

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 29TH OCTOBER 2007 AT 2.00 P.M.**

- P Councillor Quartley (in the Chair)
- P Councillor F Breckels (substituting for
Councillor Jackson)
- P Councillor D. Brown
- P Councillor Cole
- P Councillor Daniels
- P Councillor Davies
- A Councillor Jackson
- P Councillor C. Smith

**PROWG
13.10/07 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Breckels substituted for Councillor Jackson.

**PROWG
14.10/07 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PROWG
15.10/07 MINUTES – PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE – 23RD JULY 2007**

**RESOLVED - that the minutes of the meeting of
the Public Rights of Way and
Greens Committee held on 23rd
July 2007 be confirmed as a
correct record and signed by the
Chair.**

**PROWG PUBLIC PARTICIPATION - STATEMENTS AND
16.10.07 PETITIONS**

NUMBER	APPLICATION	NAME	AGENDA ITEM NO
1	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Mary Montgomery	5
2	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Renee Slater	5
3	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Peter Bland	5
4	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Councillor Emmett	5
5	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Susan Flint, Friends of South Purdown	5
6	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Barry Adams	5
7	NA	Peter Gould	NA
8	NA	Councillor Harrison	NA
9	Application for Registration of Land at South Purdown Lockleaze as a Town or Village Green.	Councillor Emma Bagley	5

It was agreed that the statements from Councillor Neil Harrison and Peter Gould, regarding the City Council's policy for charging for copies of

the Definitive Map, would be referred to the Physical Environment Scrutiny Commission.

PROWG

17.10/07 APPLICATION FOR REGISTRATION OF LAND AT SOUTH PURDOWN, LOCKLEAZE AS A TOWN OR VILLAGE GREEN UNDER THE COMMONS' REGISTRATION ACT 1965 AS AMENDED BY THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

The Committee considered a report of the Head of Legal Services (Agenda Item No. 5) to determine an application for the registration of land at South Purdown, Lockleaze as a town or village green.

The representative of the Head of Legal Services introduced the report and informed the Committee that;

- (i) The application had been received in July 2006 and advertised in accordance with the Commons Registration Act (1965).
- (ii) Bristol City Council's Director of Children and Young People's Services objected to the application, stating that the land was held as public open space under a statutory trust.
- (ii) The Inspector initially stated that there was insufficient evidence to support the objection. However, since additional evidence had been provided the Inspector had agreed that the land at South Purdown could not be registered as a town green.

In response to questions asked, the Head of Legal Service's representative confirmed that;

- (i) 'Access by right' was defined as access by virtue of the trust, whereas 'access as of right' involved trespass.
- (ii) The Inspector had reviewed the situation up until July 2006 and found that there had been a statutory trust for the twenty preceding years.

- (iii) Details of the cost of the Inspector's advice had not been brought along to the Committee meeting.
- (iv) The Inspector had advised that the application had to be rejected as legally it was not possible for the land to be declared as a town green.
- (v) The comment within public forum statement 5.1 which stated that land at South Purdown was owned by the department of Children and Young People's Services was incorrect as the land was owned by Bristol City Council.
- (vi) The Director of Children and Young People's Services had instructed one of Bristol City Council's Solicitors to act on her behalf as they wished to use part of South Purdown for school playing fields.
- (vii) Evidence of the existence of the statutory trust had been taken from a series of documents which showed the land was held under the Public Health Act (1875).

On being put to the vote it was unanimously -

RESOLVED - that the application be rejected on the following basis:-

The application is rejected in relation to all the land comprised within the current application (save for the Muller Road embankment) for the reasons given in the Further Opinion dated 6 September 2007 and the Third Further Opinion dated 14 October 2007, of Mr. Vivian Chapman QC.

**PROWG
18.10/07**

UPDATE REPORT - RIGHTS OF WAY

The Committee considered a joint report of the Director of Planning, Transport and Sustainable Development and the

Director of Central Support Services (Head of Legal Services) (Agenda Item No. 6) on the present position with regard to Wildlife and Countryside Act applications; town or village green applications; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.

RESOLVED - that the report be noted.

**PROWG
19.10/07**

INTERACTION WITH THE PROW LIAISON GROUP

The Committee considered its interaction with the Public Rights of Way Liaison Group (Agenda Item No. 7).

RESOLVED - that a report to provide additional information on the relationship between the Public Rights of Way and Greens Committee and Public Rights of Way Liaison Group would be brought to the next meeting.

**PROWG
20.10/07**

DATE OF THE NEXT MEETING

The next meeting of the Public Rights of Way and Greens Committee will be held on Monday 14th January 2008 at 2.00 pm.

(The meeting ended at 3.45pm)

CHAIR