

PUBLIC RIGHTS OF WAY AND GREENS
3rd August 2009

QUESTIONS

NO.	SUBJECT	NAME	AGENDA ITEM NO.
1.	Application for Registration of Land Known as Castle Park as a Town or Village Green	Fraser Bridgeford	10.
2.	"	Keith Darkin	10.
3.	"	Mary Bannerman	10.
4.	"	Helen White	10.
5.	"	Harvey Tadman	10.
6.	"	Nancy Carlton	10.

Fraser Bridgeford

Q1. What is the financial impact to the council if the town green application for Castle Park is accepted or rejected? (This question was previously answered that there was no financial impact, which is incorrect).

A1 – If the Committee were to accept the application, against the inspector’s recommendation, there would be financial implications for the Council.

The proposed development at the west end of Castle Park would not take place. Development is expected to raise a significant capital receipt and rental for the Council. In addition there would be a substantial section 106 planning contribution. Both of these funding sources are proposed to contribute to the major improvements (capital and revenue) being considered for Castle Park open space.

The three existing office buildings on the site are obsolete and only one is occupied. The surrounding environment is in need of improvement. If the application was not refused these two significant city centre buildings are likely to remain vacant and undeveloped for the foreseeable future. It is unlikely it would be economical to refurbish them for re-letting. This high profile entrance to the old city across Bristol Bridge would remain unchanged.

The Council’s development partner, Deeley Freed Estates (a major local firm), remains committed to development of the site.

Q2a. Can each of the councillors on the committee please indicate during the formal debate that they are aware that if the town green application for Castle Park is rejected then it will leave all of Castle Park unprotected for future generations and open to continued development pressure for ever during the course of the meeting?

A2a – The Committee is aware that bestowing town green status, as under the Act, bestows strong protections from development or change of use. Without this status any change of use or building on the land would require the Green Spaces Strategy to be followed, possible decisions by cabinet and possibly planning permission.

Q2b. Can each of the councillors indicate during the formal debate whether they are comfortable to give Castle Park up in this way?

A2b – This Committee must make its decision as per the law set out. To do

otherwise would mean that we would make an unlawful decision that would be open to legal challenge and cost taxpayers' money. Having said this, clearly Members will have feelings - many including myself strongly support the continued provision of open spaces and will continue to do so.

Q3a. What is the detailed cost breakdown of the £51,536 spent on the Castle Park town green inquiry?

A3a – The Council publish Statement of Accounts on the website which are publicly available documents. Last year's accounts have not yet been audited, so are not yet available on the web site.

Q3b. How much of this was expended due to the inquiry having to sit for an additional day?

A3b – It is not possible to give a breakdown of the costs associated with the inquiry sitting for an additional day since this is a figure for the whole inquiry for Counsel to represent. With regard to the Council's additional costs, in terms of legal expenses there were none, since Counsel attended without any instructing a solicitor for the additional day, which consisted of the applicant's closing speech.

Keith Darkin

Q1. Please explain how any development on Castle Park will improve the air quality in the centre of Bristol, bearing in mind how poor it already is?

A1. When a planning application is received for a site we decide whether the developer needs to undertake an air quality assessment. It is likely that major development on this site will require an air quality assessment since the site lies in the Air Quality Management Area. In this case a developer would therefore be required to adhere to our guidance in assessing the effect of the development on air quality. Our guidance is on our website:

http://www.bristol.gov.uk/ccm/cms-service/stream/asset/?asset_id=27800055

The air quality assessment will be reviewed by the air quality officer and the planning case officer. If a significant impact on air quality is predicted, the council may require appropriate mitigation to be funded by the developer.

Whether a development would improve, worsen or lead to no significant change in air quality would depend on the uses of the site, the changes to the amount of vehicle traffic generated and the detailed design of the site.

Q2. The Vaulted Chambers is a scheduled ancient monument that is of much public interest and appreciation; and well positioned at the entrance to Castle Park from Old Market, the bandstand and the children's playground. Why is the public's enjoyment of the green space there not enhanced by using this building as an affordable, public cafe? The proposed repositioning of the Castle Park depot in this area would, in my view, be a retrograde step because of the loss of yet more green space and the unsightliness that is currently hidden from view in it's current position. If this move were to take place what would become of the present depot?

A2. The existing park depot currently accommodates the maintenance service for the whole of central Bristol. Long term this service is due to be relocated, leaving the park depot building empty and an opportunity to use the site for a more commercial use such as a cafe or restaurant that will be of benefit to the park and attract a greater number of visitors into the park. The development of the depot building will also help to animate the waterside.

The maintenance service for Castle Park will still be based on site so a new site will be required to accommodate this. It is proposed that the Vaulted Chambers (including the space behind it) is partially or wholly used as a base for the Castle Park depot. If it is only partially used as a depot then any remaining space within the building could be used to accommodate another use such as an information

point for visitors to the park. The area to the rear of the Vaulted Chambers could be used as the yard area for the depot. Therefore this area will need to be levelled off in order to provide an easily accessible space for storage of vehicles and other large pieces equipment.

It is proposed that a feasibility study of the commercial viability of the redevelopment of the park depot and its potential change of use along with the associated use of the Vaulted Chambers will be considered in a separate study. This study will also consider the animation of the waterside and its economic viability.

Q3. The Park is currently well provided for in terms of its paths, entrances and exits to all areas of the city. The CCTV system has not long been in place either. Why is it proposed to spend valuable funds renewing the present layout?

A3. Castle Park has a confusing system of footpaths. Proposals to improve the layout of paths will aim to increase legibility of access within the park whilst at the same time raising the visual quality of the park environment. Footpaths will be upgraded as and when necessary. If new paths are required BCC will investigate the option of laying new paths on the historic pattern of streets as identified in the Castle Park Conservation Management Plan as long as they follow desire lines and help to improve access through the park.

Q4. How many trees and how many square meters of green space would be lost with the proposed development in the bandstand area of Castle Park?

A4. I am unclear what you mean by the proposed development in this area. However limited regrading will take place to the mound adjacent to the play area to give a greater sense of openness and provide better surveillance of the existing space. Where possible excavated soil will be re-used on site. Further regrading of the central mound will take place in preparation for the realignment and continuation of the footpath along the former route of Castle Street linking the bridge over the moat path and the riverside walkway. At present the proposals have not been taken forward to detailed design stage, so it is not possible to determine how many trees will be lost, or if possible translocated.

Q5. The first phase of the proposed development is likely to cost a huge two million pounds. I believe Bristol's population would far rather see this kind of money spent on necessary amenities such as health and education. What other quotes were submitted to the Council and who from?

A5. We do not have firm quotes for the work, just estimated costs at the moment. We would obtain quotes (probably 6) once planning permission is secured. The previous estimates for the draft park Improvement Plan were

provided by the Cooper Partnership. An improved park would have health benefits in that it would encourage more people to use it and there is also a proposal to provide better interpretation of the site which would be used by school children and adult learners to find out about the history of Castle Park and the war (etc) so it would provide educational benefits too.

Q6. Do the proposed developments involve the repositioning of footpaths, the removal of trees and green verges from around the ambulance station car park? If so, what form do the proposals take?

A6. The previous draft proposals in the park Improvement plan do not include this area.

Q7. Where would the proposed footbridge from the Old Brewery site connect with the paths/cycle paths of Castle Park? What is the envisaged timescale for the building of this bridge, should it go ahead?

A7. The landing of the proposed bridge from the former Courage site on the riverside path in Castle Park will need to be carefully designed to allow for an increase in pedestrian and cycle flow along the path and across the bridge. This improvement will be secured through the planning process and will be the responsibility of the Courage site developers to construct.

Q8. With the possible exception of the hard ground surfacing, the play area is safe and enjoyed as it is and makes a pleasant change to the more common metal play equipment. Why hasn't the children's play area been painted in the last two years?

A8. The childrens play area is getting on for 15 years old and therefore it is reaching the end of its life. Once funding becomes available it will be replaced. At the moment it is retained in a safe condition.

Mary Bannerman

Q1. What is BCC's total income over the last 5 years from commercial activities, licenses etc in Castle Park?

A1. Events income from Castle Park over the last 5 years is as follows:

2004 - £74

2005 - £3,246

2006 - £12,195

2007 - £10,619

2008 - £16,342

The average Council income per year from production companies parking at St Peter's Square is £9537.5, 50% of this is paid to Parks (£4768.75 per year). This average is based on the figures taken since April 2006.

Q2. Over the last 5 years, what has been the expenditure on Castle Park?

A2. The annual expenditure for Castle Park varies year on year between £60,000 to £75,000 pa, so over 5 years the expenditure has been approximately £340,000. This includes the contract annual sum, response maintenance and any park improvements carried out.

Q3. Do other Bristol parks contribute similarly to their costs?

A3. As a general rule, income that is generated from individual parks, from concessions, events etc. is used to help fund the management of that park.

Q4. Bristol has a Parks and Green Spaces Strategy. Does the PRow&G Committee make use of this in making their decisions? As theirs is the last word in some matters, should they not?

A4. The Strategy is not relevant to the Committee's decisions as to registration of town or village greens.

Q5. In 1961, protests against the Bank and Norwich Union buildings produced 10,000 signatures. In July 2006 the Council received a petition of about 5,000 signatures objecting to proposed development. In that year 2,338 people actually using the park in

November and December, and 803 online, signed a similar objection. Are all members of the Committee aware of these figures?

A5. Yes.

Q6. As the Committee has the power to grant Town Green status to Castle Park (Commons Act, 2006, Section 15.8) should it not do so in the face of such clear evidence of the wishes of Bristolians?

A6. Members can only make a decision within the law as set down by parliament - we have no power to go outside of that, no matter how we may feel. If we do go outside of the law the council will lose a legal challenge, the decision will be overturned by the courts and the costs past onto council taxpayers.

Q7. And a question to the Inspector: why, in your Report of 20th July 2009, did you not comment on Mr WHR Durie's statement? (He after all is President of the Bristol Chamber of Commerce and former High Sheriff of Bristol, among other things, so may be expected to know what is going on.)

A7. Questions can only be directed to the Chairman of the Committee.

Helen White

Q1. Can the committee explain the process that would be involved in order to voluntarily make Castle Park a town green?

A1. It would be necessary to make an application to the registration authority in accordance with the Commons Act 2006, section 15, and the Commons (Registration of Town and Village Greens) (Interim Arrangements) (England) Regulations 2007.

Q2. Can the Committee members each indicate if they would be in favour of protecting the green space of the park in this way?

A2. I think there is a good case to consider ways of protecting our valued green spaces around the city - this could be one possible mechanism.

Q3. How much would the council expect to budget should this issue go to Judicial Review?

A3. The Council do not 'budget' for Judicial Reviews since it is not possible to calculate costs in such proceedings prior to any such application being received.

Q4. How much did the unacceptably lengthy, delaying tactics of Mr Blohm, at the public inquiry into the Town Green Application, cost the council? How will the council reprimand Mr Blohm for his actions?

A4. It is not possible to give a breakdown of the costs associated with the inquiry sitting for an additional day since this is a figure for the whole inquiry for Counsel to represent. The Council do not accept that there were any delaying tactics and will not be reprimanding Counsel.

Harvey Tadman

Q1. How does the continued opposition to at least three applications for Town Greens fit into the current administration's manifesto?

Number 2, quote, 'preserve our green spaces', end quote. Liberal Democrat's party manifesto 2009, six to fix.

A1. The Lib Dem administration took over in March, this application was made before that. The new administration is already putting in place its plans to protect and enhance green spaces including investing in new park keepers.

Q2. Keep Council Tax as low as possible when there are continued public enquires for which top London lawyers are employed? This will increase the burden on the public purse, let alone any costs arising from Judicial Reviews.

Number 5, quote, 'Keep Council Tax as low as possible and continue fight for it to be scrapped'. end quote. Liberal Democrat's party manifesto 2009, six to fix.

A2. The Lib Dem administration is committed to keeping council tax increases down especially during these difficult times. Lib Dems oppose the council tax and wish to axe it.

Q3. Why does the council allow these highly paid barristers object to these applications on highly technical points? This was not what the legislation ever intended. How are the common people of Bristol ever to gain any town greens? Indeed, since the legislation came into being,

- a) how many applications for town greens been made in the Bristol area?
- b) how many of these applications been granted by the council?

A3a. There have been four applications in Bristol under the 2006 Act.

A3b. One application has been successful.

Q4. Of the councillors present on the Public Rights of Way and Greens Committee, what other committees do they sit on? Is anyone on, for example, the Health and Leisure Committee?

A4. The Councillors that sit on the Public Rights of Way and Greens Committee also sit on the following;

Councillor Kent – Development Control (Central) Committee and Licensing Committee.

Councillor Cole – Community Cohesion and Safety Scrutiny Commission; Corporate Employee Health and Safety Consultative Committee; Development Control (North) Committee; Health and Adult Social Care Scrutiny Commission; and Public Safety and Protection Committee.

Councillor Main - Community Cohesion and Safety Scrutiny Commission; Licensing Policy Scrutiny Board; and Overview and Scrutiny Management Committee.

Councillor Havvock – Licensing Committee; Outside Bodies Committee; and Public Safety and Protection Committee.

Councillor Harrison – Bristol Development Framework Advisory Panel and Corporate Parenting Panel.

Councillor Crew – Corporate Parenting Panel and Licensing Committee.

Councillor Jackson – Licensing Policy Scrutiny Board.

Councillor Quartley - Corporate Employee Health and Safety Consultative Committee and Development Control (South and East) Committee.

Councillor Jethwa – Development Control (Central) Committee, Licensing Committee and Public Safety and Protection Committee.

Of the Members who sit on the Public Rights of Way and Greens Committee, Councillor Cole also sits on the Health and Adult Social Care Scrutiny Commission.

Q5. Green space is essential to both humans and wildlife. With Brandon Hill the only other sizable area of green space in the Cabot Ward, there is still less per head of the population, than recommended in Government Guidelines. Does this committee propose to ignore this research?

A5. No, the Committee looks at all evidence but can only give weight to that allowed under the Act.

Q6. Why does the hard standing beside St. Peter's church regularly have motor vehicles like the television and film lorries and at least a dozen cars parked on it? (They were there for weeks but no sign of filming in the park).

A6. The hardstanding next to St Peters Church is used as a unit base for film crews (one of 6 in the city). They are not necessarily filming in the park they could be elsewhere in the city. The use of this space for filming brings in £250 per day which is split between the film office and Parks.

Q7. Since I live in a tower block on Lawrence Hill roundabout where the noise and pollution levels are horrendous and injurious to health I regularly spend time walking and relaxing in Castle Park. I have never seen any of the councillors present relaxing there too at any time. However, do any of the councillors on the committee ever use Castle Park on a regular basis?

A7. Yes, I like to contemplate the lives lost at the plaque and spend time in the park eating lunch.

Nancy Carlton

Q1. Please outline your policy regarding City Council objections town green applications in respect of land owned by the Council and tell me where I may find a written copy of the policy.

A1. There is no policy regarding City Council objections to town green applications in respect of land owned by the Council. The Council do not know when and from whom and in respect of what piece of land an application may be received and therefore, any application received is always dealt with on an individual basis.