

# Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Audrey's Meadow</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	12/01/12
<b>Forward Plan Ref:</b>	ID2372

**Purpose of Report:** To protect Audrey's Meadow under the Greenham & Crookham Commons Act

**Recommended Action:** Decision to protect Audrey's Meadow under the Greenham & Crookham Commons Act

**Reason for decision to be taken:** There are no bylaws relating to the Meadow and it cannot be protected in the same way as Stroud Green. However section 6 of the Act allows the Council to manage the land under the auspices of that Act and implement some sensible access regulations.

**Other options considered:** Not to protect the meadow under this Act and explore bylaws as an alternative.

**Key background documentation:** Site notice

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Zoe Campbell
<b>Job Title:</b>	Support Services Officer
<b>Tel. No.:</b>	01635 519386
<b>E-mail Address:</b>	zcampbell@westberks.gov.uk

## Implications

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<b>Policy:</b>	In accordance with existing policies
<b>Financial:</b>	Costs associated with enforcement / signage / plans will be met from within existing budgets.
<b>Personnel:</b>	No additional resources required.
<b>Legal/Procurement:</b>	In accordance with Greenham & Crookham Commons Act 2002
<b>Environmental:</b>	This will allow the Council to manage the land under the auspices of the Act. Sensible regulations can be applied to protect the Meadow.
<b>Property:</b>	N/A
<b>Risk Management:</b>	N/A
<b>Equalities Impact Assessment:</b>	Stage 1

## Consultation Responses

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### Members:

<b>Leader of Council:</b>	Graham Jones - emailed on 14/12/11 no response received to date
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	Brian Bedwell - emailed on 14/12/11 comments - I am in agreement with the recommendations contained in the report.
<b>Ward Members:</b>	Julian Swift-Hook, Billy Drummond - emailed on 14/12/11 Comments from Billy Drummond - I am fully supportive of this decision and that for many generations to come will get a lot of pleasure from this open green space, in honor of Audrey Appleby. Comments from Julian Swift-Hook - I am delighted that this proposal has come forward and I fully support it. Moreover, too much green space in Greenham is under threat from development and this is a way of providing additional protection for Audrey's Meadow for future generations.
<b>Opposition Spokesperson:</b>	Royce Longton - emailed on 14/12/11 no response received to date
<b>Local Stakeholders:</b>	Site Notice Issued, no comments received (attached as appendix), consultation response and support from Greenham Parish Council (Appendix D)
<b>Officers Consulted:</b>	Paul Hendry
<b>Trade Union:</b>	Not applicable

<b>Is this item subject to call-in.</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by O&SMC or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

## Supporting Information

### 1. Background

- 1.1 The land now known as 'Audrey's Meadow' is owned by West Berkshire Council and managed as public open space. The land was transferred to the Council as part of the housing development at Newbury Racecourse as part of a s.106 consideration in July 2011
- 1.2 In honour of Audrey Appleby, former local councillor, and her outstanding contribution to the community the Council named the Meadow in her honour at a local ceremony in July 2011. The land, adjacent to Mandarin Drive is now known as Audrey's Meadow.

### 2. Current use

- 2.1 The Meadow is enjoyed by residents for quiet recreation and walking.
- 2.2 To encourage a variety of plants and wildlife in the Meadow, it is informally managed using grazing and sympathetic cutting.

### 3. Protecting the meadow in the future

- 3.1 The area will be retained as public open space. Greenham Parish Council are concerned about development pressure in the area and have concerns that the meadow is vulnerable. This is not the case. There is a strong planning presumption against a change of use of public open space and this is particularly true where the provision of this public open space was a requirement of the original planning consent for the associated development.
- 3.2 The Meadow, due to its size, may be vulnerable to antisocial activities. Officers agree with the Parish that some mechanism should be found to protect the Meadow.
- 3.3 Audrey's Meadow is not protected by bylaws, it would be difficult to prevent certain antisocial activity on the land; camping, lighting of fires, motorcycling. Bylaws are not the most effective means of preventing these kinds of activities and the process involved is time-consuming and costly.

#### **4. The Greenham and Crookham Common Act**

- 4.1 The Greenham & Crookham Commons Act provides a convenient means to protect Audrey's Meadow from these and other activities. Section 8 of the Act sets out the General duties of the Council and the Commission in relation to the Common and, by extension, the Meadow, whilst part 3 of the Act provides measures to control public access. The Commissions Access Regulations and Grazing Regulations can be applied if required.
- 4.2 Please note that by adding this land, commoners rights DO NOT apply and therefore the associated issues with the exercising of these rights will not apply to the meadow either.

#### **5. The Process**

- 5.1 The Meadow can be included within the Act by virtue of section 6 of the Act, this states;

If, in the opinion of the Council, it would be in the interests of conservation or otherwise for the public benefit, the Council may from time to time designate such additional area or areas of land to be additional open space as appears or appear to the Council could conveniently be managed with the Common under the provisions of this Act.

- 5.2 The Act further states:

*No land shall be designated under subsection (2) above, except with the consent of—*  
*(a) the Commission; and*  
*(b) every person who has a relevant interest in the land,*  
*and before designating any land under that subsection the Council shall consult any other local authority in whose area the land is situated.*

To this end Greenham Parish Council were consulted and they gave their consent on the 15<sup>th</sup> September 2011.

The Greenham and Crookham Commons Commission were consulted and gave their permission on the 17<sup>th</sup> November 2011.

In order to establish whether there are others with *a relevant interest in the land* the Council's legal team carried out land searches. These proved that no other such interests exist.

#### **5.3 Future implications**

The benefits of this proposal are clear in terms of antisocial activity. The Parish Council will have some control over the Meadow this means that the local residents will have a greater influence over the management.

Section 6(7) of the Act allows the Council to revoke or vary this decision if required at any time.

*(7) A designation under this section may be revoked or varied by resolution of the Council passed by not less than three quarters of the members voting on the resolution at a meeting of the Council convened with not less than 10 clear days' notice of the purpose of the meeting.*

- 5.4 An equality impact assessment has been carried out and concluded that there is no relevance.

## **Appendices**

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Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Site Notice

Appendix C – Map of Audrey's Meadow

Appendix D – Support from Greenham Parish Council – John Boston

## APPENDIX A

### Equality Impact Assessment – Stage One

<b>Name of item being assessed:</b>	Audrey's Meadow
<b>Version and release date of item (if applicable):</b>	
<b>Owner of item being assessed:</b>	Hilary Cole
<b>Name of assessor:</b>	Zoe Campbell
<b>Date of assessment:</b>	2/11/11

<b>1. What are the main aims of the item?</b>
To protect Audrey's Meadow under the Greenham & Crookham Commons Act 2. Protection of the Meadow will effect Commoners, local people and visitors enhancing the environment positively by allowing the Council to manage the land under the auspices of the act.

<b>2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)</b>
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<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this.</b>
No Groups affected		

<b>Further comments relating to the item:</b>
The decision reaches it's aim equally for all groups of people.

<b>3. Result</b> (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> <b>High Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Medium Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Low Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> <b>No Relevance</b> - This <b>does not</b> need to undergo a Stage 2 Equality Impact Assessment

**For items requiring a Stage 2** equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

<b>4. Identify next steps as appropriate:</b>	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

**Name:** Zoe Campbell

**Date:** 2/11/11

## APPENDIX B

### WEST BERKSHIRE DISTRICT COUNCIL GREENHAM & CROOKHAM COMMONS ACT 2002

#### NOTICE OF DESIGNATION OF ADDITIONAL OPEN SPACE – AUDREY'S MEADOW

West Berkshire Council propose to protect Audrey's Meadow under the Greenham & Crookham Commons Act 2002.

This is a consultation process. Anyone who wishes to raise comment on the Council's aim to bring the Meadow under the protection of the Act should do so by writing to the address below by November 18th 2011.

The decision will be taken by the Council with the consent of the Commission and after consultation with residents and the Greenham Parish Council on January 12th 2012. The outcome will be notified to users of the Meadow soon afterwards.

There are currently no bylaws to protect the Meadow. Section 6 of the Act (see below) allows the Council to manage the land under the Act. For example, the Act provides for access restrictions for horses, cyclists and vehicles under certain circumstances.

The Greenham Commission will have say on the future management of the Meadow under this proposal, and as Greenham Parish Council are represented on the Commission, there will be greater local influence.

1. Section 6 of the Act permits additional open space to be managed with the Common.
2. Any open space which the Council considers can conveniently be managed with the Common can be added.
3. Audrey's Meadow can be managed in this way for an indefinite period, or for such a period as the Council may specify.
4. West Berkshire Council will need the consent of the Commission to add Audrey's Meadow and is also required to consult with any other local authority in the area, in this case Greenham Parish Council.
5. No rights of common will apply to the Meadow.
6. The provisions of the Act will apply (the land will have full protection under the Act).

A link to the Greenham Act is available on the Countryside Service pages of the West Berkshire Council website [www.westberks.gov.uk/countryside](http://www.westberks.gov.uk/countryside)

All representations and comments should be sent in writing to: Zoe Campbell, Countryside, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD or by e-mail to: [zcampbell@westberks.gov.uk](mailto:zcampbell@westberks.gov.uk).

**Only those representations that are made in writing and arrive at the address specified above (including e-mail address) by 18/11/11 will have a right to be considered.**

**Further information is available from the above address and e-mail address and by telephoning 01635 519386**

# Welcome to Audrey's Meadow



This meadow and woodland area was adopted as public open space in 2011.

The meadow has taken its name in recognition of many years of work carried out on the behalf of the community in Greenham by Mrs Audrey Appleby including the return of Greenham Common to the public.

The meadow will be informally managed through grazing and sympathetic meadow cuts to encourage a variety of plants and wildlife.

Please feel free to wander the area or use it as a circular walk or route to the Pigeons Farm Estate and Greenham Common beyond.

## APPENDIX D

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**From:** John Boston [mailto:john@johnboston.co.uk]  
**Sent:** 15 September 2011 11:37  
**To:** Paul Hendry; Zoe Campbell  
**Cc:** 'tony forward'  
**Subject:** RE: Audrey's Meadow PS

Dear Paul,

At last night's meeting of GPC it was resolved unanimously that in GPC's view Audrey's Meadow should come under the protection of the Act. It was similarly resolved that the dialogue that we have had so far is sufficient to count as the required consultation.

Regards

John