

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 8TH APRIL 2013 AT 2PM**

P Councillor Abraham (in the Chair)
P Councillor Blythe
P Councillor Champion-Smith
A Councillor Comer
A Councillor Davies
P Councillor Doubell
A Councillor Harrison
P Councillor Jackson
P Councillor Hopkins
P Councillor Pickup
P Councillor Quartley

**PROWG
38.4/13**

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Comer, Davis and Harrison. Councillors Champion-Smith, Doubell and Hopkins substituted.

**PROWG
39.4/13**

DECLARATIONS OF INTEREST

There were no declarations of interest.

**PROWG
40.4/13**

**MINUTES – PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE – 14TH JANUARY 2013**

The minutes were agreed to be a correct record.

**RESOLVED - that the minutes of the meeting of the
Public Rights of Way and Greens
Committee held on 14th January 2013 be
confirmed as a correct record and
signed by the Chair.**

**PROWG
41.4/13**

PUBLIC PARTICIPATION – QUESTIONS, STATEMENTS AND PETITIONS

Public forum business was circulated to the Committee in advance of the meeting and a copy placed in the minute book.

**PROWG
42.4/13**

APPLICATION TO REGISTER LAND KNOWN AS EASTER GARDEN, HIGH STREET, CLIFTON, BRISTOL AS A TOWN OR VILLAGE GREEN PURSUANT TO SECTION 15(1) OF THE COMMONS ACT 2006

The Committee received a report of the Commons Registration Authority (agenda item no. 5) considering the recommendation from Mrs Paul, independent Inspector, to reject the application in relation to the 'L shaped land' and refer the 'hatched land' for public inquiry.

The representative of the Service Director, Legal Services, asked Members to note the following errors within the report;

- Paragraph 6 - 'Wesley Pace' should be replaced with 'Wesley Place' and the reference to an area of land on the southeast side of Charlton Road, Southmead should be deleted.
- Paragraph 18 - '29th June 2008' should be replaced with '29th June 2010.'

She went on to provide an introduction, highlighting the key issues that were set out in the accompanying papers. Members asked for additional clarification regarding the implications of their decision. They were advised that the Inspector was of the opinion that the 'L shaped' piece of land did not meet the necessary test to enable it to be declared a Town or Village Green (TVG). If Members followed officer advice to hold a public inquiry in relation to the remainder of the land ('hatched land') then determination of the application in relation to the 'L shaped' piece of land would be held in abeyance until the inquiry had concluded. Upon referral back to the Public Rights of Way and Greens Committee Members would need good reason to depart from the Inspector's advice.

During the ensuing debate Members made the following comments;

- There was a high degree of support for the TVG application amongst local residents but the role of the Committee was to weigh up the legal arguments.
- Concerns were expressed about the risks of reaching a decision on the papers without hearing from witnesses, whereas at inquiry the evidence would be thoroughly tested. The cost of adding the 'L shaped' land to the public inquiry for the 'hatched land' would be relatively modest.
- The final decision regarding the TVG application for both sections of land could only be made by the Public Rights of Way and Greens Committee when all of the facts were before them.
- There were other options available for resolving the dispute between the landowner and local residents outside the ambit of the TVG inquiry. For example, Bristol City Council (with or without financial support from local residents) could purchase Easter Garden and voluntarily declare it a TVG.

Councillor Abraham moved that the whole of the application land (both the 'hatched' and the 'L shaped' areas) be considered by an independent Inspector at a public inquiry, and was seconded by Councillor Blythe. On being put to the vote there was unanimous support.

The Committee also unanimously agreed that officers be asked to look into options in relation to purchasing Easter Garden from the landowner but noted that this would be separate from the TVG application process.

It was therefore;

RESOLVED - that the TVG application for the whole of the land at Easter Garden (both the 'hatched' and the 'L shaped' sections) be referred to public inquiry by an independent Inspector.

**PROWG
43.4/13**

APPLICATION FOR LAND KNOWN AS CROW LANE OPEN SPACE, BRENTRY, BRISTOL TO BE REGISTERED AS A TOWN OR VILLAGE GREEN MADE UNDER THE COMMONS ACT 2006

The Committee received a report of the Commons Registration Authority (agenda item no. 6) considering the recommendation to appoint an independent Inspector to consider the application.

Councillor Abraham moved the officer recommendation and was seconded by Councillor Jackson. On being put to the vote there was unanimous support. It was therefore:

RESOLVED - that before arriving at a final determination of the application to register the land known as Crow Lane Open Space, Brentry, Bristol as a town or village green an independent Inspector be appointed to consider the application, and that a report of recommendations from the Inspector be brought back to the Committee for final decision in due course.

**PROWG
44.4/13**

CURRENT APPLICATIONS FOR REGISTRATION OF LAND AS TOWN OR VILLAGE GREENS

The Committee considered a report of the Commons Registration Authority (agenda item no. 7) noting the present position with regard to Town or Village Green applications.

RESOLVED - That the present position with regard to Town or Village Green applications be noted.

**PROWG
45.4/13**

**CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS
RIGHTS OF WAY**

The Committee considered a report of the Director of City Development (agenda item no. 8) detailing the present position with regard to claims under Section 53 of the Wildlife and Countryside Act 1981; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.

The representative of the Director of City Development advised the Committee that the dedication in relation to Argyle Place, Cliftonwood had stalled because the Parks department were unwilling to accept responsibility for the land because there were a number of covenants on it. Discussions would take place with the landowner to attempt to resolve the issue.

Members expressed continued concern about the length of time taken to process Rights of Way applications but accepted that in the current financial climate the situation was unlikely to significantly improve in the foreseeable future.

RESOLVED - that the report be noted.

**PROWG
46.4/13**

DATE OF THE NEXT MEETING

RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee be held on 8th July 2013 at 2pm.

(The meeting ended at 3.07pm)

CHAIR