

AGENDA ITEM NO: 7

DOWNS COMMITTEE 12th SEPTEMBER 2011

Memorandum of Agreement

The Parties: Downs Committee ('the Committee')
Bristol City Council ('the City Council')

Preamble

The parties are in agreement on the following points:

- Authority for the area of the Downs as defined in the Clifton & Durdham Downs (Bristol) Act 1861 ('the Act') is vested in the Committee.
- Certain roads passing over the area of the Downs, adopted as public highway, are under the authority of the City Council, which is responsible for their maintenance whilst such adoption endures.
- The Committee has the authority to effect full or partial closure of such roads.
- The authority over, and the responsibility for, the area of carriageway of such roads is not a matter of dispute.
- The maintenance of verges (the area of vegetation between the carriageway and adjacent footway) has been carried out under the authority of the Committee through the Downs Ranger team.
- There is no evident reason for any party other than the Committee to have authority over such verges.
- The Committee has the responsibility to maintain the open areas of Downs land ('Downs land') for the public benefit and to resist any enclosure.

The question of authority over roadside verges has arisen, the Committee claiming authority under the Act and the City Council claiming authority from internally generated maintenance records.

The options for resolution are summarised as follows:

1. Submission of the matter to legal counsel for an opinion of the current situation.
2. The Committee to obtain closure of roads limited to the extent of roadside verges only.
3. The Parties to affect a Memorandum of Agreement.

The Parties are in agreement that this matter should not be the cause of unnecessary cost and have therefore determined to conclude a Memorandum of Agreement.

Memorandum of Agreement

The Parties hereby agree as follows:

1. Ultimate authority over certain roads namely, Circular Road, Rockleaze, Downleaze and Saville Road which pass over the area designated as Downs land under the terms of the Clifton & Durdham Downs (Bristol) Act 1861 vests in the Committee.
2. Authority over, and responsibility for, the carriageway of the aforementioned roads passing over Downs land and adopted as public highway, vest with the City Council during the period of such adoption.
3. Authority over and responsibility for roadside verges, being those areas of vegetation, which lie between the carriageway and any adjacent footway, vest in the Committee.