolders and similar trades to access the back of the house by vehicle. The lane is also regularly used by Beechen School children on way to and from school, offering an informal short cut. Occasional dog walkers and other individuals may be observed. Most neighbours access the lane for the same or similar reasons to ourselves. It is a critical asset. I have no idea about land ownership.”*

The nine respondents were asked the additional three questions and three responses were received.

- **72 SHAKESPEARE AVENUE:**
  - 1 Yes. The path is used regularly by dog walkers and by students going to/from Beechen Cliff School.
  - 2 No.
  - 3 This is difficult to answer. I have some observations:  
*Firstly, if it is designated as a footpath would that entitle someone, at some point in the future, to prevent access to the garages by vehicles? “It’s a footpath, so you can’t drive on it”?*  
*Secondly, I am aware that some similar rear access ways in the area have been closed off with gates because of antisocial behaviour. I’ve not been aware of a need for this path to be closed in the same way, but that might arise in future. Would designating it as a footpath affect our ability to do that?*  
*Thirdly, I’m not clear of the benefits that would arise if it’s formally designated. Why is it advantageous to do so, when it’s survived over 100 years without that? In short ... what’s the point?”*
- **84 SHAKESPEARE AVENUE:**
  - 1 I do see the occasional person, sometimes school boys going to Beechen Cliff or dog walkers, usually on a daily basis.
  - 2 No - there is nothing to prevent anyone from accessing the path and I don’t see a need to discourage people from doing so.
  - 3 I don’t have any objections to this proposal.”
- **88 SHAKESPEARE AVENUE:**
  - 1 Occasional members of the public use the service lane during the day.
  - 2 No.
  - 3 No.”

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### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers**: *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association**: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath**: The path is not yet in existence.

**1885, OS Map**: The path is not yet in existence.

**1887 – 1891, OS Map**: The path is not yet in existence.

**1901 – 1905, OS Map**: The path is not yet in existence.

**1920 – 1933, OS Map**: The path is shown by two solid lines. The row of houses on Kipling Avenue is not yet complete so it is unclear whether or not the path extends to Shakespeare Avenue.

**1933 – 1939, OS Map**: The path is shown by two solid lines. The row of houses on Kipling Avenue is not yet complete so it is unclear whether or not the path extends to Shakespeare Avenue.

**Bath City Engineer’s Survey, 1957**: Not included.

**ST76SW 1961, OS Map**: The path is shown by two solid lines.

**ST76SW 1973, OS Map**: The path is shown by two solid lines.

**ST76SW 1983, OS Map**: The path is shown by two solid lines.

**List of Streets**: Not Adopted Highway.

**Previous Orders Made**: None found.

**Other Information**: Nothing on file.

## **3. SURFACE CONDITION**

There is a central grass strip with concrete / tarmac / compacted stone and mud at either side. It implies that vehicles use the whole length of the path.

## **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence at least as early as 1933, as a service lane for the houses on Shakespeare Avenue and Milton Avenue. Adjoining property holders also report use of the path by pupils from Beechen Cliff School, other residents and dog walkers. There appears to be some use of the path by the public. One of the adjoining property holders has stated that they will object to a legal order. The Bear Flat Association commented that: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*



## Appendix 4 – Path Summary

### **5. OFFICER RECOMMENDATIONS**

An objection has been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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## Appendix 4 – Path Summary

### Path 12

Path 12 was added to the consultation during desk-based research.

#### 1. INITIAL CONSULTATION

##### A) Land Ownership

###### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

###### ii) Adjoining Property Holders

Ten letters were sent, and three responses were received.

- **21 CHAUCER ROAD:** *"I purchased and moved into this property in July 2010 and, as the owner of dogs, have used this path on average two or three times per week for the duration of that time. We only use this path for walking, but there are garages which open out into this path and it is used by cars to access these garages on occasion. We use this path as a means of walking our dogs away from car traffic as much as possible. There is no particular access benefit, although some school children use it as a shortcut. We do see other people, usually local people, using the path for the same reason we do, to walk their dogs. I do not believe we own this path, and I have written to the Council before about maintenance and they have told me "the landowner is not known to the council"."*
- **23 CHAUCER ROAD:** *"Used the path for 33 years, 1990 / 2023. Daily use. Used for Vehicle, Cycling, Foot access to Garage / parking / rear house entry. Path used by dog walkers, school children, neighbours. Land Registry Information, Official copy of register of title. Title No AV29728, Edition date 07.06.2001. 23, Chaucer Road, Bath. BA2 4QX. The land has the benefit of a right of way for the Purchasers the Owners or occupiers of the said premises and their under tenants and servants in common with the Vendor and all other persons entitled thereto for all purposes over the passageway at the back between Milton Avenue and Kipling Avenue. This passageway (Path 12) is maintained by the local neighbours, picking up litter and any disposed dog bags and dog mess, also taking care of the grass and vegetation."*
- **25 CHAUCER ROAD:** The owner has lived here for 17 years (and his neighbour at 26 Chaucer Road has been there for nearly 40 years and fully endorses this information). The path is not a public right of way. It is an access road, shared in common by residents of 21-28 Chaucer Road. The 1938 Land Registry documents state that the path is not a public right of way. The owner has maintained the section behind his property. Some Council workers were cutting the grass on one of the other lanes and the owner asked if they would cut the central aisle, but they said no because it is a private road. It is access for garages. The owner does see lots of people using the path – dog walkers and school children. He has no objection to them using the path, as long as they treat it with respect. About 10 years ago there was a problem with dog mess and the residents put a sign up saying that the path is not a dog toilet – please pick up your mess. They have also talked to the school and asked that the school children don't drop litter on the path. The path has been kept much cleaner since. The residents have the right to put a gate on the path and stop the public using the path. It's not a public right of way.

## Appendix 4 – Path Summary

The three respondents were asked the additional three questions and three responses were received.

- **21 CHAUCER ROAD:**

*"1 Yes, I see members of the public using this path on at least a weekly basis and these individuals are usually not people who live in a property adjoining the path. Generally they are dog walkers who are avoiding the road or school children.*

*2 No.*

*3 No, I would not object."*

- **23 CHAUCER ROAD:**

*"1 Members of the public use the path on foot to exercise their dogs and as a short cut to Alexander Park, daily. School children also use the path to and from Beechen Cliff School daily.*

*2 No signs or notices discouraging the public or stating the path is not a public right of way, have ever been put up. Notices asking the dog owners to pick up their waste and take it away have been put up, they do not stay up long!*

*3 The neighbours backing on to path 12 pick up the waste and rubbish left behind and recycle it. Who will pay for the waste bins and notices asking the public to take care of the environment. Additional foot movement will increase the wear and tear together with extra waste. I would object, without assurances to introduce bins and notices, then we have the question who pays and who maintains these facilities?"*

- **24 CHAUCER ROAD:**

*"My neighbour has forwarded me your email and his subsequent comments. I live at number 24 Chaucer Road and share the lane/path with others. I agree with his comments to your questions 1, 2 and 3. I would additionally like to ask what the reason is for making this amendment to the rights of usage. I would also like to know who would be responsible for the lane if it is to be used more. I have seen people, on occasion, using the lane as a cut through in their cars to avoid the traffic on Chaucer Road. I have also seen people park here. I am a little nervous that this might become more common."*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation."*

#### **v) Residents' Associations**

- **Bear Flat Association:** *"Paths 9-13 are all used as routes, by both adjacent residents and the public generally."*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell's 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is not yet in existence.

## Appendix 4 – Path Summary

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

### **3. SURFACE CONDITION**

The surface of the path is gravel and compacted stone and mud. It is in a good condition. There is a grass strip down the centre of the path in places. It implies that vehicles use the whole length of the path.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1961. The adjoining property holders who responded reported some use by the public but did not consider the path to be a public right of way. At least two of the adjoining property holders have stated that they will object to a legal order. The Bear Flat Association commented that: *“Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”*

### **5. OFFICER RECOMMENDATIONS**

Objections have been indicated at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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## Appendix 4 – Path Summary

### Path 13

Path 13 was added to the consultation during desk-based research.

#### 1. INITIAL CONSULTATION

##### A) Land Ownership

###### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

###### ii) Adjoining Property Holders

Ten letters were sent, and three responses were received.

- **29 CHAUCER ROAD:** *“We, moved into 29 Chaucer Road, BA2 4SL in 1975. The adjoining house is 30 Chaucer Road. On H.M. Land Registry Title Number: AV9410, in 1947, both these houses are recorded as having the right ‘at all time hereafter by day or night to pass and repass over and along the piece of land coloured on the said plan on foot or in motor cars or other vehicles from the said backway (now called ‘Path 13’) to any garages erected ...’. Both houses built garages soon after and still continue to require constant access from Path 13 that runs between Milton Avenue and Longfellow Avenue. 29 and 30 Chaucer Road require constant access from Path 13 onto their properties. We use access on foot, by car or the vehicles of service vehicles or trades people. Mainly for the purpose of access to the garages and back garden. The path is in daily use by walkers as a quick route across the estate towards Alexandra Park and the City and for people living in the immediate area. The boundary of both properties is created by the east walls of both garages of Nos. 29 and 30 Chaucer Road. We do not know who owns the strip of land called ‘The Backway’, now known as Path 13, but right of access is written in the deeds and will continue.”*
- **35 CHAUCER ROAD:** *“I’ve used the path since 1985, so for 38 years. I use it 3 or 4 times a week. I use the path both on foot and bicycle. I have a gate from my garden to the path and use it as rear access from the house. As I’m now retired, it’s for access to local amenities (Alexandra park mostly) and leisure. When I was working, it was also the start of my journey to work. I see people using the path daily. I don’t own the land over which the path crosses.”*
- **52 LONGFELLOW AVENUE:** *“We have used the path since we bought the property in October 2020. We use this path between 2-6 days a week. We use the path by foot. The purpose of using the path is: to move bins and recycling bins from the back garden to the front for collection, to take bikes out of the back, to exit house for walks, to access front garden with gardening equipment, window cleaner access to back, access for garden and rear of house work / maintenance. Yes, we see other people using the path - dog walkers, walkers, children going to school. We do not own the land. However it is in the house deeds, that we should maintain the area next to our house. This clause is in everyone’s deeds. However, not everyone maintains the path. Whilst we have had brambles and trees cut to maintain a clear path on our side, other residents do not maintain the path.”*

## Appendix 4 – Path Summary

The three respondents were asked the additional three questions and three responses were received.

- **29 CHAUCER ROAD:**
  - “1 We do see the public walking along this footpath daily.
  - 2 We have never tried to discourage people using it.
  - 3 We always assumed there was a public right of way and are happy for this to continue.”
- **35 CHAUCER ROAD:**
  - “1 I see people using the footpath daily.
  - 2 I’ve never done anything to discourage people using the path on foot. TBH, I always thought it was a public right of way.
  - 3 I would not object to the path being added to the record of public rights of way.”
- **52 LONGFELLOW AVENUE:**
  - “1 Members of the public use the path on a daily basis.
  - 2 We have never done anything to discourage people using the path.
  - 3 We would not object to the path being a public footpath. Who would be responsible for the maintenance of the path? RESPONSE GIVEN: “At this point in time, it is unclear whether the Council would take on the maintenance of the path.”

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** “We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”

#### **v) Residents’ Associations**

- **Bear Flat Association:** “Paths 9-13 are all used as routes, by both adjacent residents and the public generally.”

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is not yet in existence.

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

## Appendix 4 – Path Summary

### **3. SURFACE CONDITION**

The surface of the path is natural with what appears to be a lightly walked line.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1961. Residents have a right of access along the path. The path is not maintained by the Council. Adjoining property holders report use of the path by the public and there has been no indication of objections at this stage. The Bear Flat Residents' Association commented that the path was well used. The path is a useful traffic free route, leading to Path 3 and Alexandra Park.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## Path 14

Path 14 was added to the consultation during desk-based research.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the majority of the land is registered under the Land Registration Act and Rules to Bath & North East Somerset Council. Environmental Services - Open Spaces. Linear Park.

- **Response from Martin Baker (Property Records Co-ordinator):** *“If Paul’s happy in respect of the areas of open space I don’t think we’d have any concerns on the Corporate Estate side.”*
- **Response from Paul Pearce (Team Leader Parks and Trees):** *“This looks fine from a Parks perspective. Thanks for checking.”*

##### ii) Adjoining Property Holders

40 letters were sent and seven responses were received.

- **2 ELM PLACE:** *“We live in Elm Place, the terrace of houses in Bloomfield Road which ends at Point B on your map. Our garden backs onto the lane beside the allotments. We have used Path 14 all the time we have lived here, 40 years, 1983 - 2023. We use the path, or some part of it, on most days of the week. We use the first part of the path from Point B in a car, as access to our parking place at the rear of the house, and the whole path on foot with our dogs. We use the path as a shortcut access to other places in the area, shops and other local amenities, to visit friends, walk dogs, country walks with visitors and access to the two tunnels, and cross the path to the children’s playground. There are local events held during the year on the adjacent green space, and on the allotments, when the path is used as access to the event. We see many other people using the path all the time, starting early in the morning. Regular dog walkers, school children, mothers with babies in prams and toddlers to playgroups, families using the playground, people walking to work or to the local shops or the pub, allotment holders, many cyclists of all ages.... also car drivers using the length of the lane to reach the allotment gate near Point A. We do not own the land over which the path crosses. If you need to count numbers, there are three adults living here and using the path as I described below, and we also have a regular weekly visitor who walks along the path with her dog, and two regular visitors who cycle from Bristol and use the path to reach us.”*
- **14 ELM PLACE:** *“My husband and I have lived in Elm Place, Bloomfield Road since 1984. We have used the path frequently during this time, several times a week. This is on foot and in a vehicle to reach our garage at the back of Elm Place. This path is used by many people to reach Maple Grove and the Linear walk on foot, with dogs and on bicycles. The houses in Elm Place have a shared right of way along the lane at the rear of Elm Place which has been used since the houses were built in 1826.”*
- **16 ELM PLACE:** *“I have used the path over the 15 years that I have lived here to access Moorland Road shopping area, or as an alternative way onto the Two tunnels path. Usage depends on the weather - the area of the path west of the allotments can be very muddy. I usually walk, but occasionally cycle. It is hard to estimate how many others use it, but it is well worn, suggesting that a fair number of people are making use of it, either to access the allotments or to walk/cycle through to*



## Appendix 4 – Path Summary

*Bloomfield Road, shops and particularly to Beechen Cliff School. I don't own any of the land."*

- **26 ELM PLACE:** *"I have lived at 26 Elm Place since 2009. From 2009 to 2017 I used the path twice a day, 5 days a week, to walk my three children to primary school and back. This would involve walking the entire length of the path from Bloomfield Road to Maple Grove. I have also regularly used the path for access to Bloomfield Green and the two tunnels path for recreation (including access to the children's play area), jogging, cycling and dog walking. We also use the path to gain access to the private lane running behind our houses. The path is well used on a daily basis by neighbours, families with young children, dog walkers, cyclists, young people playing sports on the green and allotment holders."*
- **28 ELM PLACE:** *"Used the path for 3 years (2020-2023), 3 times a day. Run / Bike. For access, leisure and amenities. See approx 300 people a day using the path. Don't own any of the land over which the path crosses."*
- **19 MAPLE GROVE:** *"The path has been in existence and used for as long as the houses in Maple Grove have been in existence. As I understand it the first bit of the path from Maple Grove west gives vehicle access to my garages at the very bottom of my garden and appears on most maps after 1911 - it is also access to the rear of nos 21 - 27 Maple Grove. Research by myself leads me to believe it is unadopted. Previously before 1990 (I think) Bath Council owned 2 garages on the path - since demolished."*
- **21 MAPLE GROVE:** *"I own 21 Maple Grove. I have used this path for 16 years from 2007 to date. I use the path at least 5 to 6 times a week. I use the path by foot. Purpose access for work, local amenities, leisure, visit friends. Yes I see many people using the path. No do not own the land."*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

- **Councillor Ian Halsall, Oldfield Park Ward:** *"Relevant to my ward is footpath 14 which links Bloomfield Road in the east to Maple Grove to the west and follows a metalled route as far as the entrance to the Bloomfield allotment car park along the northern edge of Bloomfield Green and then becomes a gravel / mud track that also serves as a private access from the entrance to the car park to Maple Grove."*

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation."*

#### **v) Residents' Associations**

- **Bear Flat Association:** *"we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes. For path 14, legal status would be particularly welcome since the westernmost stretch is poorly maintained and might be thought to be private with no right of way. This path is part of a longer route from Bloomfield Green/Road to Maple Grove giving access to the Oldfield Park area; and from Maple Grove and beyond to Bloomfield Green/Road and access to the Two Tunnels. It also relates to the adjacent allotments."*
- **Greenway Lane Area Resident's Forum:** *"Path 14 is marked on the map across land which is partly allotment and partly open space, and is locally known by various names such as Bloomfield Open Space or Bloomfield Park."*

## Appendix 4 – Path Summary

- **Friends of Bloomfield Green:**

***“History:*** *The Green and the allotments were part of Holloway Farm until 1923, when the Bath City Corporation acquired the land. According to the map from 1932, allotments existed on their current site from 1908. Parts of what is now the Green were allotments from 1930, and the whole area was allotments during the War. Path 14 was a bridle path until 1994, when the Green passed from being classified under the Smallholdings and Allotments Act 1908 to the Open Spaces Act 1906. Until 2015 the Green was known as Bloomfield Open Space. The first houses in Bloomfield Avenue and Maple Grove date from the 1860s, so it is likely that Path 14 has probably been used for around 150 years.*

***Use of the Green:*** *The Green is used for its amenities (young children’s play area and multi-use sports equipment and football goal for older children and adults); by runners and joggers, for fitness training; by walkers and dog-walkers; and people just enjoying the open space. It is widely used by schoolchildren, particularly at Beechen Cliff School, to get from the south and west Bath, entering from Linear Park and Maple Grove. The Green’s catchment area is seen as within 600 metres or 12 minutes walk, so much of the Oldfield and Moorlands wards are included. Mostly, they will access the Green through the Maple Grove entry to Path 14. The southern entrance is via a path from Linear Park to Path 14, and its use has considerably increased since Linear Park was extended to form the Two Tunnels in 2013.*

***Allotments:***  *Holders have a key to a gate at Bloomfield Road end (east) to use cars to get equipment to the main entrance to their allotments, near the foot of Path 14. Many come from much further away than the Green users.*

***State of Path 14:*** *In good condition, apart from a dip just before Maple Grove which gets very boggy in wet conditions, preventing access for prams, push chairs and wheelchairs, and making access difficult for walkers and cyclists.”*

**Comment from Property Services, Bath and North East Somerset Council:**

*“I can confirm from our Terrier records that Bath Corporation acquired the land on 6th February 1923. Electronic records do not confirm that this was Holloway Farm, but the vendors were HC Stone and AM King”.*

*Although I have no reason to doubt the contents of the second paragraph I can’t find anything to confirm the existence of allotments on the land south of the path and think it is most likely that the Allotments team within Parks would be best placed to confirm this information.*

*We have always referred to the land through which Path 14 runs as Bloomfield Road Play Area (asset PF83) although I am not surprised it has also been referred to as Bloomfield Open Space. Bloomfield Green is not a name we are familiar with and we have nothing in our records to confirm any formal change of name so suspect this is a local description but again Parks may have record of this as they manage the land more directly.”*

17 responses were received from members of Friends of Bloomfield Green. Two additional responses were received from properties that are not immediately adjoining the path, in response to the letters sent to adjoining property holders. These responses are recorded here, rather than with the responses from the adjoining property holders:

**ADDRESS UNKNOWN:** *“How many years have I used this path? I’ve used the path over the last 40 years, we moved to Maple Grove in 1983. How frequently? more or*

## Appendix 4 – Path Summary

less daily. How do I use it? On foot mainly, sometimes with a pushchair, on bike in the past. What purpose? Route to shops; route to playground; route to friends; dog walking; access to Linear Park. Do many people use it? Yes, very many to walk dogs; cyclists to Linear Park or Bloomfield Rd.; parents with children visiting the playground; local nursery with children; children to access field and sports area; adults to access Bloomfield Green for running or exercise; access to allotments on foot.”

**ADDRESS UNKNOWN:** “We have used it since moving to Bath in 2018. During 2018 we used it twice a day, Mon-Fri, to walk our daughter to and from Moorlands School. Our son was in a pushchair at the time and the rough and sometimes muddy condition of the path made our journey more difficult. Since moving to Egerton Road (just over the bridge from Maple Grove) in 2019, we use it once or twice a week on foot to access the shops/local buses at Bear Flat, Bloomfield Green playground and basketball hoop and Alexandra Park. We usually encounter at least one other person on the path when we are there.”

**ADDRESS UNKNOWN:** “I wanted to let you know that my family & I regularly use path 14 (Maple Grove to Bloomfield Road) in Lyncombe Ward. Bath. It is a regular thoroughfare for many people around Maple Grove / Egerton Road / Cotswold Road, although it is in a parlous state & becomes nearly impassable after rain. It allows my children to access the park & playing field, as well as providing a route through to Bear Flat. We all use it regularly, as do many other people - it is unusual NOT to encounter anyone else when passing through. So it's very popular!”

**BLOOMFIELD ROAD:** “I have used this footpath for around 14 years, since moving to my current address in September 2009. I use the footpath in each direction at least twice daily, sometimes more often. I use the pathway on foot. I use this pathway to access Moorfields at Cotswold Rd. I very usually see other people using the path, perhaps as many as 100 a day in total. I hope you find this info useful. I understand that no one is really certain whose strip of land it actually is. On the right side of the footpath just after the end of the Bloomfield Green section is a concrete foundation which would have been the base of a shed or similar. If you could find out who built that then perhaps you could decide who the pathway belongs to.”

**BLOOMFIELD ROAD:** “I have regularly used the path since moving to Bloomfield Road in 2019. I currently use the path at least 4 times per week to drop off and collect my daughters from nursery. I also use the path on an ad hoc basis to visit friends and locations in Oldfield Park. My usage of the path is due to increase over the next few years when my daughters attend pre school and school. I currently use the path on foot with a pushchair. However the current condition of the path makes this difficult; particularly in the winter months. I currently use the path for nursery drop off and expect to use it for school drop off in the future. I also use the path to access friends homes and local shops. I regularly see others using the path including commuters, runners, dog walkers, other parents with small children in pushchairs, parents with primary school aged children and students from Hayesfield and Beechen Cliff secondary schools.”

**10 BLOOMFIELD ROAD:** “I use the path regularly, at least two to three times a week, and have done so since moving to Bloomfield Avenue 7 years ago. I generally am walking although on occasion I use it on my bike. I use it for a variety of reasons, access to Bloomfield Road, or Maple Grove, and then onto the cycle trail to walk or cycle to the local shops on Moorland Road, or Sainsbury's on Bloomfield Road. Often I use it for a walk at the end of the day, particularly, but not exclusively in summer.”

**61 BLOOMFIELD ROAD:** “I have been using it for several years, since 2014, along with my family. We use it to get from Maple Grove to the Green, the allotments and

## Appendix 4 – Path Summary

*the linear path. I estimate that I use it about 5 times a week; my wife similarly. I use my bike on it, and sometimes go by foot. I see many other people use it for leisure purposes (dog walkers, children going to school, people using the Green, etc)."*

**116 BLOOMFIELD ROAD:** *"I live on Bloomfield Road and have an allotment at the site alongside this path. I sometimes use a bike to access the lower gate to the allotments and may come in either direction. The way from Maple Grove is almost impossible to cycle on due to the condition of the surface. This lower section is in regular use and should be adopted by the Council."*

**30 CHANTRY MEAD ROAD:** *"I live in Chantry Mead Road but grew up in Egerton Road where my mother has lived for over 50 years. Historically we always used the above route growing up and I use it regularly today. It's part of my regular route when I walk either into town or Bear Flat. The walk is pleasant and green and a healthier alternative to walking along the main road. It's also enjoyable to watch changes on the allotments. There always seem to be people on the path, particularly dog walkers who use it to get to the green. I hope the above information will help ensure the path is accessible to all those who continue to use and enjoy it."*

**EGERTON ROAD:** *"Since I lived in Egerton Road, over the last 4 years. Every day. On foot. My own leisure and dog walking. Always."*

**26 EGERTON ROAD:** *"I have lived around the corner from this path, 26 Egerton road with my family (4 of us) for five years. We often use this path. My son uses it twice a day to go to and return from Beechen Cliff School, often with a bunch of friends. We adults use it when we go to Bear Flat, or into Bath. Or we use it to access the park. We would love for it to be in better condition."*

**FIRST AVENUE:** *"Please note that I and my family have been using this path on a very regular basis since we moved to First Avenue in March 1998 - to access local amenities and for leisure purposes. It is an important access to Bloomfield and Linear Park, as well as providing access to pubs, shops, churches, bus stops, dentist etc. Most times we have been on foot but we also ride bikes along the path - usually as a way to get on to Linear Park. We have usually encountered at least one other person - possibly accompanied by a dog - whenever we use the path. When the children were little, we would usually be on our way to Bloomfield, Alexander, or Linear Park - on foot and sometimes on bikes. Now that they are grown up we still use it regularly as it links in with so many other routes to/from local amenities. I am probably the family member who uses it most regularly currently as I walk or cycle along the path about 5 times a week - partly for leisure and partly as a pleasant route to access local shops etc. I usually meet at least one other person on the path - it is a popular cut-through. I have seen other people from our street using the path too."*

**5 MAPLE GROVE:** *"I have lived in Maple Grove for 37 years and use the footpath from Maple Grove to Bloomfield Road at least twice a week. Back when my children were small I campaigned and collected signatures for the building of the play park on the Rec as it was known then. I now use it as the beginning of walks; on the way back from Bear Flat shops; to take my grandchild to the play park and on my bike to reach the tunnel. The path has always been well used. The nursery in Oldfield Road now regularly walk a crocodile of their very young children along Maple Grove and via the path to play on the open space. However, lately it has become almost impassable after heavy rain with large puddles forming. I would very much like to see the path adopted and properly maintained."*

**7 MAPLE GROVE:** *"We have used the path regularly since 1991 to the present day, so for over 30 years. Approx. 10 times per week. There are two of us living permanently in our house. We use the path regularly either individually or together. We also use it when our children and grandchildren are staying with us. On foot. Access to Bloomfield Green, the play park, the local area and the shops in Bear Flat."*

## Appendix 4 – Path Summary

*Yes, a lot of people use the path. We would like to highlight the poor condition of the path. The condition has deteriorated over the years. It collects a large puddle of water which makes it very muddy and difficult to walk over. The low spots need to be filled. Then ideally the best solution would be a tarmac surface, making it easier for the elderly, little children, buggies and wheelchairs. On the other hand we wouldn't want to encourage people to drive motorcycles or mopeds through this path."*

**17 MAPLE GROVE:** *"We have lived at 17 Maple Grove since 1991 and have used that path with our family as a thoroughfare since that time. From memory the upper part of the path beyond where the bollards are between number 19 and 21 Maple Grove ie going towards Bloomfield Rd was also very rough and ready but maybe 15 years ago it was laid with tarmac and stone so that it was easier and less hazardous for people to walk on, however for some reason the lower part was never included in this refurbishment. The path is very well used by families coming from Poets Corner and that area to walk to Moorlands infant and junior school. Over recent years the path between 19 and 21 has almost totally disappeared and is very rutted and often filled with puddles. I'm sure for some of the elderly people in our street it makes the journey unpleasant to negotiate. I don't enjoy walking on it myself! I think the bollards are very important at the bottom because it is a deterrent to people riding bikes at high speed or even motorcyclists using it as a cut through."*

**22 MAPLE GROVE:** *"This path is used regularly by a large number of people. It is uneven and the area at the bottom of the path on the way to Maple Grove gets waterlogged in wet weather so that becomes largely inaccessible to people with mobility issues or with prams etc. I have used the path on an almost daily basis since I moved to Maple Grove in 2016. Most days, often multiple times. Always on foot. When we moved to Maple Grove my youngest child was still in a push chair, so we used a push chair on the path for a time as well. As a convenient route to walk from my home into the city centre; to access local Bear Flat shops; to take my daughter to Guides at St Luke's Church; for dog walks; to access Bloomfield Green for leisure/exercise. It is a very well used path. In the mornings and in the afternoons I see families using the path as a route from Bear Flat to Moorlands school. Throughout the day it is used by people on foot and by bicycle travelling between Bear Flat and the Linear Path. I see people using it to enter the Bloomfield Green allotments. It is used by many dog walkers to access Bloomfield Green."*

**15 MILTON AVENUE:** *"We live in Bear Flat and we have been using this path in recent years to walk to the 2 tunnels greenway or to access the Moorlands area. Every time we have walked through it, we have seen other people using it to walk their dog, jog, etc. I just assumed this was always a public path although not well maintained. We would like to support it being classified as a Public Right of Way."*

- **The following responses were from non-adjointing property holders**

**80 BLOOMFIELD AVENUE:** *"We use this path a number of times a week to go to the park with the children or indeed to walk to school at Moorlands primary and juniors. Have done so since we lived on Longfellow Avenue in 2011, and then since we moved here to the bottom of Bloomfield Avenue and end of Maple Grove. We are usually on foot and but often try to use our bikes which is pretty much impossible unless you get off and push them. For half the year when it's been raining a lot you practically need wellies to walk down there - which obviously doesn't work with the walk to school! Many people use this path daily - we are always trying to dodge each other through the bogginess when you try and pass each other. Be great if it could be maintained - for kids and adults comfort and safety alike!"*

**13 MAPLE GROVE:** *"My family and I have used this path since 2006 up to the present day. Our family has four adults living at the address. We use it everyday,*

## Appendix 4 – Path Summary

*except when it is flooded. We use it by foot and my husband often uses it with his bike. We use it to go to work, shopping and for walks. This path is very well used, almost every time I use it I meet others using it too. It's well used by school children going to school, dog walkers, allotment holders, people using the green, locals and those using the Two Tunnels shared path. I worry as the path is extremely uneven and gets muddy and flooded. It's impossible for the disabled in wheelchairs or those with walking problems to navigate it safely."*

### **2. DOCUMENTARY EVIDENCE**

**Cottrell's 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The map does not cover this area.

**1887 – 1891, OS Map:** The eastern end of the path is shown by two dashed lines. The western end of the path is on a different alignment to the present day.

**1901 – 1905, OS Map:** The eastern end of the path is shown by two dashed lines. The western end of the path is on a different alignment to the present day.

**1920 – 1933, OS Map:** The path is shown in the same alignment as the present day.

**1933 – 1939, OS Map:** The path is shown in the same alignment as the present day.

**Bath City Engineer's Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

### **3. SURFACE CONDITION**

The first section of the path leading from Maple Grove is rutted, with potholes and is very uneven and in poor condition. Large puddles form at the lower points. From the metal post eastwards, the surface of the path is tarmac and is in a good condition. There is a locked gate with a gap to prevent vehicles travelling beyond the turning to the rear access of the properties on Elm Place.

### **4. ASSESSMENT OF EVIDENCE**

The path in its entirety appears to have been in existence since at least as early as 1933. The Council, as landowner, has no objection to the path being recorded as a public right of way. Local user groups and adjoining property holders recognise the path as a public right of way. Respondents reported use of the path on foot and by bicycle. Of the 26 respondents, 22 reported use of the path on foot, for a period ranging between 3 years and 50 years. Of the 26 respondents, 14 reported use of the path by bicycle, for a period ranging between 3 years and 40 years. Cycling signs have been placed at two locations along the path - positioned at the Bloomfield Road end of the path and part way along the path, pointing towards the Two Tunnels Route. Any vehicular usage reported is to access private property along the path.

### **5. OFFICER RECOMMENDATIONS**

Officers are satisfied that there is sufficient evidence to demonstrate that on the balance of probabilities, the route is a public bridleway. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received,

## Appendix 4 – Path Summary

an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public bridleway and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## AQ73 (Path 15)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that only a small part of the land is registered under the Land Registration Act and Rules.

- **ST367764 - Combe House, Lynbrook Lane, Bath, BA2 5NB**

The respondent confirmed the following: *“One end of Path AQ73 meets Path AQ74 and the point where the paths meet is on our land, but the rest of Path AQ73 is not.”*

##### ii) Adjoining Property Holders

Seven letters were sent and four responses were received.

- **1 GREENWAY CRESCENT:** *“My wife and I have used the paths - both 15 and 16 - since we moved in (2018). We use the paths daily on foot for work, and sometimes for leisure. We see plenty of people using the paths - it is more common that we meet someone than we don't. We are not aware that we own any of the land.”*
- **4 GREENWAY CRESCENT:** *“We have used the path during each of the last 5 years since moving here. We use the path approx. once every 3 months on foot. We usually access path 16 via Lynbrook Lane which we do weekly. Path 15 has a number of very high steps near the top. We use the path for leisure. The path is very regularly used. We see many people using it on a daily basis.”*
- **8 GREENWAY LANE:** *“I own the freehold of 8 Greenway Lane. I own the building and land to the left of the path, for about the first half as you go down. The land after that (on the left) is owned by number 14 Greenway Lane. I have used the path most days since July 2013, often more than once a day. Typically I will use it in both directions in order to drop a child at the Paragon school, and then use it again later on either to walk the dog or to pick up a child from school. I only use the path on foot. I attempted it once carrying a bicycle, but this was not easy. I use the path to walk my children to school, to walk the dog, and sometimes to get to the train station for work (e.g. if I'm dropping a child first). Sometimes at the weekend I will do a full loop around the valley, for leisure. I often see other people using the path. Probably about 20 or so on weekday mornings, including many children. On sunny weekend days it's also quite busy. I sweep the path of leaves a couple of times a year. Also, I often pick up litter which is left there by Beechen Cliff boys. Once I installed a rubbish bin there, which helped very much, but then somebody took it away. I have put up several signs on my walls asking people not to drop litter. Sometimes youths use the path to smoke marijuana, which I can smell from my house. Sometimes the walls to the side of the path get graffitied, and then I ask the council to come and clean it off (which it does). I have seen non-human users of the path as well: two deer, a badger, countless squirrels, and of course lots of cats and dogs. I've heard foxes on the path, but not seen them. It's a very beautiful path. But the steps are uneven and some of them are very high. Thus, it's a difficult path for people aged under 5 or over 70. Walking up it is a good test of fitness!”*
- **14 GREENWAY LANE:** *“We have used paths 15 & 16 since 1999, which is when we moved in to our property. We use both paths a few times a year, always on foot. Paths are used by us for leisure. They may, from time to time, be used for work access, eg if tree surgeons need to do work on trees at our boundary. We see*



## Appendix 4 – Path Summary

*people using the paths every day. I do not own the land that the paths cross. I hope these answers are useful. Please let me know if I can be of further assistance.”*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association:** *“we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes. Paths 15, 16 and 18 form part of routes from the Bear Flat/Greenway/ Bloomfield areas to Lyncombe Vale, Perrymead and beyond.”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is shown by two solid lines. The steps are shown.

**1887 – 1891, OS Map:** The map does not clearly show the path.

**1901 – 1905, OS Map:** The path is shown by two solid lines.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** FP. Greenway Lane to Fields at rear of Greenway Lane. Stepped footway to stile at lower end.

**ST76SW 1961, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** **July 1985** - Quote obtained for the creation of new concrete steps over 10 damaged stone steps. **September 1987** - Removal of an elderberry bush from the surface of the path. **May 2001** - A survey revealed that the flight of steps was in a very dangerous condition. **July 2011** - report of a fallen fence blocking the path. **September 2016** - PROW Team removed a fallen branch. The full width of the path is sprayed as part of the Vegetation Schedule.

## **3. SURFACE CONDITION**

The steps at the top of the flight (Greenway Lane) are tarmac with concrete edging. Some steps are paving slabs with concrete edging. Further down the flight, the step height is uneven and the steps are compacted earth with concrete edging. Beyond the steps, the surface of the path is natural.

## Appendix 4 – Path Summary

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1885. The path was included in the 1957 Survey by the Bath City Engineer. It is maintained by the Council. Adjoining property holders report use by the public.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## AQ74 (Path 16)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

#### Bath & North East Somerset Council. Environmental Services - Open Spaces. Linear Park.

- **Response from Martin Baker (Property Records Co-ordinator):** *“If Paul’s happy in respect of the areas of open space I don’t think we’d have any concerns on the Corporate Estate side but just to mention that the Lyncombe path AQ74 is mainly on non-Council owned land. By way of context you might be interested to know (or you may already be aware) that we have in the past been consulted by Nick Helps regarding widening the path here onto the adjoining land but that this has been vigorously opposed by the landowner and so it might be that you receive an objection to the proposal to make this a definitive PROW. Attached correspondence with Sarah Varley might help to give the context in case you need it but from a Corporate Estate point of view I would think that formalising public rights might strengthen our position in being able to achieve the accessibility that Nick was looking to create.”*
- **Response from Paul Pearce (Team Leader Parks and Trees):** *“This looks fine from a Parks perspective. Thanks for checking.”*

#### AV24453 - Freehold, Lynbrook Cottage, Lynbrook Lane, Bath, BA2 5NB

- The respondent has owned the land for 20 years. She believes that the path is a public footpath and has believed this for 20 years. She has seen, or been aware of, members of the public using this route: *“It is used as a route to the 2 Tunnels and Paragon School.”* She has never required people to ask permission before using the route. She has never made a Section 31(6) (Highways Act 1980) deposit. She has never turned back or stopped anyone from using the route. She has never told anyone that the route was not public. She has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. She has never obstructed or blocked the route.

#### ST367764 - Combe House, Lynbrook Lane, Bath, BA2 5NB

- Part of Path AQ74 runs over the land owned by our property, Combe House. Path AQ74 has not to the best of my knowledge been obstructed and is frequently used by the public. In 2013, our parents (who then owned the property) made a Section 31(6) (Highways Act 1980) declaration, referring to a deposit with BANES made in 1997. At one time there was a stile at one point (the remains are the metal post). It has not functioned as a stile for several years. Path AQ74 has not to the best of my knowledge been obstructed and is frequently used by the public.

#### ST377111 - Pending first registration

- No response received to date.

##### ii) Adjoining Property Holders

15 letters were sent and five responses were received.

- **5 ENTRY HILL GARDENS:** *“We have used the path daily for dog walks since moving into our property 5 Entry Hill Gardens in Feb 2022. We only use it on foot to dog walk or run. We use it for leisure or to commute to work in the summer when path is dry. There’s often people using the path to get to school, dog walk, run etc.”*

## Appendix 4 – Path Summary

*Rare bikes cycle past. Yes we own the land at the back of 5 Entry Hill Gardens where the path crosses.”*

- **1 GREENWAY CRESCENT:** *“My wife and I have used the paths - both 15 and 16 - since we moved in (2018). We use the paths daily on foot for work, and sometimes for leisure. We see plenty of people using the paths - it is more common that we meet someone than we don’t. We are not aware that we own any of the land.”*
- **14 GREENWAY LANE:** *“We have used paths 15 & 16 since 1999, which is when we moved in to our property. We use both paths a few times a year, always on foot. Paths are used by us for leisure. They may, from time to time, be used for work access, eg if tree surgeons need to do work on trees at our boundary. We see people using the paths every day. I do not own the land that the paths cross. I hope these answers are useful. Please let me know if I can be of further assistance.”*
- **CLOUDSEND:** *“We have lived here for 24 years and our garden abuts path 16. We use the path occasionally on foot for leisure. We see people using the path on foot on an hourly basis. We also see many cyclists using the path. We thought the path was a registered Footpath not a cycleway. In 2009 we were written to by Jim Collings, Engineer, to inform us that there was to be removal of calcite deposits in the Lynbrook watercourse. To enable this, they removed the 'gate' that was there to prevent cyclists using the path. I have a copy of the letter should you need to see it. I rang several times on a yearly basis to ask if the 'gate' could be reinstated, only to be told that work was still continuing. That was 14 years ago. My husband encountered a horse rider on horseback who realised that she should not be using the path. Motorbikes also occasionally use the path. I hope this information is useful and if you have any influence on the gate being reinstated which will make it safer for people on foot not coming up against speeding cyclists, that would be appreciated.”*
- **PEPPERBOX:** *“We live in Pepperbox, Lynbrook Lane which backs onto this footpath. We have lived here since 2007. During that time: I regularly use this footpath: Daily between 2007 and 2011 commuting by foot to central Bath for work. At least weekly between 2011 and the present for leisure walking. We do not own the land the path crosses but own land adjacent to it. We regularly see other users on this path at all daytimes as our living room looks down in that direction so we see heads walking along the path past our fence. Considerably more users at weekends than during the week. The vast majority of users are on foot, with occasional cyclists – which the path is completely unsuited to as it is far too narrow near us and with a rough surface. Many years ago we saw one person on a horse trying to negotiate the path – that did not go well! We have never seen or heard any motor vehicles/bikes trying to use the path – much too narrow for that.”*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *“We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”*

#### **v) Residents’ Associations**

- **Bear Flat Association:** *“we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes. Paths 15, 16 and 18 form*

## Appendix 4 – Path Summary

*part of routes from the Bear Flat/Greenway/ Bloomfield areas to Lyncombe Vale, Perrymead and beyond.”*

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is shown by two dotted lines.

**1887 – 1891, OS Map:** The path is shown.

**1901 – 1905, OS Map:** The path is shown and is labelled FP.

**1920 – 1933, OS Map:** The path is shown and is labelled FP.

**1933 – 1939, OS Map:** The path is shown and is labelled FP.

**Bath City Engineer’s Survey, 1957:** FP. Entry Hill (Bottom) to Lyncombe Vale Road. Footway through fields to KG at railway arch.

**ST76SE 1960, OS Map:** The path is shown by one dashed line and is labelled as FP.

**ST76SW 1961, OS Map:** The path is shown by one dashed line and is labelled as FP.

**ST76SE 1973, OS Map:** The path is shown going underneath the railway.

**ST76SW 1973, OS Map:** The path is shown.

**ST76SW 1983, OS Map:** Some sections of the path are shown by two solid lines and some by one solid and one dashed line.

**ST76SE 1983, OS Map:** The path is shown by one solid and one dashed line.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** **July 2003** - Mr & Dr Sweetenham lodged a Section 31(6) Declaration with the Council, showing the line of AQ74 on their land. **June 2004** - Motorcyclists have ripped down the stiles. **July 2004** - new stile installed. **September 2004** - overgrown hedge reported. **April 2007** - reports of broken stiles and motorbikes using the path. **May 2007** - pedestrian barrier installed to prevent motorbikes and bikes using the path. **May 2007** - key clamping installed. **May 2008** - complaints about overgrowth. **January 2009** - request to replace the stile with a kissing gate. **March 2009** - Bristol gate installed in response. **July 2012** - complaints about overgrowth. **June 2014** - request by landowner for a footpath sign to be installed to stop people walking down their private access drive by mistake. Sign affixed. **May 2016** - report of overhanging hedge. **September 2017** - surface improved. **January 2019** - works undertaken to improve the surface of the footpath following complaints. **2023** – two sets of major improvements to the surface of the path, extending for approximately 280 metres from the Lynbrook Lane end. All years - reports of overgrowth etc. The full width of two sections of the path is cut as part of the Vegetation Schedule.

### 3. SURFACE CONDITION

From Lyncombe Vale Road the surface of the first 55 metres of the path has recently been improved to a tarmac surface. The rest of the path is compacted stone.

### 4. ASSESSMENT OF EVIDENCE

The path appears to have been in existence since at least as early as 1885. The path was included in the 1957 Survey by the Bath City Engineer. In July 2003, Mr & Dr Sweetenham acknowledged the section of AQ74 that crosses their land as a public footpath. The path is well-used and is maintained by the Council. One landowner did not respond to the consultation; however the other landowners believe the path to be a public right of way. Adjoining property holders report use by the public.

## Appendix 4 – Path Summary

### **5. OFFICER RECOMMENDATIONS**

Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## AQ75 (Path 18)

### 1. INITIAL CONSULTATION

#### A) Land Ownership

The Land Registry Search revealed that part of the land is not registered under the Land Registration Act and Rules.

#### i) Landowner

- **ST377111 - Pending first registration**  
No response.
- **AV55630 - Land Lying to the North West of Fox Hill, Bath**  
Letter returned to sender undelivered.
- **AV36510 - Land and Buildings lying on the West Side of Fox Hill, Bath**  
Letter returned to sender undelivered.

#### ii) Tenant

- **Nick Frere**  
Mr Frere no longer uses the path but was a tenant between 1990 and 2016. He believes that the path is a public footpath. He has seen, or been aware of, members of the public using this route: “Regularly. Dog walkers. Foxhill residents.” He has never required people to ask permission before using the route. He has never made a Section 31(6) (Highways Act 1980) deposit. He has never turned back or stopped anyone from using the route. He has never erected notices or signs stating that the route was not public. There was a gate on the route that was never locked. He has never obstructed or blocked the route. Additional information: Mr Frere hasn’t used the land for a while (possibly since around 2018?). He had an informal agreement to use the land for making hay on from approximately 1990 onward. The landowner planted trees so he hasn’t used the fields for haymaking since then. It was a very informal arrangement. He said that Mr and Mrs Davies still own the paddock on the Fox Hill end of the path. He rented the fields from the Earl family. He believes they are living in South Africa now.

#### iii) Adjoining Property Holders

17 letters were sent and three responses were received.

- **THE COACH HOUSE:** “We have, as a family, used this path behind our house (Numbered 18) for the last 30 years. Generally speaking, we use the path twice a week. We only use the path on foot. The path is used by us for leisure purposes only. Because we live immediately adjacent to the footpath we see a lot of people walking in either direction along this path. In the Summer, on Weekends there are 100 to 200 people a day. During Covid lockdown there was easily anything up to 2-300 per day every day. Whereas, in the wet and winter months, the number is probably just 50. We do not own the land over which the path crosses. This is owned by a South African family (Earl's) and has largely been unattended to over the last 30 years other than being mowed approximately three times over this period. The course of the path itself has deviated/migrated uphill somewhat South-West (up toward Foxhill) compared to the original map. For 40 years it has been about 10 meters higher up than as demonstrated on your map.”
- **NEW HOUSE:** “We have used the path regularly since 1993. We use it about once a week. We use it for walking for leisure. We see many other people, particularly dog

## Appendix 4 – Path Summary

walkers using the path. We do not own the land over which the path crosses. Could I point out at this stage that the path could do with some improvements, particularly to the steps further up where the timber is disintegrating and stumps stick up in 3 or 4 places. In fact I stumbled over one of them coming down the hill and had quite a bad fall at that time. I attach a photo of one of the stumps.”

- **FLAT 2 ENTRY HILL HOUSE:** “How long have you been using the paths? 2 years, 2021-2023. How frequently do you use the paths? Path 18, a couple of times a month. Path 19, almost every day of the week. How do you use the path? On foot. For what purpose do you use the path? Path 18 - leisure, Path 19 - part of my commute. Do you see many other people using the path? Path 18 - yes, Path 19 – yes. On Path 19, I often see people who also live on Entry Hill Drive. On Path 18, I see more of a variety of people who live elsewhere. Do you own the land over which the path crosses? No.”

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** “We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation.”

#### **v) Residents’ Associations**

- **Bear Flat Association:** “we can confirm that paths 1, 2, 4, 8, 14, 15, 16 and 18 are well used. Paths 1, 2 and 4 are each part of longer routes. Paths 15, 16 and 18 form part of routes from the Bear Flat/Greenway/ Bloomfield areas to Lyncombe Vale, Perrymead and beyond.”

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The map does not cover this area.

**1885, OS Map:** The path is shown by two solid lines. When it reaches open space, it is shown by two dotted lines. The map does not cover the whole of the route.

**1887 – 1891, OS Map:** The path is shown and is labelled FP.

**1901 – 1905, OS Map:** The path is shown and is labelled FP.

**1920 – 1933, OS Map:** The path is shown and is labelled FP.

**1933 – 1939, OS Map:** The path is shown and is labelled FP.

**Bath City Engineer’s Survey, 1957:** FP. Entry Hill (Bottom) to Fox Hill Lane. Up Laneway to KG and across fields to stile at Fox Hill Lane.

**ST76SE 1960, OS Map:** The path is shown and is labelled as FP.

**ST76SW 1961, OS Map:** The path is shown by two solid lines and is labelled as FP.

**ST76SE 1973, OS Map:** The path is shown.

**ST76SW 1973, OS Map:** The path is shown.

**ST76SE 1983, OS Map:** The path is shown by a dashed line.

**ST76SW 1983, OS Map:** The path is shown by two solid lines and one dashed line where it crosses fields.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information: July 1964** - letter from the City & Waterworks Engineer to Mr Hicks of Springfield Farm to say that he had been notified that the field crossed by the public



## Appendix 4 – Path Summary

footpath has been ploughed. Mr Hicks was reminded to reinstate the footpath under Section 119 of the Highways Act 1959. **April 1965** - notification from Mr Hicks that he intended to plough the field with the footpath across it. **April 1965** - acknowledgement from the Town Clerk and a reminder that he must reinstate the footpath under Section 119 (3) of the Highways Act 1959. **November 1988** - letter from the Entry Hill Drive Residents Association requesting a stile or similar to be placed near Entry Hill Cottages to deter motorcyclists. **December 1988** - letter in response from the Acting City Engineer saying that a barrier will be installed in this financial year. **January 1989** - the footpath is in such a bad condition that people can't use it so they are cutting across the field. **February 1989** - response from the City Engineer to say that there is no money in the budget to repair the surface of the footpath. **July 1989** - request from the landowner for a "Public footpath" sign to be erected. **July 1989** - response to say that it would be done. **April 1990** - request for a stile and a sign at the western end of the footpath. **May 1991** - notification from the Senior Planning Assistant (PROW) to say that the footpath was going to be improved and steps created behind Entry Hill House. **February 1995** - the Assistant Director (Engineering) inspected the paths and suggested some improvements. **March 1995** - fence vandalised and the owner requested help with repairs from the Council. **April 1995** - the Council responded that it is not able to help with any repairs. **July 1997** - report of dangerous trees alongside the footpath. **March 1998** - the poor state of the surface of the track was reported. **March 1998** - the PROW Team arranged for some stone to be spread and compacted on the affected area. **July 1999** - reports of overgrowth with brambles etc. **December 1998** - Gillian Barbara Selby Earl lodged a Section 31(6) Declaration with the Council, showing the line of AQ75 on her land. **August 2002** - strimming of nettles and overgrown vegetation. **November 2002** - request from the owner of 2 Entry Hill Cottages for the surface of the footpath to be improved to allow her husband to use the path in his wheelchair. **December 2002** - works passed to the Workshop for action. **June 2003** - reports of overgrowth. **April 2004** - the path is steep and slippery and needs a hand rail and the surface condition is bad, uneven etc. **August 2004** - tarmac laid. **August 2004** - request from the owner of 1 Entry Hill Cottages for a barrier to prevent bicycle and motorbike use and the same request was received from the owner of The New House. **August 2004** - The PROW Team suggested that a barrier be put in on the footpath just above the cottages. **May 2020** - reports of illegal motorcycle usage. The full width of the western end of the path is cut as part of the Vegetation Schedule.

### **3. SURFACE CONDITION**

The first section of the path up to the junction with Path 19 has a tarmac surface. Beyond Path 19, the surface of the path is natural. There are a few shallow steps leading up to an old kissing gate. The path crosses fields to its end at a stile on Fox Hill.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1885. The path was included in the 1957 Survey by the Bath City Engineer. In December 1998, Gillian Barbara Selby Earl acknowledged the section of AQ75 that crosses her land as a public footpath. The walked line of the path varies slightly at the eastern end of the route. The line to be recorded as a public footpath is the line shown on historical records and declared by Gillian Barbara Selby Earl as a public footpath in 1998. The path is well-used and is maintained by the Council. Adjoining property holders report use by the public.

## Appendix 4 – Path Summary

### **5. OFFICER RECOMMENDATIONS**

Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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## Appendix 4 – Path Summary

### Path 19

Owners of Beechlands have previously enquired about the status of the path between Beechlands and Granville House. The Authority gave this section of path the reference BQ59, which reflects its unknown status and maintenance responsibilities. Path BQ59 starts on Path AQ75 and ends on Entry Hill Drive, a private street.

In order to include Path BQ59 in the consultation, Entry Hill Drive was included in the research, to make the link between two highways (Path AQ75 and Entry Hill). Path 19 is the section of path known as BQ59 and Entry Hill Drive.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The Land Registry Search revealed that the land is not registered under the Land Registration Act and Rules.

##### ii) Adjoining Property Holders

37 letters were sent and 11 responses were received.

- **BRIARS LODGE:** *“How Long have you Used the path (During Which Years)? Since moving into Entry hill drive in 2014. How Frequently you use the path? Used to be daily for the walk to and from the children’s school, as they are now at secondary school this is normally weekends only. During lockdown it was used considerably more. How you use the path: Foot only: Walking and Running. There are 2 parts to the footpath. The first section that is on Entry Hill drive, which is surfaced road, and constantly used for Vehicle access by and for the residents. The second part where the path leaves the road and heads down to join path 18. This section is muddy and is steep in places. As such any vehicle other than a bike is impossible, and a bike is tricky to ride, and best walked down. For what purpose you use the path for? Access to Local Amenities: Walking to Widcombe and beyond, shortcut to Bear Flat and Beecham playing fields. Leisure: Walking and running, cycle access to the two tunnels. Do you see many other people using the path? Yes, largely the residents, but other users seen, especially in the summer. Do you own the land over which the path crosses? No. Status: The path is walkable, but steep and tricky when wet, being easy to slip on especially going down. Remnants of ancient steps remains below the soil.”*
- **CHYRYN:** *“I and my family have used the path regularly for 26 years since moving to Entry Hill Drive (EHD) in 1996. The first part of the path is along EHD and we use it every day, mainly by vehicle, as do all residents and an increasing amount of visiting/delivery traffic. The section from EHD to Path 18 is unsuitable for anything other than on foot but it is nevertheless a very important and well used path by us and all residents heading to/from the city/bus stops/schools/shops/leisure etc via Paths 18 and 16. People other than those mentioned above do use the path when out walking, particularly dog walkers. It was very busy with ‘explorers’ during Covid but a little quieter now! I do not own any of the land over which the path crosses but I do have a responsibility, along with fellow EHD residents, to contribute to the upkeep of the metalled road part of Path 19.”*
- **GREEN BROOM:** *“Path 19 actually comprises 2 different types of surface. The stretch from A to where the path cuts to the left at 90 degrees on the map, is a tarmacked road which takes road traffic including at times quite heavy goods*

## Appendix 4 – Path Summary

vehicles. We refer to this as 1 in our response. The rest of the path to B is more like a traditional "footpath" and, as far as we know is not surfaced in any way. We refer to this as 2. We have used all of the path since 2008. Over 15 years. We use 1 on a daily basis including car use. We use 2 much less frequently and approx once every 2 months. 1 is used both on foot and in the car. 2 can only be used on foot. 1 is used for leisure and access to local amenities and social life. 2 is used only for leisure. 1 is used frequently and regularly by many people including throughout the night and in the early morning. Some use it for bike riding. 2 is used by fewer people but we usually see other people on it. We do not own any of the land which the path crosses. As far as we know the Land Registry does not have a listed owner of stretch 1. As a result, the residents of the drive pay to maintain it. They do not pay for the maintenance of Stretch 2."

- **LYE MUN:** "We moved into the Drive in the 1980's. (a) We use the section of the Path from Entry Hill to our property on a daily basis. (b) We use the section from our property to Point B on the map to access Path 18 on the map occasionally - this was used frequently during the "Lockdowns." How you use the Path (on foot, by bicycle, by horse, by vehicle)? (a) above: on foot and vehicle. (b) above: on foot. For what purpose you use the Path (for work, access to local amenities or leisure)? For work, shops, enjoy the countryside, and to walk in order to keep fit in a non polluted area. Do you see many other people using then Path? Yes other adults use the Path along with school children and dog walkers. Do you own the land over which the Path crosses? No."
- **LYNWOOD:** "Initially for 10 years in what is now known as Lynbrook Lane. In 1982 we moved to Entry Hill Drive. When living in Lynbrook Lane we had a neighbour Mr Miles who was in his nineties, he had lived in the red brick Devonshire Tunnel signalman's cottage most of his life. He could tell us of seeing the maids from the 5 big houses in Entry Hill Drive using path 19 to take bundles of washing down to what is now known as the Studio. In those days it was a wash house used by the big houses in the locality. Subsequently the wash house became the first (he claimed) take away food outlet in Bath, serving hot pies etc. Apparently residents came down from Combe Down via Entry Hill and or path 19. The building became Bath Boxing Club, then a builders yard. From 1972 we have regularly used the pathways in this area. FYI from 1982 my family and I have regularly used Path 19 and continue to do so right up to the present day. Around the mid seventies, the Beechen Cliff Boys used to cross country run several times a week, coming from the school, up through Watery Bottom into Lynbrook Lane then on up towards Fox Hill. Also there was a heard of cows and sometimes sheep billeted in Fox Hill they used to often escape down into Lynbrook Lane and eat everything in sight. The two semi detached red brick signalman's cottages were built front to back. This meant that the front door of one was adjacent to the back door of the other. Our old neighbour Mr Miles said this was apparently done in an effort to stop the signalman's wives gossiping at their back doors !!!! Again from Mr Miles - In Lynbrook Lane to the right as you come off Entry Hill in the area now occupied by Underleaves was a large market Garden. This he said was in use at around the time of World War 1. In Lynbrook Lane and to the left of the Studio running parallel to Entry Hill lies the original Frome Road. This is pretty much overgrown but remnants can still be seen."
- **MIRABELLE:** "The road off Entry Hill provides vehicular access to the houses on Entry Hill Drive and has done for well over 100 years I guess. The small path off Entry Hill Drive which leads to path 18 is a footpath between two gardens and which I guess has been in use for many years also. It's not really used by anything other than walkers."

## Appendix 4 – Path Summary

- **NEW BRIAR:** *“I have used path since 1988 every year. If you consider the vehicular part of the path then I have used the path every day at least twice a day for work purposes only but also at many other times for normal domestic duties and travel. The non vehicular path I have used twice a week at least in daylight hours only, consistently for those years. In the last eight to ten years the footpath has been used more by me due to retirement. The non vehicular path I have only used by foot. Hence the term footpath is appropriate as it is not good enough for cycle, scooter, horse all of which are potentially dangerous for human beings in such environments as Path 19. Also on Entry Hill itself e.g three bicycle accidents in one week recently not involving cars only the cyclist themselves. I realise this is not within the remit of this discourse. The walking element of the path I use for the shortest distance to gain access to local shops. The vehicular part of the path termed Entry Hill Drive is used by me for all of life events of work/shopping/transporting grandchildren to school, socialising etc. many times a day. Entry Hill Drive part of A-B is busy all the time during waking hours. The footpath part of Path 19 is used by many people every day. I observe others use it for walking dogs, also personal exercise/ and especially to gain quick access to local amenities on Wellsway. I think dog walkers who do not live on the Path 19 route have a circulatory route which utilises that path. I do not have any land in contact with Path 19.”*
- **THE BEECHES:** *“I have lived there 32 years. I believe that Path 19 should be split into two. The surfaced section is a private road providing access to residents, but I am unaware of ownership. I believe it originally provided access to the three Georgian houses in The Drive, and my driveway, at the end of The Drive, once provided (rear) access to Newfield Manor, as it was then called. I was not aware that The Drive has ever been a footpath, bridleway or unadopted highway and since it was an access driveway, there may not in fact be a right of way to the public. The tarmac is maintained by the residents in The Drive. I and my family walk or drive on The Drive daily. I believe that it is a permissive path running down the boundary of Beechlands. I or my family use it twice a month on foot. And it is often used by others on foot. The occasional non-resident on foot walks on the tarmacked road and finds that the end of the road goes only to private houses.”*
- **WOODSTOCK:** *“I use the Entry Hill Drive part of the path frequent times a day, most often in a vehicle but sometimes on foot. (If I go out I usually return home). I use the path between 2 of the houses on Entry Hill Drive occasionally when out walking. I am a resident of Entry Hill Drive and I have lived here since 2014.”*
- **FLAT 2 ENTRY HILL HOUSE:** *“How long have you been using the paths? 2 years, 2021-2023. How frequently do you use the paths? Path 18, a couple of times a month. Path 19, almost every day of the week. How do you use the path? On foot. For what purpose do you use the path? Path 18 - leisure, Path 19 - part of my commute. Do you see many other people using the path? Path 18 - yes, Path 19 – yes. On Path 19, I often see people who also live on Entry Hill Drive. On Path 18, I see more of a variety of people who live elsewhere. Do you own the land over which the path crosses? No.”*
- **IONA:** *“We do not believe 'Path 19' should be designated as a public footpath. We have lived on Entry Hill Drive for some 17 years and whilst the section of the path between the drive itself and Path 18 is occasionally used by local people, the drive itself is private and always has been. Historically, we believe the small uphill section of path from Path 18 is a permissive path which was originally installed back in the day (1800's?) to provide servants access to what were the few and only large houses in the drive at that time. Our preference would be to keep things as they are and not designate this route as a public footpath.”*

## Appendix 4 – Path Summary

The 10 respondents<sup>1</sup> were asked the additional three questions and six responses were received.

- **CHYRYN:**

*"1 It was busy during Covid but much less now! I live up around the corner from where the section of Path 19 leaves Entry Hill Drive so I don't have a regular view of foot fall along the Drive but I would say it was weekly (dog walkers in particular at weekends) or less frequent depending on the weather! The short section of path is well used by residents.*

*2 No.*

*3 No."*

- **GREEN BROOM:**

*"1 We have seen many people using Entry Hill Drive and the footpath on foot. We assume some of these are non-residents of the road but have no definitive proof as we have never asked them. Obviously, some road users are not residents, e.g. Police and ambulance vehicles delivery vans, and taxis.*

*2 We have never done anything to discourage people from using the road though we know the "Private Road" sign at the entrance may have discouraged some people.*

*3 We would like some information before we answer. From time to time, the residents pay to re-surface the road (This is very infrequent and there may be gaps of several years). This means closing the road to vehicles and making foot access difficult and temporarily impossible. If this were a designated PRow would we be able to carry on doing this and/or would we require permission and perhaps incur additional cost as a result? "Path 19" actually comprises 2 different types of surface. The stretch from A to where the path cuts to the left at 90 degrees on the map, is a tarmacked road which takes road traffic including at times quite heavy goods vehicles. We refer to this as 1 in our response."*

- **LYNWOOD:**

*"1 We occasionally see the odd walker emerging from path B but it's quite rare.*

*2 We have never challenged anyone using the path.*

*3 After living here for 40 years we would object strongly to any change of status in Entry Hill Drive."*

- **MIRABELLE:**

*"1 In answer to your questions - people do walk up and down Entry Hill Drive - It's difficult to be sure whether they are residents or visitors of residents. I would say that it is mostly residents with occasional other people walking their dogs.*

*2 I think there is a sign at the head of the drive stating Private Road.*

*3 I would object to Entry Hill Drive becoming formalised as a public footpath - I see no benefit to the residents who pay for the upkeep of the drive and it would inevitably result in the odd bit of litter / dog mess etc as is the case with most public paths."*

- **FLAT 2 ENTRY HILL HOUSE:**

*"1 Rarely.*

*2 No.*

*3 No."*

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<sup>1</sup> The owners of Iona responded to the original request for information after the second request was sent so were not consulted on the second set of questions.

## Appendix 4 – Path Summary

- **THE BEECHES:**

- "1 I would object to the path A to B being added to the records as I suggest this will be to the detriment of the residents of Entry Hill Drive (who are also members of the Entry Hill Drive Residents' Association, of which I am a committee member), for the following reasons.*
- a) The Drive is not as far as we know an unadopted highway or highway, it has no lighting, drainage or footpath. We, the residents, regard it as a private road or driveway, giving us access to our properties.*
  - b) The Drive is maintained by all the residents, by means of an annual subscription, which is paid to the Association. We hold insurance cover in case of injury in the Drive to the public.*
  - c) Its usage and maintenance has been unchanged for many years.*
  - d) If "adopted" by the Public Authority we would likely have difficulty with future maintenance as the Authority might feel that they should be able to specify how and when it is maintained. We currently inspect, repair, resurface and salt as required.*
  - e) We have financial records and Minutes showing the costs that have been incurred by residents in annual maintenance (and occasional resurfacing).*
- 2. Entry Hill Drive was originally the Driveway for carriages and more recently cars for Newfield Manor (as it was then called). The Driveway finished at the top of the Drive where my house, The Beeches, was built in 1985. The Driveway is some 450 meters in length.*
  - 3. The land was sold off and houses in-filled in the seventies, eighties and nineties. The Lodge, the Coach House and Newfield Manor are, I believe, Georgian.*
  - 4. I have always understood that the path running up from footpath 18 was a Permissive path. It provided access for servants and staff to go to the Manor when they came up from the valley. I think Granville House, Briars Lodge and Entry Hill House are Victorian and came later, but they would also have required staff.*
  - 5. The public do use the Drive and path A to B occasionally, and do walk to the end of The Drive, only to have to turn back; we do not object. The Permissive path is more likely to be used by the residents (who cut the hedging sometimes when it becomes overgrown). The permissive path is not signed as a public pathway."*

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers:** *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation."*

#### **v) Residents' Associations**

- **Entry Hill Drive Residents Association:** *A response was received, following the AGM: "We have just had held our AGM and I said I would write to state our objections. We would object to the path A to B being added to the records as we suggest this will be to the detriment of the residents of Entry Hill Drive (who are also members of the Entry Hill Drive Residents' Association), for the following reasons.*

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- a. *The Drive is not as far as we know an unadopted highway or highway, it has no lighting, drainage or footpath. We, the residents, regard it as a private road or driveway, giving us access to our properties.*
- b. *The Drive is maintained by all the residents, by means of an annual subscription, which is paid to the Association. We hold insurance cover in case of injury in the Drive to the public.*
- c. *Its usage and maintenance has been unchanged for many years.”*

### **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The map does not cover this area.

**1885, OS Map:** The path is shown by two solid lines.

**1887 – 1891, OS Map:** The path is shown by two solid lines.

**1901 – 1905, OS Map:** The path is shown by two solid lines.

**1920 – 1933, OS Map:** The path is shown by two solid lines.

**1933 – 1939, OS Map:** The path is shown by two solid lines.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1960, OS Map:** The path is shown by two solid lines.

**ST76SW 1973, OS Map:** The path is shown by two solid lines.

**ST76SW 1983, OS Map:** The path is shown by two solid lines.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information: January 1969** – Letter from the owner of Beechlands on Entry Hill Drive – please confirm that the passage way between Beechlands and Greville House is not a public right of way. Who has a right of way? **January 1969** – Response from the City & Waterworks Engineer to say that *“The access way at the side of the above property is not a public right of way, but it is likely that the owners of properties in Entry Hill Drive have a private right over it to reach the public footpath which runs along the north side of Beechlands.”* **August 2004** – report of water flowing down the path. A dropped kerb was suggested. **August 2004** – repairs made. **May 2019** – enquiry from owner of Beechlands to ask if the path is a public right of way. Response given: *“Until I am able to undertake further investigation, it is unclear whether or not a public right of way exists along path BQ59.”* The full width of the path is sprayed as part of the Vegetation Schedule.

### **3. SURFACE CONDITION**

The surface of the path is tarmac where it follows Entry Hill Drive. It is in a very good condition. The section of path between Beechlands and Granville House is tarmac, turning to natural with a few stone steps, leading down to Path AQ75 (Path 18 in the consultation).

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1885. Part of the route is a private drive, tarmacked and maintained by the residents of Entry Hill Drive. The other section of path is narrow and rough surfaced, linking Entry Hill Drive with Path AQ75 (Path 18 in the consultation). A query regarding the status of the section of path between Beechlands and Granville House, made to The City & Waterworks Engineer in 1969, was given the response that the path is not a public right of way. At least four of the adjoining property holders have stated that they will object to a legal order. Following



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the AGM of the Entry Hill Drive Residents Association, an objection has been received from the Residents Association.

### **5. OFFICER RECOMMENDATIONS**

Objections have been received at the consultation stage making the path non-routine. At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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## Appendix 4 – Path Summary

### **AQ86a (Path 20), AQ86b (Path 21) and BQ49 (Path 22)**

AQ86a (Path 20) and BQ49 (Path 22) are the remaining sections of a longer path that originally ran from Entry Hill in the north to Bradford Road in the south. The City Engineer included the footpath in the 1957 Survey (AQ86). Over time, sections of the path were built on. The City of Bath (Springfield Farm, Entry Hill) Public Path Diversion Order was confirmed by the City and County Borough of Bath on 31/05/1972, creating the section of path that is now AQ86b (Path 21). It has not been possible to find a complete copy of the Order. As AQ86a and BQ49 are part of the same original footpath and AQ86b is a part of the diverted route that was created, the paths have been researched together.

#### **1. INITIAL CONSULTATION**

##### **A) Land Ownership**

###### **i) Landowner**

###### **AQ86a (Path 20) and AQ86b (Path 21)**

The Land Registry Search revealed part of the land is registered under the Land Registration Act and Rules.

- **ST19883 - Land and Buildings on the East Side of Entry Hill, Bath.**  
No response received.

###### **BQ49 (Path 22)**

The Land Registry Search revealed part of the land is registered under the Land Registration Act and Rules to Curo Group.

- **Response from Curo Group (Caz Gray, Utilities Service Manager):**  
Has anything ever been done by Curo to discourage the public from using the paths (eg locking gates, erecting signs)? *“I don’t believe so.”* Has permission ever been granted to the public to use the paths? *“No(t) sure.”* Would Curo object to public rights of way being recorded along these paths? *“No objection to Public right of way. It really is just on the edge, if at all, of Curo land.”*

###### **ii) Adjoining Property Holders**

###### **AQ86a (Path 20)**

Two letters were sent, and two responses were received.

- **26 ENTRY HILL:** *“We bought our property (26 Entry Hill) mid-2021 and moved into it towards the end of 2022. We have used the path since then. We do not use the path a huge amount as we tend to go down towards the city rather than up towards Combe Down. We use the path on foot. Path is used for local amenities and leisure. We do see quite a lot of other people using the path, particularly in mornings with people heading to work or kids to school and then the return journeys later afternoon. We do not own the land over which the path crosses.”*
- **61 ENTRY HILL PARK:** The owner lives next to Path 21 and uses Paths 20, 21 and 22 on a daily basis, on foot. He uses the paths for leisure, commuting and for every purpose as he does not own a car. He mostly uses Paths 20 and 21 and Path 22 at least once a day on his return from the bus stop. Using Path 21 can cut 1km off his walk, depending on where he is going. Path 22 is a cut through from the Fox Hill Estate to Entry Hill. He has lived in the property since 2019 and has used the paths on a daily basis since then. The whole estate was built in 1972, so the paths have

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been in existence since at least as early as then. He sees approximately 20 – 40 people using the paths every day, including school children. He doesn't own the land over which Path 21 crosses.

### AQ86b (Path 21)

Five letters were sent, and one response was received.

- **61 ENTRY HILL PARK:** The owner lives next to Path 21 and uses Paths 20, 21 and 22 on a daily basis, on foot. He uses the paths for leisure, commuting and for every purpose as he does not own a car. He mostly uses Paths 20 and 21 and Path 22 at least once a day on his return from the bus stop. Using Path 21 can cut 1km off his walk, depending on where he is going. Path 22 is a cut through from the Fox Hill Estate to Entry Hill. He has lived in the property since 2019 and has used the paths on a daily basis since then. The whole estate was built in 1972, so the paths have been in existence since at least as early as then. He sees approximately 20 – 40 people using the paths every day, including school children. He doesn't own the land over which Path 21 crosses.

### BQ49 (Path 22)

Two letters were sent, and two responses were received.

- **46 ENTRY HILL PARK:** *"I have used this path next to my house for all the 24 years that I have lived here - Dec 1999 to now. The Path runs alongside the edge of my garden to the right of the house (as one faces the house). My daughter and I use it regularly to get to; the shops on Bradford Road, the bus stop, when my daughter was at school in Combe Down village - several days a week when we walked to school, to visit friends in Combe Down, to go for walks etc. The use of this path by my family and myself has varied over the years depending on the circumstances of life as they have changed over the years. This Path is a well used and an essential walkway for lots of people who live on the Fox Hill Estate and also for people in the Entry Hill area. People walk from Fox Hill into Town and to the Bear Flat and surrounding area. They come down the steps to get to the old quarry on Entry Hill Park where they walk their dogs...also to access the Old Golf Course on Entry Hill etc etc. Several people come up and down the path every hour in the daylight. I know this because I live next to the Path and am aware of people coming and going. The path consists of steps so people must walk down them. As they are not too steep people will often carry their bikes and pushchairs up and down the steps. I do not own the land that the steps pass over. I assume it is Council land. All the time I have lived here I try to keep the step free of litter. Some of it is dropped but some is blown down as it escapes on rubbish collection day. The bin at the bottom of the steps is very helpful for people. I do not mind doing this. Also I will try to sweep and weed the steps several times a year and it would get overgrown if I didn't do it. I do this as part of tidying the area of my garden next to these steps. This year the weeds have grown a lot and I am not always around so it is not as neat as usual. Happy to do this but when I am too old then it is likely to deteriorate unless someone else does it."*
- **61 ENTRY HILL PARK:** The owner lives next to Path 21 and uses Paths 20, 21 and 22 on a daily basis, on foot. He uses the paths for leisure, commuting and for every purpose as he does not own a car. He mostly uses Paths 20 and 21 and Path 22 at least once a day on his return from the bus stop. Using Path 21 can cut 1km off his walk, depending on where he is going. Path 22 is a cut through from the Fox Hill Estate to Entry Hill. He has lived in the property since 2019 and has used the paths on a daily basis since then. The whole estate was built in 1972, so the paths have

## Appendix 4 – Path Summary

been in existence since at least as early as then. He sees approximately 20 – 40 people using the paths every day, including school children. He doesn't own the land over which Path 21 crosses.

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

- **Bath Ramblers**: *"We explored all the paths identified in the list of paths and map for the Widcombe and Lyncombe consultation. We agree all these belong in the consultation."*

#### **v) Residents' Associations**

## **2. DOCUMENTARY EVIDENCE**

**Cottrell's 1852 Map of Bath**: The map does not cover this area.

**1885, OS Map**: The section of path that is now AQ86a is at the southernmost limit of the map and is shown by two dashed lines. The sections of path that are now AQ86b and BQ49 are not covered by the extent of this map.

**1887 – 1891, OS Map**: A path is shown by two dashed lines, leading from Entry Hill. It is part of a longer footpath (including AQ86a and BQ49), extending to Bradford Road in the south. The majority of the path is shown by a single dashed line and marked as F.P. There is no evidence of AQ86b.

**1901 – 1905, OS Map**: A path is shown by two dashed lines, leading from Entry Hill, on the same alignment as AQ86a. The section of path that is now BQ49 is shown by two solid lines. It is part of a longer footpath, extending to Bradford Road in the south. The majority of the path is shown by a single dashed line and marked as F.P. There is no evidence of AQ86b.

**1920 – 1933, OS Map**: A path is shown by two dashed lines, leading from Entry Hill. It is part of a longer footpath (including AQ86a and BQ49), extending to Bradford Road in the south and marked as F.P. There is no evidence of AQ86b.

**1933 – 1939, OS Map**: A path is shown by two dashed lines, leading from Entry Hill. It is part of a longer footpath (including AQ86a and BQ49), extending to Bradford Road in the south and marked as F.P. There is no evidence of AQ86b.

**Bath City Engineer's Survey, 1957**: FP. Entry Hill to Bradford Road. Through KG, across drive, over stile at barn and through two KGs and housing sites. The map corresponds with line of AQ86a and BQ49. It does not include AQ86b.

**ST76SW 1961, OS Map**: ST76SW - 1961. The section of path that is now AQ86a is shown by one solid and one dashed line. It leaves Entry Hill and extends in a south-easterly direction to BQ49, which is shown by one solid and one dashed line. The section between AQ86a and BQ49 is shown by a single dashed line and is labelled F.P. The area beyond Exmoor Road is built over and the southern section of the footpath is no longer in existence. AQ86b is not yet in existence.

**ST76SW 1973, OS Map**: ST76SW - 1973. AQ86a is shown by one single and one dashed line. The path extends beyond Ivy Bank Park and is shown by a single dashed line and labelled F.P. It joins BQ49. The line of BQ49 is unclear as it is against a boundary but a path is shown by a single dashed line, extending north-westerly to Ivy Bank Park and south-easterly to Exmoor Road. It is labelled F.P. AQ86b is not yet in existence.

## Appendix 4 – Path Summary

**ST76SW 1983, OS Map:** ST76SW - 1983. AQ86a is shown by one solid and one dashed line, between Entry Hill and Ivy Bank Park. AQ86b is shown by two solid lines and steps in the same alignment as the present day, between Ivy Bank Park and Entry Hill Park. BQ49 is shown by two solid lines, between Ivy Bank Park and Drake Avenue.

**List of Streets:** Class 6 Adopted Highway.

**Previous Orders Made:** The City of Bath (Springfield Farm, Entry Hill) Public Path Diversion Order. Confirmed by the City and County Borough of Bath, 31/05/1972. It has not been possible to find a complete copy of the Order. The diversion created the section of path that is AQ86b. AQ86a and BQ49 were unaffected by the Order.

**Other Information:** **AQ86a - September 2003** - New steps and re-surfacing done by a contractor. **September 2003** - Issue reported regarding surface vegetation. **December 2003** - Comment on file to say that the path is no longer on the cutting schedule (AQ86).

**AQ86b - April 2002** - Issue reported regarding the incorrect placing of a sign.

**December 2003** - Comment on file to say that the path is no longer on the cutting schedule (AQ86). **September 2021** - Report of damage to the FP sign on the lamp post on Ivy Bank Park.

**BQ49** - Nothing on file.

### **3. SURFACE CONDITION**

**AQ86a:** The surface of the path is tarmac with shallow steps, leading up from Entry Hill. It is in a generally good condition. At the upper part of the path, the steps are concrete paving slabs.

**AQ86b:** The path has steps of concrete paving. The rest of the path is tarmac which is in a reasonable condition, although there are some sections in a poor condition.

**BQ49:** The steps are concrete paving. The rest of the path is tarmac which is in a reasonable condition, although there are some sections in a poor condition.

### **4. ASSESSMENT OF EVIDENCE**

The path appears to have been part of a longer footpath which extended from Entry Hill in the north to Bradford Road in the south at least as early as 1891 and possibly 1885, although the 1885 map does not cover the whole area. The entire path from Entry Hill to Bradford Road was included in the 1957 Survey by the Bath City Engineer and AQ86a and BQ49 are original sections of the longer path. Following the 1972 Public Path Diversion Order, AQ86b was constructed as part of the diverted section. The paths are Class 6 Adopted Highway and maintained by the Council. Part of the land over which BQ49 crosses is owned by Curo Group who have no objections to the path being recorded as a public right of way. When the area over which the path crossed was developed, the path was diverted by a Public Path Diversion Order.

### **5. OFFICER RECOMMENDATIONS**

Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the routes are public footpaths. As there have been no indications of any objections to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for these paths is to record them as three public footpaths and add them to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## Path A

This path was added to the research list by the Bath Ramblers.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The land is registered to Bath & North East Somerset Council. Environmental Services - Open Spaces. Bloomfield Road Play Area.

- **Response from Martin Baker (Property Records Co-ordinator):** *“My only concern from the Corporate Estate perspective re Path A is that this is a route across public open space to which there are public rights of access anyway. Unlike Path 14 which appears to have been in use before the Council acquired the land a century ago, Path A appears comparatively recent - although that might still meet the length of time for a public right of way to be proven from a legal point of view I don’t see how a public right of way could be proven to have been used ‘as of right’ given that there is a general public right of access to use the land anyway ‘by right’. As this potentially might compromise use of the amenity area (reconfiguration etc) at some future point I don’t think this is a right that the Corporate Estate would be willing to dedicate and I doubt that use could be proven for the requisite period before 1923 when public rights were granted to use the land anyway under the Open Spaces Act. Although we have no current concerns about public use of this path I’m not convinced it should meet the criteria for inclusion on the definitive list for the above reasons.”*
- **Response from Jane Robson (Parks Manager - Parks & Green Spaces):** *“I agree with Martin in that creating Path A could compromise the future use of the Green e.g. expanding the play area or limiting events which the Friends may wish to hold in the centre of the Green.”*
- **Response from Paul Pearce (Team Leader Parks and Trees):** *“These routes are all fine from my perspective.”*

##### ii) Adjoining Property Holders

There are no adjacent property holders.

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“Path across Bloomfield Green from approx ST 74496 63682, connecting to the gate in the SE corner at ST 74540 63574.”*

##### v) Residents’ Associations

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

## Appendix 4 – Path Summary

**1920 – 1933, OS Map:** The path is not yet in existence.

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path does not appear to be in existence.

**ST76SW 1973, OS Map:** The path does not appear to be in existence.

**ST76SW 1983, OS Map:** The path does not appear to be in existence.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

### **3. SURFACE CONDITION**

A path starts at a kissing gate on Bloomfield Road. The surface is tarmac for approximately 14 metres. Beyond this, the surface is natural although it was not possible to see a distinguishable walked line.

### **4. ASSESSMENT OF EVIDENCE**

There is no documentary evidence to support the existence of a public right of way along the path and there is no distinguishable walked line on the ground. The Property Services Team and Parks Team do not support the inclusion of Path A in a legal order because it crosses land designated as Open Space where there is a general public right of access to use the land ‘by right’.

### **5. OFFICER RECOMMENDATIONS**

At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path B

This path was added to the research list by the Bath Ramblers.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The land is registered to Bath & North East Somerset Council. Environmental Services - Highways. Bloomfield Rd - Wellsway Land junction of. Highways acquisition as visibility verge; maintained by Parks.

- **Response from Martin Baker (Property Records Co-ordinator):** *“Path B looks fine and is no doubt a long-established route.”*
- **Response from Paul Pearce (Team Leader Parks and Trees):** *“These routes are all fine from my perspective.”*

##### ii) Adjoining Property Holders

There are no adjacent property holders.

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“The short but extremely useful path from Bloomfield Road at ST 74577 63734 to Wellsway at ST 74597 63730, which provides a direct route when walking from Path 14 to Greenway Lane, and then accessing Path 15 or existing footpaths such as BC43/2 and BC43/3.”*

##### v) Residents’ Associations

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is not yet in existence.

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** It is unclear whether a path is in existence.

**ST76SW 1973, OS Map:** It is unclear whether a path is in existence.

**ST76SW 1983, OS Map:** It is unclear whether a path is in existence.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file.

### 3. SURFACE CONDITION

The surface of the path is tarmac. It is in a reasonable condition.



## Appendix 4 – Path Summary

### **4. ASSESSMENT OF EVIDENCE**

The path appears to be a useful cut-through between Bloomfield Road and Wellsway. It is unclear from documentary evidence how long the path has been in existence. The landowner has no objection to including the path in a legal order.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, there have been no indications of an objection to a legal order. Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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# Appendix 4 – Path Summary

## Path C

This path was added to the research list by the Bath Ramblers.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The land is partly registered to Bath & North East Somerset Council. Environmental Services - Open Spaces. Springfield Park, Meare Road Open Space.

- **Response from Martin Baker (Property Records Co-ordinator):** *“Where these cross Council open space there are already public rights of circulation and so I don’t believe new rights could legally be acquired due to use (even if there were definite evidence). These don’t appear to be pre-existing paths that were in existence before the open space was in public use and as Jane commented re Path A designating a formal route could compromise future options for laying out and making best use of the amenity space. I suppose there may be some basis for the routes connecting to the open space over third party land but if there is no clear evidence provided it may be better to leave these out, particularly if there was a Stat Dec limiting use to permissive or similar. I’m copying in Jane and Paul just so that they are aware of but I would concur that these don’t appear to fit the criteria for public rights to a defined route having been acquired.”*

The land is partly registered to:

- **AV55630 - Land Lying to the North West of Fox Hill, Bath**  
Letter returned to sender undelivered.

##### ii) Adjoining Property Holders

There are no adjoining property holders.

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“Path 18a enters the open field at approx ST 74962 63128, joining Springfield Park at approx ST 74962 63037. It then runs across Springfield Park to approx ST 74999 62938. This is very well walked and is clearly useful in accessing the park and Meare Road. We noted a very overgrown metal kissing gate just off the currently walked line of this path, somewhere around ST 74952 63093, suggesting this path has some history of maintenance.”*

##### v) Residents’ Associations

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The map does not cover this area.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

## Appendix 4 – Path Summary

**1920 – 1933, OS Map:** The path is not yet in existence.

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path does not appear to be in existence.

**ST76SW 1973, OS Map:** The path does not appear to be in existence.

**ST76SW 1983, OS Map:** The path does not appear to be in existence.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Part of the path is on land owned by Gillian Barbara Selby Earl who lodged a Statutory Declaration under Section 31(6) in December 1998. The path was not included on the plan or in the statement as being a recognised public right of way at the time of the declaration.

### **3. SURFACE CONDITION**

The surface of the path is natural. It crosses the open space and continues through woodland. There is a kissing gate, overgrown with vegetation and the public has created a new route, bypassing the kissing gate.

### **4. ASSESSMENT OF EVIDENCE**

There appears to be no evidence of a path on any of the maps examined, however this does not prejudice any public rights of way which may subsequently be found to exist. In December 1998, Gillian Barbara Selby Earl acknowledged as a public footpath the section of AQ75 (Path 18) that crosses her land. Path C was not acknowledged as a public footpath on the Statutory Declaration. Ms Earl did not renew the Statutory Declaration when it expired in December 2004, however a sufficient period of time has not yet elapsed for the public to have accrued public rights. The Property Services Team does not support the inclusion of Path C in a legal order because it crosses land designated as Open Space where there is a general public right of access to use the land 'by right'.

### **5. OFFICER RECOMMENDATIONS**

At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path D

This path was added to the research list by the Bath Ramblers.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

##### i) Landowner

The land is partly registered to Bath & North East Somerset Council. Environmental Services - Open Spaces. Springfield Park, Meare Road Open Space.

- **Response from Martin Baker (Property Records Co-ordinator):** *“Where these cross Council open space there are already public rights of circulation and so I don’t believe new rights could legally be acquired due to use (even if there were definite evidence). These don’t appear to be pre-existing paths that were in existence before the open space was in public use and as Jane commented re Path A designating a formal route could compromise future options for laying out and making best use of the amenity space. I suppose there may be some basis for the routes connecting to the open space over third party land but if there is no clear evidence provided it may be better to leave these out, particularly if there was a Stat Dec limiting use to permissive or similar. I’m copying in Jane and Paul just so that they are aware of but I would concur that these don’t appear to fit the criteria for public rights to a defined route having been acquired.”*

The land is partly registered to:

- **AV55630 - Land Lying to the North West of Fox Hill, Bath**  
Letter returned to sender undelivered.

##### ii) Adjoining Property Holders

There are no adjoining property holders.

#### B) Interested Groups

The following responses were received:

##### i) Ward Councillors

##### ii) Statutory User Groups

##### iii) Statutory Undertakers

##### iv) Local User Groups

- **Bath Ramblers:** *“Path 18b leaves Path 18 at approx ST 75145 63057, and rises to Springfield Park at approx ST 75124 63031. At this point, there is what appears to be a very dilapidated stile.”*

##### v) Residents’ Associations

### 2. DOCUMENTARY EVIDENCE

**Cottrell’s 1852 Map of Bath:** The map does not cover this area.

**1885, OS Map:** The map does not cover this area.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The path is not yet in existence.

**1933 – 1939, OS Map:** The path is not yet in existence.

**Bath City Engineer’s Survey, 1957:** Not included.

## Appendix 4 – Path Summary

**ST76SW 1961, OS Map:** The path does not appear to be in existence.

**ST76SW 1973, OS Map:** The path does not appear to be in existence.

**ST76SW 1983, OS Map:** The path does not appear to be in existence.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Part of the path is on land owned by Gillian Barbara Selby Earl who lodged a Statutory Declaration under Section 31(6) in 1998. This path was not included on the plan or in the statement as being a recognised public right of way at the time of the declaration.

### **3. SURFACE CONDITION**

The surface of the path is natural. It crosses the open space and continues through woodland. There is an old stile in close proximity, but the walked line does not reach it.

### **4. ASSESSMENT OF EVIDENCE**

There appears to be no evidence of a path on any of the maps examined, however this does not prejudice any public rights of way which may subsequently be found to exist. In December 1998, Gillian Barbara Selby Earl acknowledged as a public footpath the section of AQ75 (Path 18) that crosses her land. Path D was not acknowledged as a public footpath on the Statutory Declaration. Ms Earl did not renew the Statutory Declaration when it expired in December 2004, however a sufficient period of time has not yet elapsed for the public to have accrued public rights. The Property Services Team does not support the inclusion of Path D in a legal order because it crosses land designated as Open Space where there is a general public right of access to use the land 'by right'.

### **5. OFFICER RECOMMENDATIONS**

At this time, Officers are satisfied that the evidence gathered for this path is not sufficient to demonstrate a reasonable allegation that a right of way exists. Therefore, the recommendation for this path is not to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 at this time. This does not prejudice any public rights which may have been accrued over time.

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# Appendix 4 – Path Summary

## Path E

This path was added to the research list by the Bear Flat Association.

### 1. INITIAL CONSULTATION

#### A) Land Ownership

The Land Registry Search revealed that part of the land is not registered under the Land Registration Act and Rules.

#### i) Landowner

- ST321339 - Garage 1, Maple Gardens, Bath
- AV193639 - Garage 3, Maple Gardens, Bath, BA1 2TJ
- ST339175 - Garage 21, Maple Gardens, Bath, BA2 3AG
- AV246349 - Land and- building lying to the west of Maple Gardens, Bath
- AV166717 - Garage 5, Maple Gardens, Bath
- AV166781 - Garage 6, Maple Gardens, Bath
- AV153984 - Land and building on the south side of Maple Gardens, Bath
- ST347027 - Garage 8, Maple Gardens, Bath.
- AV145136 - Land and building on the south side of Maple Gardens, Bath
- AV163214 - Garage 10, Maple Gardens, Bath
- AV28096 - A garage on the south side of Maple Gardens, Bath
- AV48604 - Garage 14, Maple Gardens, Bath, BA2 3AG
- AV37521 - Land adjoining 20 Maple Gardens, Bath, BA2 3AG
- AV22155 - Land at the rear of 20 Maple Gardens, Bath
- ST181282 - 20 Maple Gardens, Bath, BA2 3AG
- AV31457 - 39 Maple Gardens, Bath, BA2 3AG, 21 Maple Gardens, 19 Maple Gardens, 20 Maple Gardens, 22 Maple Gardens, 24 Maple Gardens, 40 Maple Gardens
- ST309398 - 40 Maple Gardens, Bath, BA2 3AG

#### iii) Adjoining Property Holders

12 letters were sent and one response was received.

- **4 OLDFIELD LANE:** *“We moved from London to Bath in August 2022 but had been visiting my brother-in-law for many many years before that. Consequently, we and our children have used Path E literally hundreds of times. We walk the path 4 or 5 times a week – access to local amenities (Shops in Bear Flat, more choice of buses into town; visits to Alexandra Park). When the smoker (Grant) goes outside our front door to have a cigarette, he sees lots of people walking up Oldfield lane - from the direction of the Moorfield pub – and then continuing up the entrance to the path. Equally similar numbers appearing just at the end of our terrace and continuing down the road towards the Moorfield. Parents and children use the path morning and evening to get to St. John’s School which is at the foot of our lane. And people can access the old Linear railway line which is just behind the school. Many dog walkers use that lane. We are curious to know who owns or is in charge of this path, because during the summer no-one ever cuts the grass in the middle of the path, or cuts back the high nettles either side of the path in the autumn. We have a garage opening onto the lane and should we choose to use it I guess the tyre ruts, at entrance A, each side are deep enough to cause damage in the middle, underneath the car.”*

## Appendix 4 – Path Summary

### **B) Interested Groups**

The following responses were received:

#### **i) Ward Councillors**

#### **ii) Statutory User Groups**

#### **iii) Statutory Undertakers**

#### **iv) Local User Groups**

#### **v) Residents' Associations**

- **Bear Flat Association:** *“Another omission from the map provided is a short route running west from the hammerhead on Maple Gardens via the garage block and a lane to emerge on Durley Park/Oldfield Lane. This link ‘unblocks’ what would otherwise be a no-through-road for pedestrians and forms part of an east-west route connecting Bear Flat/Greenway/ Bloomfield areas with Moorfields and beyond.”*

## **2. DOCUMENTARY EVIDENCE**

**Cottrell’s 1852 Map of Bath:** The path is not yet in existence.

**1885, OS Map:** The path is not yet in existence.

**1887 – 1891, OS Map:** The path is not yet in existence.

**1901 – 1905, OS Map:** The path is not yet in existence.

**1920 – 1933, OS Map:** The access lane to the rear of the properties on Oldfield Lane has been built.

**1933 – 1939, OS Map:** The access lane to the rear of the properties on Oldfield Lane has been built.

**Bath City Engineer’s Survey, 1957:** Not included.

**ST76SW 1961, OS Map:** The path is shown by two solid lines. It is not possible to determine if it is a through route.

**ST76SW 1973, OS Map:** The path is shown by two solid lines. It is not possible to determine if it is a through route

**ST76SW 1983, OS Map:** The path is shown by two solid lines. It is not possible to determine if it is a through route.

**List of Streets:** Not Adopted Highway.

**Previous Orders Made:** None found.

**Other Information:** Nothing on file. A search of the Archives has found that Planning Permission was granted for the building of 47 houses in Maple Gardens on 5<sup>th</sup> June 1956. Planning Permission was granted for the building of 11 lock up garages on 3<sup>rd</sup> July 1956. The approved plans appear to show a through route between Maple Gardens and Oldfield Lane was either retained or built into the plans. This could either imply that the route was already recognised as providing a useful pedestrian link between Bloomfield Road and Oldfield Lane or was viewed as having the potential to provide a useful pedestrian link.

## **3. SURFACE CONDITION**

The eastern section of the path, where it crosses the forecourt of the garages, is tarmac and is in a good condition. The tarmac extends to the two posts, where the path turns southerly. From this section onwards, the surface of the path is poor.

## **4. ASSESSMENT OF EVIDENCE**

The path appears to have been in existence since at least as early as 1961. The development of Maple Gardens appears to have either retained or created a link

## Appendix 4 – Path Summary

between Maple Gardens and Oldfield Lane. The width of the retained link was not suitable for vehicles. The Bear Flat Association requested that this path be included in the consultation. No objections have been received from the owners of the garages or the adjoining property holders.

### **5. OFFICER RECOMMENDATIONS**

Although it has not been possible to gather substantial evidence, Officers are satisfied that there is sufficient evidence to demonstrate that, on the balance of probabilities, the route is a public footpath. As there have been no indications of an objection to a legal order, Officers will make and confirm, if no objections are received, an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The recommendation for this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

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