[redacted]

Reply to Duncan Venison
Telephone 0117 9036575
Minicom
Fax
E-mail Duncan.venison@bristol.gov.uk
Our ref
Your ref
Date 13th March 2025

Dear [redacted],

Thank you for your letter (dated 4th February 2025). Bristol Public Rights of Way seriously value engagement and input from members of the public on rights of way matters, and take on board all concerns raised. However, I will still continue to pursue this extinguishment order of BCC/589, the footpath from Avon Bridge going northwards along the north bank of the River Avon, and would like to request that your objection is withdrawn on the following grounds. I have provided reasoning against the individual points raised in your objection.

Firstly this length of footpath commences at the Avon Bridge/M&S Foodhall by Avonmeads, and terminates as a dead-end approximately 370m upstream. Beyond its end lies private land and a locked compound owned by Network Rail, which is a hard barrier to any path user attempting to continue upstream. This means that path users are required to trespass to continue upstream, as this section has never been a public right of way. Beyond the railway bridge (and disused truss bridge on the north-side) there is no access further upstream, as the Avonside Industrial Estate and St Vincent's Trading Estate are built up to the edge of the Avon River. These estates (and former industrial buildings) shown in situ on 1900s OS maps suggest there has not been a through-route along the north-side of the River Avon to Netham Weir for over 100 years.

In response to your point about the path being deliberately left to deteriorate and become overgrown by Bristol City Council, the land over which this footpath runs is in private ownership by the adjacent landowners of Avon Meads retail estate, who will have been responsible for land management and maintenance. Further against this point, river bank erosion is a natural phenomenon which, even in a gradual manner, is not a responsibility of the Council to prevent in its possible encroachment or destruction of a right of way. This matter is discussed at length in caselaw, see *R (on the application of Gloucester County Council) v Secretary of State for the Environment, Transport and the Regions and another [2000]*. In any case, the duty to prevent bank erosion along tidal main rivers falls, by statute, with the Environment Agency.

The location is an important natural green corridor through an otherwise urban environment. However, it does not provide a safe or viable passage for members of the public as it is a dead-end route. This is also the same for wildlife; the green corridor terminates at the railway bridge to the north of the footpath, which has been the case since these industrial estates were constructed in ~1900s.

Similarly to the above point on access along the river, there has not been a way to view Brunel's railway bridge from the River Avon since the early 1900s before the above industrial and trading estates were constructed preventing access along the river bank. The best location to view this structure is the road bridge on Feeder Road south-east of Netham Lock. The Rights of Way team are not involved with heritage asset management and a project to remove the unused girder bridge should be brought to the attention of Network Rail by interested parties.

I do not have readily available evidence of historic paths along the north bank of the River Avon dating before the 1840s. The construction of the Feeder Canal was completed alongside the New Cut in 1809, creating a preferential route for river freight into Bristol City. Indeed, tithe maps from the 1840s show no evidence of a riverside tow path, footpath or public right of way along the River Avon at this time in this location, possibly as the tidal nature of the river rendered this area impassable. I refer to a previous paragraph again in response to your point about the provision of a waterside pedestrian route between Bristol and Bath; any path user wishing to walk between Bristol and Bath will necessarily enter urban and industrial areas owing to the nature of Avonmeads and Netham local settings. There has not been a through-connection via green space since at least ~1900 prior to the construction of Avonside Industrial Estate and St Vincent's Trading Estate.

The Monarch's Way was officially diverted from this path by the Monarch's Way Association for several years prior to 2021, when a diversion was advertised on site. The Monarch's Way route travels west after Netham Lock, through Netham Park then crossing the Barton Hill bridge to Feeder Road, continuing westwards to Avon Street then Temple Way. There is therefore no impact on the Monarch's Way footpath should this footpath be extinguished. This diversion is evident in Monarch's Way guidebooks and emails to Monarch's Way Association members.

Finally, whilst there is significant urban regeneration occurring in Temple Quarter, securing S106 funding through nearby urban regeneration projects is uncertain and beyond the scope of the Rights of Way team. It has been previously accepted that the cost of such repairs to a river bank is prohibitive for the Council to consider at this stage for the purposes of restoring a public footpath (please refer to the above caselaw).

I hope that the above helps to answer your concerns on the proposed extinguishment of this path. I also note that you copied in to your objection the Ramblers' Association, Monarch's Way Association, LDWA, and Rt. Hon Kerry McCarthy MP (Bristol East); we did not receive objections to this proposed extinguishment from any of these parties.
If based on the above information you wish to withdraw your objection, please reply to this letter either via post to P O Box 3399, Bristol, BS1 9NE, or via email to rightsofway@bristol.gov.uk. If you do not wish to withdraw your objection, the proposed extinguishment order will be referred to the Secretary of State for determination.

Yours sincerely

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