

**MINUTES OF A MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 18TH OCTOBER 2010 AT 2.00 PM**

P Councillor Blythe (in the Chair)
P Councillor Cole
P Councillor Harrison (arrived at 2.10pm)
P Councillor Jackson
P Councillor Main
P Councillor Quartley
P Jenny Smith

**PROWG
13.10/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

No apologies for absence were received.

**PROWG
14.10/10 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PROWG
15.10/10 MINUTES - PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE - 26TH JULY 2010**

**RESOLVED - that the minutes of the meeting of the
Public Rights of Way and Greens
Committee held on 26th July 2010 be
confirmed as a correct record and
signed by the Chair.**

**PROWG
16.10/10 PUBLIC PARTICIPATION - QUESTIONS, STATEMENTS AND
PETITIONS**

NO.	SUBJECT	NAME	AGENDA ITEM NO.
1.	Application for Registration of Land Known as Cotswold Green as a Town or Village Green Under the Commons Act 2006 Section 15	Dr Nancy Carlton	5.

**APPLICATION FOR REGISTRATION OF LAND KNOWN AS
COTSWOLD ROAD GREEN AS A TOWN OR VILLAGE GREEN
UNDER THE COMMONS ACT 2006 SECTION 15**

The Committee considered a report of the Head of Legal Services (agenda item no. 5) advising rejection of the aforementioned application. The representative of the Head of Legal Services summarised the information within the report, following which Members asked for additional clarification in a number of areas. The responses given were as follows;

- The implication of the Land and Administration Committee's decision to appropriate the land to open space in 1984 was that use of the land was 'by right' not 'as of right' so it could not be declared a Town or Village Green (TVG).
- Any landowner could voluntarily apply for registration as a TVG of their own land. In this case such an application would be a decision for the Cabinet as the land was owned by the City Council.
- The area had at one time been the site of terraced houses.

During the debate that followed Members of the Committee commented that;

- The area should be preserved as open space as this was the intention of the decision in 1984 to appropriate the land. This could be achieved either by rejecting the Inspector's recommendation or by asking the Cabinet to voluntarily declare the land a TVG.
- The PROWG Committee had no evidence that the Inspector's judgement about the application was unsound, so should not overturn Officer's recommendation.
- If the application was rejected Judicial Review could follow at great cost to all parties. This could potentially be avoided by asking the Cabinet to voluntarily declare the land a TVG. The Committee should not set a precedent by referring difficult decisions to Cabinet, but in this case it was an acceptable solution due to the desire to protect the open space.
- The future use of the land would be considered as part of the City Council's Area Green Space Plans so it was important for the matter to be resolved promptly.

Following the debate Councillor Jackson moved that Cabinet be requested to voluntarily declare the land a TVG and that

the matter be referred back to the Committee for consideration after that decision had been made. He was not seconded.

Councillor Main then moved that the Officer's recommendation that the application be rejected be approved, but that Cabinet be asked to voluntarily declare the land a TVG. He was seconded by Councillor Cole.

On being put to the vote 5 Members were in favour and 1 was against. As Councillor Harrison arrived late he did not participate in the vote relating to this item.

- RESOLVED -**
- 1. That the application be rejected for the reasons given by the Inspector in his further advice dated 23rd June 2010; and**
 - 2. That Cabinet be requested to voluntarily declare the land known as Cotswold Road Green as a Town or Village Green.**

**PROWG
18.10/10**

UPDATE REPORT - RIGHTS OF WAY

The Committee considered a report of the Director of City Development (agenda item no. 6) reporting for information 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.

Members noted the information provided in the report and asked for additional details in a number of areas. The following summarises the discussion between Members and Officers;

- It was noted that the City Council's hard copy Definitive Map detailing Rights of Way in the area had been produced in 1966. Amendments to the map were recorded in separate documents, so work to produce an updated hard and electronic copy of the Definitive Map was underway. Officers hoped to resolve any obstructed routes before the new map was produced, but the process was resource intensive so it could take up to 5 years to complete.

- Members asked that their dissatisfaction relating to the time taken to update the Definitive Map be recorded. They also agreed that the relevant Service Director be asked to prepare a plan to ensure the work was completed within 5 years and that details of that plan be provided for consideration at the next meeting.
- It was confirmed that most of the outstanding applications for modifications to the Definitive Map and Statement (listed in appendix (6) A) would soon be resolved so investigation of the next claim would shortly commence. It was noted that further investigation might be required in relation to Old Sneed Park, but Members asked that in the meantime any available resources be directed to the other outstanding claims.
- The Committee were advised that in addition to the Town and Village Green (TVG) applications listed in Appendix (6)B to the report, 4 new applications had been submitted.
- Members were informed that a second hearing with regard to the TVG application for Whitchurch Park would commence on 28th February 2011. The findings of the ensuing Inspector's report would be considered by the Committee later that year.
- With regard to the Filwood Park Open Space TVG application it was confirmed that the deadline for evidence regarding the status of the land was 3rd November 2010. The nature of that evidence would determine whether a hearing was required.

RESOLVED - that the report be noted.

**PROWG
19.10/10**

DATE OF THE NEXT MEETING

RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee provisionally take place at 2pm on 24th January 2011.

(The meeting ended at 2.50pm)

CHAIR