

Downs Committee (DC) and Friends of the Downs and Avon Gorge (FODAG)

Memorandum of Understanding

Background

Downs Vision: An open downland that is protected forever for the wellbeing and enjoyment of the people of Bristol.

Downs History: The Downs consists of 412 acres of common land in north Bristol. It is governed by an act of Parliament dating from 1861 (the Clifton & Durdham Downs (Bristol) Act 1861 (“Downs Act”)) when the two landowners (Bristol Corporation and the Society of Merchant Venturers) combined their land to create an open space for the people of Bristol. The Act established the DC to manage and maintain the Downs. The DC is made up of equal numbers of representatives from both landowners, chaired by the Lord Mayor of Bristol. The DC is an independent body, not part of the Council or of the Merchant Venturers.

Downs Principles:

The DC has adopted the following six principles to guide it in the discharge of its powers and responsibilities under the Downs Act.

Principle 1 – Space for recreation: Under the Downs Act the Downs is a “place of public resort and recreation” for all of the people of Bristol. This includes exercise, social activities and use for health and wellbeing. The DC will always give great weight to this fundamental role in its decision making.

Principle 2 – Space for nature conservation: The Downs also has a critical role as an open green space for nature conservation, clean air and education in the context of declared climate and ecological emergencies. The DC will always give great weight to this role in decision making.

Principle 3 – Funding: The Downs Act places on Bristol City Council (“BCC”) the responsibility to provide funding for the maintenance of the Downs and the Council accepts this role within reasonable limits. However, the ambition of the DC is to support BCC in saving public money by raising revenue to fund the maintenance of the Downs. BCC may act as custodian of Downs funds, but these will always be ring-fenced under the management of the DC (the DC should make detailed arrangements with the Council regarding the management of Downs funds). The DC will seek to raise funds from as many diverse sources as possible which are compatible with these principles and will engage with stakeholders in developing new income sources.

Principle 4 – Events: Events held on the Downs are an important part of its fundamental recreational purpose as well as a way of generating funds. The DC will organise an annual programme of events which fulfils these aims and which provides for as wide an audience as possible, including small and culturally diverse events. This must always be balanced with the other fundamental purpose of conservation. It must also recognise that temporarily restricting access to parts of the Downs for events has an impact upon other recreational uses. Events can also cause disruption to neighbours and other users of the space. The DC will always be mindful of these impacts when arranging the events programme, and in particular must ensure that the significant majority of the Downs remains fully accessible to the public for a significant majority of the time.

The DC works with BCC's licencing and site permissions teams to manage the process of authorising events on the Downs.

Principle 5 – Buildings and infrastructure: The DC will not sanction any development which fundamentally alters the character of the Downs as an open green space, or which harms the fundamental objectives described in these principles. The Downs is protected from development under the Downs Act and general planning law and nothing in this document changes or outweighs those statutory protections.

Public highways on the Downs are the responsibility of the Highways Authority (BCC). The DC has no jurisdiction over them.

There are existing buildings and other infrastructure (paths, sports and play equipment etc) on the Downs, and developments will focus primarily on repairing, updating or where necessary replacing these existing items in a way which is compatible with these principles. Any proposal will be resisted unless there is a strong case that it supports these principles.

Principle 6 – Openness and involvement: the management of the Downs should be as open and transparent as possible. Under the Downs Act the responsibility and authority for decision-making rests ultimately with the DC. The DC will keep its practices and structures under review to ensure that those who live, work, or operate on and around the Downs and the wider public have the best opportunities to understand, contribute to and challenge the decision-making process. Decisions will be taken in public unless there are legal or commercial reasons for information to be withheld.

FODAG Aims:

- monitor, work with and influence the DC, BCC and all those involved in the management, maintenance and improvement of the Downs and the Gorge
- protect and enhance the Downs and the Gorge for the benefit of both all its legitimate users and its wildlife
- consult with, and represent, the views and aspirations of all legitimate users.

FODAG Activities: restoration projects, conservation and education; a programme of talks, walks and events; volunteer programmes such as wildlife monitoring and deep litter clean-ups; publication of quarterly newsletter including reports on activities, articles to inform, provoke and entertain and views from members.

Operative Provisions

DC will

- exercise its powers and carry out its statutory duties under the Clifton & Durdham Downs (Bristol) Act 1861 for the management of the Downs and subject thereto will
- recognise FODAG as the key/principal community liaison group for the Downs, bearing in mind FODAG's commitment to the DC's Downs Principles, large and settled membership, history of voluntary work on the Downs and long and productive relationship with DC
- meet FODAG to consider issues and concerns raised by FODAG and the wider stakeholder community at least twice a year and until such arrangements are changed four times a year through the medium of the new Advisory Committee¹ (see attached organogram and calendar)²
- seek the support of FODAG in any consultation exercise that is required with local groups and stakeholders
- develop a five-year Strategy for the Downs following consultation with FODAG and, through FODAG, all other major stakeholders
- periodically review the Downs Management Plan, in consultation with FODAG (and AGDLWWP) and, through FODAG, all other major stakeholders
- develop a three-year Programme of Works for the delivery by Bristol City Council (BCC) of the five-year Strategy, including capital works and major outreach programmes, informed by FODAG's consultation responses and what is in the best interests of the Downs, and set out the levels of funding that may be required to deliver each
- adopt annual business plans for the delivery by BCC of the five-year Strategy and three-year Programme of Works for the Downs, in accordance with the Downs Management Plan, BCC being responsible for:
 - maintenance of the Downs
 - organising/licensing events on the Downs
 - setting tariffs for use of the Downs by third parties
 - production of annual budget for approval of DC
 - implementation of budget, informing DC of variations
 - regular reporting to DC on how the implementation of strategy is progressing
 - provision of staff function for the running of the Downs (e.g., legal and secretariat)
 - settling any annual shortfall in the costs of running the Downs.

FODAG will

- be the principal liaison group for all those local parties with a legitimate interest in the Downs, for the benefit of the Downs (this will be in addition to the formal consultations run by DC from time to time)
- establish a mechanism for consulting with all local residents' groups, and other interested stakeholders
- provide comments on the 5-year Strategy, 3-year Programme of Works and Downs Management Plan, having consulted with all stakeholders
- comment on the business plan for the following year and raise issues or areas of concern in good time

¹ Name of Advisory Committee is under review

² To follow

- provide volunteers to support the maintenance and improvements on the Downs.

Joint Agreements

1. The operation of this MOU will be reviewed by the parties after two years of operation.
2. Agreed copies of the five-year Strategy, three-year Programme of Works and Downs Management Plan will be signed by the parties to evidence that they are the current up to date versions.
3. The Advisory Committee will be clerked by BCC.
4. The parties will develop systems for the mutual flow of information relating to all aspects of Downs management.