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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 3rd March 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Avon Bridge going northwards along the north bank of the River Avon, and would like to request that your objection is withdrawn on the following grounds.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.

The route was officially diverted from the River Avon Trail a few years ago, when Network Rail rescinded access under the railway bridge at the northern end of this section, adjacent to Avonside Industrial Estate. This section was a permissive path and access was rescinded over concerns of safety under the old truss railway bridge, and for reasons of repeated trespass and vandalism. Whilst not preferential the River Avon Trail follows Whitby Road on other side of the River Avon.

The route is not a pedestrian corridor as it reaches a dead-end and provides no through-route, therefore path users are still required to use alternative pedestrian routes to continue their journeys. Whilst there are views of the River Avon the river may also be viewed from nearby bridges such as New Brislington Bridge, Avon Bridge and (once reopened) the pedestrian Sparke Evans footbridge.

There is evidence that some members of public are still accessing the route from the Avonmeads (M&S) end through the kissing gate. However, there is no evidence that this route is being used as a legitimate through-route to Avonside Industrial Estate, as this is locked and inaccessible without trespassing. There is a high volume of rubbish and waste dumped at the Avonmeads (M&S) end of the route suggesting path users may unfortunately be accessing the route to dispose of waste and litter. The route is no longer a safe environment, due to the unstable nature of the path and the river bank erosion along this section. Overall, there is no evidence that the route is regularly used as a right of way and it is no longer safe.

The route is impassable; it terminates at a dead end, entering private land along a now rescinded permissive path and finally meeting locked gates under the Network Rail-owned railway bridge at Avonside Industrial Estate. In other words, to continue along the path beyond the end of the dead-end right of way would be trespass. The cost to reinstate the path is prohibitive, a judgement which has been applied to other footpaths eroded or destroyed by riverine erosion (refer to caselaw: *R (on the application of Gloucester County Council) v Secretary of State for the Environment, Transport and the Regions and another [2000]*. I appreciate that improvements might have been made to coastal paths in other parts of the country, however there is legislation to protect coastal paths through the process of rollback when a route is destroyed; there is no such legislation which applies to paths eroded by rivers, even if tidal.

Public rights of way are an integral part of sustainable and active travel, and the Council does not frequently seek to extinguish rights of way. Indeed, new rights of way are being introduced across Bristol City almost every year, whilst extinguishments are highly infrequent (the last extinguishment took place in 2006). The proposed extinguishment of this path has been carefully considered and consulted on with the Ramblers Association and at our Public Rights of Way Liaison Group meetings, which are open to the public. Council resources may also be better appropriated towards enhancing other accessible rights of way into effective, sustainable active travel links at a far greater return on investment than at this location, which represents an extremely significant financial investment to restore a single, dead-end pedestrian route.

Due to the local character of the area the alternative pedestrian routes to continue upstream of the River Avon are along footways of busier carriageways. However, again the rescinding of access underneath the Network Rail bridge at the north end of the route denies any access northwards along the river and renders a through-route unavailable.

There is still access to Avonmeads via the underpass footpath underneath Avon Bridge, which is open to pedestrian and cycle users. This meets the south end of the route proposed for extinguishment and allows access to Avonmeads retail estate without crossing St Philips Causeway at pedestrian crossing points. This link will be better utilised once Sparke Evans footbridge is reopened after temporary closure, as path users will be able to cross Sparke Evans footbridge, turning eastwards to travel along the south boundary of Sparke Evans Park then under St Philips Causeway. Along this route there are uninterrupted views of the River Avon and access to local, public green space. As previously stated, the Council does not frequently seek to extinguish rights of way or access to public green space, and would only propose to do so when the cost to restore a safe route would be prohibitively high in the face of limited value for the public.

I hope that the above helps to answer your concerns on the proposed extinguishment of this path. 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

Duncan Venison
Network Operations Group Manager