

**BRISTOL CITY COUNCIL**

**PUBLIC RIGHTS OF WAYS AND GREENS COMMITTEE**

**21 July 2014**

**Report of:** Service Director: Legal

**Title:** Application to register land known as Higham Street Green Totterdown Bristol as a town or village green pursuant to Section 15(1) of the Commons Act 2006

**Ward:** Windmill Hill

**Officer Presenting Report:** Anne Nugent, Team Leader, Legal Services

**Contact Telephone Number:** 0117 922 3424

**RECOMMENDATION**

To register the land known as Higham Street Green, Totterdown Bristol as a town and village green for the reasons set out in the Independent Inspector's Further Report on the Locality Issue dated 12 May 2014.

**Summary**

This report relates to an application to register land known as Higham Street Green Totterdown Bristol as a town or village green pursuant to Section 15(1) of the Commons Act 2006.

**The significant issues in the report are:**

In the report.

**Policy**

1. There are no specific policy implications arising from this report.

**Consultation**

- **Internal**

2. Not applicable

## **External**

3. The Landowner and the Applicants have been provided with the Independent Inspector's Further Report on the Locality Issue dated 12 May 2014.

## **Context**

4. The Council as The Commons Registration Authority (the CRA) has received an application to register land known as Higham Street Green Open Space, Totterdown Bristol as a town or village green pursuant to Section 15(1) of the Commons Act 2006 (the Act) from Ms Joanne Fisher dated 22 October 2010.
5. The Landowner is Bristol City Council.
6. The application gives the location as Higham Street, Totterdown Bristol BS4 2BJ (the application land).
7. The Applicant's map of the site is shown at **Appendix A** to this report.
8. The Inspector's Further Report on the Locality Issue dated 12 May 2014 is shown at **Appendix B** to this report.
9. The amended Application Form dated 19 June 2014 is shown at **Appendix C** to this report. The Applicant's email dated 19 June 2014 confirming the amendment to the application is shown at **Appendix D** to this report. The map showing the 'white land' to be excluded from the application land referred to in the Inspector's Report is shown at **Appendix E** to this report.
10. PROWG Committee has previously resolved that before arriving at a final determination of the application, an Independent Inspector (the Inspector) be appointed to consider this matter and to report to the CRA.

## **Locality**

11. When reporting to the CRA, the Inspector considered that the Applicant had demonstrated on the balance of probabilities that all the criteria within Section 15 (2) of the Act were met, save for that relating to locality or neighbourhood within a locality.
12. In his Further Report on the Locality Issue dated 12 May 2014 the Inspector made the following recommendations:

(1) *That the Registration Authority allows the Applicant to amend the Application in respect of the locality or neighbourhood relied upon in section 6 of Form 44 from:*

*From:*

*“See Exhibit “B” Area Marked in Red”*

*To:*

*“The neighbourhood of Totterdown within the locality of the Windmill Hill electoral ward”.*

(2) *That the application land be amended to delete the White Land (the strip of highway land adjacent to or part of Higham Street the use of which I have previously concluded has not been demonstrated to be “as of right”<sup>1</sup>).*

(3) *That the thereby amended Application received on 22 October 2010 by Joanne Fisher, to register Higham Street Green as a Town or Village Green pursuant to section 15(2) of the Commons Act 2006, be accepted and the register amended accordingly.*

13. The landowner has not sought to challenge the Inspector’s recommendations.
14. Applicant has now amended the Application Form 44 in accordance with the Inspector’s recommendations and has initialled the amendments and re-signed and dated the Application Form.
15. The Applicant has also accepted that ‘ White Land’ referred to by the Inspector in his Report ( which for identification purposes delineated on the map on attached to the report) be deleted from the application.
16. The Inspector recommends that the thereby amended application received on 22 October 2010 by Joanne Fisher, to register Higham Street Green as a Town or Village Green pursuant to section 15(2) of the Commons Act 2006, be accepted and the register amended accordingly.

## **Proposal**

15. This Committee on behalf of the Council (as statutory Commons Registration Authority) has a statutory duty under the Commons Act 2006 and the regulations made thereunder to determine objectively whether or not the land in question should be registered as a Town or Village Green within the meaning of the Act.

16. Officers consider that the Committee should accept the Inspector's recommendation that the application land be registered as a Town or Village Green pursuant to section 15(2) of the Commons Act 2006 for the reasons as set out in the Inspector's Further Report on the Locality Issue dated 12 May 2014.

### **Other Options Considered**

17. It is a matter for the applicant to satisfy the CRA that all the elements of the statutory test have been shown. Based on the Inspector's Further Report on the Locality Issue dated 12 May 2014, the Applicant has satisfied that test.
18. If the Committee decides not to follow the officer recommendation, it must have sufficient reason for reaching a conclusion different from that of the Registration Authority.

### **Risk Assessment**

19. Whilst Legal challenge in cases of this nature is the exception rather than the norm, it must be pointed out to members that there are, nonetheless, legal risks associated with this decision. However, these risks are mitigated against by the Council's demonstration of a fair and transparent process in its determination of the application and a decision based on detailed consideration of the evidence.

### **Public Sector Equality Duties**

20. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
  - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
  - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
  - promote understanding.

## **Legal and Resources Implications**

### **Legal**

27 The City Council in its capacity as Commons Registration Authority has responsibility under the Commons Act 2006 to determine whether the land or a part thereof should be registered as a green.

### **The Law**

28 Section 15 of the Commons Act 2006 enables any person to apply to a Commons Registration Authority (CRA) to register land as a town or village where it can be shown that:

*“A significant number of inhabitants of any locality, or any neighbour within the locality, having indulged as of right in law sports and past times on the land for a period of at least 20 years”*

29 In addition to the above, the application must meet the test under Section 15(2) of the Act i.e. use of land has continued “as of right” until at least the date of the application.

30 The applicant must establish that the land in question comes entirely within the definition of a town or village green, in Section 15(2) of the Act. The Registration Authority must consider on the balance of probabilities whether or not the applicants have shown that:

*a significant number of inhabitants of the locality or neighbourhood indulged in lawful sports and pastimes as of right on the land for a period of at least twenty years; and they continue to do so at the time of the application.*

31 In its capacity as Registration Authority the City Council has to consider objectively and impartially all applications to register greens on their merits taking account of any objections and of any other relevant

considerations. Wholly irrelevant considerations such as the potential use of the land in the future must be left out.

### “As of right”

- 32 User “as of right” means user without force, secrecy or permission (*nec vi nec clam nec precario*). User as of right is sometimes referred to “as if by right” and must be contrasted with use “by right”.

### “By right”

- 33 User “by right” means that users already have a statutory or other legal right to use the land for those purposes. Such users are not trespassers. Land is not used “as if right” for lawful sports and pastimes if user is by right. If land is held on trust for the purpose of recreational use and enjoyment by the general public or a section of the public including the users of the land it has been suggested (although not definitively decided) that the beneficiaries of the trust are entitled to use the land for sports and pastimes and cannot be regarded as trespassers. It has also been suggested but not yet decided by the courts that a trust may be implied.

### “Appropriation”

- 34 A local authority can only lawfully act for the purposes and in the ways that a particular statute permits it to act.
- 35 Local authorities have been given powers to appropriate, or re-allocate, land from one statutory purpose to another – see section 163 Local Government Act 1933.
- 36 The current provisions are those found in section 122 Local Government Act 1972, as amended by the Local Government, Planning and Land Act 1980. The Act gives a local authority power to appropriate land that is no longer required for the purpose for which it was held immediately before the appropriation.

### Procedure

- 37 The application has been made under Section 15(2) of the Act 2006. The regulations that govern the procedure are the (Commons Registration of Town or Village Greens) Interim Arrangements (England) Regulations 2007.
- 38 The Committee must have sufficient reason for reaching a conclusion different from that of the Independent Inspector.

**Legal advice provided by:** Anne Nugent, Senior Solicitor, Legal Services.

## **39 Financial**

### **(a) Revenue**

In the event of any subsequent legal challenge any costs over and above those normally met from existing revenue budgets can be met from the central contingency.

### **(b) Capital**

If the Land is registered as Town and Village Green, this will prevent a development opportunity and therefore a potential loss of a Capital Receipt.

**Financial advice (Revenue) from Tony Whitlock, Finance**

## **Land**

There are no policy implications arising from this report.

**Financial Advice (Land) provided by: Lois Woodcock**

## **Personnel**

Nil

## **Appendices**

Appendix A – Applicant's Map of Application Land

Appendix B – The Inspector's Further Report on the Locality Issue dated 12 May 2014

Appendix C - The amended Application Form dated 19 June 2014

Appendix D - The Applicant's email dated 19 June 2014

Appendix E - The map showing the 'white land'

## **Local Government (Access to Information) Act 1985**

### **Background Papers:**

Application papers/ statement of objections/ response available at the City Hall, College Green.

Inspector's Report dated 1 November 2012

Inspector's Second Report dated 23 September 2013

Inspector's Third Report dated 23 December 2013

Inspector's Report on Locality Issue dated 10 March 2014.

Section 15 Commons Act 2006

Commons (Registration of Town or Village Greens) (Interim Arrangements) (England)  
Regulations 2007

19 June 2014

JD5.441



AREA 2 HA  
SCALE: 1:1250  
CENTRE COORDINATES: 359813 , 171875



Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474

APPLICATION BY MRS J FISHER TO REGISTER LAND KNOWN AS HIGHAM  
STREET GREEN/OPEN SPACE, TOTTERDOWN, BRISTOL  
AS A TOWN OR VILLAGE GREEN UNDER SECTION 15(2)  
OF THE COMMONS ACT 2006

---

INSPECTOR'S FURTHER REPORT ON THE LOCALITY ISSUE  
AND OVERALL RECOMMENDATIONS

---

12 May 2014

## INTRODUCTION

1. In my Third Report dated 23 December 2013 on this Application, I recommended that:

*As the Applicant has not previously had the opportunity to deal with the locality or neighbourhood aspect of the Application, I would recommend that the Applicant is invited to clarify [her] position on the locality and neighbourhood issue. The Objector should be given the opportunity to comment on any response by the Applicant.*

2. In my Report on the Locality Issue dated 10 March 2014, I advised in part as follows:

11. *Therefore, the Registration Authority needs to consider whether there is a qualifying locality (as that is what the Applicant has so far relied upon, rather than a neighbourhood within a locality which might have been more appropriate) and whether it is satisfied that a significant number of inhabitants from that locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.*

12. *It should be possible to identify an appropriate locality. However, the Registration Authority also needs to be satisfied that the "significant number of inhabitants" requirement is met. There is no legal requirement as such that the users come from all over the locality. As a matter of evidence however, the geographical distribution of the people who have used the land may be taken into account as one factor (see Gadsden at 14-25 on pp. 518-9).*

13. *Thus in considering whether the Windmill Hill Electoral area meets these requirements, the Registration Authority should take into account that it is not necessary for all the users of the land to come from the locality provided that is satisfied on the balance of probabilities that a significant number do. A map of that area has*

*not been provided to me. My own research indicates that the red-hatched area on Exhibit B and the Windmill Hill Area overlap but also included significantly different areas too. Without further explanation, therefore, I do not feel confident to advise the Registration Authority conclusively that the locality requirement is met by the Application. It would for example be helpful to know how many of those writing in support of the TVG Application, who state that they use the land for lawful sports and pastimes, reside in the Windmill Hill Electoral Ward. If the Registration Authority are satisfied that this supports the claim for a significant number of inhabitants using the land for qualifying purposes coming from that Electoral Ward, then the Authority can in my view lawfully accept the Application for registration as a TVG.*

#### RESPONSE OF OBJECTOR

3. By email dated 19 March 2014 the Objector commented:

*It is clear from the Inspector's latest report that at this point in time, the Applicant has not adduced sufficient evidence to satisfy all of the essential statutory criteria in order for the land to qualify for registration as a TVG. The Inspector has particularly drawn attention to the Applicant not having fully addressed the issue of a "significant number of" "the inhabitants of a locality" and consequently the Applicant has not satisfactorily demonstrated compliance with all the criteria in section 15 of the Commons Act 2006.*

*Although the Council has no further evidence to adduce, the burden of proof lies with the Applicant, on a balance of probabilities, to satisfy the CRA that each of the qualifying requirements have been met. If the CRA cannot be satisfied that all of the essential elements of proving the application have been made out, the Land should not qualify to be registered as a TVG.*

#### RESPONSE OF APPLICANT

4. By email dated 27 April 2014 the Applicant responded to my Report on

the Locality Issue (and in particular paragraphs 11 and 12 of it) as follows:

*We would like to amend our answer to the question of locality, to the neighbourhood of Totterdown, Bristol.*

*On the question of inhabitants, please note that 62 of the 78 Witness Statements are from people who live in Totterdown and a further five are from people who live just outside of Totterdown, within half a mile of Higham Street green. All of the photographs submitted in support of this application are from/of people who live in Totterdown.*

#### ASSESSMENT AND CONCLUSIONS

5. The Applicant thus now wishes to rely upon Totterdown as the neighbourhood. However, they do not specify the locality within which they say Totterdown sits.
6. As advised in my previous Report (of 10 March 2014) the Registration Authority needs to consider whether it is satisfied that:
  - (i) Totterdown qualifies as a neighbourhood;
  - (ii) If so, the locality within which it is located; and
  - (iii) Whether a significant number of inhabitants from that neighbourhood have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.
7. It seems to me with regard to (i), that the Registration Authority would be entitled to conclude that Totterdown is a recognized area; it is clearly a suburb of Bristol and is shown on maps. It also appears to have a range of facilities. It therefore has, in my view, sufficient identity and cohesiveness to qualify as a neighbourhood in accordance with the legal approach that I have previously referred to (see my Third Report, 23 December 2013, at paragraphs 4.10-4.15).

8. As I understand the position, Totterdown lies fully within the Windmill Hill electoral ward. If that is correct, that area would in my view qualify as a locality within which Totterdown lies. I acknowledge that there has been some questioning of whether an electoral ward can be a qualifying locality (see Gadsden at 14-26 and footnote 87). However, I see no compelling reason why the Windmill Hill electoral does not qualify as a locality in this case and I note the reference in paragraph 9(c)(i) of Schedule 4 to the Commons Registration (England) Regulations 2008 to an application under section 15(1) of the 2006 Act:

- (c) contain a description of the locality or the neighbourhood within a locality relied upon for the purposes of section 15(2)(a), (3)(a) or (4)(a), as applicable, by reference to-
- (i) the name of any parish, electoral ward or other local administrative area with which it is co-extensive;...

Note 6 on Form 44 (used with regard to this Application to which the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007/457 apply) is to similar effect.

9. With regard to the significant number of inhabitants requirement, I note the Applicant's submission (referred to above) that 62 of the 78 Witness Statements are from people who live in Totterdown. The Applicant also says that all of the photographs submitted in support of this application are from/of people who live in Totterdown. Many, indeed most of the witness statements, do not cover the complete relevant qualifying 20-year period. However, some do and overall I conclude, and the Registration Authority would be entitled to conclude, that a significant number of inhabitants from a qualifying neighbourhood have use the land for lawful sports and pastimes. Given that there has been no challenge to this from the Objector, I therefore see no reason for not concluding that on the balance of probability this requirement has been satisfied by the Applicant.

10. Accordingly, in my view, on the basis that the neighbourhood is that of Totterdown within the locality of Windmill Hill electoral ward, the Applicant has demonstrated on the balance of probability that the Application satisfies the requirements of section 15(2) of the CA 2006.
11. The Objector has previously not wished to rely upon any submissions following my conclusion that the claimed use was "as of right". However, given that they commented on my Report dated 10<sup>th</sup> March 2014, as noted above, and they have not yet had the opportunity to specifically comment on the Applicant's reliance now on Totterdown as a neighbourhood, I advise that the Objector should be given an opportunity (say at least 14 days from receipt of this Report) to comment on my conclusions and recommendations in this Report.

#### RECOMMENDATIONS

12. As stated above, I advise that the Objector is given the opportunity to comment on the conclusions and recommendations in this Report.
13. Subject to any such comments from the Objector, I recommend:
  - (1) That the Registration Authority allows the Applicant to amend the Application in respect of the locality or neighbourhood relied upon in section 6 of Form 44 from:  
  
From:  
"See Exhibit "B" Area Marked in Red"  
  
To:  
"The neighbourhood of Totterdown within the locality of the Windmill Hill electoral ward".
  - (2) That the application land be amended to delete the White Land (the strip of highway land adjacent to or part of Higham Street the use of which I have previously concluded has not been

demonstrated to be “as of right”<sup>1</sup>).

- (3) That the thereby amended Application received on 22 October 2010 by Joanne Fisher, to register Higham Street Green as a Town or Village Green pursuant to section 15(2) of the Commons Act 2006, be accepted and the register amended accordingly.

STEPHEN MORGAN  
Landmark Chambers  
180 Fleet Street  
London  
EC4A 2HG  
12 May 2014

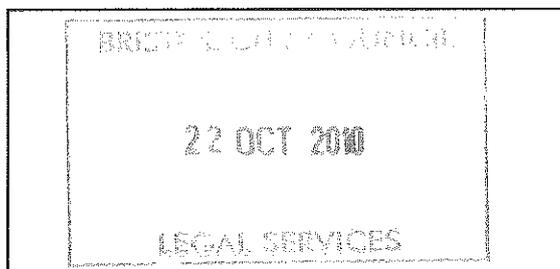
---

<sup>1</sup> See e.g. paragraph 1.6 on page 3 of my Third Report, 23 December 2013.

## Commons Act 2006: Section 15

## Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:



Application number:

No 20

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

### 1. Registration Authority

To the

BRISTOL CITY COUNCIL

**Note 1**

Insert name of registration authority.

**Note 2**

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

**2. Name and address of the applicant**

Name:

Full postal address:

Telephone number:   
(incl. national dialling code)

Fax number:   
(incl. national dialling code)

E-mail address:

**3. Name and address of solicitor, if any**

Name:

Firm:

Full postal address:

Post code

Telephone number:   
(incl. national dialling code)

Fax number:   
(incl. national dialling code)

E-mail address:

**Note 3**

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

**Note 4**

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

\* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.

**4. Basis of application for registration and qualifying criteria**

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

**Section 15(2)** applies:

**Section 15(3)** applies:

**Section 15(4)** applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)\*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

**5. Description and particulars of the area of land in respect of which application for registration is made**

Name by which usually known:

HIGHAM STREET GREEN  
HIGHAM STREET OPEN SPACE

Location:

HIGHAM STREET, TOTTERDOWN  
BRISTOL BS4 2BJ (SEE EXHIBIT 'A')  
INDICATED BY ARROW

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) \*

**Note 5**

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

Only complete if the land is already registered as common land.

**Note 6**

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

**6. Locality or neighbourhood within a locality in respect of which the application is made**

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

~~SEE EXHIBIT 'B'~~  
~~AREA MARKED IN RED~~ JF  
THE NEIGHBOURHOOD OF TOTTERDOWN WITHIN THE LOCALITY OF WINDMILL HILL ELECTORAL WARD

Tick here if map attached:

**7. Justification for application to register the land as a town or village green**

**Note 7**

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

HIGHAM STREET GREEN HAS BEEN IN CONSTANT, REGULAR, UNRESTRICTED USE SINCE IT WAS CREATED IN 1983 IN RESPONSE TO BRISTOL CITY COUNCIL'S ROAD WIDENING SCHEME AT WELLS ROAD, TOTTERDOWN. IT IS USED BY A GREAT NUMBER OF PEOPLE FROM A WIDE CATCHMENT AREA FOR VARIOUS LAWFUL, SOCIALLY ACCEPTABLE ACTIVITIES. THE GREEN SUPPORTS A VARIETY OF WILDLIFE, BOTH FLORA AND FAUNA, AND HAS SEVERAL FRUIT TREES AND SHRUBS GROWING ON IT. IT IS A UNIQUELY ATTRACTIVE AND TRANQUIL SPACE WHICH HAS NEVER SUFFERED FROM ANTI-SOCIAL BEHAVIOUR. THE GREEN IS CURRENTLY UNDER THREAT OF 'PROPOSED DISPOSAL' AND WE ARE SEEKING TO PROTECT IT WITH TOWN GREEN STATUS BECAUSE THE LOSS OF THIS POPULAR, NECESSARY GREEN SPACE WOULD SEVERELY REDUCE THE QUALITY OF LIFE FOR A HUGE NUMBER OF PEOPLE WITHIN THE COMMUNITY.

**Note 8**

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

**8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green**

BRISTOL CITY COUNCIL  
THE COUNCIL HOUSE  
COLLEGE GREEN  
BS1 5TR

**9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land**

NONE

**Note 9**

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

**10. Supporting documentation**

**Note 10**

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

- EXHIBIT 'A' - MAP OF HIGHAM STREET GREEN (OPEN SPACE)
- EXHIBIT 'B' - ~~MAP OF LOCALITY IN RESPECT OF WHICH APPLICATION IS MADE~~ JF
- EXHIBIT 'C' - QUESTIONNAIRES COMPLETED BY CROSS SECTION OF HIGHAM ST. GREEN USERS + LETTERS TO COUNCILLORS AS WITNESS STATEMENTS
- EXHIBIT 'D' - PHOTOGRAPHS
- EXHIBIT 'E' - MINUTES OF ROAD WIDENING MEETING

**11. Any other information relating to the application**

**Note 11**

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

THE GREEN HAS BEEN PROPOSED AS A SITE 'FOR DISPOSAL' UNDER BRISTOL CITY COUNCIL'S 'PARKS AND GREEN SPACE STRATEGY'

**Note 12**

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

22/10/2010

Signatures:

J. Fisher, B. Gannon, C. O'Brien, P. Cardner, M. Fitzgerald, G.T. Gardner, [unclear]

Amended on 19 June 2014 by J. Fisher  
Witnessed on 19 June 2014 by

T. Dumbell

**REMINDER TO APPLICANT**

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

**Data Protection Act 1998**

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

## Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

<sup>1</sup> Insert full name (and address if not given in the application form).

I, JOANNE TRUDI...,<sup>1</sup> solemnly and sincerely declare as follows:—  
FISHER

<sup>2</sup> Delete and adapt as necessary.

1.<sup>2</sup> I am ~~((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (one of the applicants))~~

<sup>3</sup> Insert name if applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

<sup>4</sup> Complete only in the case of voluntary registration (strike through if this is not relevant)

4.<sup>4</sup> I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

<sup>4</sup> Continued

been received and are exhibited with this declaration; or  
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said JOANNE  
TRUDI  
FISHER )  
at 3.00 PM )  
this 21<sup>s</sup> day of OCTOBER )  
2010 )



Signature of Declarant

Before me \* Sarah Des.

Signature: J.E Des.

Address: Nile Arnall Solicitors, 11 Cotham Road South  
Kingsdown Bristol BS6 5TZ

**Nile Arnall Solicitors**  
11 Cotham Road South  
Kingsdown  
Bristol BS6 5TZ  
Tel: 0117 909 8000

Qualification: LLB (Hons)

\* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

**REMINDER TO OFFICER TAKING DECLARATION:**

Please initial all alterations and mark any map as an exhibit

Tom Dunsdon

---

**From:** jo fisher <joramjo@hotmail.com>  
**Sent:** 19 June 2014 11:47  
**To:** Tom Dunsdon  
**Subject:** RE: Higham Street TVG - Urgent response needed

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Client:** JD5  
**DatabaseID:** 500  
**DocID:** 1104594  
**Matter:** 441  
**NorSaved:** Yes

Please note that the White Land in marked on Enclosure 2 of the Objector's Statement of Objections dated 31 August 2011.

Jo Fisher

---

**From:** joramjo@hotmail.com  
**To:** tom.dunsdon@bristol.gov.uk  
**Subject:** RE: Higham Street TVG - Urgent response needed  
**Date:** Thu, 19 Jun 2014 10:45:42 +0000

Dear Mr Dunsdon,

Further to our meeting today and according to the Independent Inspector's recommendations, please find that I have amended Section 6 of application Form 44 from "See Exhibit 'B' Area Marked in Red" to "The neighbourhood of Totterdown within the locality of Windmill Hill".

I also accept that the application be amended to delete the White Land (the strip of highway land adjacent to or oatr of Higham Street the use of which the Inspector had previously concluded has not been demonstrated 'as of right').

I have resigned and dated the application form which you were kind enough to witness.

With thanks,

Yours sincerely,

Jo Fisher

# APPENDIX E

## Land at Higham Street, Bristol

-  TVG Application Land
-  12 Higham St, BL22628
-  13 Higham St, BL34536
-  14 Higham St, a/r 26483
-  15 Higham St, BL8509
-  16 Higham St, BL31585
-  17, 18, 19, 20 Higham St, AV536
-  1 Wells Rd, a/r 11091
-  7 Vernon St, BL28291
-  Vernon St, stopped up

This drawing is the property of Bristol City Council. All intellectual property rights including copyright are vested in Bristol City Council. Any unauthorised reproduction or electronic copying of this drawing could lead to a civil claim for damages and criminal prosecution. Bristol City Council does not warrant that this drawing is accurate unless it is an original drawing. Bristol City Council shall not be liable for any loss or damage howsoever caused if reliance is placed by any party on a reproduced drawing.

SITE PLAN : To ensure boundary accuracy, please refer to deeds.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Bristol City Council, 10023406, 2011.

### CORPORATE PROPERTY

Plan No : 2 (enc. 2)  
 Prop ID Ref : n/a  
 Polygon Ref : n/a  
 Scale : 1:1,000  
 Date : 15th Apr 2011



### CORPORATE SERVICES

Floor 7, B Bond, Smeaton Road, Bristol. BS1 9EE  
 Tel : (0117) 903 7620  
[www.bristol.gov.uk](http://www.bristol.gov.uk)  
 Will Godfrey, Strategic Director - Corporate Services

