

THE DOWNS COMMITTEE

Clifton and Durdham Downs (Bristol) Act 1861

Agenda

9. Public Forum (Pages 3 - 5)

To consider items of Public Forum sent to the Downs Committee. Interested parties can submit a written statement of approximately one side A4 to the Downs Committee by sending it to Democratic Services by no later than 12pm on Monday 27th June 2022.

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Downs Committee meeting 28 June 2022

Public forum statement re 21/06762/F | Public Conveniences Circular Road Sneyd Park
Bristol BS9 1ZZ (27 June 2022)

We would have expected the Committee to consider whether to withdraw the current planning application 21/06762/F, given the controversy it has created and the doubts about its lawfulness.

When Development Control Committee B met to discuss this matter on 6 April last, it resolved to reject the application and asked officers to return with formal reasons for refusal. These reasons will be considered by a planning committee on Wednesday, Tuesday 29 June.

- 1) Even if the committee allowed an eleventh-hour change to the application identifying a new site on the Downs to create an offsite wildflower meadow, the decision would need to be postponed while evidence of the suitability of the new site was obtained and tested and a further public consultation is undertaken.
- 2) If after this it were still to be approved, it would then need to be referred to the Planning Inspectorate for approval under Section 38 of the Commons Act 2006, Planning application 18/04727/F presented no biodiversity evidence (even though this was required by the LPA), so the Inspectorate did not have this matter before it when it last considered the matter.
- 3) Even if permission is given by the Planning Inspectorate to create a new offsite wildflower meadow, the site would need to be fenced off to protect it. This is not permitted under the Clifton and Durdham Downs (Bristol) Act 1861.
- 4) Without an offsite flower meadow habitat being created, the application will result in an unacceptable loss of biodiversity and a harmful impact on the nature conservation value of the Durdham Downs and Clifton SNCI which is not permitted under DM19 of the Site Allocations and Development Management Policies Local Plan.
- 5) Because of this, the application has also failed to demonstrate that it has satisfied the requirements of:
 - a) Paragraph 174 of the National Planning Policy Framework (the Framework): *Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity* [our emphasis].
 - b) Paragraph 180 of the Framework: *When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*
 - c) Bristol Core Policy BCS9 requires that individual green assets are to be retained and integrated into new development.
- 6) We have seen no evidence that the concerns expressed by Natural England have been adequately addressed.
- 7) Save for the Location and Block Plan, the plans produced by the applicant persist in showing the position of the current public conveniences in the wrong place to the north of its true position.

DOWNS FOR PEOPLE

For ever unenclosed, for all to enjoy

Downs Committee meeting 28 June 2022

Public forum statement: missing agenda items

Summary

The papers for the meeting fail to address what *Downs for People* see as major concerns. The Events and Finance Subgroup touched on some of these issues at its last meeting, behind the usual closed doors. The Committee has said it wishes to work more transparently and collaboratively. We hope to see evidence of this, starting with discussion at this meeting of the issues identified.

Detail

1. *Downs for People (DfP)* expected to see the following items on the agenda:
 - 1) **Work plan.** The last Lord Mayor made great efforts to get a work plan for the Committee adopted. He called an Extraordinary Meeting and stimulated significant media interest. DfP was pleased when the current Lord Mayor, Cllr Paula O' Rourke, told us recently that she was committed to taking the plan forward. We especially welcomed her determination to focus on governance and the Committee's statutory role. The Committee is unfit for purpose and its powers have been questioned in many respects. It needs to be clear what it can lawfully do if it is to avoid more expensive High Court challenges. ***We expected the work plan to be set out at agenda Item 5 (action tracker) and Committee agreement sought on a detailed timetable and actions.***
 - 2) **Statutory remit and the Sea Walls café proposal.** The Open Spaces Society has written to the Lord Mayor explaining why they consider the Sea Walls café proposal unlawful. It has pointed out the apparent absence of powers to build or to operate a café. The Lord Mayor is seeking legal advice about this. ***We would have expected the Committee to consider withdrawing the current planning application, given the doubts about lawfulness.*** Instead the application is to be considered by a planning committee for the second time on Tuesday 29 June. The planning committee decided not to grant permission at its meeting in April and asked officers to draw up detailed grounds for refusal. The application is controversial, opposed by national and local amenity societies and local councillors. ***We expected the Downs Committee to be briefed on this and to discuss the implications. (Given the importance the Committee rightly attaches to providing toilets on the Downs, we would also expect it to have considered the reduction in cleaning from four times to once a day that is mentioned in the Events and Finance Sub-Group report).***
 - 3) **Information Commissioner referral.** DfP has referred the Committee's refusal to provide information on our court case to the Information Commissioner's Office. We have explained that we will withdraw this referral if certain key information is provided. The Events and Finance Sub-Group discussed this at their June meeting. They have made a start by identifying the

Committee's legal costs last year in the financial report for this meeting. DfP would like similar information for 2020/21, and clarification of whether these legal costs include payments to the City Council for the time of its legal officers and payments to us. The other information we consider essential is an explanation of why the Committee spent so much on a hopeless case: was its legal advice bad, late or ignored? ***We expected the Committee to consider whether or not it should provide this information, to avoid censure by the Information Commissioner.***

- 4) **Governance.** We reported to the Extraordinary Meeting in May that nine organisations supported DfP's call for a governance group to be established on which external stakeholders would be represented. ***We expected the Committee to consider how governance should be taken forward and how external stakeholders should best be involved.***
- 5) **North car park.** Under the terms of the court order that halted our High Court challenge, the Zoo's use of its North car park (outside the main entrance) must end next year. Thereafter the land can be used only for what is lawful under the Downs Act. (Any parking must be only for activities on the Downs or the Committee will be in contempt of court). The Events and Finance Sub-Group started thinking about how to make money from the site at its June meeting. Profit should not be the prime consideration. ***In line with its statutory remit, we would have expected the Committee to discuss how the land can best be used as an amenity "for the public resort and recreation of the citizens and inhabitants of Bristol".***
- 6) **Recreation plan.** DfP suggested earlier that the Committee's work plan should include a recreation plan, not just a conservation plan. The Events and Finance Sub-Group referred to the possible closure of Circular Road to cars. ***This is the sort of issue that we would expect the whole Committee to consider, as part of an overall plan for informal recreation.***

Downs for People

26 June 2022