

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 27TH APRIL 2009 AT 10.00 A.M.**

P Councillor Quartley (in the Chair)
P Councillor Brown
P Councillor Cole
P Councillor Crew
A Councillor Daniels
P Councillor Jackson
P Councillor Main

**PROWG
30.4/09**

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Daniels.

**PROWG
31.4/09**

DECLARATIONS OF INTEREST

There were no declarations of interest.

**PROWG
32.4/09**

**MINUTES – PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE – 19TH JANUARY 2009**

RESOLVED - that the minutes of the meeting of the Public Rights of Way and Greens Committee held on 19th January 2009 be confirmed as a correct record and signed by the Chair.

**PUBLIC PARTICIPATION - STATEMENTS AND
PETITIONS**

STATEMENTS

NO.	SUBJECT	NAME	AGENDA ITEM
1.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Mary Bannerman	5.
2.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Helen White, on behalf of the Castle Park User Group	5.
3.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Peter Gould	3.
4.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Councillor Bolton	5.

The Chair agreed that the statement from Councillor Bolton could be read by Carol Rhodes.

LATE STATEMENTS

The Chair agreed that the following late statement would be accepted.

NO.	SUBJECT	NAME	AGENDA ITEM
1.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Harvey Tadman	5.

QUESTIONS

NO.	SUBJECT	NAME	AGENDA ITEM
1.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Fraser Bridgeford	5.
2.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Geoff Collard	5.
3.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Mary Bannerman	5.
4.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Helen White	5.

LATE QUESTIONS

The Chair agreed that the following late questions would be accepted, with a written response being provided to Mr Tadman in due course.

NO.	SUBJECT	NAME	AGENDA ITEM
1.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Harvey Tadman	5.

The Chair advised that it would not be appropriate for Members to discuss their views regarding the town green application (Agenda Item No. 5) prior to the debate, as this could prejudice the decision.

However, it was hoped that Councillors' views on the matter would become clear during the discussion. The Chair also stated that he could not respond to questions that were outside of the remit of the Committee.

In response to supplementary questions asked at the meeting, the following information was provided;

- The decision as to whether or not the application land was registrable as a town or village green had no financial implications.
- The Parks & Green Spaces Strategy was within the remit of the Cabinet.
- The Cabinet could not overturn a decision made by the Public Rights of Way and Greens Committee.

It was agreed that a response to the supplementary question 'what account do individual members take of the Parks and Green Spaces Strategy when decision making' would be provided to Ms Bannerman in writing.

Geoff Collard asked for it to be noted that he was not satisfied with the responses provided to his questions 2, 3 and 4.

PROWG

34.4/09

APPLICATION FOR REGISTRATION OF LAND KNOWN AS CASTLE PARK AS A TOWN OR VILLAGE GREEN UNDER THE COMMONS ACT 2006 SECTION 15(2)

The Committee considered a report of the Head of Legal Services (Agenda Item No. 5) regarding the recommendation to reject the application.

Kevin Hill, Senior Solicitor, advised the Committee that he would not be participating in the discussion as his team had provided legal advice to the lead objector.

At the start of the debate, Councillor Brown proposed that consideration of the application be deferred on the grounds that the Committee hadn't been provided with sufficient information. Councillor Brown's motion was seconded by Councillor Main.

Prior to taking a vote on the aforementioned motion, Members made the following comments;

- Castle Park should remain as a 'park', but there were ambiguities regarding the status of the land that needed to be resolved before Members made a decision regarding the town green application.
- Page 53 of the report by Vivian Chapman QC (Appendix (5) 2) stated that the City Council's Open Spaces and Amenities Committee managed and maintained Castle Park from 30th September 1978. In view of this, Members needed full details of the remit of the Committee, and to know what happened to the responsibilities of the Committee after 1978.
- It might be possible to conclude that the town green application for Castle Park wasn't required, as the land's status as a 'park' was protected by other means.
- Members should be provided with more clarification regarding the difference between land being accessed 'by right' and 'as a right'.
- As part of Castle Park was consecrated ground, a comprehensive investigation into the relevant implications needed to take place, particularly as the Church had objected to proposals concerning Castle Park during the post war period.
- The Committee should consider the application in view of the City Council's Parks & Green Spaces Strategy.

In response to queries from Members, the representative of the Head of Legal services informed the Committee that;

- The town green application did not include the corner of Castle Park (adjacent to Wine Street) that had been built on.
- Bristol City Council held Castle Park under a statutory trust, and therefore public use of it was 'by right' under the trust, not 'as of right' within the meaning of the Commons Act 2006.

Following discussion, Members voted unanimously in favour of deferring the decision because they were not satisfied that they had been provided with sufficient information regarding the status of the land. It was agreed that the matter would therefore be given further consideration at the meeting at 2pm on Monday 27th July 2009.

RESOLVED - that the decision be deferred until the meeting on 27th July 2009 at 2pm.

There was a five minute comfort break.

**PROWG
35.4/09**

JOINT RIGHTS OF WAY PUBLIC PATH ORDER POLICY

The Committee considered a report of the Director of City Development (Agenda Item No. 6) regarding the joint Public Path Order Policy.

The representative of the Director of City Development introduced the report. The following is a summary of the salient points;

- Consultation regarding the Policy had taken place with relevant stakeholders, including the Rights of Way Liaison Group.
- The City Council were waiting for guidance for local authorities from Defra and would provide the information to the Committee, when it was available.

In response to queries from Members, the representative of the Director of City Development confirmed that;

- It was hoped that implementation of the Policy would help to simplify arrangements relating to Public Path Orders.
- Public access to paths that had been closed following a Gating Order would be reviewed after 12 months.
- The Rights of Way team prepared an equalities impact assessment for all work that was undertaken. Officers could use discretion to implement 'reasonable adjustments', such as path resurfacing, if they thought it would make a route more accessible.

When considering the report, Members made the following comments;

- The Joint Local Access Forum was a very thorough organisation, so any actions that could be taken by the City Council to speed up matters relating to public path orders should be supported.
- If the route of a path was altered as a result of building works, the developer should be instructed to make improvements to the re-routed path, including that it be fully accessible.

On being put to the vote, Members were all in favour of adopting the Policy.

RESOLVED - that the joint Policy at Appendix 1 to the report be adopted.

MAS

36.4/09

UPDATE REPORT

The Committee considered a report of the Director of City Development (Agenda Item No. 7) noting the report 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.

The representative of the Head of Legal Services advised the Committee that the consent order relating to Friary Road, Bishopston would be published on 28th April 2009.

RESOLVED - that the report be noted.

MAS

37.4/09

DATE OF THE NEXT MEETING

RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee be held on Monday 27th July 2009 at 2pm.

(The meeting ended at 11.30am)

CHAIR