

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO 3081/2020

BEFORE THE HONOURABLE MR JUSTICE HENSHAW

BETWEEN:-



THE QUEEN
On the application of
SUSAN CARTER

Claimant

-and-

(1) DOWNS COMMITTEE
(2) BRISTOL CITY COUNCIL

Defendants

(1) THE MASTER WARDENS AND COMMONALTY OF MERCHANT VENTURERS OF THE
CITY OF BRISTOL
(2) BRISTOL, CLIFTON AND WEST OF ENGLAND ZOOLOGICAL SOCIETY

Interested parties

ORDER

UPON the parties having reached terms of settlement

AND UPON the Defendants undertaking that, save as provided for by this order, after the date of the order they will not

set aside land on the Downs for the purpose of allowing persons to park so as to undertake non-Downs activities or

make arrangements whose purpose is to allow persons to park on the North Car Park so as to undertake non-Downs activities

IT IS ORDERED BY CONSENT THAT

1. The application for judicial review be discontinued.
2. The Defendants (on a combined basis) pay the Claimant's costs to be taxed if not agreed up to a maximum of £60,000 (excluding VAT).

AND IT IS DECLARED BY CONSENT THAT

3. The effect of this order is stayed only to the following extent:-
 - (1) so that the Ladies Mile Car Park may be set aside for parking for non-Downs activities until (and including) 1st October 2022; and
 - (2) so that the North Car Park may be set aside for parking for non-Downs activities until (and including) 31st December 2023.
4. This order does not impose any obligation on either of the Defendants to:-
 - (a) check the purpose or purposes for which any person parks, has parked or will park on the Downs, including at the Ladies Mile Car Park and the North Car Park; or
 - (b) check whether those in any vehicle so parked have undertaken, are undertaking or will undertake non-Downs activities; or
 - (c) enforce any restrictions on car parking on the Downs.
5. For the avoidance of doubt, this order shall not affect in any way any right of parking on any road in or over the Downs.
6. This order and any breach thereof shall not give rise to any right to claim damages, loss, compensation or legal or other costs whatsoever.
7. In this order
"the Downs" are Clifton and Durdham Downs
"order" means each and every part of this consent order and the undertakings herein, but not the explanatory note

“the Ladies Mile Car Park” and “the North Car Park” are the car parks referred to as such in the pleadings in the claim

“non-Downs activities” are activities undertaken otherwise than on the Downs.

The Hon. Mr Justice Henshaw

12th May 2021

EXPLANATORY NOTE

The Claimant challenged the grant of a licence and sub-licence under which an area on the Downs at Ladies Mile was set aside for parking for visitors to the Zoo for up to 28 days each year (with an option for additional days if planning permission were granted). The parties have reached agreement to settle this claim on the basis that the parking for non-Downs activities will be allowed at Ladies Mile until 1st October 2022 and at the North Car Park until the end of 2023, when the Zoo’s need for parking at these sites will cease. Apart from this use by the Zoo, the Defendants undertake not to set aside land on the Downs for the purpose of allowing persons to park so as to undertake non-Downs activities. On this basis, and subject to the further terms in the order, the Claimant has agreed to discontinue the claim.