

Appendix 4 – Path Summary

Introduction

Research began with the 73 possible paths already acknowledged in PROW records; an additional three paths were added during desk-based research (Paths A, B and C) and another six were added following site visits (Paths D, E, F, G, H and I). Prior to the initial consultation, 27 paths were removed from the project in line with the Definitive Map Plan Working Document, outlined at Point 1.8 in Appendix 1. Of the possible paths removed from the consultation list, 16 were found to be footways or access to properties, seven were blocked, two were not in existence on the ground, one was a cul-de-sac route and one is included in a scheme outside of the project.

The landowners and adjoining property holders of the remaining 55 paths were consulted. Two paths cross Rush Hill Open Space in a similar alignment (Path F and Path K). Both paths were included in the consultation with the understanding that only one of the paths would be recommended for inclusion in a legal order. Both paths will remain available to the public at all times but only one will be legally recorded.

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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:

AQ82a, AQ82b, AQ82c, AQ82d, AQ83a, AQ83b, AQ87b, AQ90, BQ9, BQ11, Path C.

Partly Unregistered:

AQ80a, AQ84, AQ85, BQ13, BQ53, Path G, Path H, Path I.

Completely Registered:

AQ80, AQ85a, AQ87a, AQ89, AQ162&BQ16, AQ179a, AQ179b, AQ507, AQ516a, AQ516b, AQ517, AQ520, AQ522a, AQ522b, AQ524a, AQ524c, AQ525, AQ528, AQ544, AQ585, AQ586, AQ587, AQ588, AQ589, BQ12, BQ17, BQ21, BQ29, BQ30, CQ60, Path B, Path D, Path E, Path F, Path J, Path K.

Landowners were consulted by letter or email between December 2024 and February 2025. 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?

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- 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?

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?
7. 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?
8. 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)?

B) Interested Groups

The following groups were consulted: two ward councillors, nine adjoining ward councillors, four statutory user groups, 12 statutory undertakers, three local user groups and five residents' associations.

i) Ward Councillors (11)

- **Councillor Joel Hirst, Odd Down Ward**
"Please include Odd Down Community Association too. I have copied in the Chair and secretary".
RESPONSE: A consultation request was sent to the Odd Down Community Association.
- **Councillor Paul Crossley, Southdown Ward**
"Well done on the continuation of this great piece of work. From the Southdown point of view the main path for us is the one that continues on from Southdown around the Culverhay School site AQ80 and on to 80a and 87a. We have a

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number of residents who regularly walk this route and would be pleased to see them officially marked and recorded”.

- **Councillor Dine Romero, Southdown Ward**

“Just wanted to echo Paul’s words of thanks, and thoughts on PROWs affecting Southdown”.

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)

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

- **City Fibre**

“I can confirm City Fibre have asset/network within your areas shown on your drawings for your knowledge also. Please do come back to us when your scheme is going to progress into the next stages”.

- **Wessex Water**

“For general guidance on new development and online asset maps, please refer to the developer pages on our website”.

iv) Local User Groups (three)

Area Footpath Secretary (Ramblers), Bath Ramblers, Living Streets Representative (Bath).

- No responses received.

v) Residents’ Associations (three)

Bloomfield Bath Residents’ Association, Odd Down Community Association, Wellsway Bath Residents’ Association.

- **Bloomfield Bath Residents’ Association**

“I have been forwarded information on the footpaths in Odd Down. I am a bit shocked all the paths marked in green are not already public rights of way. I am familiar with all of them, and I certainly think they all should be.”

RESPONSE: The paths are recognised as public rights of way but have not yet been legally recorded. For more information, please follow the link to the Council’s website.

- **Bloomfield Bath Residents’ Association**

“Thank you for allowing us to participate in the consultation regarding Public Footpaths in Odd Down Ward. While about a third of our catchment area is in

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Odd Down none of the paths listed are in that zone. We do have an interest in one outside our catchment area. That would be the Chelwood footpath AQ525. Our members & other area residents do use that path as a shortcut from the Sports Ground to the Wellsway. It must be admitted that the path can be accessed only because the Sports Ground boundary is permeable at the moment. But we are hoping that a more formal access to Wellsway for pedestrians & cyclists will be part of the plan to update to the Sports Ground which is due in the Spring. Thanks again for the opportunity to comment”.

RESPONSE: Thank you for replying to my consultation. The information you have given me is very helpful and I will use it in the report I am compiling about the paths in the Odd Down Ward. Once I have completed the consultation, I will make a recommendation about which paths to include in a Legal Order to add to the Definitive Map and Statement for the city of Bath. I will keep you informed of my progress. Please do not hesitate to contact me if you should require any additional information.

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AQ80 & AQ80a

The City Engineer included the footpath in the 1957 Survey (AQ80). The footpath has two distinct branches and both sections of the footpath have been allocated a separate number¹ in the consultation.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ80

The Land Registry Search revealed that the land is registered.

- **Bath & North East Somerset Council. Children's Strategic Services. Bath Community Academy (formerly Culverhay School).**

Response from Martin Baker (Property Records Co-ordinator)

“Thanks for sharing the maps and schedule and I think with one exception we wouldn’t have any objections to the list on the Corporate Estate side. The one proposed path that I’m afraid we would need to object to is AQ80 on Map 2 where it leads through the Culverhay site on Council land. This is a key development site that is a top priority for the Council and confirming this route may seriously limit proposals that are currently being worked up for Planning to the detriment of service provision. Given that the route crosses through what was an active school site until 2018 I would probably also question whether there is clear evidence that unimpeded public access other than by permission for the requisite length of time can be established but if it is deemed necessary to put this forward for consultation this would need to be referred to senior officers for a steer as I can’t see that the proposal is one that we could afford not to object to, although if this consumed costs in obtaining necessary evidence that would be unfortunate”.

PROW Response to Martin Baker

The process was never completed but the paths included in the 1957 survey are considered to be public rights of way. In 1986, Avon County Council diverted a section of the footpath. The western section of the footpath (city boundary to Padleigh Hill) was legally recorded in 2021 during the Southdown Ward research. If the route of footpath AQ80 cannot be incorporated into the proposed development plans for the area, then it must be legally diverted onto a route agreed by the PROW Team. There is no guarantee that a proposed diversion will be successful. If it is not successful, then the route must be incorporated into the site design. This is the advice that the PROW Team gives when asked to comment on planning applications where a public right of way is affected by the proposal. This is a footpath that we cannot alter the route of, without a successful diversion order (such as the 1986 Public Path Diversion Order).

¹ As outlined in Appendix 1 - Background Information at Point 1.9

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Response from Martin Baker (Property Records Co-ordinator)

"Thank you for the context and for explaining that AQ80 is already recognised as a public right of way as that does make the position rather different. I do think however that it is essential that the development team working on site proposals are included in the consultation so that they have opportunity to comment and consider any need for diversion that may be required in due course".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **ST182702 - Land lying to the south of Rush Hill Bath.**

Landowner Evidence Form Completed

The respondent has owned the land for 24 years. The respondent believes that the path is a public footpath and has believed this for 24 years. The respondent has seen, or been aware of, members of the public using this route: *"Regular walkers and dog walkers."* The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public. There is a gate on the route. The respondent has never obstructed or blocked the route.

- **ST347921 - Aubretia, Padleigh Hill, Bath, BA2 9DW.**

Landowner Evidence Form Completed

The respondent has owned the land for 6 years. The respondent believes that the path is a public footpath and has believed this for 6 years. The respondent has seen, or been aware of, members of the public using this route: *"Daily usage for joggers, walkers and dog walkers"*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public. There have never been any stiles or gates on the route. The respondent has never obstructed or blocked the route.

AQ80a

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

- **ST182702 - Land lying to the south of Rush Hill Bath.**

- **AV192933 - Barrow Castle, Rush Hill, Bath, BA2 2QR.**

Landowner Evidence Form Completed

The respondent has owned the land for 24 years. The respondent believes that the path is a public footpath and has believed this for 24 years. The respondent has seen, or been aware of, members of the public using this route: *"Regular walkers & dog walkers"*. The respondent has never required people to ask

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permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public. There is a gate on the route but it has never been locked. The respondent has never obstructed or blocked the route.

ii) Adjoining Property Holders

AQ80

Two letters were sent, and one response was received. An additional response was received from a property holder who does not live alongside the path.

- **HEDGEROSE**

"1 & 2. I have lived in my property for the past 18 years and my brother for over 20 years before that we very occasionally use the footpath now.

3. By foot only.

4. For leisure only.

5. The footpath is used mainly by dog walkers.

6. According to Land Registry docs I own the land over which the footpath crosses until the back of my Bungalow.

7. We do see members of the public (mainly dog walkers) use it daily.

8. No".

- **BARROW MEAD**

"Use it for dog walking once a week".

AQ80a

Five letters were sent, and two responses were received.

- **BARROW CASTLE**

"1. We have used both paths since we moved here in the year 2000.

2. We use both paths in question frequently – once or twice a week and usually meet other people when we do so.

3. Path D to A (AQ80a) we use mostly on foot except when we need to get agricultural equipment into the field. The other path is only used on foot (AQ87a).

4. For leisure, and local amenities such as the doctor and to access the field.

5. Yes we often encounter other people when using the path.

6. We own some of D to A (AQ80a) and all of D to C (AQ87a).

7. Part of D to A (AQ80a) is a lane which people use to access Barrow Mead by car and our field on the left going away from the main road. Many people (and we) walk down to access walks in Sirius wood and beyond. The other path is only used on foot (AQ87a).

8. We have once closed the path D to C (AQ87a) (with BaNES permission) when a wall was being mended".

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- **BARROW MEAD**

"1. Used since 2010.

2. This is our drive (Tarmaced section). We use it every day for vehicular movements, and every day to walk the dog.

3. Vehicular movements (tractor, cars and bike), walking.

4. Access and exiting our home, agricultural use to access the fields, dog walking.

5. Usually see other people every day.

6. The land is owned by Barrow Castle

7. People from all around Rush Hill use the path.

8. We only close the gate for animal movements (twice in 15 years). AQ80a is the main access to BA11/4, AQ80 and the permissive path around Sirius Wood, but it is impossible to walk as drawn and never has been".

The owner of Barrow Mead (Councillor Matt McCabe) commented in a subsequent email: "AQ80a is the main access to BA11/4, AQ80 and the permissive path around Sirius Wood, but it is impossible to walk as drawn and never has been. Is that something you can correct?" A site visit was arranged by the PROW Team and measurements of the walked line were taken.

B) Interested Groups

No responses were received from the Statutory User Groups, Statutory Undertakers, Local User Groups and Residents' Associations. The following responses were received:

i) Ward Councillors

- **Paul Crossley (Southdown Ward)**

"Well done on the continuation of this great piece of work. From the Southdown point of view the main path for us is the one that continues on from Southdown around the Culverhay School site AQ80 and on to 80a and 87a. We have a number of residents who regularly walk this route and would be pleased to see them officially marked and recorded".

- **Dine Romero (Southdown Ward)**

"Just wanted to echo Paul's words of thanks, and thoughts on PROWs affecting Southdown".

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: AQ80 starts on Padleigh Hill in the same place as the present day path and is shown by two solid lines. It takes a direct route, across fields and is shown by 2 dashed lines and labelled F.P. At a cross roads of paths, a path leads in a generally north-north-westerly direction in a similar alignment to the present day route of AQ80a. The path is shown by two dashed lines and joins Rush Hill at a point further west than the present day path.

1901 – 1905, OS Map: AQ80 starts on Padleigh Hill in the same place as the present day path and is shown by two solid lines. It takes a direct route, across

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fields and is shown by 2 dashed lines and labelled F.P. At a cross roads of paths, a path leads in a generally north-north-westerly direction in a similar alignment to the present day route of AQ80a. The path is shown by two dashed lines and joins Rush Hill at a point further west than the present day path.

1920 – 1933, OS Map: AQ80 starts on Padleigh Hill in the same place as the present day path and is shown by two solid lines. It takes a direct route, across fields and is shown by 2 dashed lines and labelled F.P. At a cross roads of paths, a path leads in a generally north-north-westerly direction in a similar alignment to the present day route of AQ80a. The path is shown by two dashed lines and joins Rush Hill at a point further west than the present day path.

1933 – 1939, OS Map: AQ80 starts on Padleigh Hill in the same place as the present day path and is shown by two solid lines. It takes a direct route, across fields and is shown by 2 dashed lines and labelled F.P. At a cross roads of paths, a path leads in a generally north-north-westerly direction in a similar alignment to the present day route of AQ80a. The path is shown by two dashed lines and joins Rush Hill at a point further west than the present day path.

Bath City Engineer's Survey, 1957: FP. Rush Hill to Boundary. Footway across field to Padleigh Hill - then to stile at boundary.

ST76SW 1961, OS Map: The western section of AQ80 has not changed. A school has been built and the path is no longer shown as a through route. AQ80a is shown by two dashed lines in a similar alignment to the present day path.

ST76SW 1973, OS Map: AQ80 is shown by two solid lines, leading from Padleigh Hill and following the school boundary. The path continues across the next field and is shown by one dashed line. AQ80a is shown by one solid and one dashed line, along the eastern boundary of the school.

ST76SW 1983, OS Map: AQ80 is shown by two solid lines where it crosses the school playing field and by a single line in the next field. AQ80a is shown by two solid lines where it follows the track from Barrow Castle to Rush Hill.

Previous Orders Made: A section of footpath AQ80 was diverted in 1986 (County Council of Avon (Footpath across Culverhay Boys' School, Rush Hill, Bath) PPDO 1986. Made 31/07/86. Confirmed 18/12/86). The width of the diverted section is specified in the order as at least 2 metres.

List of Streets: Not adopted highway.

Other Information: June 1973 – complaints from the public concerning the swampy condition of the public footpath which runs through the field at the rear of Culverhay School. **July 1973** - The landowner was requested to sort out the issue.

July 1986 – Diversion of Public Footpath across Culverhay Boys' School, Rush Hill, Bath 1986. Order confirmed on 20th December 1986. **August 1997** – report of stile removal and wire put up, closing the footpath to walkers. **December 1997** – PROW confirmed 2 stiles and a signpost to be installed and blackthorn to be removed. **February 2003** – complaint of overgrown vegetation; PROW wrote to the landowner to request that it be cleared. **May 2003** – land around the stile has become boggy and flooded. The landowner has told the public not to use the stile but to use another one, not on the definitive line. **July 2004** – report of overgrowth on the path. **November 2004** – stile installed which is dangerous. PROW visited and arranged for a wooden kissing gate to be installed in August 2005. **September 2005** – consultation by the Forestry Commission regarding a Woodland Grant Scheme. PROW sent a map of footpaths. **February 2006** – report of footpath

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being in a mess with litter and unemptied bins. **April 2006** – Culverhay School contacted to repair their fence and cut back encroaching vegetation. **June 2007** – report of surface vegetation covering the path. **May 2012** – report of blocked culvert on the path and the farmer is using the path with a tractor and muddying the path. **September & October 2012** – PROW wrote on two occasions to the school to instruct them to cut back the overhanging hedge. **September 2013** – a report from Bath Community Academy (previously known as Culverhay School) to report that five intruders gained access into the school site via the footpath, were abusive and stole property. A PROW Officer visited the school and explained the options available. A subsequent email was sent to Adam Williams (the then Principal of Bath Community Academy), stating the various options available with regards to the possible diversion or stopping up of AQ80 under sections 118B and 119B of the Highways Act 1980. An application pack was emailed to Mr Williams but no response was received. **September 2025** – a site visit was made by the PROW Officer in the company of Councillor Matt McCabe (the owner of land adjacent to AQ80a). Measurements were taken of the walked line. The drawn line, as shown in PROW records, leads through an area of trees and a concrete stand that previously housed a mobile milking parlour in the 1920s and 1930s.

3. SURFACE CONDITION

AQ80: The surface of the path is natural and is well trodden. A section around the junction with AQ80a has been gravelled. The full width of AQ80 leading from Paddleigh Hill to Barrow Castle is cut by the Council as part of the Vegetation Schedule.

AQ80a: The path runs across a grassed field and a gravelled surface has been provided. It meets AQ80 at a wooden kissing gate and runs along a tarmac access track to where it meets Rush Hill. The surface of the path is very good. It is not on the Vegetation Schedule.

4. ASSESSMENT OF EVIDENCE

Path AQ80 has been shown on OS Maps since at least as early as 1891. A section of AQ80 was diverted in 1986 to accommodate development at Culverhay School. The alignment of path AQ80a at the point where it joins Rush Hill appears to have altered slightly, between 1939 and 1957. The entire path was included in the 1957 Survey by the Bath City Engineer. The landowners and adjoining property holders believe the paths to be public footpaths and have commented on seeing members of the public using them on a daily basis. The Principal of Bath Community Academy accepted that the footpath bordering the school was a public right of way in 2013. The Property Services Team at Bath & North East Somerset Council expressed concerns regarding the route of AQ80 but acknowledges that the path is already a public footpath and that recording it as a public right of way is a formality. The Ward Councillors commented that a number of residents frequently walk AQ80 and AQ80a. A site visit and examination of the route of AQ80a has resulted in a slight alteration of the alignment of the route of the southern section of the footpath.

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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 two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

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AQ82a, AQ82b, AQ82c & AQ82d

The City Engineer included the footpath in the 1957 Survey (AQ82). The footpath has four distinct branches - each section of the footpath has been allocated a separate number in the consultation (AQ82a, AQ82b, AQ82c & AQ82d). (Public footpath BC23/32 was added to the Definitive Map and Statement following the research in the Southdown Ward and is the most northerly section of the original footpath, starting on Englishcombe Lane and ending on Marsden Road).

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

AQ82a

Eleven letters were sent, and one response was received.

- **6 GEORGIAN VIEW**

"We have lived in this property since 1986. Until now & a lot longer in the future & have never had any issues or worries with the back lane. It looks to me that the part you are researching, runs directly behind the properties of No 2. to No 10. Georgian View. These houses are in a terrace, so the lane is in constant use especially by properties 4,6. & 8. For access to their gardens, taking rubbish & recycling out to be collected. Any kinds of bldg. materials are brought around in to the gardens. The bus terminus at Ambleside Road is also used for people getting off the bus & walking down to Georgian View. It's also a shortcut to the doctor's surgery on Rush Hill, & dog walkers. We look after the lane as it is directly behind our property. It is used on a daily basis, & at no times to our knowledge has any body ever had any issues using it".

AQ82b

Nine letters were sent, and three responses were received.

- **ADDRESS UNKNOWN**

1. 16 years.
2. Daily.
3. On foot.
4. Access to local amenities & leisure.
5. Yes.
6. No.
7. Yes, members of the public use the path. No idea who they are!!!
8. No".

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- **12 GEORGIAN VIEW**

- “1. The path has been used for all my life, for at least 40 years. Possibly longer by my parents but I am uncertain.*
- 2. I use this path two or three times a week.*
- 3. I use the path on foot.*
- 4. I use this path to access Rush Hill/Odd down and also the Ambleside Road bus stop where the 8 bus terminates, also the post box by the bus stop. My wife uses the path to go to work in Odd Down.*
- 5. Yes several times a day as I have a view of the path from my bedroom window.*
- 6. No.*
- 7. Yes, several times daily.*
- 8. No”.*

- **14 GEORGIAN VIEW**

- “1. 2001 to date.*
- 2. 2/3 times a week.*
- 3. On foot.*
- 4. Access Local amenities (eg bus stop) and other rights of way, leisure.*
- 5. Yes.*
- 6. No.*
- 7. Yes, daily.*
- 8. No”.*

AQ82c

Thirteen letters were sent, and two responses were received.

- **3 GLEBELANDS**

“We have used the path from Nov 2016 to today. We use the path daily. We use the path by foot, often with our dog. We use to access local amenities. Many people use this path daily”.

- **113 RUSH HILL**

- “1. We have used both paths on a regular basis (pretty much daily) since we moved into the property in 2003.*
- 2. Pretty much every day.*
- 3. On foot and occasionally bike but not easy to get a bike up and down due to the steps.*
- 4. To get to work, access to local amenities and leisure. Also to access the bus stop for the number 8 bus in Kingsway.*
- 5. Yes lots of people, especially school children.*
- 6. No.*
- 7. Yes daily.*
- 8. No. Although sometimes people hang around having conversations at the top which is outside our house and slightly annoying!”*

AQ82d

Two letters were sent, and no responses were received.

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B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: A path is shown leading directly from Englishcombe Lane to Rush Hill, marked as FP. At one point the path diverges and there is a path on either side of a field boundary, both marked as F.P. The paths converge and end on Rush Hill.

1901 – 1905, OS Map: The path is shown running from Englishcombe Lane to Rush Hill. It is shown by two solid lines at the northern and southern ends where houses have now been built alongside the path. Where it crosses fields, it is shown with two dashed lines and one dashed and one solid line. It is labelled F.P.

1920 – 1933, OS Map: The path is shown running from Englishcombe Lane to Rush Hill. It is shown by two solid lines at the northern and southern ends where houses have now been built alongside the path. Where it crosses fields, it is shown with two dashed lines and one dashed and one solid line. It is labelled F.P.

1933 – 1939, OS Map: The path is shown leading directly from Englishcombe Lane to Rush Hill, labelled as F.P. The northern end is shown by two solid lines and the rest of the path is shown by one dashed line across fields. The path joins AQ83 and is shown as two dashed lines at the southern end where it joins Rush Hill.

ST7362NW - A, 1950, OS Map: The path is shown by two dashed lines where it crosses fields and is labelled F.P.

Bath City Engineer's Survey, 1957: FP. Rush Hill to Englishcombe Road. Stile then left across field - through KG and lane to Englishcombe Road.

ST76SW – 1961, OS Map: The path is shown leading directly from Englishcombe Lane to Rush Hill, labelled as F.P. The northern end is shown by two solid lines and the rest of the path is shown by one dashed line across fields. The path joins AQ83 and is shown as two dashed lines at the southern end where it joins Rush Hill.

ST76SW 1973, OS Map: The present day road network has been built and the path is shown by two solid lines in the same alignment as the present day.

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

Previous Orders Made: The Stopping Up of Highways (City and County Borough of Bath) (No.2) Order 1960. The Diversion of a section of the path, creates a new section of footpath and stops up a section. Made by the Minister of Transport on 09/08/1980.

List of Streets: Class 6 adopted highway.

Other Information: **April 1987** – letter from Councillor Snook reporting rubbish being tipped onto the path and neighbouring gardens and prolonged vandalism attacks on the adjoining properties. He requested that the path be closed. **July 1997** - Response from the City Engineers Department with information on the process for closure. Various correspondence between Avon County Council and the frontagers. **October 1997** - City Engineer inquires whether or not the 6 frontagers would like to proceed with the closure process. The full width of the

Appendix 4 – Path Summary

section leading from Padleigh Hill to Barrow Castle is cut as part of the Vegetation Schedule. The section leading from Rush Hill to Barrow Castle is not on the schedule.

3. SURFACE CONDITION

AQ82a: The surface of the path is tarmac and it is in a reasonable condition.

AQ82b: The surface of the path is tarmac and it is in a reasonable condition.

AQ82c: The surface of the path is tarmac and it is in a reasonable condition.

AQ82d: The surface of the path is tarmac and it is in a reasonable condition.

The steps up to Rush Hill are concrete slabs and are in a reasonable condition.

4. ASSESSMENT OF EVIDENCE

Path AQ82 has been shown on OS Maps since at least as early as 1891. Over the years, the area was developed and the original footpath became fragmented by buildings and roads. The entire path was included in the 1957 Survey by the Bath City Engineer. There are no registered landowners but the adjoining property holders who responded to the consultation believe the paths to be public footpaths and commented on seeing members of the public using them on a daily basis. The paths are adopted highway and maintained by the Council, as Highway Authority.

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 four public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ83a & AQ83b

The City Engineer included the footpath in the 1957 Survey (AQ83). The footpath has two distinct branches and both sections of the footpath are allocated a separate number in the consultation.

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

AQ83a

Three letters were sent, and one response was received.

- **113 RUSH HILL**

"1. We have used both paths on a regular basis (pretty much daily) since we moved into the property in 2003.

2. Pretty much every day.

3. On foot and occasionally bike but not easy to get a bike up and down due to the steps.

4. To get to work, access to local amenities and leisure. Also to access the bus stop for the number 8 bus in Kingsway.

5. Yes lots of people, especially school children.

6. No.

7. Yes daily.

8. No. Although sometimes people hang around having conversations at the top which is outside our house and slightly annoying!"

AQ83b

Four letters were sent, and two responses were received.

- **5 EDGEWORTH ROAD**

The resident has lived in her house for 45 years. There is a gate at the side, half-way down the property and a hedge of trees. Her husband cuts the trees back. It is their responsibility to keep the trees cut and keep it clean and they are quite happy. The resident uses the path on foot to get to Moorland Road etc. She has seen bikes and a horse use the path in the past. In the last five to seven years, the number of people using the path has decreased. Not as many people use it as it's very steep. Lots of children used to use it and quite a few dog walkers. There are a lot of elderly people living in the area and even the younger ones don't seem to use the path as much. She has never discouraged anyone from using the footpath.

Appendix 4 – Path Summary

- **7 EDGEWORTH ROAD**

"I have been a resident in the area for over 40 years and the side of my rear garden fence adjoins the pathway. In reply to your following information requests on Items 1-8 see below.

1. Since 1978.
2. Most days.
3. On foot.
4. Sometimes work, access etc.
5. Yes (sometimes during busy periods).
6. No.
7. Yes (shared by people who live in the Road, but also people who just use the path for access to Rush Hill).
8. No.

General comment: Well aware that Council budgets are tight and priorities are given to more urgent requirements, but it is worth mentioning that the path has not been cleared of debris etc. for some very considerable time. As a resident I have cleared the path at the side of my garden fence on many occasions, but it would be nice to see a Council worker occasionally if possible. (This is not a major moan or issue, but thought it needed to be mentioned)".

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: The path is shown by two dashed lines and labelled FP, roughly in alignment with the present day path.

1920 – 1933, OS Map: The path is shown by two dashed lines and labelled F.P., roughly in alignment with the present day path.

1933 – 1939, OS Map: The path is shown by two dashed lines and labelled F.P., roughly in alignment with the present day path.

ST7362NW - A, 1950, OS Map: The path is shown by two solid lines where it leaves Rush Hill. Where the path crosses fields, it is shown by two dashed lines and labelled F.P., roughly in alignment with the present day path.

Bath City Engineer's Survey, 1957: FP. Rush Hill to Kingsway. Stile then across field.

ST76SW 1961, OS Map: The path is shown by a single dashed line and labelled FP.

ST76SW 1973, OS Map: The path is shown by two solid lines. Edgeworth Road has now been constructed and the path has been split into two sections, in the same alignment as the present day.

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

Appendix 4 – Path Summary

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

AQ83a: The surface of the path is tarmac and it is in a reasonable condition.

AQ83b: The surface of the path is tarmac and it is in a reasonable condition.

4. ASSESSMENT OF EVIDENCE

Path AQ83 has been shown on OS Maps since at least as early as 1905. The entire path was included in the 1957 Survey by the Bath City Engineer. Between 1961 and 1973, the area was developed and the original footpath became separated into two parts. There are no registered landowners but the adjoining property holders who responded to the consultation believe the paths to be public footpaths and commented on seeing members of the public using them on a daily basis. The paths are adopted highway and maintained by the Council, as Highway Authority.

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 two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ84, BQ30 and Path J

The City Engineer included footpath AQ84 in the 1957 Survey. Over time, the area was developed and the footpath became fragmented. Path J and BQ30 appear to be sections of the longer footpath that have survived the development of the area. The three distinct sections of the original footpath have been researched together.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ84

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

- **Bath & North East Somerset Council. Children's Strategic Services. Bath Community Academy (formerly Culverhay School).**
Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **AV59185 - Land on the north side of Bloomfield Drive, Bath**
Landowner Evidence Form Completed

The respondent has owned the land for 41 years. The respondent believes that the path is a public footpath and has believed this for 41 years. The respondent has seen, or been aware of, members of the public using this route: *"Daily for dog walkers in particular to gain access to nearby playing field"*. The respondent has never required people to ask permission before using the route. The respondent has turned back or stopped *"trucks on our bit of footpath"* from using the route and has told *"truck drivers on our piece of footpath"* that the route was not public, *"a few times over the last 41 years"*. The respondent has never erected notices or signs stating that the route was not public. There are no gates or stiles on the route. The respondent has never obstructed or blocked the route.

BQ30 & Path J

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

- **Bath & North East Somerset Council. Environmental Services, Open Spaces. Corston View Open Space & Play Area**
Response from Martin Baker (Property Records Co-ordinator)

Appendix 4 – Path Summary

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

AQ84

Twenty letters were sent, and five responses were received.

- **4 BLOOMFIELD DRIVE**

The respondent has a letter from the Bath City Engineer (David Vine), signed on his behalf by the Assistant City Engineer (Graham Dunne). The letter stated that AQ84 is a designated public right of way and that the local authority has the responsibility to maintain it. Trucks use the lane frequently. The respondent believes that three or four properties have a private right to drive a vehicle along the lane but most have no right whatsoever to do so. These big trucks create drops along the centre of the footpath. A little thing that “miffs” the respondent (if he goes back to the letter) is that it says that maintenance will be carried on the footpath by Bath City Council but it is trucks that cause the most damage. The respondent has lived in his property for 20 years and the footpath goes behind the rear of his property. The respondent uses it a few times a week by foot to access the rear of his property and regularly sprays the weeds etc growing by the fence. The respondent uses the path more frequently in the summer than in the winter. Lots of people use the path on foot to access the park at the western end of the path. Dog walkers walk along it and then back again. Runners use it. The respondent doesn’t believe that he owns any of the land over which the footpath runs. The people in 2 Bloomfield Drive should be consulted as they actually own the first 50 yards of the footpath from the Bloomfield Road end.

- **6 BLOOMFIELD DRIVE**

1. *Only been here 6 months.*
2. *Weekly.*
3. *Foot.*
4. *Leisure.*
5. *Yes.*
6. *No.*
7. *Yes, often.*
8. *No”.*

- **8 BLOOMFIELD DRIVE**

*“Thank you for your letter of 2nd June 2025. The matter of what type of Right of Way applies to this path was raised in the days of Bath City Council and again under the County of Avon. On both occasions it was made clear that it is a **Public Footpath only with vehicular access only to those properties adjoining said path.** My wife and I moved into this property in August 1966*

Appendix 4 – Path Summary

and have lived her since. We are not regular users of this path but do have access via a garden gate. We use the path to access the Corston View Open Space and for quiet walks. We see people using the path frequently on a daily basis. These are people who live in adjoining properties and those who don't. We have only discouraged people on horseback and in vehicles from using the path as it is only a footpath. It was agreed in the time of the County of Avon and before that the path belonged to the Council and that they are responsible for maintenance. Maintenance, however, is very rare when it is supposed to be at least twice a year!"

- **14 BLOOMFIELD DRIVE**

"I have used the path regularly since I moved in to my property (14 Bloomfield Drive) in 1988, until this present day. My garage is situated next to it on the edge of my property and the original plans show the path (which I believe is a bridle way) as providing access to local property's garages. The houses adjoining the path were built in and around 1935. I use the path regularly (on at least a weekly basis) as a footpath which links to the park at Corston view and other footpaths, fields and roads in the area. The path is well used daily by people accessing the park for dog walking and recreation purposes and for accessing homes and walkways in the local area. Occasionally in the past, there have been issues with motorbikes speeding along the path and some fly tipping but to my knowledge this has not happened recently. The path also provides the only vehicular access to our back gardens and as previously stated, our garages. There are walled gardens on the far side of the path which belong to Bloomfield Crescent which residents and owners' access along this path. In the past 1 or 2 of these gardens have been rented to small businesses for workshops etc though I don't know the position at present. I believe each resident owns the section of path that adjoins their land and therefore would need to give permission for any works to take place along the path, eg laying of underground electricity cables etc. The path is a useful and popular resource for the local community and residents alike and I've never done anything to deter or discourage the public from using it on foot".

- **22 BLOOMFIELD DRIVE**

"I have lived at this address since 1976. The Council maintained the footpath AQ84 cutting the hedges and verges twice a year until approximately the late 1990s. To my knowledge the path is used daily by many local people as well as dog walkers, occasional rambling groups, families taking their children to the play area in the field etc. I personally use it for recreational walks; it is also the access to my garage".

BQ30

One letter was sent and one response was received.

- **STIRTINGALE FARM**

*"1. We have used this ROW daily since March 1991.
2. Myself, family, deliveries and anyone working at our address, use it many times a day.*

Appendix 4 – Path Summary

3. *Used on foot; bicycle and vehicle.*
4. *Only access to/from our property.*
5. *Other people use it to access the playing field from Rush Hill open space.*
6. *No, we do not own that land.*
7. *Yes, as stated above in 5, this is in constant daily use for dog walkers; parents with children; walkers etc to access the playing fields from Rush Hill open space.*
8. *No”.*

Path J

Two letters were sent, and one response was received.

- **15 SOMERDALE VIEW**

- “1. *Since we moved in June 2023. We have used it regularly from June–December 2023 and throughout 2024 to date.*
2. *At least two to three times per week.*
3. *On foot.*
4. *Primarily for accessing local amenities and leisure purposes.*
5. *Yes, absolutely - there is frequent use in both directions.*
6. *No, but I own the house directly adjacent to the path(s).*
7. *Yes - every day. It is commonly used by pedestrians, with occasional use by cyclists.*
8. *No - quite the opposite. We ensure the hedge alongside the path is kept appropriately trimmed to allow safe and easy passage for all users.”*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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 shown with two solid lines, starting on Rush Hill and leading along a track which extends for a short distance. The path crosses fields and is shown by two dashed lines and labelled F.P. The path is then shown by two solid lines and one solid and one dashed line to where it joins Bloomfield Road.

1901 – 1905, OS Map: The path is shown with two solid lines, starting on Rush Hill and leading along a track which extends for a short distance. The path crosses fields and is shown by two dashed lines and labelled F.P. The path is then shown by two solid lines and one solid and one dashed line to where it joins Bloomfield Road.

1920 – 1933, OS Map: The path is shown with two solid lines, starting on Rush Hill and leading along a track which extends for a short distance. The path crosses fields and is shown by two dashed lines and labelled F.P. The path is then shown by two solid lines and one solid and one dashed line to where it joins Bloomfield Road.

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1933 – 1939, OS Map: The path is shown with two solid lines, starting on Rush Hill and leading along a track which extends for a short distance. The path crosses fields and is shown by two dashed lines and labelled F.P. The path is then shown by two solid lines and one solid and one dashed line to where it joins Bloomfield Road.

ST7362NW - A, 1950, OS Map: Corston View and Somervale View have been built and the footpath has become fragmented. The section leading from Somerdale View is no longer shown (Path J) and the footpath has been rerouted around the new development at Corston View. It is labelled F.P.

ST7362NE - A, 1950, OS Map: The eastern section of AQ84 is shown by two dashed lines crossing the fields and labelled F.P. It continues along the track behind the newly built Bloomfield Drive and finishes on Bloomfield Road.

Bath City Engineer's Survey, 1957: FP. Somerdale View to Bloomfield Road. By way of metalled footways to playing field through gate and across to another gate - on to stile in laneway leading to Bloomfield Road.

ST76SW 1961, OS Map: The section leading from Somerdale View is no longer shown (Path J) and the footpath has been rerouted around the new development at Corston View. It is labelled F.P where it crosses the open space. It continues along the track, shown by two solid lines, and finishes on Bloomfield Road.

ST76SW 1973, OS Map: The path is shown by two solid lines and by one dashed line where it crosses the playing field.

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

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: **March 1963:** Enquiry from a Solicitor - is the track behind 10 Bloomfield Drive a public right of way? **May 1963** - Response from the Town Clerk to say that *"it is indeed a public right of way in the nature of a footpath. It is also confirmed that the Corporation are liable for its repair but only to the standard of a footpath and not of a carriageway"*. **May 1963** - Memo from the Town Clerk to the City Engineer: *"The length of footpath referred to is indicated on the enclosed plan and coloured pink. Please enter this footpath in the register of maintainable highways and amend your other records accordingly"*. **1986** - requests from the residents to improve the surface of the lane so that they can access their garages with their vehicles. Various responses to advise that the path is a footpath and so the maintenance of it accords with the public rights of way. **March 2001** - From AQ84 running South to Corston View. BQ30 was included in a list of 60 paths that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **May 2004** - complaint of overhanging vegetation. **June 2004** - advice from the PROW Team that the vegetation has been cut back and is on the Vegetation Schedule. **February 2007** - complaint of pot holes and poor surface. **March 2007** - job done. **January 2008** - complaints of poor surface. **February 2008** - works carried out. **June 2010** - queries over vehicular rights. **March 2011** - surface repairs carried out. **2018** - issues regarding private rights to drive vehicles.

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3. SURFACE CONDITION

AQ84 - The western half of the path runs across a playing field. The surface of the path is grass. The eastern half of the path provides access to the rear of properties on Bloomfield Drive and is gravelled in places. The surface is in a reasonable condition.

BQ30 - The surface of the path is tarmac and it is in a good condition.

Path J - The surface of the path is mainly natural. Where it crosses Corston View it is tarmac and is in a good condition.

4. ASSESSMENT OF EVIDENCE

Path AQ84 has been shown on OS Maps since at least as early as 1891. The entire path was included in the 1957 Survey by the Bath City Engineer. Between 1957 and 1961, the area was developed and part of the original footpath was built on. The majority of the path has registered landowners. The landowners and adjoining property holders believe the paths to be public footpaths (one believes the path to be a bridleway) and have commented on seeing members of the public using the path on a daily basis. The Council maintains the section of footpath that is AQ84.

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 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 one public footpath and add it to the Definitive Map and Statement for the City of Bath.

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AQ85 & AQ85a

The City Engineer included footpath AQ85 in the 1957 Survey. Over time, the area was developed and the footpath became fragmented. As AQ85 and AQ85a are part of the same original footpath, the paths have been researched together.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ85

The Land Registry Search revealed that the majority of the land is registered under the Land Registration Act and Rules. The properties between 26 – 86 Bloomfield Drive own the section of footpath behind their property. A letter and Landowner Evidence Form was sent to the properties and a response was received from the following:

- **26 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**
The respondent has owned the land since 2004 and believes that the path is a public footpath and has believed this since 2004. The respondent has seen, or been aware of, members of the public using this route since 2004 and has never required people to ask permission before using the route. The respondent has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public.
- **28 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**
The respondent has owned the land for 40 years and has believed that the path is a public footpath for 40 years. The respondent has seen, or been aware of, members of the public using this route: “*Regularly*”. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.
- **30 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**
The respondent has owned the land for 35 years and believes that the path is public and is a Byway Open to All Traffic and has believed this for 35 years. The respondent has seen, or been aware of, members of the public using this route: “*Houses rear access*”. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route

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was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

- **32 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 2 years. The respondent believes that the path is *“Vehicular access for residents only. Footpath for public use”* and has believed this for 60 years *“(my parents owned this property prior to myself)”*. The respondent has seen, or been aware of, members of the public using this route: *“Daily dog walkers; other walkers. Daily use by several residents using vehicles to access their garages”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *“The title deeds of my house show the freehold boundary to include the part of the path directly outside my house to the hedge boundary of the playing fields/allotments. However I have always believed the path to be a public footpath. Vehicle use for residents only”*.

- **36 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 2.5 years. The respondent believes that the path is *“Byway Open to All Traffic behind the gardens only”* and has believed this *“since purchase 2022”*. The respondent has seen, or been aware of, members of the public using this route: *“Occasional vehicles using garages / for works. And dog walker / allotment use regular and daily”*. The respondent has never required people to ask permission before using the route: *“It just seems logical open access, not private”*. The respondent is unclear whether or not she has made a Section 31(6) (Highways Act 1980) deposit: *“Don’t know. Possibly as part of house purchase?”* The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *“As far as I can see the route is used by dog walkers and allotment holders, and for vehicle access to gardens / garages etc and it poses no major problems”*.

- **38 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 27 years. The respondent believes that the path is Byway Open to All Traffic and has believed this *“since I read it on the deeds a few years ago”*. The respondent has seen, or been aware of, members of the public using this route: *“Every day walkers, cars accessing garages, occasional lorries!”* The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has obstructed or blocked the route: *“Only when loading into car at the bottom of my garden”*.

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- **44 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent does not own the land: *"Please note I do not own this house - it is under probate / responsibility (my late Mum owned it for 39 years)"*. The respondent believes that the path is a public footpath and has believed this for 39 years. The respondent has seen, or been aware of, members of the public using this route: *"Regular use by vehicles, pedestrians/dog walkers, allotment users"*. The respondent has never required people to ask permission before using the route and is unclear whether or not she has made a Section 31(6) (Highways Act 1980) deposit: *"Probably no?"* The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

- **48 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 40 years. The respondent believes that the path is public: *"Footpath plus access for us and other residents living on this side of Bloomfield Drive"* and has believed this for 40 years. The respondent has seen, or been aware of, members of the public using this route: *"40 yrs, everyday pedestrian and residents' vehicular access"*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public. The respondent has never obstructed or blocked the route. *"We also share ownership of Path C with no 46 Bloomfield Drive. The same answers to above questions apply to this Path C too"*.

- **50 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 14 years. The respondent believes that the path is a public footpath and believes this to be the case for: *"80 years / shown on title deeds to the house"*. The respondent has seen, or been aware of, members of the public using this route: *"Daily / walking also rear traffic access to property"*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

- **54 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 21 years. The respondent does not believe the path to be public. The respondent has seen, or been aware of, members of the public using this route: *"Constant people walking dogs and using it as an access route"*. The respondent has never required people to ask permission before using the route and is unclear whether or not she has made a Section 31(6) (Highways Act 1980) deposit: *"?"* The respondent has turned

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back / stopped someone from using the route: *“Once a Council lorry parked in order to work in the allotments”*. The respondent has told someone that the route was not public: *“10 years ago approx. Concerning the events above. I explained that this was private property and he was blocking my way to drive out”*. However, the respondent has neither reported telling pedestrians that the route was not public nor reported turning back pedestrians. The respondent has never erected notices or signs stating that the route was not public. The respondent has obstructed or blocked the route: *“Only when loading into car at the bottom of my garden”*. *I was told by longstanding neighbours that we all owned the land marked communally. No mention of this end being a public footpath, to me. When I first moved here in 2004 a small refuse lorry was used to collect our bins etc from the lane at the back of our properties”*.

- **64 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent does not own the land.

- **66 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 23 years. The respondent believes that the path is a public footpath and has believed this for 23 years. The respondent has seen, or been aware of, members of the public using this route: *“Only people I’ve seen are dog walkers. Several times daily and children / families going to the field – rare”*. The respondent has never required people to ask permission before using the route and is unclear whether or not she has made a Section 31(6) (Highways Act 1980) deposit: *“What is this? Shouldn’t use jargon”*. The respondent has never turned back or stopped anyone from using the route: *“My neighbour chased away teenagers who had stolen from the elderly in the Council flat behind my house”*. The respondent has never told anyone that the route was not public and has never erected notices or signs stating that the route was not public. The respondent has obstructed or blocked the route: *“Yes - temporarily for deliveries or building materials and delivery of skip onto my land”*. *“Lack of maintenance means that the lane can become almost impassable, in summer, in places due to deep tracks and high grasses. Occasionally a resident may strim just to be able to use the access lane”*.

- **68 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 25 years. The respondent believes that the path is: *“Private but with public access”* and has believed this to be the case for 25 years. The respondent has seen, or been aware of, members of the public using this route: *“Daily”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *“I cannot add anything further. The lane is not maintained by the Council - we cut the grass / weeds o/s our boundary fencing”*.

Appendix 4 – Path Summary

- **70 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 38 years. The respondent believes that the path is a public footpath and has believed this for 38 years, regarding the public claim to the route to be: *“Limited”*. The respondent has seen, or been aware of, members of the public using this route: *“Dog walkers, persons accessing park, daily”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

- **72 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 38 years. The respondent believes that the path is a public footpath and has believed this for 38 years. The respondent has seen, or been aware of, members of the public using this route: *“At all times”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *“This has always been a public right of way at least since the Bloomfield Drive houses were built around 1937”*.

- **80 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 2 months. The respondent does not believe that the path is a public right of way and believes this to be the case since: *“Purchase property in Nov 24”*. The respondent has seen, or been aware of, members of the public using this route: *“Access to properties and park”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

- **86 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 7 years. The respondent believes that the path is a public footpath and has believed this for 7 years. The respondent has seen, or been aware of, members of the public using this route: *“Lots of dog walkers walking down to Corston View Field”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route.

Appendix 4 – Path Summary

No response was received from the following properties:

- 24, 34, 40, 42, 46, 52, 56, 58, 60, 62, 74, 76, 78, 82 and 84 Bloomfield Drive.

AQ85a

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- "I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system".*

ii) Adjoining Property Holders

AQ85

Eleven letters were sent, and one response was received.

- **41 CORSTON VIEW**

- "1. We have used this path for the past 13.5 years.*
 - 2. We use this path at least twice daily.*
 - 3. On foot and bicycle.*
 - 4. To access local amenities and for leisure.*
 - 5. Yes daily, we see other people using the path.*
 - 6. No.*
 - 7. We see people using the path on foot and with vehicles daily who live in a property adjoining the path.*
 - 8. No".*

AQ85a

Thirteen letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

Appendix 4 – Path Summary

1933 – 1939, OS Map: Bloomfield Drive has been constructed and a section of AQ85 has been built, linking AQ84 with the newly constructed Path C.

Bath City Engineer's Survey, 1957: FP. Rush Hill to above footway (AQ84). Through housing site to join above footway (AQ84) at stile.

ST7362NW - A, 1950, OS Map: Corston View and Bloomfield Drive have been built. A path is shown behind the properties on Bloomfield Drive in the same alignment as the present day AQ85. AQ85a has been constructed. It is shown by two dashed lines and one dashed and one solid line and labelled F.P. The route of the path is not as straight as the present day alignment.

ST7362NE - A, 1950, OS Map: Bloomfield Drive has been constructed and AQ85 is shown running behind the properties and joining with AQ84.

ST76SW 1961, OS Map: AQ85 is shown by two solid lines, leading from Frome Road in a generally northerly direction. The creation of the road network has fragmented the original line of AQ85 and it is shown by two solid and one solid and one dashed line, continuing to a junction with AQ84. AQ85a is shown by two solid lines and one dashed and one solid line. The route of the path is not as straight as the present day alignment.

ST76SW 1973, OS Map: AQ85 is shown by two solid lines in part and by one solid and one dashed line in part. AQ85a is shown by two solid lines and two dashed lines. The route of the path is the same as the present day alignment.

ST76SW 1983, OS Map: AQ85 is shown by two solid lines in part and by one solid and one dashed line in part. AQ85a is shown by two solid and two dashed lines.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: July 2005 - Search on public rights of way.

3. SURFACE CONDITION

AQ85: The surface of the path is partly gravelled with grass growing in the centre of the path. It is in a reasonable condition.

AQ85a: The surface of the path is tarmac and it is in a reasonable condition.

4. ASSESSMENT OF EVIDENCE

Path AQ85 has been shown on OS Maps since at least as early as 1939. By the time of the 1957 Survey by the Bath City Engineer, the original footpath was fragmented by the building of roads and houses. The majority of AQ85 is owned by the adjoining property holders. Of those who responded to the consultation, the majority believe the path to be a public footpath. Two of the respondents do not believe the path to be a public right of way and one respondent told the driver of a "Council lorry" that the route was not public, approximately 10 years ago when she was prevented from using her car. Residents enjoy a private right to use vehicles along the path.

Appendix 4 – Path Summary

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 two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ87a & AQ87b

AQ87a and AQ87b are the separate northern and southern sections of the same footpath and have been researched together. The City Engineer included the whole length of the footpath in the 1957 Survey (AQ87), although the central section of the footpath is outside of the 1966 City of Bath boundary and is recorded on the Definitive Map and Statement for Bathavon. AQ87a and AQ87b are within the 1966 City of Bath boundary.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ87a

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

- **AV192933 - Barrow Castle, Rush Hill, Bath, BA2 2QR.**
Landowner Evidence Form Completed

The respondent has owned the land for 24 years. The respondent believes that the path is a public footpath and has believed this for 24 years. The respondent has seen, or been aware of, members of the public using this route: *“24 years. Walkers and dog walkers”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has erected notices or signs on the path in 2005, 2022 and 2024 *“when work was done on trees and adjacent stone wall”*. There is a gate on the route. The necessary work resulted in the temporary obstruction of the route *“only when essential work was carried out. Permission was given for this”*. *“We have footpaths up and along Barrow Castle, beyond these maps”*.

AQ87b

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

ii) Adjoining Property Holders

AQ87a

Five letters were sent, and two responses were received.

- **BARROW CASTLE**

- “1. We have used both paths since we moved here in the year 2000.*
- 2. We use both paths in question frequently – once or twice a week and usually meet other people when we do so.*

Appendix 4 – Path Summary

3. Path D to A (AQ80a) we use mostly on foot except when we need to get agricultural equipment into the field. The other path is only used on foot (AQ87a).
4. For leisure, and local amenities such as the doctor and to access the field.
5. Yes we often encounter other people when using the path.
6. We own some of D to A (AQ80a) and all of D to C (AQ87a)
7. Part of D to A (AQ80a) is a lane which people use to access Barrow Mead by car and our field on the left going away from the main road. Many people (and we) walk down to access walks in Sirius wood and beyond. The other path is only used on foot (AQ87a).
8. We have once closed the path D to C (AQ87a) (with BaNES permission) when a wall was being mended”.

- **BARROW MEAD**

“Use it very occasionally on foot. Often see school kids using it. Obviously AQ87a is the main path up the hill to access BA11/3 and BQ9. It is well used by St Gregs kids during all but the wettest of days”.

AQ87b

One letter was sent, and one response was received.

- **BURNT HOUSE FARM**

“I’m responding to your request for information about the footpath adjoining our land. I do not myself use the path very frequently and when I do, it is usually for the purpose of checking or maintaining the fence. The path is much used by other local residents. We frequently hear or see people of all ages using it for walking dogs or accessing the path that leads to and from the direction of Culverhay behind the houses on the west side of Old Fosse Road. It is also occasionally used as a means of accessing the wood known as Eastover Grove for the purpose of dumping rubbish and, in the summer, late night parties”.

B) Interested Groups

No responses were received from the Statutory User Groups, Statutory Undertakers, Local User Groups and Residents’ Associations. The following responses were received:

i) Ward Councillors

- **Paul Crossley (Southdown Ward)**

“Well done on the continuation of this great piece of work. From the Southdown point of view the main path for us is the one that continues on from Southdown around the Culverhay School site AQ80 and on to 80a and 87a. We have a number of residents who regularly walk this route and would be pleased to see them officially marked and recorded”.

- **Dine Romero (Southdown Ward)**

“Just wanted to echo Paul’s words of thanks, and thoughts on PROWs affecting Southdown”.

Appendix 4 – Path Summary

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: AQ87a starts on Rush Hill. It is shown by 2 dashed lines and is marked as FP. The central part of the path is outside of the city boundary and is recorded as public footpath BA11/3. AQ87b is the southern section of the path. It is shown by 2 dashed lines. It ends on Old Fosse Road, on a slightly different alignment to the present day.

1901 – 1905, OS Map: AQ87a starts on Rush Hill. It is shown by 2 dashed lines and is labelled F.P. AQ87b is shown by 2 dashed lines and is labelled F.P, ending on Old Fosse Road. It is in a slightly different alignment to the present day.

1920 – 1933, OS Map: AQ87a starts on Rush Hill. It is shown by 2 dashed lines and is labelled F.P. AQ87b is shown by two solid lines, on the present day alignment. It ends on Old Fosse Road and is labelled F.P.

1933 – 1939, OS Map: AQ87a starts on Rush Hill and extends in a south-south-westerly direction. It is shown by 2 dashed lines and labelled F.P. AQ87b is shown by two solid lines, ending on Old Fosse Road.

Bath City Engineer's Survey, 1957: FP. Barrow Castle (Rush Hill) to Old Fosse Road. Footway - leading at side of cultivated land to southern end of Old Fosse Road. Slight diversion at commencement due to School Building.

ST6SW 1961, OS Map: AQ87a is not shown. AQ87b is shown by two solid lines.

ST6SW 1973, OS Map: AQ87a is not shown. AQ87b is shown by two solid lines.

ST6SW 1983, OS Map: AQ87a is not shown. AQ87b is shown by two solid lines.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: August 1968 - A letter from Bloomfield Labour Party reporting overgrown hedges and brambles which make it difficult to walk along the path. Children's clothes were being damaged by the brambles so a request was made for the path to be maintained. **July 1972** - A letter from the City and Waterworks Engineer to the owner of Barrow Castle asking for barbed wire to be removed from a stile. **July 1972** - the issue was reported as being resolved. **May 2003** - Issue reported concerning waterlogging around a stile. **June 2003** - landowner informed of this issue and several others regarding this path and others on their land. **July 2003** - landowners requested kissing gates be installed instead of stiles. **October 2003** - Culverhay School informed of improvements made to the footpath (and another on their land). A stile was removed and replaced with a kissing gate, a handrail was replaced and improvements were made to the steps. The School was asked to encourage the pupils not to drop litter on the path or write graffiti. **September 2021** – issues raised regarding the muddy surface of the path. **December 2022** – works carried out to improve the surface of the footpath.

3. SURFACE CONDITION

AQ87a: The surface of the path was improved by laying stone. The full width and length is cut as part of the Vegetation Schedule.

AQ87b: The surface of the path is natural.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

Path AQ87 has been shown on OS Maps since at least as early as 1891. The entire path was included in the 1957 Survey by the Bath City Engineer. The Ward Councillors commented that a number of residents frequently walk AQ87a. The landowners of AQ87a believe the path to be a public footpath and applied to the Council to temporarily close AQ87a on three occasions in order to undertake essential maintenance. Permission was granted. By applying to temporarily close AQ87a, the landowners further demonstrated their belief that the path is a public footpath. Their actions are not considered to constitute a challenge to the use of the path or cause an effective interruption in the use of the path. The adjoining property holders of AQ87a and AQ87b commented on seeing members of the public using them on a daily basis. The Council maintains the footpaths.

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 two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ89

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Environmental Services, Open Spaces. Sulis Manor Road OS & Play Area.**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

ii) Adjoining Property Holders

Seventy three letters were sent, and 2 responses were received.

- **23 WILLOW CLOSE**

- 1. not used Pathway in 2 years.*
- 2. never used.*
- 3. n.a.*
- 4. n.a.*
- 5. yes, few people during the day.*
- 6. not sure.*
- 7. not seen.*
- 8. not done anything".*

- **35 MENDIP GARDENS**

"As far as I'm aware this path has been there a long time. It has certainly been there the 12 years I have lived here. I occasionally use the path either for leisure or to access the end of my property. Having said that I have never been very sure where my property ends and responsibility for the footpath begins. I am aware the path is used by quite a number of people as I can hear them passing if I am in my garden. I am therefore thankful for the steep bank (The Wansdyke) and thick vegetation that separates my garden from the path and provides very effective privacy. I'm not sure where your research will lead but my concern is that any improvements to the path, such as street lighting or surface improvements, would encourage misuse of the path. Motor bikes have used it in the past but it does not appear an issue at the moment."

Appendix 4 – Path Summary

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: A single dashed line is shown leading from Combe Hay Lane to a junction with AQ90 and BA22/2.

1901 – 1905, OS Map: The path is shown by a single dashed line. It is part of Wansdyke and is labelled Foot Path.

1920 – 1933, OS Map: The path is shown by a single dashed line. It is part of Wansdyke and is labelled Foot Path.

1933 – 1939, OS Map: The path is shown by two dashed lines. It is part of Wansdyke and is labelled Foot Path.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: The path is shown by one dashed line.

Bath City Engineer's Survey, 1957: FP. Combe Hay Lane to Southstoke Road. Footway along Wansdyke.

ST6SW 1961, OS Map: The path is shown by a dashed line and is labelled FP.

ST6SW 1973, OS Map: The path is shown by two solid lines.

ST6SW 1983, OS Map: The path is shown by two solid lines.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: **June 1994** - complaints of rubbish dumping. **May 1995** - complaints of motorbike riding along the path. **September 1996** - complaints of overgrowth and rubbish. **November 1996** - The Council has appointed an archaeologist who will organise work to ensure that the Ancient Monument is properly maintained and that the public footpath is kept cleared. **February 1997** - English Heritage confirm that low key management involving mowing and scything of grass and understorey together with shrub and tree pruning would be perfectly acceptable and not conflict with the physical protection of the monument. **June 2000** - complaint of overgrowth. **July 2000** - PROW instructed that this path be added to the Vegetation Schedule. **December 2000** - plans to improve the surface. **August 2004** - reports of trees being chopped down on the Wansdyke, vandalism, cuttings left blocking the path. **October 2012** - improvements to the section between Mendip Gardens and St Gregory's College. **November 2013** - improvements made to the surface of the path by the Parks Department, bark chippings laid. Ongoing discussions of improvements / responsibilities.

3. SURFACE CONDITION

The surface of the path is natural. Bark chippings have been laid in some places. The full length and full width of the path is included in the Vegetation Schedule.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

Path AQ89 has been shown on OS Maps since at least as early as 1891. The path was included in the 1957 Survey by the Bath City Engineer. The landowners believe the path to be a public footpath. The adjoining property holders commented on seeing members of the public using the path on a daily basis. The Council maintains the footpath. It is part of the Wansdyke, a Scheduled Historic Monument.

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 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 this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ90

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

Eight letters were sent, and two responses were received.

- **184 OLD FROME ROAD**

"1. We have used the path for the last 8 years which is the length of time we have lived here.

2. We use the path frequently - maybe 3/4 times per week.

3. On foot

4. We use the path to gain access to the Southstoke Plateau for walks or to get to the Packhorse in Southstoke.

5. Many people use the path

6. We do not own the land over which the path crosses.

7. As mentioned above many people frequently use the path at all times of the day. A lot of dog walkers and just walkers.

8. No we have never discouraged people from using the path. We have always assumed it is a public right of way. It could do with a tidy up on the inner side. We and our 3 neighbours have, from time to time paid to have the trees and other growth cut back on the side which faces our lane".

- **190 OLD FROME ROAD**

"1. 11 years.

2. A few times a year.

3. Foot.

4. To walk to millennium viewpoint for leisure.

5. Some.

6. No.

7. Yes, most days.

8. No".

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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.

Appendix 4 – Path Summary

1887 – 1891, OS Map: The path is shown by two dashed lines. It is part of a longer path that crosses the Wansdyke and continues beyond the city boundary.

1901 – 1905, OS Map: The path is shown by one solid and one dashed line. It is part of a longer path that crosses the Wansdyke and continues beyond the city boundary.

1920 – 1933, OS Map: The path is shown by two solid lines. It is part of a longer path that crosses the Wansdyke and continues beyond the city boundary.

1933 – 1939, OS Map: The path is shown by two solid lines. It is part of a longer path that crosses the Wansdyke and continues beyond the city boundary.

Bath City Engineer's Survey, 1957: FP. Frome Road to The Wansdyke. Footway to stile at Wansdyke.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: The path is shown by two solid lines.

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.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: **June 2001** - complaints of overgrown boundary hedge. **May 2002** - complaints of overgrown boundary hedge. **March 2005** - concerns about the erection of a new boundary fence. **November 2005** - reports that the path is being used by bikers. **August 2012** - complaints of overgrowth along the path. **August 2019** - complaint about overgrown hedges.

3. SURFACE CONDITION

The surface of the path is natural. The full width and length of the path is cut as part of the Vegetation Schedule.

4. ASSESSMENT OF EVIDENCE

Path AQ90 has been shown on OS Maps since at least as early as 1891. The path was included in the 1957 Survey by the Bath City Engineer. The adjoining property holders commented on seeing members of the public using the path on a daily basis. The Council maintains the footpath.

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 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 this path is to record it as a public footpath and add it to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ162 & BQ16

The paths have historically been recorded in PROW records as two separate paths, forming a continuous route between Cranmore Place and Frome Road. The paths have been researched as one path and the intention is to record them as one public footpath.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. - Environmental Services - Highways. Frome Rd Footpath between Schools.**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **Curo Group**

Response from Henry Yates (Estates Advisor)

"I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system".

ii) Adjoining Property Holders

Two letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

Appendix 4 – Path Summary

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: A route is shown between Cranmore Place and Frome Road. At the southern end it is shown by two solid lines and is then shown by two dashed lines and then one solid and one dashed line.

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

ST76SW 1961, OS Map: The path is shown by two solid lines at the southern end and one dashed line at the northern end. It is labelled FP. The alignment at the northern end is different to the present day alignment.

ST76SW 1973, OS Map: The path is shown by two solid lines and is labelled Path.

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

Previous Orders Made: A section of the footpath was diverted in 1975. County Council of Avon (Footpath at Frome Road, Bath) Public Path Diversion Order 1975. Made 28/02/1975. Confirmed 15/05/1975. Operative 15/05/1975.

List of Streets: Not adopted highway.

Other Information: **April 1987** – a letter from Councillor Snook reporting the use of the path by cyclists, motorcyclists and small cars. *“There was apparently a time when we had signs on the footpath restricting the usage of wheeled vehicles and horses...”*. **May 1987** – a response from the City Engineer: *“My records do not indicate that the footpath which runs between 46/48 Cranmore Place and Frome Road is a public right of way”*. **July 1987** – a request from the County Planning Officer to ask if Avon County Council could put bollards at each end of the path to stop the misuse. **March 2001 - BQ16 - Frome Road to Cranmore Place** - Included in a list of 60 paths that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list.

February 2005 – a report that the path surface is very bad and needs re-surfacing. The PROW Team arranged repairs to the surface of the path. **March 2005** – a thank you letter was received from the member of the public who reported the issue. **October 2008** – complaints from a member of the public regarding the development of the Three Ways School and the effect on the footpath. **April 2011** – complaints from a member of public regarding the encroachment of vegetation on the footpath. **September 2013** - a request from the Planning Department for the PROW Team to comment on a proposal for a pedestrian link from the new Bath Studio School to join with the existing path Frome Road and Cranmore Place. The majority of the path was resurfaced during the Sainsbury's Development. BQ16 starts on Cranmore Place. **February 2022** - this section of BQ16 (and a section of path leading to public footpath BA22/1) is subject to a Section 25 Dedication Agreement dated 20/02/2022. The Dedication Agreement will come into force once the path is constructed, creating a section of public footpath. If the section of AQ162 & BQ16, included in this research, is legally recorded, it will provide a complete link between Cranmore Place, public footpath BA22/1 and Frome Road. The Dedication Agreement allows for a width of 4.0 metres for the section of footpath at Cranmore Road, between Grid Reference ST 7412 6186 and Grid Reference ST 7416 6186.

Appendix 4 – Path Summary

3. SURFACE CONDITION

The surface of the path is tarmac and it is in a good condition.

4. ASSESSMENT OF EVIDENCE

The path forms a continuous link between Cranmore Place and Frome Road. The northern section (AQ162) is maintained and owned by the Council. The middle section (BQ16) is owned by the Council. Street lighting has been erected along the full length of the path and PROW records show that resurfacing has taken place on the section of BQ16 in Council ownership. The southern section (BQ16) is owned and maintained by Curo Group. The landowners believe the route to be a public footpath. The path has been shown on OS Maps since at least as early as 1951. It has not been possible to collect evidence of use by the public, although Council records show correspondence from the public over the years.

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. The public footpath will be recorded to include the section of footpath described in the Section 25 Dedication Agreement as between Grid Reference ST 7412 6186 and Grid Reference ST 7416 6186. 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 these paths is to record them as one public footpath and add it to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ179a & AQ179b

As AQ179a and AQ179b are part of the same route between Banwell Road and Fullers Way, the paths have been researched together. The original footpath started at a junction with Path AQ89 in the south but was diverted in 1996 to accommodate housing. The diverted section was added to the Definitive Map and Statement as public footpath BC31/1 and joins AQ179a.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ179a

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

- **Bath & North East Somerset Council. Property Services – Non-operational. Fullers Way and part Fosse Gardens, Odd Down, Bath.**
Response from Martin Baker (Property Records Co-ordinator)

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side. The only other comment I have for now is to note that AQ179a and part of Path B on Map 1 are within an area let on a long (999 year) lease to LiveWest Homes and so whilst B&NES is freeholder this is not land under our control. We would have no objection to these proposed paths but would just ask you to note that LiveWest should be included in the consultation in this respect”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

- **AV213346 - Leasehold Land (LiveWest Homes)**
Landowner Evidence Form Completed

LiveWest Homes owns the land. It is believed the path is a public footpath. The respondent has seen, or been aware of, members of the public using this route: *“regular use from local residents”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs on the path and there have never been any stiles or gates on the route. The respondent has never obstructed or blocked the route. *“Assumed path to be part of the Highway Maintainable at Public Expense as they all link footways that are HMPE at both ends”.*

Appendix 4 – Path Summary

AQ179b

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

ii) Adjoining Property Holders

Three letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

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

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: AQ179a is shown by two solid lines. It is unclear if AQ179b is in existence.

ST6SW 1961, OS Map: AQ179a is shown by two solid lines. It is unclear if AQ179b is in existence.

ST6SW 1973, OS Map: AQ179a is shown by two solid lines. It is unclear if AQ179b is in existence.

ST6SW 1983, OS Map: AQ179a is shown by two solid lines. It is unclear if AQ179b is in existence.

Previous Orders Made: The City of Bath (Banwell Road, Odd Down) Public Path Diversion Order 1996. Made 07/02/1996. Confirmed 13/03/1996.

List of Streets: **AQ179a** is Class 6 adopted highway. **AQ179b** is not adopted highway.

Other Information: **August 1971** - A letter from Bath City Council to Avon County Council Public Rights of Way Team asking if there is a public right of way on this land? **September 1991** - response from the Public Rights of Way Team to say that there is concern from local residents regarding a housing development on the site and a possible claim might be submitted for a public right of way to be added to the

Appendix 4 – Path Summary

Definitive Map and Statement. **January 1992** - A footpath diversion has been identified as part of the new housing development: *"The final route of this diverted footpath will be incorporated into the new development and will be included with the intended Section 38 road making agreement and will be adopted by the highway authority upon the satisfactory completion"*. **February 1992** - the Diversion Order was objected to and subsequently abandoned. **February 1996** - The City of Bath (Banwell Road, Odd Down) Public Path Diversion Order 1996. Made 07/02/1996. Confirmed 13/03/1996. A section of the previously longer footpath was diverted. The diverted section forms a link between The Wansdyke and the sections of AQ179 included in this report. **July 2007** - report of overhanging vegetation and litter. No street lighting makes the issue more difficult at night time. The full width of the path is sprayed as part of the Vegetation Schedule.

3. SURFACE CONDITION

AQ179a: The surface of the path is tarmac and it is in a reasonable condition.

AQ179b: The surface of the path is concrete and it is in a poor condition.

4. ASSESSMENT OF EVIDENCE

The paths form part of a continuous link from Fullers Way to Banwell Road and Cranmore Place. The northern section (AQ179b) is owned and maintained by Curo. The southern section (AQ179a) is owned and maintained by the Council and leased to LiveWest Homes. The landowners believe the paths to be public footpaths. The paths have been shown on OS Maps since at least as early as 1951. It has not been possible to collect evidence of use by the public, although Council records show correspondence from the public over the years. In 1996, a section of the longer footpath was diverted at the southern end to accommodate houses (The City of Bath (Banwell Road, Odd Down) Public Path Diversion Order 1996).

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 these paths is to record them as two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ507

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Open Space – Land at Junc. Kingsway/Stirringale Road, Bath.**

Response from Martin Baker (Property Records Co-ordinator)

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

Three letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

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

ST7363 SW – 1951, OS Map: There is no path shown.

ST76SW 1961, OS Map: Stirringale Road has been built but it is not clear if the path is in existence.

ST76SW 1973, OS Map: Stirringale Road has been built but it is not clear if the path is in existence.

ST76SW 1983, OS Map: Stirringale Road has been built but it is not clear if the path is in existence.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

Appendix 4 – Path Summary

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path is owned and maintained by the Council and is Class 6 adopted highway. The path has been shown on OS Maps since at least as early as 1961. It has not been possible to collect evidence of use by the public; however the landowners believe the route to be a public footpath.

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.

Appendix 4 – Path Summary

AQ516a & AQ516b

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

AQ516a

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

AQ516b

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

- **Bath & North East Somerset Council. Environmental Services - Open Space – Corston View OS & Play Area.**

- Response from Martin Baker (Property Records Co-ordinator)**

- “Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.*

- Response from Keith Rowe (Team Manager Parks & Green Spaces)**

- “Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.*

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

Appendix 4 – Path Summary

ii) Adjoining Property Holders

AQ516a

Two letters were sent, and one response was received.

- **31 CORSTON VIEW**

The respondent has lived in her property since 2012. The path is owned by Curo. It is a public right of way as far as she knows. She uses the path when she does the gardening. Lots of people use the paths. The path is used by everybody, including those who live in Corston View and people who don't live in Corston View. It is used by dog walkers who walk behind the properties of Bloomfield Drive and back.

AQ516b

One letter was sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

ST7362NW - A, 1950, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: It is unclear whether or not the paths are in existence.

ST76SW 1973, OS Map: AQ516b is shown by solid lines. It is unclear whether AQ516a is in existence.

ST76SW 1983, OS Map: AQ516b is shown by solid lines. It is unclear whether AQ516a is in existence.

Previous Orders Made: None.

List of Streets: AQ516a - Class 6 adopted highway. AQ516b – Part Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

AQ516a - The surface of the path is tarmac. It is in a poor condition.

AQ516b - The surface of the path is partly tarmac and is in a reasonable condition. Where the path crosses the open space, the surface is natural.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

AQ516a is on land owned by Curo. AQ516b is on land partly owned by the Council and partly owned by Curo. The full length of AQ516a is Class 6 adopted highway, along with the southern section of AQ516b. It has not been possible to collect significant evidence of use by the public; however the landowners believe the paths to be public rights of way and they are maintained as such. The paths provide a link between Bloomfield Drive and Corston View Open Space.

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 these paths is to record them as two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ517

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

ii) Adjoining Property Holders

Five letters were sent, and one response was received.

- **77 CORSTON VIEW**

- The respondent has lived in Corston View all her life moved from 14 Corston View to 77 Corston View, aged 18 months old. The respondent has lived in Corston View for 58 years and uses the path daily for work, leisure etc and has done so for all of her life. The path is level with the road. Originally, the path was gravel and was tarmacked over. The respondent now uses the road and the pavement as the road is quiet. The path is used daily by others, to go to the field behind and for parents taking their children to St Phillips School. The public use the path on foot. The respondent doesn't own any of the land over which the path crosses and has never done anything to discourage people from using the path.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84, in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

Appendix 4 – Path Summary

1901 – 1905, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

1920 – 1933, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

1933 – 1939, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

ST7362NW - A, 1950, OS Map: Corston View has been built and the section of path including BQ30 and AQ517 is shown by two dashed lines.

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

ST76SW 1961, OS Map: The section of path including AQ517, BQ30 and AQ517 is shown by two dashed lines.

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

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

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path is on land owned by Curo and is Class 6 adopted highway. It has not been possible to collect significant evidence of use by the public; however the landowner believes the path to be a public right of way and it is maintained as such. The path was part of a longer path leading from Rush Hill to Stirlingale Farm, prior to the development of the area.

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.

Appendix 4 – Path Summary

AQ520

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

ii) Adjoining Property Holders

Four letters were sent, and two responses were received.

- **118 BLOOMFIELD DRIVE**

- “We moved into our house in 2004 so have used the path most days since then as it’s the only access to the front of our house, this is a pathway that is used by lots of people who usually either walk or cycle along it, this is a public footpath open to everyone”.*

- **27 FROME ROAD**

- “We live alongside path AQ520 at 27 Frome Road. We have lived here since Dec 2020. We only use the path (on foot) when inspecting our boundary wall from that side and when needing to visit the neighbour behind, us as their front gate is accessed via the path. We see people occasionally using the path on foot but do not know if they are residents or not. We don’t really look out that side of the property very often to see how frequently it is used. The only issue we have had with the path to date was when a motorbike was stolen from our garage and the thieves took it down that path before setting it on fire a short distance away behind the houses in Bloomfield Drive”.*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or Residents’ Associations.

Appendix 4 – Path Summary

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: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

1901 – 1905, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

1920 – 1933, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

1933 – 1939, OS Map: A path runs in a northerly direction from Rush Hill to a junction with footpath AQ84. It runs in a similar alignment to AQ517, AQ520 and BQ30 and is shown by 2 dashed lines.

ST7362NW - A, 1950, OS Map: Corston View has been built and the longer path has been broken up. AQ520 is shown by two dashed lines and labelled F.P.

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

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

ST76SW 1973, OS Map: The present day road network has been built and the path is shown by two solid lines.

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

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: October 2007 - Temporary prohibition of use by pedestrians for the duration of water main replacement works.

3. SURFACE CONDITION

The surface of the path is tarmac and it is in a reasonable condition. There are concrete steps.

4. ASSESSMENT OF EVIDENCE

The path is on land owned by Curo and is Class 6 adopted highway. It has not been possible to collect significant evidence of use by the public; however the landowner believes the path to be a public right of way and it is maintained as such. The path was part of a longer path leading from Rush Hill to Stirtingale Farm, prior to the development of the area.

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

Appendix 4 – Path Summary

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.

Appendix 4 – Path Summary

AQ522a & AQ522b

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- "I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system".*

ii) Adjoining Property Holders

AQ522a

Twenty four letters were sent, and two responses were received.

- **8 ODINS ROAD**

- "1. Since January 1996.*

- 2. Several times each week, plus periodic use during the summer to trim the hedge on the path side.*

- 3. On foot.*

- 4. For leisure (walk), and also to trim my hedge which borders with the path.*

- 5. Yes - people use it to get to local schools and shops, dog walking, as well as back access to their homes.*

- 6. No, I believe this is Council owned property.*

- 7. Yes, it is used daily by people who do not live in adjoining property.*

- 8. No, never.*

- "The Council attempted to erect a staggered metal walk through, just at the end of my garden (8 Odins Road) some years ago, but this was vandalised within days. This was to discourage motorbikes from being driven along the path - but this still happens. The path collects quite a lot of litter, making it very unattractive, and some of the items I have had thrown over the hedge over the years is unbelievable (including a number of bras!!). The latest item was a child's red plastic desk which I believe was carried from the rear of a house in Vernham Grove and then thrown over the hedge. Empty toothpaste tubes, sandwich wrappers, drinks cans, beer bottles often litter the lane. An empty lady's handbag was found in the lane quite some months ago, and I also found*

Appendix 4 – Path Summary

a knife in the hedge which the Police came and collected. Last week I sent a 'Fix My Street' request to remove a large flat-like suitcase which had been dumped”.

- **7 VERNHAM GROVE**

“1. Since 2002.

2. Daily.

3. Foot (all of path), bicycle and vehicle (from west end of path at Vernham Grove to the junction of the path with AQ522b) for access to the rear of my property.

4. Foot - access through to Odins Road and beyond (access to local amenities) vehicle - access to rear of my property.

5. Yes, daily - on foot, bicycle, some Vernham Grove resident's vehicle access to rear of properties.

6. No.

7 – Daily.

8. No.

Other information: Since I have lived in my property there has been use of the whole path on foot and use for vehicles at the west end. AQ522b has vehicles using it regularly for access to the rear of the properties on Vernham Grove, plus using the parking spaces that are opposite the back of properties on the path. The council team (and contractors) that maintain the Vernham and Odins play area and park use the two paths for vehicle access. When I first moved to the property, the rubbish and recycling collection was made at the rear of the properties (but that changed to being collected from the front of the property)”.

AQ522b

Sixty eight letters were sent, and four responses were received.

- **17 ODINS ROAD**

“1. 4.

2. Occasionally.

3. Walking dogs.

4. Leisure and walking dogs.

5. Usually several.

6. No.

7. Don't know.

8. No”.

- **19 VERNHAM ROAD**

“I have lived at my property for over 30 years from January 1995 to today 2025. My husband has lived here even longer. The path AQ522b which is at the back of the property is used on a regular basis, as it is the rear entrance to the property. It is used at least 2 - 3 times a day. We use this path / road access, by foot to the park area and to the back access of our property, also sometimes by car, as there are parking bays. This is also used for leisure purposes to access the park and as state the rear entrance to property and parking. As far as we know, this is the access point area to each property and road for car

Appendix 4 – Path Summary

parking. We see - apart from the residents of other properties along this path / road - other people from other areas using this path and vehicle access to access the park area and children's activity area. This being dog walkers and families. People, other than residents, use this access on a daily basis. Not only for the park but for walking dogs and children to and from this area. It is also used by ground workers for cutting the grass etc. We have never put up notices or discourage people from using this path or access. This path/ access AQ522b is also used to access path AQ522a - slip road / pathway to other streets - community centre and shop areas. Many people use this cut through including on foot, bicycle and ground people cutting the grass etc. Also including is the access point, path AQ522b by using the access path AQ524a which is used on a regular basis by numerous people. Also we have used on a regular basis,(daily), path BQ29 and BA11/3 in the area. This is used as a walking area for people on foot and dog walkers for their wellbeing. These paths are used for recreation purposes as well as access to other roads and shops. I personally have used all these paths and access areas for taking my walking groups on a regular basis as well as dog walking over many years, in excess of 30 years. Path BQ29 and path BA11/3 is access to the countryside and fields for off road walking groups and wellbeing activities, for many people in this area and also outside this area, on a daily basis”.

- **23 VERNHAM ROAD**

- “1. Resident was born in 57 Vernham (1950) – houses were built in 1930s – paths have been there since then.*
- 2. Frequency using paths AQ522b & a – daily.*
- BQ29 / AQ87b – use to use daily when had dogs – now grandchildren.*
- 3. Walking.*
- 4. Purpose -to get about – daily activities.*
- 5. Yes lots of people use.*
- 6. Ownership - ? Curo? for the ones need Vernham.*
- 7. Other users -lots of usage by many.*
- 8. No”.*

- **71 VERNHAM ROAD**

“I have used the path since 2003 when I moved in. My solicitor delayed the move in as he needed to be sure the rear path was a PROW for access to my garage. Our motorbikes are in the garage so we use the path almost every day. We also walk around the path from the front of the house to walk past the park and into the city using AQ522a. We often see dog walkers use it for access to the park and many residents park their cars there. On occasion there are some cars parked up with a sweet smell of a green organic product as the lads enjoy their day then drive off risking everyone. Some people I don't recognise use the path but they may live on Old Fosse road etc. I have never tried to stop anyone from using the path”.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or Residents' Associations.

Appendix 4 – Path Summary

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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: AQ522a is shown by two solid lines between the houses. Where it crosses open ground, it is shown by 2 dashed lines and labelled F.P. AQ522b is shown by two solid lines between the houses. It is shown by one dashed line and one solid line where it runs behind the houses.

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

ST7362SW - A, 1950, OS Map: AQ522a is shown by two solid lines between the houses. Where it crosses open ground, it is shown by 2 dashed lines and labelled F.P. AQ522b is shown by two solid lines between the houses. It is shown by one dashed line and one solid line where it runs behind the houses.

ST76SW 1961, OS Map: The paths are shown on the present day alignment. The east-west section is labelled FP.

ST76SW 1973, OS Map: The paths are shown by two solid lines between houses and by one solid and one dashed through the open spaces.

ST76SW 1983, OS Map: The paths are shown by two solid lines between houses and by one solid and one dashed through the open spaces.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

The paths have a tarmac surface and are in a reasonable condition.

4. ASSESSMENT OF EVIDENCE

The paths are on land owned by Curo and are Class 6 adopted highway. The landowner believes the paths to be public rights of way and they are maintained as such. Adjoining property holders report use of the paths by members of the public. The paths have been shown on OS Maps since at least as early as 1939.

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 routes are public footpaths. 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 these paths is to record them as two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ524a & AQ524c

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

ii) Adjoining Property Holders

AQ524a

Ten letters were sent, and one response was received.

- **BARROW ROAD**

- “1. I have used this path since August 1981.*

- 2. I use it most every day.*

- 3. On foot.*

- 4. Access to local amenities, visiting friends, the route to the bus. I use it to access the children’s park with my grandchildren now, but with my own children back in 1986.*

- 5. Lots of people use the path. Most every time I use it I greet at least two other people.*

- 6. I do not own the land; it goes through a local children’s park which is used daily.*

- 7. Yes, I see other users not all residents of the area.*

- 8. No, I have never discouraged anyone else from using it”.*

AQ524c

Nine letters were sent, and one response was received.

- **114 OLD FOSSE ROAD**

- “1. I have been here for around 15 years.*

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2. *I use the path almost everyday as I take my scooter out of the back garden onto the path, I also sometimes use the path to drive down if I have shopping to unload and there is no parking near by as the space have all been taken.*
 3. *I sometime walk down the path if I have popped to the local shops, I use the path on my scooter and the occasion time in my car.*
 4. *I use the path for leisure and to access my vehicle to take me to work.*
 5. *I don't see many but occasionally, some use to drive down to the back of the property, a local man in a wheel chair and people walking down to the fields.*
 6. *I have a mortgage on my property but I do not own the land outside of the boundaries of my property, ie the path we are discussing.*
 7. *Quite honestly I would not know who lives here and who doesn't, sadly the days of knowing your neighbours has gone.*
 8. *No.*
- The one point I would add is that we have had some issues with people dumping their rubbish along the path, I was concerned for a while that it might become a flytip area but thankfully that has not happened”.*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: The present day road layout has been constructed and AQ524a and AQ524c are shown by two solid lines.

ST7362SW - A, 1950, OS Map: AQ524a and AQ524c are shown by two solid lines between the houses.

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

ST76SW 1961, OS Map: The paths are shown by two solid lines.

ST76SW 1973, OS Map: The paths are shown by two solid lines.

ST76SW 1983, OS Map: The paths are shown by two solid lines.

Previous Orders Made: Nothing on file.

List of Streets: Not included.

Other Information: May 2002 - query about whether the path was adopted. **June 2002** - answer given that there is no record of any maintenance being carried out on the route, nor is it adopted.

3. SURFACE CONDITION

The paths have a tarmac surface and are in a reasonable condition.

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4. ASSESSMENT OF EVIDENCE

The paths are on land owned by Curo. The landowner believes the paths to be public rights of way. Adjoining property holders report use of the paths by members of the public. The paths have been shown on OS Maps since at least as early as 1939.

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 routes are public footpaths. 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 these paths is to record them as two public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

AQ525

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **AV20991 - Land on the north side of Frome Road, Odd Down, Berewyke. The Guinness Partnership, 2530 Aztec West, Almondsbury, Bristol, BS32 4AW**

Landowner Evidence Form Completed

The Company has owned the land for 47 years. The respondent believes that the path is a public footpath and has believed this: *“for duration of ownership”*. The respondent has seen, or been aware of, members of the public using this route: *“Yes, public use the pathway as a cut through from Wellsway onto Chelwood Drive and from Chelwood Drive onto Wellsway.”* The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public. *“There is a break in the barriers to enter Chelwood Drive off the main pathway”*.

ii) Adjoining Property Holders

Ten letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers and Local User Groups. The following response was received:

v) Residents’ Associations

- **Bloomfield Residents’ Association**

“Thank you for allowing us to participate in the consultation regarding Public Footpaths in Odd Down Ward. While about a third of our catchment area is in Odd Down none of the paths listed are in that zone. We do have an interest in one outside our catchment area. That would be the Chelwood footpath AQ525. Our members & other area residents do use that path as a shortcut from the Sports Ground to the Wellsway. It must be admitted that the path can be accessed only because the Sports Ground boundary is permeable at the moment. But we are hoping that a more formal access to Wellsway for pedestrians & cyclists will be part of the plan to update to the Sports Ground which is due in the Spring. Thanks again for the opportunity to comment”.

Appendix 4 – Path Summary

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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

ST7362SE - A, 1950, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Part Class 6 adopted highway, part unadopted.

Other Information: Nothing on file.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path is on land in private ownership. The landowner believes the path to be a public right of way. A section of the path is Class 6 adopted highway. It has not been possible to collect significant evidence of use by the public; however, the Bloomfield Residents' Association recognises the path as being useful to its members and the public for accessing the Odd Down Sports Ground. The path has come into existence since 1983.

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.

Appendix 4 – Path Summary

AQ528

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Environmental Services, Open Spaces. Odd Down OS, Wellsway, Bath.**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **Curo Group**

Response from Henry Yates (Estates Advisor)

"I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system".

ii) Adjoining Property Holders

Three letters were sent, and one response was received.

- **19 LYMPHAM GREEN**

"1. I have used the footpath since I moved in, in December 1992. It is a very useful shortcut to the main part of Odd Down and also to the main A367 - the main route from south of Bath into the city centre - easy for catching buses for example.

2. I use the path at least eight times a week. Often more.

3. I am on foot.

4. I use the footpath to get to the local shops, to go to church, to visit friends, to go to catch a bus into town, to go volunteering, to go to other activities such as the sports ground, to simply go for a walk.

5. It is a popular cut through. I see plenty of people coming through every day. People use it to go to Sainsbury's, school, dog walking and residents also use it as a shortcut like I do. Some cyclists use it. It runs alongside a workhouse

Appendix 4 – Path Summary

burial ground which has benches and sometimes people enjoy spending time there.

6. I don't own the land it crosses.

7. All sorts of non-residents use the path. It provides easy access to the burial ground, which is a popular dog walking spot, schools, supermarket, countryside and more.

8. I have never done anything to discourage path users”.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

ST7362SE - A, 1950, OS Map: There is no path shown.

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 one solid and one dashed line.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The majority of the path is maintained and owned by the Council. A small section at the Lympsham Green end is owned by Curo. The landowners believe the path to be a public footpath. The path has been shown on OS Maps since at least as early as 1961. One adjoining property holder reported some use of the route 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

Appendix 4 – Path Summary

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.

Appendix 4 – Path Summary

AQ544

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system”.*

ii) Adjoining Property Holders

Four letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

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

Somerset Sheet XIV.SW. 1952, 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.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

Appendix 4 – Path Summary

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path is owned by Curo who believes it to be a public footpath. It is Class 6 adopted highway. The path has been shown on OS Maps since at least as early as 1939.

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.

Appendix 4 – Path Summary

AQ585

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **AV20991 - Land on the north side of Frome Road, Odd Down, Berewyke. The Guinness Partnership, 2530 Aztec West, Almondsbury, Bristol, BS32 4AW**

Landowner Evidence Form Completed

The Company believes that the path is a public footpath and has believed this *“for duration of ownership”*. The Company has seen, or been aware of, members of the public using this route: *“Yes, used as a cut through from main road onto Chelwood Drive and vice versa.”* The Company has never required people to ask permission before using the route. The Company has never turned back or stopped anyone from using the route. The Company has never told anyone that the route was not public. The Company has never erected notices or signs stating that the route was not public. *“There is a break in the barriers to enter Chelwood Drive off the main road”*.

ii) Adjoining Property Holders

One letter was sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

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

ST7362SE - A, 1950, OS Map: There is no path shown.

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: It is unclear if the path is in existence.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

Appendix 4 – Path Summary

3. SURFACE CONDITION

The surface of the path is tarmac and it is in a good condition.

4. ASSESSMENT OF EVIDENCE

The path is on land in private ownership. The landowner believes the path to be a public right of way. The route is Class 6 adopted highway. The path has come into existence since 1983.

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.

Appendix 4 – Path Summary

AQ586, AQ587, AQ588 & AQ589

These four paths are on land owned by the same landowner.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **ST247110 - Land at St Martin's Hospital, Midford Road, Bath.**
Concordia (Bath) Management Co Ltd, 1st Floor, 1 Chartfield House,
Castle St, Taunton, TA1 4AS
Landowner Evidence Form Completed

The Company has owned the land for 17 years. The respondent believes that the paths are public footpaths and has believed this for 17 years. The respondent has seen, or been aware of, members of the public using these routes: *"Yes, daily use, mostly on foot, some bicycles too"*. The respondent has never required people to ask permission before using the routes and has never made a Section 31(6) (Highways Act 1980) deposit and has never turned back or stopped anyone from using the routes. The respondent has never told anyone that the routes were not public and has never erected notices or signs stating that the routes were not public. *"The company and all residents have always understood the paths to be adopted and maintained by BANES for use by the public"*.

ii) Adjoining Property Holders

AQ586

Five letters were sent, and no responses were received.

AQ587

Three letters were sent, and no responses were received.

AQ588

Two letters were sent, and one response was received.

- **59 KEMPTHORNE LANE:**
 - "1. We have used the path since we moved here in July 2008.*
 - 2. We use the path daily.*
 - 3 - We use the path on foot.*
 - 4. We use the path mainly to reach our car in our parking space behind the house.*
 - 5. Lots of other people regularly use the path.*
 - 6. We do not own the land the path crosses.*

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7. *Yes other people who don't live in the adjoining property use the path on a daily basis.*

8. *No we have never discouraged people from using the path”.*

AQ589

There are no adjoining properties.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There are no paths shown.

1901 – 1905, OS Map: There are no paths shown.

1920 – 1933, OS Map: There are no paths shown.

1933 – 1939, OS Map: There are no paths shown.

ST7362SW - A, 1950, OS Map: There are no paths shown.

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

ST76SW 1961, OS Map: There are no paths shown.

ST76SW 1973, OS Map: There are no paths shown.

ST76SW 1983, OS Map: There are no paths shown.

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: Nothing on file.

3. SURFACE CONDITION

The surface of the paths is tarmac and they are in a good condition.

4. ASSESSMENT OF EVIDENCE

The paths are on land in private ownership. The landowner believes the paths to be public rights of way. The paths are Class 6 adopted highway and have come into existence since 1983.

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 routes are public footpaths. 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 these paths is to record them as four public footpaths and add them to the Definitive Map and Statement for the City of Bath.

Appendix 4 – Path Summary

BQ9

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

Twenty one letters were sent, and four responses were received.

- **120 RUSH HILL**

"1. 2009.

2. Every day.

3. On foot and by vehicle.

4. We live on this lane, so for local amenities, work, school, daily walks etc.

5. Yes other residents, school children, dog walkers and hikers, delivery drivers.

6. I believe none of us residents own the lane? Could you confirm?

7. Yes daily members of the public.

8. No".

- **SPRINGFIELD COTTAGE, 124 RUSH HILL**

"1. We moved to our current address adjacent to the path in 2021 and have used it regularly since, before moving we only used the path very occasionally.

2. We use the path on a daily basis, multiple times per day.

3. We use the path by foot, bike and by vehicle.

4. The path is used to access our property. We use the path on foot for leisure (going for a daily walk) and to access local shops. We use it by bike and/or vehicle to access local amenities and for activities further afield. Any journey by vehicle, foot or bike (for whatever purpose) necessitates us using the path.

5. We regularly see other people using the path both neighbours who also live along the path and strangers. On a daily basis we also regularly see tradesman, delivery drivers and visitors to our neighbours using the path in vehicles.

6. Our land is accessed via the path but we do not have ownership of the path.

7. We regularly see members of the public using the path on foot on a daily basis.

8. We have never done anything to discourage members of the public from using the path and am not aware of anyone else doing so either".

- **130 RUSH HILL**

"I am writing in response to a letter you sent regarding the public access along Hedgedown Lane, i.e. BQ9 on your map.

1. I have used the path for 69 years, from 1956 to date. Older family members used the path back to the 1920s.

Appendix 4 – Path Summary

2. *I use the path every day.*
3. *I use the path daily on foot and by car and very occasionally by bicycle.*
4. *The lane is the only access to my residence.*
5. *I regularly see neighbours, walkers and dog walkers using the path.*
6. *This path is along Hedgedown Lane which is an unadopted lane. The properties on the lane have access ownership and we pay for the upkeep of the lane e.g. we shared the cost of tarmac-ing the lane and we share the cost of its ongoing maintenance.*
7. *The path is a useful route for pedestrians to join the public footpath at the far end of the lane.*
8. *I have never discouraged pedestrians passing by. To my knowledge, it has always been a public pedestrian route to the paths and fields beyond”.*

- **142 RUSH HILL**

- “1. Since we moved here in April 2002, so over 23 years.*
- 2. Constantly, many times throughout the day.*
- 3. By foot and vehicle.*
- 4. In order to access our property from the main road (Rush Hill) which lies on the other side of the path.*
- 5. Yes, constantly.*
- 6. No.*
- 7. Yes, constantly, throughout the day.*
- 8. No”.*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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 shown by two solid lines. It appears to link with footpath BA11/3.

1901 – 1905, OS Map: The path is shown by two solid lines. It appears to link with footpath BA11/3.

1920 – 1933, OS Map: The path is shown by two solid lines. It appears to link with footpath BA11/3.

1933 – 1939, OS Map: The path is shown by two solid lines. It appears to link with footpath BA11/3.

ST7362NW - A, 1950, 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 but it is not shown linking to footpath BA11/3.

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

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

Previous Orders Made: None.

List of Streets: Not adopted highway.

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Other Information: February 1997 - An enquiry from a Solicitor. The local search has told them that the road is not maintainable at public expense but what is its status? **March 1997** - Response from PROW: *"There is no public right of way of any description recorded over the track However under S31 Highways Act where a way over any land has been actually enjoyed for a full period of 20 years the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it. Rights of way which come into existence in this manner are not publicly maintainable"*. **March 2001** - Included in a list of 60 paths (*Rush Hill to BA11/3*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list.

3. SURFACE CONDITION

The surface of the path is tarmac and it is in a good condition.

4. ASSESSMENT OF EVIDENCE

The path is not registered with the Land Registry. It has been shown on OS Maps since at least as early as 1891 and was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. Adjoining property holders have access rights along the route and report frequent use of the route by the public. Street lighting has been erected at the eastern of the path.

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.

Appendix 4 – Path Summary

BQ11

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 no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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 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.

ST7362NW - A, 1950, 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 one solid and one dashed line.

ST76SW 1983, OS Map: The path is shown by one solid and one dashed line.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: **April 1996** – Letter from Councillor Roberts asking if the Council “could investigate the provision of a footpath from Kingsway to Rush Hill. This is through the grassed area at the back of Edgeworth Road”. **May 1996** – Letter from Colin Hudson to Councillor Roberts. The path in question “is not recorded as a public right of way (this is not to say that no right exists, merely that it has not been recorded as such)”. **May 1998** – Email from Nigel Roberts “At the top the steps are concrete the rest of the path is mud can anything be done to make this footpath more permanent”. **December 1998** – Response from Public Rights of Way to say that there is no record of the path so it is doubtful that the path would be publicly maintainable: “If the path came into existence through usage after that date (December 1949), it would not be”. **March 2001** - Included in a list of 60 paths (*Rush Hill, back of 131-135 to Rush Hill*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **July 2003** – Call from Action Line

Appendix 4 – Path Summary

complaining about overgrowing nettles in the area and that the steps were rickety. **April 2007** – Report of steps being missing. **May 2007** – The PROW Team arranged for the rebuilding of the steps at Rush Hill.

3. SURFACE CONDITION

The surface of the path is natural. The steps are concrete and are in poor repair.

4. ASSESSMENT OF EVIDENCE

The path is not registered with the Land Registry. The path has been shown on OS Maps since at least as early as 1891. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. A local Councillor has previously shown an interest in the path and the PROW Team has carried out work on the path.

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.

Appendix 4 – Path Summary

BQ12

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Environmental Services - Open Space – Rush Hill Open Space.**

Response from Martin Baker (Property Records Co-ordinator)

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

There are no adjoining properties.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: December 2000 – Letter from local residents asking for a path to be created across the field. **February 2001** – Response from Public Rights of Way to say that the issue with the route is that a section of it was originally provided as *“a rear access for the people living in numbers 38 – 48 (evens) Edgeworth Road. In fact there is a notice on the fence of number 42 stating that it is not a public footpath. The Council cannot therefore encourage the use of this path without the consent of the owners to the path being dedicated as a public footpath. I have*

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therefore passed our request to the Council's Safe Routes for School project".

March 2001 - Included in a list of 60 paths (*BQ11 to Edgeworth Road*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **March 2010** – member of the public called to advise that someone has erected a gate on the footpath between numbers 42 and 44 Edgeworth Road. Owner of 42 Edgeworth Road contacted. He says he owns the land and has erected the gate due to anti-social behaviour. The neighbours have keys to the gate. There is no footpath across the field. The landowner worked with the local councillor to get the gate installed. He says he always told people that the path is private and there is a painted sign on the fence alongside where the path is. The landowner moved in in 1969 when the houses were built. The concrete path behind the houses was constructed for service access for bin collection. There was a fence behind the concrete path which stopped people coming down from Rush Hill and walking through the alley between 42 and 44 Edgeworth Road. The fence behind the concrete path fell into disrepair after the Council dug up the land for water pipes. The Council removed the fence in the mid 1970s and never replaced it. The home owners have since planted bushes and trees along the line.

3. SURFACE CONDITION

The surface of the path is natural.

4. ASSESSMENT OF EVIDENCE

An enquiry was made to the PROW Team in 2000 regarding a path that extended from between 42 and 44 Edgeworth Road to join with BQ11. The response from the Council was that the section of the claimed route from Edgeworth Road to the rear of the properties was originally provided to service the rear of the properties. Since the original enquiry, the path was blocked at the point of entry into the open space. At the start of the consultation on possible public rights of way in Odd Down Ward, the decision was taken to include the section of BQ12 running between BQ11 and Path F in the consultation. The blocked section was not included in the consultation, as described in Appendix 1 – Background Information at Point 1.8. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. The Council, as landowner, has no objection to recording the shortened section of path as a public footpath.

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 shortened route of BQ12 included in the consultation 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

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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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BQ13

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.

- **Bath & North East Somerset Council. Environmental Services - Open Space – Rush Hill Open Space.**
Response from Martin Baker (Property Records Co-ordinator)
“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.
Response from Keith Rowe (Team Manager Parks & Green Spaces)
“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

Two letters were sent, and one response was received.

- **15 SOMERDALE VIEW**
*“1. Since we moved in June 2023. We have used it regularly from June–December 2023 and throughout 2024 to date.
2. At least two to three times per week.
3. On foot.
4. Primarily for accessing local amenities and leisure purposes.
5. Yes, absolutely - there is frequent use in both directions.
6. No, but I own the house directly adjacent to the path(s).
7. Yes - every day. It is commonly used by pedestrians, with occasional use by cyclists.
8. No - quite the opposite. We ensure the hedge alongside the path is kept appropriately trimmed to allow safe and easy passage for all users”.*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

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ST7362NW - A, 1950, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

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

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: March 2001 - Included in a list of 60 paths (*Edgeworth Road to Somerdale View*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **May 2004** – Enquiry from a member of public about motorbikes going up through a slip way that leads into Corston View. It is dangerous and the path is used at all times by residents, the elderly and school children. Could a barrier be put up at the bottom of the slip way? **August 2004** – member of the public advised that motorbikes are using the footpath. Could barriers be put up? **November 2004** – Response from Public Rights of way to say that the situation has been monitored over the last three months, particularly at late afternoon, early evening. No incidents witnessed or any more complaints received. One motor cyclist observed at the time and advised not to use the path. Not able to install a barrier at this time. **August 2006** – the path needs vegetation cleared before the children return to school. **October 2010** – Query from the owner of 60 Edgeworth Road – is the path beside his property a public right of way? His Deeds say there is no right of way as the path is a service path for the house. They would like to erect a gate for privacy. **October 2010** – Reply from the Public Rights of Way Team advising that if a gate is erected, it is possible that a claim could be made and the gates would need to be removed. A sign saying "*Private Footpath*" has been put up at the Edgeworth Road end.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

A longer path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. This path began on Edgeworth Road, between numbers 58 and 60. The owner of 60 Edgeworth Road enquired about the status of the path in 2010 and erected a gate and sign to deter public use. At the start of the consultation on possible public rights of way in Odd Down Ward, the decision was taken to include only the section of BQ13 running between Somerdale View and Corston View in the consultation. The blocked section was not included in the consultation, as described in Appendix 1 – Background Information at Point 1.8. The longer path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. The Council, as landowner, has no objection to recording the shortened section of path as a public footpath.

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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 shortened route of BQ13 included in the consultation 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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BQ17

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Curo Group**

- **Response from Henry Yates (Estates Advisor)**

- “I have looked at the maps and the majority of the pathways are already adopted by BANES and therefore maintained by yourselves.....There will be no objection from Curo. To my knowledge we have not put anything in place to discourage path users. The pathways would have been handed over to housing association as part of the stock transfer in 1999, I would imagine that nothing has changed since then, as BANES have them as adopted highway. We have also checked to see if any consent have been applied for or give and non are on our system.”*

- **AV248799 Land adjoining 46 Mendip Gardens, Bath**
Landowner Evidence Form

The initial consultation letter was sent to the address given on the Land Registry Deeds. It was returned with the comment: “Not known at this address for 30 years”. An email was sent to a contact in the PROW records who had agreed the width of the path with the PROW Team in 2011. No response was received. A subsequent phone call was received from the landowner in July 2025. He confirmed that he believes the path to be a public footpath and a site visit was made in September 2025 to discuss the width of the footpath with the landowner.

ii) Adjoining Property Holders

Four letters were sent, and one response was received.

- **46 MENDIP GARDENS**

- “1. I’ve used the path (ref no BQ17) since May 2012-present day.*
 - 2. I use it on the school run, so at least 4 times on a school day, prior to having children I walked that way to Bear Flat for work. I also use it to go to Sainsburys and to go for walks to Millenium View with my kids. Approx 25 times in a typical week.*
 - 3. On foot myself, the kids also cycle on the wide part next to our house.*
 - 4. School run, to go for walks, to get to town, to get to Sainsburys, for kids to use their bikes.*
 - 5. Yes school kids and fellow local residents.*
 - 6. I don’t think so.*
 - 7. Yes daily.*

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8. No”.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: The path is shown running from Mendip Gardens, by two solid lines. It continues to Banwell Road on a slightly different alignment to the present day and is shown by two dashed lines.

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

ST76SW 1961, OS Map: The path is shown running from Mendip Gardens, by two solid lines. It continues to Banwell Road on a slightly different alignment to the present day and is shown by two dashed lines. It is labelled FP.

ST76SW 1973, OS Map: The path is shown running from Mendip Gardens, by two solid lines. It continues to Banwell Road on a slightly different alignment to the present day and is shown by two dashed lines.

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

Previous Orders Made: None.

List of Streets: Not included.

Other Information: **March 2001** - Included in a list of 60 paths (*Banwell Road to Mendip Gardens*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **March 2003** - a report of damage to the surface of the footpath. **April 2003** – the PROW Team received a quote to repair the footpath and forwarded it to the owner of the section of the footpath – Somer Community Housing Trust (SCHT) (now called Curo). **October 2007** – query about gating the path. Response given – that it isn’t currently recorded as a public right of way but that gating the path may prompt a claim, which if successful, would mean that the gates have to be removed. **June 2008** – request for gating, due to anti-social behaviour. **July 2008** – response from PROW given that gates can be installed but the path is likely to be recognised as being a public footpath and should be treated as one. **September 2008** – complaint that a petition is being started to get gates erected. If this happens, it will mean a 20 minute detour along the Wellsway. The path has been there for sixty years. **September 2008** – Response from PROW that no petition has been received and that the path is probably a public highway and so cannot have gates erected unless a Gating Order is made. **April 2010** – the owner of 46 Mendip Way wants to put a fence round the garden but feels that this will enclose the path and make it feel threatening so they asked if they could buy a small part of the Council

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owned allotments to divert the path onto and lessen the bend. A neighbour of 12 Mendip Gardens stated that he has been using the path for years and that he was instrumental in getting the street light repaired, the trees cut down and the surface improved. This has reduced the anti-social behaviour. **December 2011** – new layout for part of the path proposed in a planning application at 46 Mendip Gardens. PROW requested minimum widths: from Mendip Gardens straight down to the old post is 3.8 metres slightly narrowing to 3.6 metres. **December 2012** – note on file from PROW, following a site visit to say that the posts had been moved to the agreed width. **May 2015** – report of the path being overgrown. **September 2025** – a site visit was made by the PROW Officer and the owner of a section of the land over which the footpath runs. The width of the footpath was measured and agreed.

3. SURFACE CONDITION

The surface of the path is tarmac and it is in a reasonable condition. The verges of the full length of the path are strimmed as part of the Vegetation Schedule.

4. ASSESSMENT OF EVIDENCE

The path has been shown on OS Maps since at least as early as 1952. In 2010, the then owner of the land at 46 Mendip Gardens liaised with the Council regarding the route of the path. The width of the path on the plot of 46 Mendip Gardens was agreed with the PROW Team in 2012. Since then, 46 Mendip Gardens has been removed from the Land Registry Deed and belongs to a different landowner, who was consulted as an adjoining property holder and reported no objections to recording the path as a public footpath. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. The owner of the southern section of land over which the path runs confirmed that he believes the path to be a public footpath and agreed the width to be recorded at a site visit with the PROW Officer. Curo owns the northern section of land over which the path runs and has no objection to recording the path as a public footpath.

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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BQ21

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Highways – Land adjacent to Frome Road, Bath. Highways – Land at St Phillips Primary School, Frome Road, Bath.**

Response from Martin Baker (Property Records Co-ordinator

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

Three letters were sent, and one response was received.

- **86 BLOOMFIELD RISE**

“I use the path and, because I have been working from home for the last 10 years, I have regular, daily sight of how the path is being used.

1. I have used the path from November 2004 onwards.

2. I have used the path on most days of the week since I moved into the area – at least three or four times a day on the days that I have used it.

3. I have only ever used the path on foot.

4. I have used it for access to work, amenities, and leisure.

5. The path is used very, very frequently at all times of the day by a range of people. Particularly during the School terms.

6. I don’t own the land over which the path crosses.

7. As I said above (5), the path is used at all times of the day by a range of people.

8. The only times I have discouraged anyone from using the path was when people have been sat on the wall outside the School on the path using narcotics or alcohol and when somebody rode a motorbike through the path. On these occasions it was only when I was using the path myself at the same time that I made a comment”.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or Residents’ Associations.

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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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: A path has been constructed, between Frome Road and Somerdale Avenue. It is shown by two solid lines and 2 dashed lines.

ST7362NE - A, 1950, OS Map: The path is shown by two solid lines and is labelled F.P.

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 one solid and one dashed line.

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

Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: **October 1962** - Request from the Director of Education to provide a through route between Rush Hill and Bloomfield Rise. **October 1962** - Response from the City and Waterworks Engineer to say that it is possible for the cost of approximately £80. **March 2001** - Included in a list of 60 paths (*Bloomfield Road to Rush Hill*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **July 2004** - Property Services discovered in their records that the land for this path was conveyed to Bath City Council on the condition it was made up as adopted highway. It has therefore been added to the adopted highway record as a Class 6 highway.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path has been shown on OS Maps as part of a longer route between Rush Hill and Somerdale Avenue since at least as early as 1939. The Council owns the land and has no objection to recording the path as a public footpath. It is Class 6 adopted highway and maintained by the Council. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption; however, the Property Services Team discovered in 2004 that the path should have been adopted in the 1960s when the land was conveyed to the Council. The adopted highway records were updated accordingly.

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

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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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BQ29

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **ST197894 - The Orchard, Longbourne, Odd Down, Bath. Regent's Park College (Co.Regn.No. 11470540), Pusey Street, Oxford, OX1 2LB**
Landowner Evidence Form
No response.

ii) Adjoining Property Holders

Two letters were sent, and one response was received.

- **26 ENTRY HILL**

The path is privately owned but is used by the general public. The Council did maintain it a couple of times but have stopped doing so. In 2016, the respondent received a letter from Regent's Park College, Pusey Street, Oxford, OS1 2LB to say that they owned the land over which the path runs and land at the end of the path. The respondent was visited by a Dr Anthony Harris of 84 Consort Avenue, Trumpington, Cambridge from Regent's Park College concerning a problem with people parking on the lane. The respondent has lived at her property since 1997 and uses the path almost daily, on foot and with a vehicle. It provides access to her property and to a piece of land she owns further down the lane. She also uses the path for dog walking and sees several people using the path every day - local people walking dogs. Not as many people use the path as previously. She has never done anything to discourage people from using the path. Her son cuts the grass on the short length alongside her property. The land at the end of the lane used to be a nice orchard and pony paddock but has been left untended

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

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

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

Appendix 4 – Path Summary

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

ST7362NW - A, 1950, OS Map: The eastern end of the path is shown by two solid lines.

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.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: March 2001 - Included in a list of 60 paths (*Junction BA11/3 running east to Old Fosse Way*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. The Council considered adopting the paths included in the list. **January 2018** - removal of a fallen tree by the Council.

3. SURFACE CONDITION

Sections of the path are tarmac, gravel and natural. It is in a reasonable condition.

4. ASSESSMENT OF EVIDENCE

The path has been shown on OS Maps since at least as early as 1933. The land is in private ownership and the landowner has not responded to the consultation. An adjoining property holder reported a visit from a representative of the landowner in 2016. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. The PROW Team has carried out maintenance on the path.

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.

Appendix 4 – Path Summary

BQ53

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **ST253217 - 584a Wellsway, Bath, BA2 2UE.**
Landowner Evidence Form Completed

The landowner has owned the land for 17 years. He believes that the path is a public footpath. He has seen, or been aware of, members of the public using this route: *“Daily use, footpath”*. He has never required people to ask permission before using the route and 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 that the route was not public. He has never erected notices or signs stating that the route was not public.

ii) Adjoining Property Holders

Eighteen letters were sent, and two responses were received.

- **COUNTRY WAYS, COLBOURNE ROAD**

“The path referred to runs alongside our property (Country Ways, Colbourne Road) and a stretch of this path appears on our property deeds. Our bungalow is built on what was formerly an allotment and to our knowledge the footpath was in use for very many years before that. The path is used as a pedestrian shortcut frequently and in school terms can be quite busy. In the past both bicycles (and motorbikes on the odd occasion) have used this pedestrian lane but this is now infrequent. The path is not council maintained but local users have put down loose stones to stop puddles forming after storms. Our location means we are most affected by any abuse, the most frequent of this is noise and litter from schoolchildren and less frequently, graffiti. It should however be noted we have never stopped its pedestrian use, although there is a general feeling locally this should be for residents in the immediate vicinity. It must also be noted that the stretch of footpath adjoining and leading from our neighbours in Stonewold, Wellsway, is not within our deeds.”

- **570 WELLSWAY**

- “1. I have used the path since 1998.*
- 2. I use the path weekly, some of these occasions are to pick up litter.*
- 3. I use the path on foot.*
- 4. I use the path for access.*
- 5. I see many people using the path.*
- 6. I do not own the path.*

Appendix 4 – Path Summary

7. *I see people using the path on a daily basis. It is used by pupils of St Gregory's School. Also many others. Please note that the garden of my property borders the path.*

8. *I have never discouraged anyone from using the path, but I have had to make adjustments to my garden wall to deter people from sitting on the wall, throwing litter into my garden and also to prevent wanton destruction of the wall. I believe I am generally tolerant but hate litter and vandalism”.*

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: Houses have been built on Wellsway and a path has been provided between numbers 582 and 584 Wellsway, possibly to provide rear access to the properties.

1933 – 1939, OS Map: The houses on Colbourne Road have been constructed and a path has been provided linking Wellsway with Colbourne Road. It is shown by two solid lines.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, 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.

Previous Orders Made: None.

List of Streets: Not adopted highway.

Other Information: March 2001 - Included in a list of 60 paths (*Wellsway to Colbourne Road*) that are almost certainly PROW which were not in existence on 15th December 1949 and are not covered by the provisions of Section 36(2)(d) Highways Act 1980. **May 2002** – Resident phoned to ask if the route could be closed off? He had lived beside it for 30 years and the route has been used all that time. He was told it wasn't recorded but if it was stopped up, there would probably be complaints and the only grounds for an extinguishment would be that it is not needed for public use. **September 2002** – Councillor Roberts enquired about the path. He was told it was added to the list of possible Public Rights of Way in May 2001: *“On the basis of the '20 year' rule, it was concluded that the route had probably acquired footpath status”*. **January 2003** – Request for gates, by petition submitted to the Community Safety Officer. **January 2005** – complaints about the state of the wall alongside the path. Owner of the wall requested to remove the stone from the footpath and repair the wall. **June 2006** – phone call from local police to say that there was a fire on the footpath. The police are interested in the path being closed due to problems along it. **June 2006** – letter sent to adjoining

Appendix 4 – Path Summary

property holder to advise that the *“footpath is not recorded as a public right of way, although this does not mean that a public right of way does not exist across the land... It is currently considered that footpath BQ53 is a public footpath”*.

3. SURFACE CONDITION

The surface of the section of path between 582 and 584 Wellsway is tarmac and is in a very good condition. The section of path that runs behind the houses on Wellsway is partly tarmac and partly gravelled. It is in a reasonable condition although there are patches in poorer repair.

4. ASSESSMENT OF EVIDENCE

A section of the path has been shown on OS Maps since at least as early as 1933 and appears to have been a through-route since at least as early as 1939. The path was included in a list of paths compiled by the PROW Team in 2001 for consideration for adoption. Part of the land is privately owned and the landowner believes the path to be a public footpath. Two adjoining property holders reported use of the path 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.

Appendix 4 – Path Summary

CQ60

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Highways - very small strip held for Highways. Highways – Pipe line from 3 through 67 Rush Hill, Bath. Response from Martin Baker (Property Records Co-ordinator)**

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

- **ST16018 - Land lying to the north of Rush Hill, Twerton, Bath. M.P.Kent Limited, 26 Craven Street, London, WC2N 5NT Landowner Evidence Form**

No response.

ii) Adjoining Property Holders

Two letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: A path is shown by two solid lines, leaving Rush Hill. It is part of a longer route which appears to lead to a building. It is a cul-de-sac route.

1933 – 1939, OS Map: A path is shown by two solid lines, leaving Rush Hill. It is part of a longer route which appears to lead to a building. It is a cul-de-sac route.

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

ST76SW 1961, OS Map: A path is shown by two solid lines, leaving Rush Hill. It is part of a longer route which appears to lead to a building. It is a cul-de-sac route.

ST76SW 1973, OS Map: Canons Close has been constructed but it is unclear if there is a through route between Canons Close and Rush Hill.

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

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Previous Orders Made: None.

List of Streets: Class 6 adopted highway.

Other Information: March 2005 - Query from the Police regarding the status of the path as there are reports of anti-social behaviour and criminal damage to fences and PROW is requested to investigate. No response on file.

3. SURFACE CONDITION

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

4. ASSESSMENT OF EVIDENCE

The path has been shown on OS Maps as part of a cul-de-sac route from Rush Hill since at least as early as 1933. It became a through route following the construction of Canons Close. The land is owned by the Council, is Class 6 adopted highway and is maintained by the Council.

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.

Appendix 4 – Path Summary

Path B

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces, Sulis Manor Road Open Space. B&NES - Property Services - Non Operational. Fullers Way and part Fosse Gardens, Odd Down, Bath. LEASED TO KNIGHTSTONE HA FOR 999 YRS (AV213346)**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side. The only other comment I have for now is to note that AQ179a and part of Path B on Map 1 are within an area let on a long (999 year) lease to LiveWest Homes and so whilst B&NES is freeholder this is not land under our control. We would have no objection to these proposed paths but would just ask you to note that LiveWest should be included in the consultation in this respect".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **AV213346 - Leasehold Land. LiveWest Homes Limited (Community Benefit Society No.7724) of 1 Wellington Way, Skypark, Clyst Honiton, Exeter, EX5 2FZ**

Landowner Evidence Form Completed

The respondent for LiveWest Homes confirms ownership of the path and believes that the path is a public footpath. The respondent has seen, or been aware of, members of the public using this route: *"Regular use as a pathway by the public"*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *"Pathway assumed them to be part of the Highway Maintainable at Public Expense as they all link footways that are HMPE at both ends"*.

- **AV251369 - Land on the south east side of Combe Hay Lane, Odd Down. Crest Nicholson Developments Limited (Co.Regn.No. 966061) Crest House, 39 Thames Street, Weybridge, Surrey, KT13 8HG**

Landowner Evidence Form

No response.

Appendix 4 – Path Summary

ii) Adjoining Property Holders

Four letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Maps: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: April 2024 – A query regarding the barrier. It does not allow the passage of a double buggy. Can it be removed? The query was passed from Highways and PROW to Property Services. Property Services stated that LiveWest Homes hold a 999 year lease and so the responsibility must lie with them.

April 2025 – A report of damaged steps. The responsibility lies with LiveWest Homes.

3. SURFACE CONDITION

The surface of the path is tarmac with tarmac and concrete steps. It is in a good condition.

4. ASSESSMENT OF EVIDENCE

Part of the land is owned by the Council and leased to LiveWest Homes Limited. The other landowner did not respond to the consultation. The Council and LiveWest believe the route to be a public footpath.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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

Appendix 4 – Path Summary

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.

Appendix 4 – Path Summary

Path C

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

A response was received from a resident who owns a section of path AQ85 and claims to share ownership of Path C.

- **48 BLOOMFIELD DRIVE - Landowner Evidence Form Completed**

The respondent has owned the land for 40 years and believes that the path is public: *“Footpath plus access for us and other residents living on this side of Bloomfield Drive”* and has believed this for 40 years. The respondent has seen, or been aware of, members of the public using this route: *“40 yrs, everyday pedestrian and residents’ vehicular access”*. The respondent has never required people to ask permission before using the route and has never made a Section 31(6) (Highways Act 1980) deposit. The respondent has never turned back or stopped anyone from using the route and has never told anyone that the route was not public. The respondent has never erected notices or signs stating that the route was not public and has never obstructed or blocked the route. *“We also share ownership of Path C with no 46 Bloomfield Drive. The same answers to above questions apply to this Path C too”*.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: The path is shown by two dashed lines, leading from Bloomfield Drive to the rear of the new properties. It joins what is now footpath AQ85.

ST7362NE - A, 1950, OS Map: Bloomfield Drive has been constructed, but the plots adjoining the path have not been completed so the path is not shown.

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

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ST76SW 1961, OS Map: The majority of the houses on Bloomfield Drive have been constructed and a path leads from Bloomfield Drive to join footpath AQ85 at the rear of the properties.

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

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

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

3. SURFACE CONDITION

The surface of the path is gravel with a grass strip in the middle. It is in a good condition.

4. ASSESSMENT OF EVIDENCE

The path has been shown on OS Maps since at least as early as 1939. The adjoining property holder claims ownership of half of the path and believes the path to be a public footpath.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.

Appendix 4 – Path Summary

Path D

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces. Sulis Manor Road OS & Play Area**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

- **ST126177 - being 11-25 (odd), Wellsway Park, Bath (BA2 2DD) and 23-53 (odd), Ridge Green Close, Bath (BA2 2EG). Sovereign Housing Association Limited (Community Benefit Society No. 7448) of Sovereign House, Basing View, Basingstoke, RG21 4FA.**
Landowner Evidence Form

No response.

ii) Adjoining Property Holders

Two letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Appendix 4 – Path Summary

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

3. SURFACE CONDITION

The surface of the path is natural where it crosses the open space and tarmac between the houses on Ridge Green Close. The tarmac is in a good condition.

4. ASSESSMENT OF EVIDENCE

The path was identified during a site visit as being a useful link between path AQ89 and public footpath BC31/1 and Ridge Green Close. Part of the land is owned by The Council and part is owned by a private landowner who did not respond to the consultation. The Council has no objection to recording the path as a public footpath. Public footpath BC31/1 is recorded as a public footpath and recording Path D will extend the public rights of network across the Wansdyke to the housing estate to the south.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.

Appendix 4 – Path Summary

Path E

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces. Sulis Manor Road OS & Play Area**

Response from Martin Baker (Property Records Co-ordinator)

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

ii) Adjoining Property Holders

Two letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

Somerset Sheet XIV.SW. Revised 1951, Published 1952, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

3. SURFACE CONDITION

The surface of the path is natural.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

The path was identified during a site visit as being a useful link between path AQ89 and public footpath BC31/1 and Ridge Green Close. The land is owned by The Council who has raised no objection to recording the path as a public footpath. Public footpath BC31/1 is recorded as a public footpath and recording Path E will extend the public rights of network across the Wansdyke to the housing estate to the south.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.

Appendix 4 – Path Summary

Path F and Path K

The two paths cross Rush Hill Open Space in a similar alignment and were included in the consultation with the understanding that only one of the paths will be recommended for inclusion in a legal order. Both paths will remain available to the public at all times.

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **Bath & North East Somerset Council. Environmental Services - Open Space – Rush Hill Open Space & Corston View OS & Play Area.**
Response from Martin Baker (Property Records Co-ordinator)

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

Response from Keith Rowe (Team Manager Parks & Green Spaces)

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us”.

ii) Adjoining Property Holders

There are no adjoining properties.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There are no paths shown.

1901 – 1905, OS Map: There are no paths shown.

1920 – 1933, OS Map: There are no paths shown.

1933 – 1939, OS Map: There are no paths shown.

ST7362NW - A, 1950, OS Map: There are no paths shown.

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

ST76SW 1961, OS Map: There are no paths shown.

ST76SW 1973, OS Map: There are no paths shown.

ST76SW 1983, OS Map: There are no paths shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

Appendix 4 – Path Summary

3. SURFACE CONDITION

The surface of both paths is natural.

4. ASSESSMENT OF EVIDENCE

The paths were identified during a site visit as being useful links between path AQ84 and Somerdale View. Path F extends from Rush Hill (cul-de-sac) to a junction with BQ30 and AQ84 and provides a complete link across Rush Hill Open Space. The land is owned by the Council and there is no objection to recording a path as a public footpath. The paths are cut as part of the Parks Department Vegetation Cutting Regime.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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 is to record Path F as a public footpath and add it to the Definitive Map and Statement for the City of Bath. This does not prejudice any public rights which may have accrued over time on Path K and Path K will remain open and available to the public at all times.

Appendix 4 – Path Summary

Path G

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces, Rush Hill Open Space. Response from Martin Baker (Property Records Co-ordinator)**

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

Response from Keith Rowe (Team Manager Parks & Green Spaces)

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

ii) Adjoining Property Holders

Seven letters were sent, and no responses were received.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

ST7362NW - A, 1950, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

3. SURFACE CONDITION

The section of path between 74 and 76 Edgeworth Road is concrete, with concrete steps. The steps are in poor repair. The section of path is natural where it crosses the open space.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

The paths leading from Edgeworth Road to Rush Hill Open Space have been the subject of enquiries over the years. The Council has no record of any queries regarding this section of path. The land is owned by the Council and there is no objection to recording the path as a public footpath. The route is cut as part of the Parks Department Vegetation Cutting Regime.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.

Appendix 4 – Path Summary

Path H

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces, Rush Hill Open Space. Response from Martin Baker (Property Records Co-ordinator)**

“Thanks for sharing the maps and schedule and I think we wouldn’t have any objections to the list on the Corporate Estate side”.

- **Response from Keith Rowe (Team Manager Parks & Green Spaces)**

“Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us.”

ii) Adjoining Property Holders

Nine letters were sent, and one response was received.

- **102 EDGEWORTH ROAD**

“It is difficult to see exactly which path this is on the map but I am going to assume it is the one next to my house. I don’t often use it as I tend to drive most places. However, it is used a lot by the general public. People walk their dog, take a short cut across the field, take their children to school. There are a number of these paths on this road and I have noticed some people have put gates up or tried to discourage people from using the path. I have never done this - I assume that this is a public right of way but I am not sure who owns it exactly. I have to walk part way up this path to enter my property (I live at 102). I use one of these paths to get up to Rush Hill when I am getting a lift from a colleague - it makes the trip much quicker!”

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

1920 – 1933, OS Map: There is no path shown.

1933 – 1939, OS Map: There is no path shown.

ST7362NW - A, 1950, OS Map: There is no path shown.

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

Appendix 4 – Path Summary

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: Nothing on file.

3. SURFACE CONDITION

The section of path between 100 and 102 Edgeworth Road is concrete, with concrete steps. The steps are in a reasonable condition. The section of path is natural where it crosses the open space.

4. ASSESSMENT OF EVIDENCE

The paths leading from Edgeworth Road to Rush Hill Open Space have been the subject of enquiries over the years. The Council has no record of any queries regarding this section of path. The land is owned by the Council and there is no objection to recording the path as a public footpath. The route is cut as part of the Parks Department Vegetation Cutting Regime. An adjoining property holder reports use of the path by the public.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.

Appendix 4 – Path Summary

Path I

1. INITIAL CONSULTATION

A) Land Ownership

i) Landowner

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

- **B&NES - Environmental Services, Open Spaces, Rush Hill Open Space. Response from Martin Baker (Property Records Co-ordinator)**

"Thanks for sharing the maps and schedule and I think we wouldn't have any objections to the list on the Corporate Estate side".

- **Response from Keith Rowe (Team Manager Parks & Green Spaces)**

"Having reviewed the proposed routes in relation to parks land, I have no objections/ comments to make. Thanks for consulting with us".

ii) Adjoining Property Holders

Four letters were sent, and three responses were received.

- **114 EDGEWORTH ROAD**

"Regarding the above PATH I we have lived at our address since July 1976 and have continually used this path over these years. We use this path daily, on foot, to access local shops, chemist, hairdressers and appointments at St Martins Hospital and also for leisure. Daily we see numerous people using this path: School pupils (of various ages) and their parents, Dog walkers, Leisure walkers and runners, Workers. Also people, we assume, using it as a direct route between Odd Down and Englishcombe Lane. As far as we are aware we do not own this land. We have never done anything to discourage people from using this path. The council contractors, who cut the grass, cut a pathway following your PATH I."

- **116 EDGEWORTH ROAD**

"1. We have used the path since 10 Feb 2023 when we moved into 116.

2. We use it daily at least once or twice.

3. Use is by foot/bike.

4. We use it for access to the following - 116, amenities such as local shops in Odd Down, Odd Down sports facilities, bus routes, the local area in general.

5. Yes.

6. We own 116, and the garden surrounding it – we are not owners of the path or the land to the back of the property.

7. At least 15-20 people use the path daily – including pupils at local schools both in Odd Down and below in Oldfield Park, and many dog walkers. Our neighbours at 118/120 use it for access to the rear garden. As well as this 112 use it to access the rear of their property too.

Appendix 4 – Path Summary

8. We have never done anything to discourage use of the path – I raised it with PROW team within banes as the path/concrete steps have accrued some damage and may need some care taken when using/to keep path users safe”.

- **120 EDGEWORTH ROAD**

“1. We have used the path since 1979 when we moved into 120 Edgeworth Road.

2. We use the path a couple of times per week.

3. We use the path on foot.

4. We use the path to access our rear garden.

5. We occasionally see other people using the path.

6. We do not own the land over which the path crosses.

7. We see members of the public using the path perhaps about one per day.

8. We have not done anything to discourage the public from using the path”.

B) Interested Groups

No responses were received from the Ward Councillors, Statutory User Groups, Statutory Undertakers, Local User Groups or 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: There is no path shown.

1901 – 1905, OS Map: There is no path shown.

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1933 – 1939, OS Map: There is no path shown.

ST7362NW - A, 1950, OS Map: There is no path shown.

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

ST76SW 1961, OS Map: There is no path shown.

ST76SW 1973, OS Map: There is no path shown.

ST76SW 1983, OS Map: There is no path shown.

Previous Orders Made: None.

List of Streets: Not included.

Other Information: June 2004 – the owner of an adjoining property enquired about blocking the path off due to problems with illegal use of motorbikes. Advice was given that any barriers would have to be removed if the path was found to be a public right of way.

3. SURFACE CONDITION

The section of path between 114 and 116 Edgeworth Road is concrete, with concrete steps. The steps are in a reasonable condition. The section of path is natural where it crosses the open space.

Appendix 4 – Path Summary

4. ASSESSMENT OF EVIDENCE

The paths leading from Edgeworth Road to Rush Hill Open Space have been the subject of enquiries over the years. The PROW Team gave advice regarding this section of path in 2004. The land is owned by the Council and there is no objection to recording the path as a public footpath. The route is cut as part of the Parks Department Vegetation Cutting Regime. Adjoining property holders report use of the path by the public.

5. OFFICER RECOMMENDATIONS

It has not been possible to gather substantial evidence to support a claim for a public right of way; however, 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.
