

APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
 in Bath and North East Somerset**

To : *Public Rights of Way, Bath and North East Somerset Council*

of : *Lewis House, Manvers Street, Bath, BA1 1JG*

I/we : *Peter John Wardle*

of : *243 Bailbrook Lane, Bath, BA1 7AA*

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
 modifying the Definitive Map and Statement for the area by;

N.B. CHOOSE ONE OR MORE OF THE FOUR OPTIONS GIVEN BELOW

* adding the

*footpath

*bridleway

*restricted byway

*byway open to all traffic

from # *Grid Ref* to # *Grid Ref*

ST 7736 6696

ST 7737 6692

* upgrading/downgrading

*footpath

from #

to #

the route currently

*bridleway

shown as a

*restricted byway

*byway open to all traffic

so that it is shown as a

*footpath

*bridleway

*restricted byway

*byway open to all traffic

* deleting the

*restricted byway

*byway open to all traffic

from #

to #

*bridleway

*restricted byway

*byway open to all traffic

* varying /adding to

*footpath

from #

to #

the particulars
relating to the

*bridleway
*restricted byway
*byway open to all traffic

by providing that

and shown on the map accompanying this application.

I/we attach copies of the following evidence in support of this application;

*list the
evidence
which
supports
your
application*

44 USER EVIDENCE FORMS
WITH PHOTOS AND MAPS,

Dated 5/5/21

Signed

This claimed footpath has been used by generations of residents and leads to the Old Ferry Slipway on the river, a local beauty spot. It can be seen on the 1888 OS map extract (A) and is probably much older as it would have provided access to the ferry. Earlier this year the landowner closed the path by installing a locked gate and barbed wire fence. (B) Residents were dismayed and saddened when they could no longer visit this local beauty spot (C). In installing the fence the landowner also blocked and re-routed public footpath BA2/3 (D) were the ROW Team consulted about this? The landowner seems to have been aware that the public used the claimed path and visited the old ferry slipway because he refers to the latter as "a point the public visit" and used it as a reason to fell a mature willow tree here.

Planning App.
20/03666/TEA.
October 2020

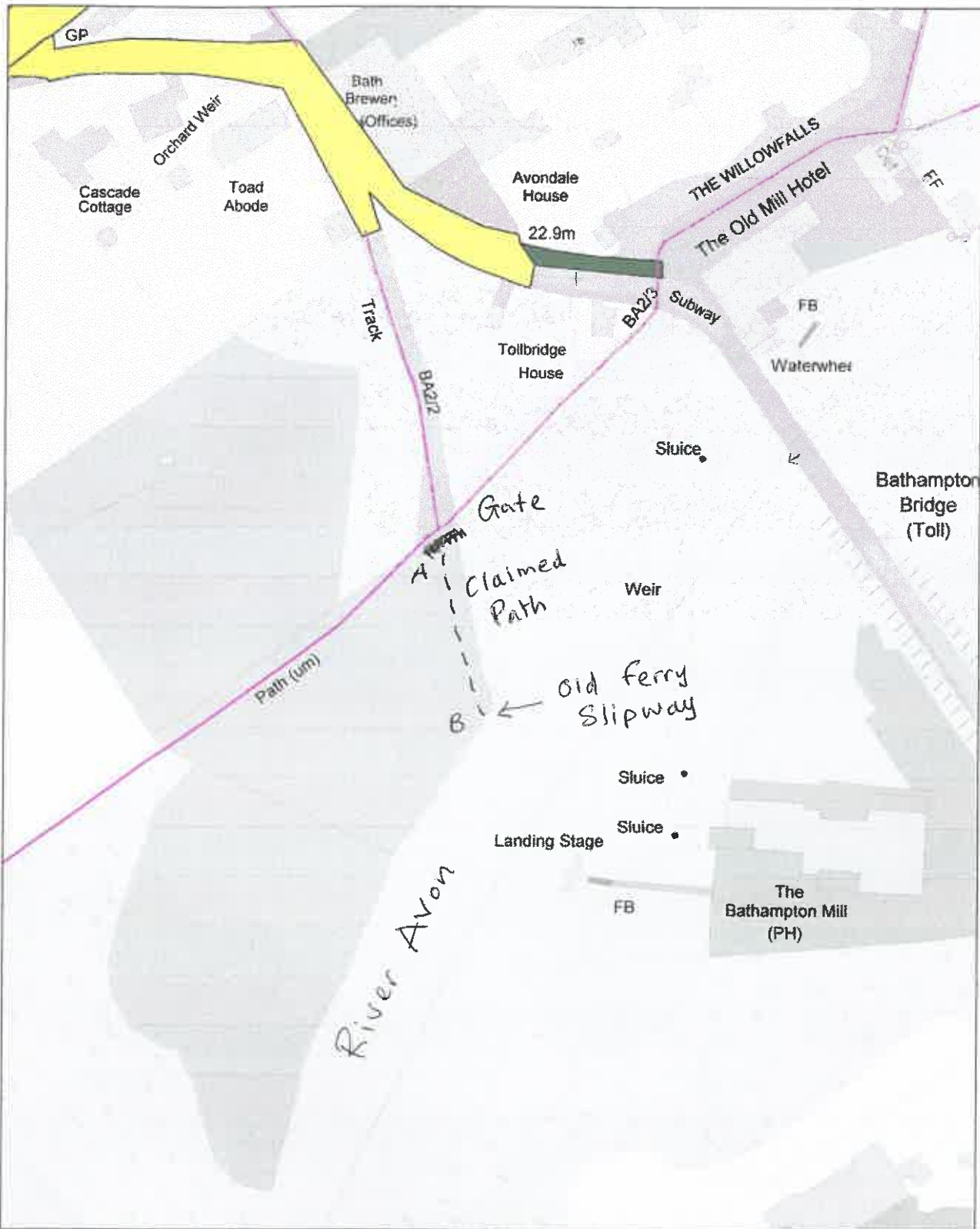
It seems strange that only months after (E) the permission for this tree work in the Conservation Area the public are prevented from visiting this "point".

DMMO Application

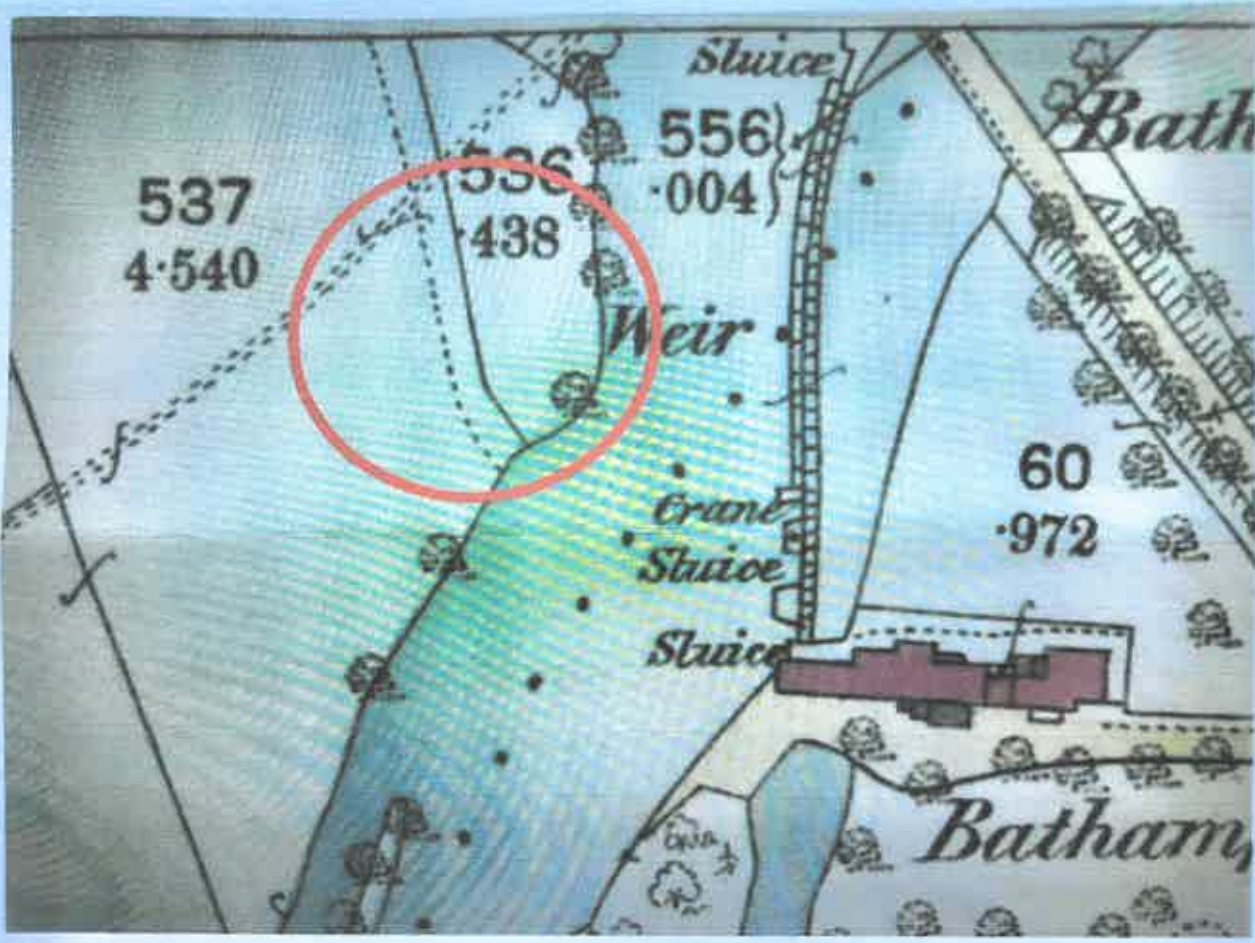
- Recorded public footpath 
- Class B highway 
- Class 4 highway 



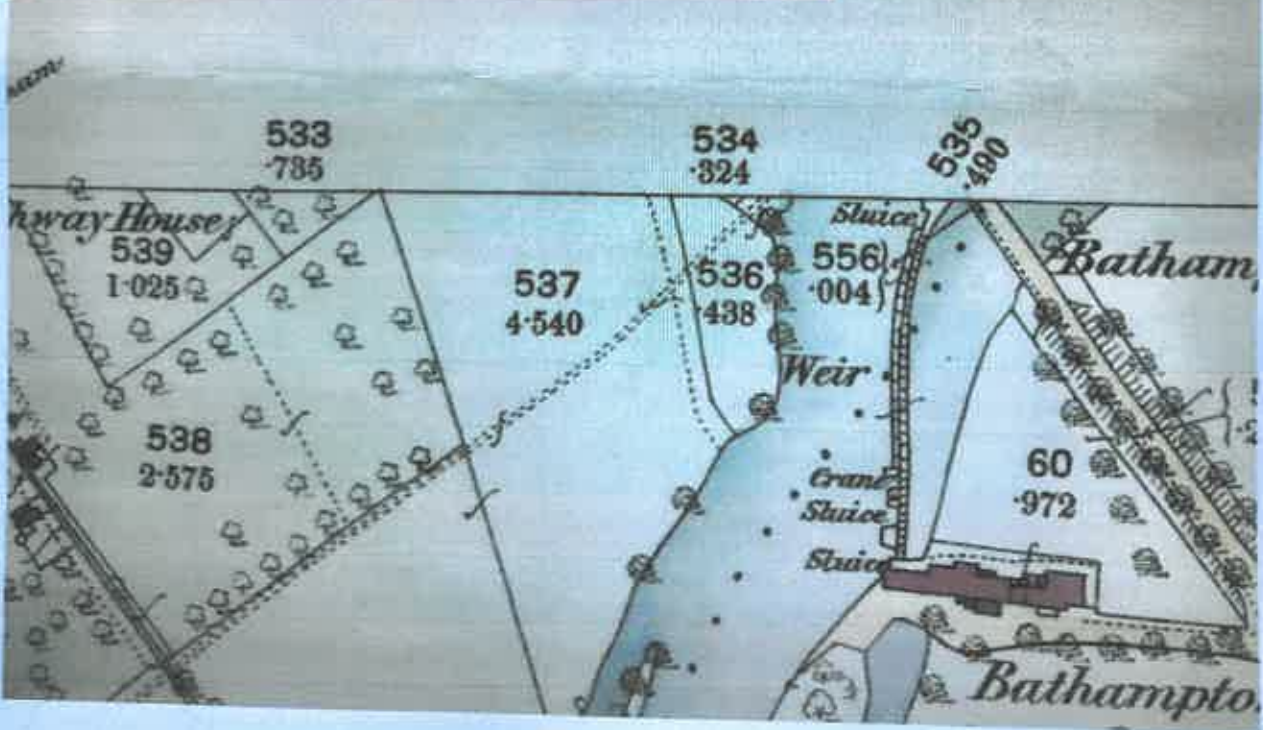
Scale 1:1250



A



Somerset XIV.2 (Bath; Bathampton; Bathampton; Charlcombe; Swainsw...
Surveyed: 1885, Published: 1888
Size: map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 104 cm (ca. 30 x 41 inches)
Ordnance Survey > OS 25 inch England and Wales, 1841-1952



1888 Ordnance Survey Map.

5

Padlocked gate and barbed wire fence.



c



Old Ferry Landing and well-Used Path.



View from Opposite Bank.

D



Original Route of Public Footpath BA2/3
blocked by new fence and diverted.

Planning Reference 20/03666/TCA for tree work.

Background

The land at 1 Bathway Meadows London Road West extends to about 4 acres beside the River Avon two miles from the centre of Bath. The land is mostly in the floodplain. Mature trees line the river bank and in 1998 we planted over 2 acres of trees with a Forestry Commission grant. Mostly these are Ash, Alder a number of Willow varieties and a few Cherries. The mature trees are mostly Crack Willow some of which have become dangerous recently.

The purpose of this notice is to describe the tree management plan for the coming months to enable us to reduce the risk from dangerous trees, thin the woodland planted in 1998, as was originally planned, and to enhance the planting with a number of new specimen trees to improve the landscape. In the last three years we have regularly planted new trees to maintain the woodland and surrounding area in good condition. Species being planted include:

Beech - *Fagus sylvatica*

Blackthorn - *Prunus spinosa*

Field Maple - *Acer campestre*

Hawthorn - *Crataegus monogyna*

Hazel - *Corylus avellana*

Bird Cherry - *Prunus padus*

Wild Cherry - *Prunus avium*

Dog Rose - *Rosa canina*

Hornbeam - *Carpinus Betulus*

Dogwood - *Cornus*

Willow - *Salix caprea*

Tree Number	Species	Proposed works	Reason
A	Crack Willow (<i>Salix fragilis</i>)	Reduce to low stump (1m) for regrowth	Currently dangerous at a point the public visit
B	Crack Willow (<i>Salix fragilis</i>)	Remove	Dangerous and fallen
E	Ash (<i>Fraxinus excelsior</i>)	Thin the woodland to allow the best specimens to develop further. Remove dead and weak trees. Overall reduction by 20%.	Planned woodland thinning
F	Horse Chestnut, (<i>Aesculus hippocastanum</i>) Crack Willow (<i>Salix fragilis</i>)	Remove Horse Chestnut and reduce Crack Willow to low stump for regrowth	Causing damage to nearby buildings
I	Crack Willow (<i>Salix fragilis</i>)	Cut to low stump for regrowth	Dangerous and immediately adjacent to the footpath

E

Planning Ref 20/03666/TCA

Location Plan No 1 Scale 1:1250 at A4

Change of Use for Office annex to
Ancilliary Residential Building
London Road West



NOTICE OF APPLICATION FOR A MODIFICATION ORDER

Section 53(5) and Schedule 14 to the Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
 in Bath and North East Somerset**

To : David Antony Crellin and Hilary Ruth Crellin name and address of owner or occupier
 of : Glenbrook, 12 Claremont Road, Bath, BA1 6LX

Notice is hereby given that on 5th day of May 2021
 the

I/we : Peter John Wardle
 of : 243 Bailbrook Lane, Bath, BA1 7AA

made application to the Public Rights of Way Team, Bath and North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG that the Definitive Map and Statement for the area be modified by;

N.B. CHOOSE ONE OR MORE OF THE FOUR OPTIONS GIVEN BELOW

*adding the	<input checked="" type="checkbox"/> *footpath <input type="checkbox"/> *bridleway <input type="checkbox"/> *restricted byway <input type="checkbox"/> *byway open to all traffic	Grid Ref from# <u>SI 7736.6696</u> to# <u>SI 7737.66</u> Path from Public Footpath ⁹² <u>BA2/3 to the River Avon.</u> <u>(see map)</u>	* delete as appropriate - take detail from application
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*upgrading/downgrading the route currently shown as a	<input checked="" type="checkbox"/> *footpath <input checked="" type="checkbox"/> *bridleway <input type="checkbox"/> *restricted byway <input type="checkbox"/> *byway open to all traffic	from#	to#
to be shown as a	<input type="checkbox"/> *footpath <input checked="" type="checkbox"/> *bridleway <input type="checkbox"/> *restricted byway <input type="checkbox"/> *byway open to all traffic		

*deleting the	<input checked="" type="checkbox"/> *footpath	from#	to#
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- *bridleway
 - *restricted byway
 - *byway open to all traffic
-

*varying /adding to the particulars relating to the

*footpath	from#	to #
*bridleway		
*restricted byway		
*byway open to all traffic		

by providing that

and shown on the map accompanying this notice.

Dated 5/5/2021

Signed



243 Bailbrook Lane,
Bath BA1 7AA,
5th May 2021.

Glenbrook,
12 Claremont Road,
Bath, BA1 6LX

Dear Mr and Mrs Crellin,

Re: Notice of Application for a Rights of Way Modification Order

I am writing this letter to accompany the form enclosed, and to let you know that many local residents have come together to request that the council's Public Rights of Way Team designate the short footpath on your land to the little river beach (site of the old ferry landing) as a Public Right of Way.

It is odd, and an anomaly, that the footpath does not have that designation already, since it has been used by the public without any question for as many years as can be remembered. Some have used it since they were children in the 1960s, and earlier. It is also believed to be the old route by which people accessed the ferry which operated before the Toll Bridge was built.

Many residents were dismayed at the closure of the footpath access to the river, when the padlocked gate and fence were installed earlier this year, and saddened at the loss of their opportunity to freely use the little beach, and to enjoy this much loved local beauty spot,

Whilst the Public Rights of Way team are carrying out their investigations, I wonder if you would kindly consider re-opening the footpath to residents until the matter is resolved.

Kind Regards,



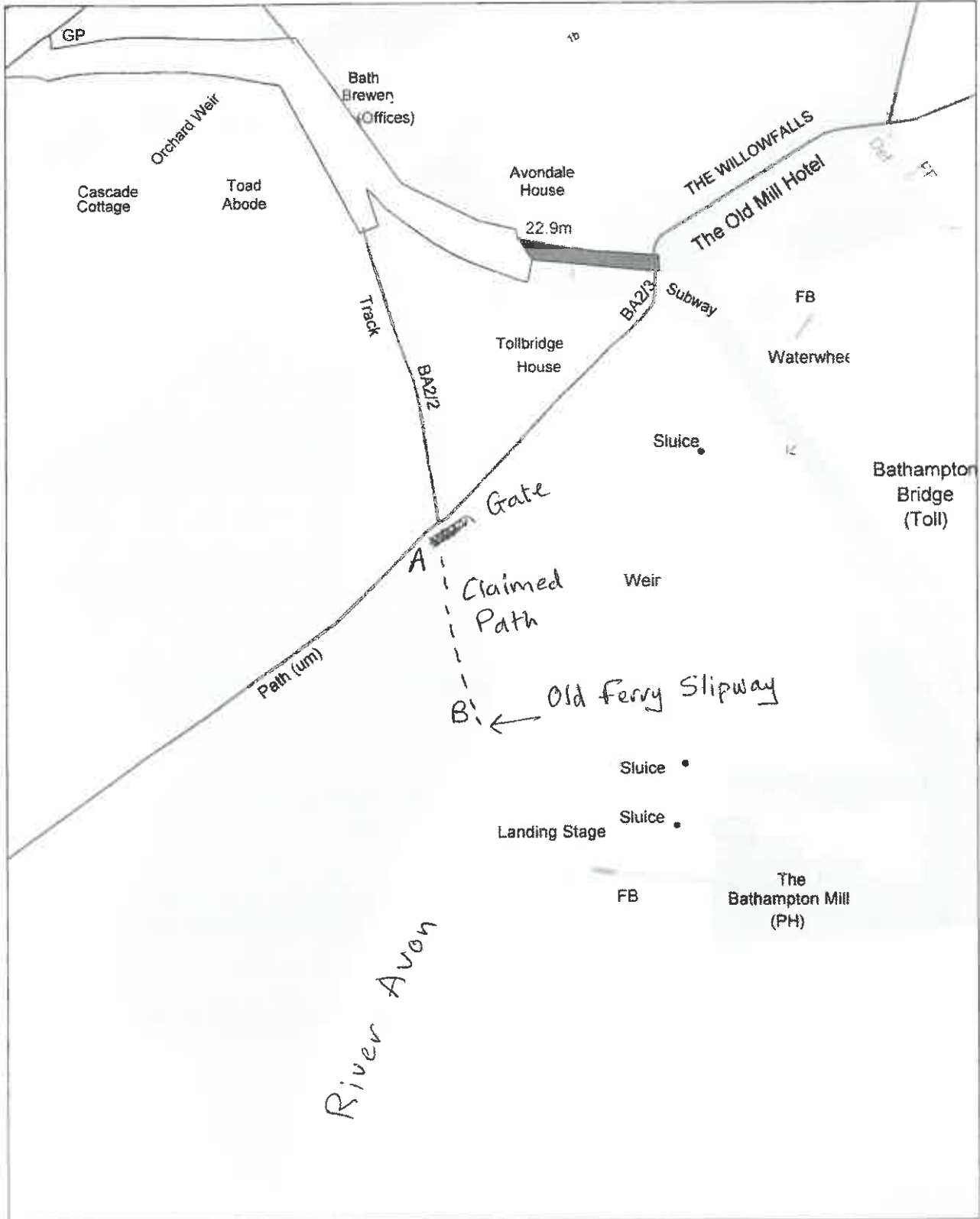
Peter Wardle

DMMO Application

Recorded public footpath ————
Class B highway ————
Class 4 highway ————



Scale 1:1250



CERTIFICATE OF SERVICE OF NOTICE
OF
APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
in Bath and North East Somerset**

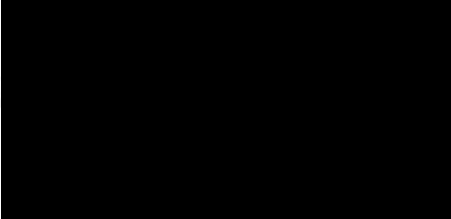
To : *Public Rights of Way, Bath and North East Somerset Council*

of : *Lewis House, Manvers Street, Bath, BA1 1JG*

I/we : *Peter John Wardle*

of : *243 Bailbrook Lane, Bath, BA1 7AA*

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with and attach a copy of each notice served pursuant to that Paragraph.

Dated *5/5/21* Signed 

Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act states that ;

"the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates"

"if, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates the authority may direct that the notice ... may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land"

SUMMARY OF MODIFICATION ORDER APPLICATION

Wildlife and Countryside Act 1981
 The Definitive Map and Statement of Public Rights of Way
 in Bath and North East Somerset

Name and address
 of Applicant

Peter John Wardle

243 Bailbrook Lane, Bath, BA1 7AA

Date of Application

5th May 2021

Description

Please describe the route starting at one end and working through to the other end.
 Describe any feature of note, roads, landmarks, buildings, hedges etc.
 If the route has a name or nickname please give it here.

The claimed path is a continuation of footpath BA2/2 which starts on Tollbridge Road, where BA2/2 meets footpath BA2/3 the claimed path continues south to reach the River Avon at the Old Ferry Slipway, described by the landowner as "a point the public visit" (Planning Ref 20/03666/TCA)

Length

Please give the approximate length of the entire path in metres.
 If you are claiming more than one path in the same application please give the length of each path separately.

50 metres

Width

Please give the full width of the path you are claiming.
 Please also give the width of the claimed path as it is now

Width claimed : 2 metres

Width now : 2 metres

Nature of surface

Please describe the surface of the path e.g. grass, made up track, ploughed, mud.

Grass and Soil

Location of structures

Please give details and grid references for any gates, stiles, fences, bollards, barriers etc which are on the route now. Do not give details of fences if they run beside the route unless they are encroaching.

Structure	Grid Ref	Structure	Grid Ref	Structure	Grid Ref
New	ST 77 36				
Gate	66 96				
Blocks					
Path.					