



‘Protect Frome Valley @ Stapleton’

Town Green Application: Colston’s Field

Frequently Asked Questions

What is it all about?

We recently stopped developers from building luxury homes on land immediately beside Eastville Park Lake and the River Frome. However, although we won the planning battle the land is still potentially vulnerable to future development, and local people have been excluded since the proposed development was first announced last February – despite having enjoyed unimpeded access for many decades.

What does ‘Town Green’ mean?

The law says that land can be registered as a Town or Village Green (they both mean the same) if you can show that:

- a significant number of local people have used the land for ‘lawful sports and pastimes’, as of right, over a period of at least 20 years and
- this use was not carried out in secret, and
- that entry was not forced

Once registered as a Town Green this right is recognised, access cannot be prevented and the land cannot be developed.

What does ‘as of right’ mean?

Use has to have been ‘as of right’ and not ‘by right’. In other words you did not have permission to use the land but used it as if a right existed.

What does ‘lawful sports and pastimes’ mean?

In simple terms, anything that’s not illegal. In the context of a Town Green application it means pretty much the same sort of thing that you might do in a public park, including, for example, walking for recreation (with or without a dog), playing sports and games, family picnics or get-togethers, jogging or any form of exercise, flying a kite, picking blackberries and so on. Just sitting down enjoying the sunshine or reading a book counts, as does children’s play.

What does 'significant' mean?

It means two things:

Firstly, that the number of people using the land is a significant proportion of the local population. There is no precise definition of this, but the Open Spaces Society suggest that more than 10% of a particular locality is 'significant'.

Secondly, that the level of use has to be sufficient for it to be known or capable of being known to the landowners – in other words not carried out in secret or at the dead of night.

But isn't the land privately owned?

Yes – but local people have enjoyed unhindered access to it for decades. It has been used for all manner of 'lawful pursuits and enjoyment'.

Being privately owned does not prevent land being registered as a Town or Village Green.

Who owns the land?

The land is owned by the Society of Merchant Venturers, a wealthy Bristol organisation dating from around the 13th century. The land is occupied by Colston's School. The Merchant Venturers also own Colston's School.

So what's the process?

We submitted our application in March, before the planning application was made. Since then:

- The Commons Registration Authority (in this case that's Bristol City Council) had to satisfy themselves that the application was correct and valid, and that there were no legal impediments.
- They then issued legal notices to the landowners and anyone else who might have a legal interest in the land, inviting comments and objections
- A report will be submitted to the City Council's Public Rights of Way and Greens Committee. If the application is considered to be substantial, they will almost certainly appoint a suitably qualified and independent person (such as a barrister) to adjudicate. This usually involves a Public Enquiry.

When we submitted the application we had sufficient evidence at that time to have the application accepted for consideration. Now that we're moving forwards to the next stage we need to supplement it, so we're asking anyone who has used the field to help.

How long does this process take?

There is no set timescale for this – some other similar local applications have taken two or three years to decide: much depends on the complexity of the case.

What can I do to help?

If you have used the field for any lawful sport or pastime at any point in the last 20 years please go to our [website](#) and download a questionnaire – the more evidence we can get the better our chances will be.

I only used to walk the dog in the field once a week for a year or so about 5 years ago – does that count?

Yes! Any lawful pastime or sport, at any time over the last 20 years, whether for a couple of weeks or several years counts. It doesn't have to have been regular or even frequent. If you did it, it counts!

Will I have to appear at the Enquiry?

Only if you want to. We'd be delighted if you did, but submitting written evidence is fine.

Is there a petition I can sign?

No – a petition is not appropriate in these circumstances.

We also have a [Facebook Group](#) which you are very welcome to visit and join if you wish.

The land we are applying for is outlined in red: it's the field between Colston's School and the River Frome, beside the lake in Eastville Park and lying to the south of Welsford and Rowland Avenues.

