

## APPENDIX 11: Sites excluded from byelaws.

The byelaws considered as a starting point only those sites that were recognised by the Council's Parks and Green Space Strategy (2008). In short, sites recognised by the Strategy are judged to be contributing to the city's recreational asset, contributing significantly to the landscape character of an area or contributing significantly to the visual amenity of an area. Although the Council maintains approx. 1600 areas of green space, not all in Council ownership, the Strategy considers 430 of these.

It was then determined whether these sites were held by the Council so that byelaws enabling powers may be applied to them. Byelaws for pleasure grounds public walks and open spaces are made under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906. If the enabling powers cannot be applied to a site, it must be left out of the schedule.

Some sites have multiple freehold ownership and/or parts of them are held by the Council for different reasons. This can result in the enabling powers applying to part of the site and not to other parts. In these cases, the possibility of a successful prosecution is unlikely and the site has been omitted from the schedule.

Finally, some sites are recommended to Full Council in this report to be excluded from the scope of the byelaws as a result of a considered rationale put by a third party through consultation who has an interest in the site – as a result of ownership of the freehold or through a lease or licence. For consistency this rationale has been applied to others spaces and other omissions subsequently proposed.

	Site name	Reason for exclusion from byelaws
1	A Bond Open Space	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
2	Allison Avenue Amenity Area	Not included in the Notice. May be added at a later Full Council decision and Notice period.
3	Anchor Square	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
4	Argyle Road Playing Fields	Not owned or maintained by BCC - freehold transferred to National Playing Field Association on 7/2/2002. Enabling powers do not apply.
5	Arlington Villas Park	The site is not owned by the Council and the Enabling Powers don't apply
6	Arnos Vale Cemetery	This site is an active cemetery and neither the 1875 Public Health Act nor the 1906 Opens Spaces Act apply to permit byelaws.
7	Barracks Lane Open Space	Land is statutory allotment.
8	Belland Drive Open Space	Land held for Housing purposes. 2370 - NH - Housing HRA Other. Enabling powers do not apply.
9	Belroyal Avenue R/O nos 2 – 68	Land held for Housing purposes. 2365 - NH - Housing HRA Garages. Enabling powers do not apply.
10	Blake Road Open Space	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
11	Bonnington Walk Playing Fields	This site is subject to significant redevelopment and it is not

		clear whether the site, or parts of the site, will be subject to enabling powers.
12	Bower Ashton Playing Field	This responds to a representation received during the Notice period. The site is wholly leased to Bedminster Cricket Club and is solely used for organised sports purposes.
13	BRI Hospital Bank	Land is Highway. Enabling Powers do not apply.
14	Brixham Road Open Space	Large part not owned by BCC nor improved by it. Little opportunity for successful enforcement and in part enabling powers do not apply.
15	Broomhill Road (Emery Road) R/O Bank	Large part not owned by BCC nor improved by it. Little opportunity for successful enforcement and in part enabling powers do not apply.
16	Brunel Lock Amenity Area	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
17	Bushy Park YMCA	Land purchased for 'outer circuit road'. Enabling powers do not apply.
18	Chocolate Path S/O Cumberland Road	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
19	City Docks	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
20	Claremont Street Amenity Area	Part adopted highway, part held as open space. Omitted because little or no successful enforcement potential.
21	Clark Street Green Space	Land held for Housing purposes. 2370 - NH - Housing HRA Other. Enabling powers do not apply.
22	Clifton and Durdham Downs	This site is within the Downs byelaws and therefore Parks byelaws cannot apply.
23	Clifton Wood Terrace Open Space	Part of site not BCC owned. Part of site held for Housing Purposes. No or little opportunity for successful enforcement and in part the enabling powers do not apply.
24	Colston Avenue Amenity Area	Land owned by BCC. Formerly part of harbour (River Frome) now covered over. Isolated space surrounded by Docks byelaws. Potential for significant confusion on enforcement if included.
25	Court Farm Road Open Space	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers don't apply.
26	Cumberland Basin (South)	Reason for BCC appropriation unclear but presumed to be highways land. Little opportunity for successful enforcement.
27	Delabere Avenue	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
28	Duchess Way Estate	Now owned by BCC. Adopted highway. Enabling powers do not apply.
29	Filwood Broadway	Land held for Housing purposes. 2370 - NH - Housing HRA Other. Enabling powers do not apply.
30	Filwood Park	Not owned by BCC. Not maintained or improved by BCC. Enabling powers do not apply.
31	Filwood Playing Fields	Not owned by BCC. Not maintained or improved by BCC. Enabling powers do not apply.

32	Fortfield Green	Land held for Housing purposes. 2370 - NH - Housing HRA Other. Enabling powers do not apply.
33	Gainsborough Square Park	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
34	Greystoke Avenue A/A	Held as part adopted highway, part for 'highway purposes'. Enabling powers do not apply.
35	Grosvenor Road Amenity Area	Reason held by BCC not clear. Therefore not clear enabling powers apply.
36	Grosvenor Road Open Space	Reason held by BCC not clear. Therefore not clear enabling powers apply.
37	Henbury Churchyard	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
38	Highridge Common	The site is subject to separate Commons byelaws. No intention to replace these byelaws was given in the Notice and so new byelaws cannot be made here. The status of the existing byelaws is unclear and may require further investigation.
39	Highridge Park (two pieces)	Not owned by BCC. Not improved by BCC. Enabling powers do not apply.
40	Holroyd House Amenity Land	Land held for Housing purposes. 2340 - NH - Housing HRA Residential. Enabling powers do not apply.
41	Horfield Wheels Park	Not included in the Notice. May be added at a later Full Council decision and Notice period.
42	Inns Court Housing	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
43	King George V Place	Land is adopted highway. Enabling powers do not apply.
44	Kingsweston House	Site subject to long-term lease. Not acting as park or pleasure ground. Enabling powers do not apply.
45	Kingsweston Sports Ground	The site is wholly leased to Kingsweston Sports and Social Club and is solely used for organised sports purposes.
46	Knowle West Health Park	Land was appropriated to the Dept of Social Services and Health ('health' use) on 2/7/2002. Enabling powers do not apply.
47	Ladman Road	Land is adopted highway. Enabling powers don't apply.
48	Ladman Road & Bus Terminal	Land is adopted highway. Enabling powers don't apply.
49	Lakemead Grove Sportsground	Freehold not owned by BCC, transferred to National Playing Fields Association on 7/2/2002. Note on record indicates that BCC is a managing trustee. Council not exercising trustee rights or obligations. Enabling powers do not apply.
50	Lloyds Amphitheatre	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
51	Materman Road	Land is adopted highway. Enabling powers do not apply.
52	Millennium Parade	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
53	Millennium Square	Part of the site is within the Docks byelaws. The opportunity for successful enforcement is limited and so omitted.

54	Millpond Street Open Space	Part held as highway. Part held for Housing purposes. Enabling powers do not apply.
55	Moreton Close	Appropriated for 'planning purposes'. Enabling powers do not apply.
56	New Cut	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
57	Pen Park Playing Fields	Freehold not owned by BCC, transferred to National Playing Field Association on 28/4/2008. Note on record indicates that BCC is a managing trustee. Council not exercising trustee rights or obligations. Enabling powers do not apply.
58	Penfield Road Childrens Play Ground	Land held for Housing purposes. 2370 - NH - Housing HRA Other. Enabling powers do not apply.
59	Portway PGSS	Land held for Housing purposes. Enabling powers do not apply.
60	Quadrant East and Market Square	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
61	Ridgemean	Not owned by BCC. Not improved by BCC. Enabling powers do not apply.
62	River Avon Trail	
63	River Avon Trail Central	This site is within the Docks byelaws and therefore Parks byelaws cannot apply.
64	Roman Remains (Portway)	THIS IS INCLUDED NOW.
65	Rowlandson Gardens Open Space	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.
66	Shirehampton Sports Ground.	The site is wholly leased to Twyford House Cricket Club and is solely used for organised sports purposes.
67	St James Barton Roundabout Amenity Area	Part registered to BCC however all of this land is part of the adopted highway. Enabling powers do not apply.
68	St Johns Churchyard (Central)	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
69	St Mary Redcliffe Cemetery	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
70	St Michaels on the Mount Without	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
71	St Pauls Churchyard (South)	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
72	St Phillips & St Jacobs Burial Ground	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
73	Stapleton Churchyard	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
74	Thicket Avenue & Quadrant West	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.

75	St Pauls Churchyard (Portland Square)	Not owned by BCC. Closed Burial Ground. No Council improvements made to the site. Enabling powers do not apply.
76	Meg thatchers Gardens (part of)	Land held for Housing purposes. 2360 - NH - Housing HRA Land. Enabling powers do not apply.