

Downs Committee

Supplementary Information



Date: Monday, 11 March 2024

Time: 2.00 pm

Venue: City Hall

7. Public Forum

Up to 30 Minutes is permitted for this item.

(Pages 3 - 9)

To consider items of Public Forum sent to the Downs Committee. Interested parties can submit:

- A written statement of approximately one side A4 no later than 12pm on 8 March 2024.
- A maximum of 2 written questions (which will be answered verbally at the meeting) must be received 3 clear working days prior to the meeting. For this meeting, it means that your question(s) must be received no later than 5pm on 5 March 2024.
- You will have the opportunity to ask one supplementary question arising directly out of each of the original questions or replies.

Please send submissions to Democratic Services at democratic.services@bristol.gov.uk.

Please note that your statements and questions will be sent to Committee Members and published on Council's website prior to meeting.

Issued by: Democratic Services

City Hall, Bristol, BS1 9NE

Tel:

E-mail: democratic.services@bristol.gov.uk

Date: Friday, 08 March 2024



THE DOWNS COMMITTEE

11 March 2023

Public Forum

Statements

- 1. Colin Knowles Bristol Climbing Community**
- 2. Robert Westlake FODAG**
- 3. Gareth Roberts Bristol Ornithological Club**
- 4. Downs for People Susan Carter**

Statement to the Downs Committee on behalf of the climbing community

I am Chair of the South-West Area of the British Mountaineering Council, the body that represents the climbing community. We are responding to the recent report to the Down Committee "Report of the Parking Task and Finish Group 15 January 2024". We consider that this report completely overlooks the needs of 'communities of leisure', and consequently is insufficiently researched to provide a sound basis for its recommendations.

We understand from Democratic Services that this report was prepared without any input from Bristol City Council officials. It therefore seems that there is no evidential basis for the conclusions, and surely this puts these proposals at risk of challenge. We further consider that the proposals are a disproportionate response to the perceived problems.

In particular we strongly oppose the first recommendation of the T&F Group to enforce a three hour parking limit on the roads around and within the Downs. There is already a TRO in place for a five hour parking limit on the Circular Road, which climbers have operated within for many years. Three hours is not sufficient to undertake climbing safely.

There a large number of climbers in Bristol. Like birdwatchers, who are similarly impacted by this proposal, we need equipment to go climbing. We also need equipment to undertake conservation works on the cliffs of the Avon Gorge. Access from the top of the Gorge is essential for our activity. There are climbs of all grades of difficulty, and climbers select their climbs according to their abilities, but they would not feel that they could undertake their chosen route safely if they were under time pressure.

Also the aspiration to close the Circular Road to traffic is surely in contradiction to all BCC aspirations to enable greater access to Bristol's parks, particularly in respect of improving the physical and mental health of the citizens. The closure of the Circular Road can only act to deny access to those who are dependent on the car to reach their leisure opportunities, and reinforces the privileged status of those living in areas within walking distance of The Downs.

We therefore strongly urge you to consider the reservations of the Downs Advisory Panel, and set aside recommendations 1. & 2. We instead ask you to support our long-held aspiration that there should be a full and proper review of the Avon Gorge so that access for all is enhanced to the general benefit of Bristol and its visitors.

Colin Knowles 01/03/2024



Friends of the Downs & Avon Gorge
March 11th 2024
Public Forum Statement.
Downs Committee.

FOD+AG welcomes the opportunity to update the Downs committee on our most recent events and some of the activities planned for the coming weeks.

We remain committed to our core values to represent users of the Downs and to support the City Council and the Downs Committee in the good governance of the Downs.
Friends of the Downs & Avon Gorge.

This coming weekend will see the Friends group undertake the final deep litter clearance operation of the season. The timing ensures that our activities do not disturb early nesting birds and will be confined to more open areas around the Seawalls. At the last FOD+AG committee meeting a decision was made to avoid a particular area of the Downs known as Fairyland. This area is a well known sex haunt with the problems that can sometimes be associated with this activity. In particular, significant amounts of sex litter was collected by our volunteers. The FOD+AG committee reluctantly decided that in the interim our volunteers should not be exposed to this type of detritus. In a more positive vein, FOD+AG has been in touch with the Terrence Higgins Trust with a view to seeking advice and practical assistance. We have also liaised with the Downs supervisor to see if it was possible to seek assistance from the Probation Service.

Last month we laid to rest FOD+AG founder member and Hon. President Jack Penrose. In 2007 at the behest of the Downs committee Jack and a few other like minded lovers of all things Downs set up the first FOD+AG committee.

As an organisation we would like, subject to the approval of this committee to acknowledge Jack's contribution to the Downs by planting a tree in his memory. We will liaise with the Downs supervisor as to location and species.

The Friends group and the Downs Advisory Panel {DAP} are delighted that an appointment of a Downs Commercial manager has been made. Representatives of FOD+AG and the DAP would be pleased to offer assistance with this very important role.

April sees the return of Butterfly monitoring. This allows the Downs to be divided into transects for the purpose of important data gathering which is then fed into a national database.

Also in April our popular Walk & Talk featuring the great houses of the Downs returns and in May a Wildflower Walk with renowned botanist Neil Talbot.

The FOD+AG committee discussed the recent report from the Parking Task & Finish Group and were generally supportive, however concerns about the implications of closing Circular Road at some point were raised. Comments have been forwarded to the DAP for further debate.

In order to ensure that the citizens we represent are clear about FOD+AG's position on a range of important topics our committee has agreed to prepare a series of position statements. The aim is to keep Downs users informed and assist us as an organisation to be fully transparent and to remain focused.

Towards the end of last month FOD+AG volunteers set about maintaining the flower beds at the Reverend Urijah Rees Thomas memorial fountain at the top of Whiteladies Road. This biannual activity included collecting debris from the turfed areas, pruning and tidying the plants and shrubs, some new planting and removing large amounts of leaves and weeds from the borders.

Cabinet Report - Downs committee members may well be aware of the recently circulated 51 page report about managing van dwellers on the Downs. The Cabinet report recommends the setting up of a Council led Officer Task force to discuss, review and report back to the Council at some unspecified date in the future.

This appears to be a clear case of prevarication and kicking the problem into the long grass because it's too difficult to tackle.

We have had five years to discuss and debate, we know what's needed and that's for the Council to use the powers available to them, take action and to bring about a satisfactory resolution.

On behalf of Downs users and near neighbours FOD+AG sent a public Forum Statement for consideration by the Cabinet.

It was strongly opined that the Cabinet report spent a disproportionate amount of time highlighting the plight of the homeless in Bristol and of the welfare needs of those who live in roadside encampments.

It even details support organisations for van dwellers but fails to fully acknowledge the impact of van dwelling communities on their near neighbours and the detrimental impact to the environment.

Where is the support for those long-suffering citizens and charge payers who feel disappointed and let down by those who should be protecting their rights.

Robert Westlake

Chair

FOD+AG

Statement to the Downs Committee on behalf of Bristol Ornithological Club

I am the secretary of Bristol Ornithological Club (BOC). The 15 January report of the Task and Finish Group on parking on the Downs was discussed at the last BOC Trustees meeting. We are concerned about the proposal to reduce the parking limit on the Downs from 5 to 3 hours.

The Avon Gorge as viewed from Clifton Down is a nationally renowned site for observing and photographing nesting Peregrine Falcons and their young. Bristol rightly celebrates these birds in leaflets and online. After a long absence Peregrines returned to nest in the gorge in 1990 and have bred successfully every year since. In the early years our club was involved in protecting the nest site and more recently have run annual events to show the birds to the public.

During the nesting season birdwatchers may spend many hours waiting for the birds to appear after periods of resting or distant flights. We feel that a time limit of 3 hours on parking will restrict our members' ability to enjoy the Downs and the wildlife there. In addition to the opportunity to witness the spectacular flying displays at eye level, the Avon Gorge Peregrines have enabled us to learn more about the birds through scientific research. By identifying chicks born in the Avon Gorge by leg rings we know that as adults they have reared their own young in sites across England. The ringing is undertaken by licensed ringers assisted by trained climbers, and their work would be impeded by a more restrictive parking scheme. Access to Circular Road in the future is also important, and any proposal to restrict this needs to include provision for those needing to bring equipment to the edge of the gorge.

We hope that the parking time restriction can be retained at 5 hours. This limit has had the desired effect of deterring commuter parking. We feel that the Task and Finish Group have not fully considered the needs of all legitimate users of the Downs in their report.

Gareth Roberts
7 March 2024

DOWNNS FOR PEOPLE

For ever unenclosed, for all to enjoy.

Public forum statement: draft minutes of Events and Finance Sub-Group meeting 30 January 2024

Summary *The draft minutes of the meeting mis-represent both the legal constraints on the use of the North car park and the High Court challenge by Downs for People. The Committee needs to take careful note of the legal constraints. The Master of the Merchant Venturers is asked to ensure the minutes are corrected in all respects.*

Detail

1. The draft minutes of the January meeting of the Events and Finance Sub-Group (agenda item 6) record that requests to use the North car park from the Bristol Film Office and Clifton College had been refused because such uses “would not be consistent with the Consent Order which settled Mrs Carter’s litigation. “

There are three errors in this statement:

- the Consent Order is not the main legal obstacle to these uses: they are fundamentally unlawful;
- the litigation was undertaken by *Downs for People*, not “Mrs Carter”;
- no Mrs Carter has been involved.

The legal constraints

2. Use of the North car park by the Bristol Film Office or Clifton College would certainly be contrary to the terms of the order which discontinued our High Court challenge. If the Committee breaches that order, they will be in contempt of court. But the order did not impose a new constraint: instead it provided an exemption for the North car park for a limited period from the provisions of the 1861 Downs Act.

3. Under the Downs Act, the Downs must “remain open and unenclosed, and as a place for the public resort and recreation of the citizens and inhabitants of Bristol”. The Downs Committee has only one statutory duty: to ensure that the Downs are managed and regulated in a way that achieves this. Permitting parking on the Downs is unlawful except insofar as the County of Avon Act 1982 provided that the City Council could set aside land for parking by “persons resorting” there ie for activities taking place on the Downs.

4. ***The provision of a base for film units or a pick up and drop off zone for Clifton College would be unlawful under the 1861 Act irrespective of the Consent Order.*** *Downs for People* sought judicial review of the decision to grant a twenty year licence for zoo parking on the Downs on the grounds that it was unlawful. The Committee will have received legal advice to this effect when it offered to settle out of court.

Responsibility for litigation.

5. The High Court challenge to the Committee's decision was made by the group *Downs for People (DfP)*, not by an individual. Susan Carter is a member of Downs for People who agreed to be named in the proceedings. She explained in a witness statement to the court: "Because DfP is an unincorporated association, we have been advised to bring these proceedings in my name on behalf of DfP to avoid any procedural challenge". To make it absolutely clear that it was a group, not an individual, challenge, DfP sought an order capping their costs liability to £10,000, rather than the £5000 applicable to challenges by individuals.

6. *The minutes need to be amended to refer to litigation by Downs for People, not by Susan Carter.*

Name of claimant

7. The name of the claimant in the High Court challenge is Susan Carter. No title is necessary (nor indeed any reference to the claimant). Susan Carter's preferred title is Ms Carter: Mrs Carter is incorrect.

Downs for People

7 March 2024