

Managing the City's Green Spaces

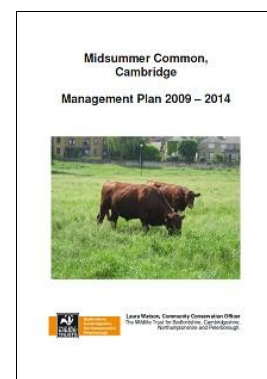
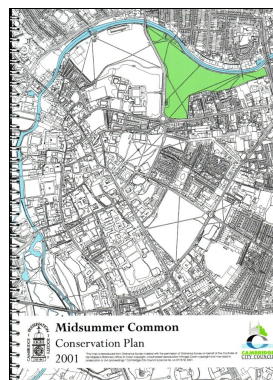
- a report from

Midsummer Common and Jesus Green

Purpose. This short paper gives a local perspective on the condition and management of Midsummer Common and Jesus Green. Historically they were as one but they are now distinctly different - Midsummer Common remains a traditional Common with grazing cattle and host to fairs and other events whilst Jesus Green has become an urban park with tennis courts, swimming pool, skate park, playground and café. Although they are both "common land", their management needs are different and this is recognised by the **Friends of Midsummer Common** and the **Jesus Green Association** in drafting this joint paper. The paper reflects the views of their respective members and others living around the two green spaces. It tries to identify problems and present a way forward.

Background. Over the last two decades the Government has enacted legislation¹ and issued guidance² to local authorities on the management of their green spaces. Cambridge has enacted its own legislation³ but has still to finalise a Parks and Open Spaces Strategy for the City⁴. To be successful, any such Strategy must have full Council commitment. What does this mean for Midsummer Common and Jesus Green?

In 2001 the Council published its Conservation Plan for Midsummer Common. Most of its recommendations were ignored. In 2008 the Council engaged the *Wildlife Trust* to prepare a Management Plan for Midsummer Common. The **Friends of Midsummer Common** want to see the 7 main objectives in this Plan⁵ fully implemented and is working with the Council to achieve this. Groups of volunteers have helped carry out some of the tasks. Progress has been made⁶ but much remains to be done. The **Jesus Green Association** would like to see a similar Management Plan prepared for Jesus Green. It would enable Council performance to be measured against agreed actions.



Maintaining and improving the infrastructure on green spaces is a high priority - it is one of the stated objectives in the Management Plan for Midsummer Common. What does this mean in practice?

Footpaths and lighting. The many footpaths that cross the commons are mostly surfaced with asphalt or resin-bonded gravel to achieve a subtle hard wearing surface. Although these are suitable for cyclists and pedestrians they do not cope with heavy vehicular use and the surface and edges tend to crack and break down. This gives the green spaces a neglected look and safety risk and requires sympathetic repair work. This task is complicated by some paths belonging to the County and others to the City. Lighting adds to the confusion. The City policy is to light footpaths on Jesus Green but not on Midsummer Common whilst the County has lit two of its footpaths on the Common. Many of the lights on Jesus Green remain on during the daytime - something that needs attention. Clearer ownership responsibilities and policies are needed and some footpaths and lights on both green spaces are in a very bad state of repair and need urgent attention.



Notice boards. Cambridge Commons are attractive public spaces; spoliation or inappropriate use must be discouraged. There are many ways to cause damage or offence and the public needs to be told about the main ones. Littering is a universal problem and is a criminal offence⁷; leaving broken glass is particularly dangerous where people, particularly children, play and cattle graze. Dog fouling is a potential health risk and is an offence if not cleaned up⁸. The unauthorised lighting of fires or barbecues is also an offence⁹ - fires are dangerous and can damage the ground. Unauthorised camping or sleeping on common land is another offence¹⁰ and not always socially acceptable. There is no right to drive or park motorised vehicles on common land¹¹ and cyclists must be considerate to others. It is hard to enforce these rules when the public claim that there are no warning signs.



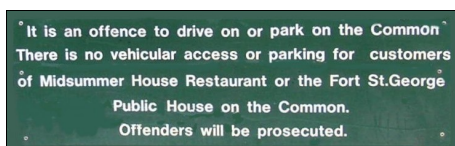
There is a national movement to reduce road-sign clutter. A similar case could be made for reducing the clutter of signs on Cambridge Commons.

FoMC offered the Council a single draft warning notice for Midsummer Common that covered the main offences (see left) drawing upon notices found on green spaces elsewhere in Britain and abroad. The Council recently produced its own version (see right) but omitting some of the main offences. Dog



fouling is covered in a separate notice on Jesus Green (see below right) but ignored completely on Midsummer Common. There is only one ancient notice banning vehicle access at one gate

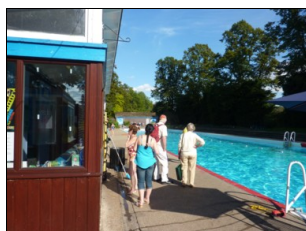
on Midsummer Common (see below left). The Council might consider making new unified notices that incorporate all the offences with explicit wording and have them



mounted at all the access points to the Common. At the same time, attention might be given to the plethora of direction signs for cyclists. This would remove clutter and better focus the attention of passers by.



Buildings and facilities. Thought should be given to the condition and use of buildings and facilities on the two Commons taking account of any statutory conditions. There are many buildings and facilities on Jesus Green. For recreational purposes there is a swimming pool, children's playground, tennis courts and skate park. Upgrades to some of these have been promised but the timetable is far from clear. Planning permission has been granted to demolish the Bowls Pavilion but, in spite of promised action, it still remains in place as an eyesore. The Rouse Pavilion, including the public toilets, is in a dilapidated condition and, although a structural survey was carried out last year, there are still no published plans for its renovation. The Lock Keeper's Cottage is owned by the Cam Conservators and currently occupied by students; discussions should be held with the Conservators to see how it might be put to better public use.



Midsummer Common has two private properties - the Fort St George pub and Midsummer House restaurant - which pose particular problems, especially over access rights. The Council owns land next to these two establishments but off the



Common. There is a small walled pound next to the hotel which is used to corral cattle and store rubbish. Ferry House, next to the pub, is a single occupancy Council house needing regular garden maintenance. The other building on Midsummer Common is the public toilets which are new and have a distinctive architectural style that is not loved by everyone. There has been a popular request to have its outline shielded by new tree plantings.



Trees. In 2001 the Council published its Conservation Plan for Midsummer Common which said that "with a few notable exceptions the condition of the trees on the Common is generally poor". Many trees on the Common have been felled over the 9 years since the Conservation Plan was published. A few new trees have been planted with the help of funding by the public but many promised replacements have not been delivered. Jesus Green is also endowed with many trees that need similar attention. A



public seminar to discuss tree planting on Midsummer Common and Jesus Green was held in June and the Arboriculture Team was asked to prepare a comprehensive tree planting plan for public consultation in August. Public meetings have been held on the two Commons and the **Friends of Midsummer Common** and the **Jesus Green Association** hope to be consulted before a final detailed plan is submitted to Councillors in late September ready for autumn plantings. The



West/Central Area Committee has already reserved £50k for the purpose¹².

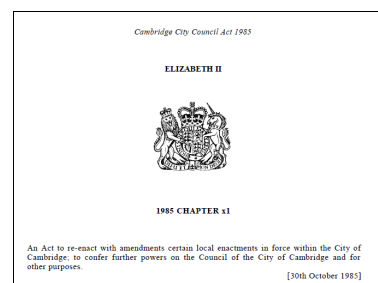
Condition of the grassland. Both Commons are under constant pressure because they are floodplains yet host recreational activity and a wide range of public events which, by their very nature, have a negative impact on the ecology of these ancient green spaces. Heavy vehicles have caused soil



compaction resulting in poor drainage and surface water. The same vehicles have damaged the meadow grassland and the trees. Cattle grazing on Midsummer Common is sporadic and grass mowing infrequent. Thistles, nettles and brambles have invaded large areas. There are serious drainage problems on Jesus Green and the Jesus Ditch bank is collapsing in one place. Urgent attention is needed to rectify these various problems.



Byelaws. Notice boards tell the public what can and cannot be done on common land. But that is not the whole story. Primary legislation and local byelaws set the overall regulatory regime. The *Cambridge Corporation Act 1850* opened the way for the *Cambridge City byelaws as to Commons dated 23rd October 1851*. The *Cambridge University and Corporation Act 1894* called on the Council to revise these byelaws but no action was taken. The *Cambridge City Council Act 1985* again called on the Council to revise these byelaws but again no action was taken. Central government has given similar directives. The *Commons Act 1876* called for local byelaws, as did the *Commons Act 1899*, the *Open Spaces Act 1906*, the *Countryside and Rights of Way Act 2000* and the *Commons Act 2006*. Cambridge took no action. This has left the City with byelaws that are woefully out of date. Two years ago, FoMC provided the Council with draft new byelaws¹³ tailored on a fast track template provided by central government. But still no action. The Government has just proposed legislation that will allow local authorities to enact their own byelaws without Secretary of State approval. Cambridge City Council should seize this opportunity.



Volunteers. Central government is pushing local authorities towards engaging local volunteers to improve their environment. The **Friends of Midsummer Common** has already formed a group of volunteers to help create a trial wildflower meadow on Midsummer Common in order to help improve the species diversity of the grassland - one of the objectives of the Management Plan. The group has also undertaken the creation of a Community Orchard on part of Midsummer Common¹⁴. The **Jesus Green Association** has already begun to involve volunteers in clearing Jesus Ditch and taking responsibility for the replanting of Jesus Lock garden. The Council needs to encourage and legalise the involvement of volunteers and to arrange insurance cover.



Park Wardens. Powers exist¹⁵ for local authorities to appoint wardens to secure compliance with local byelaws. Many local authorities have appointed Park Wardens to look after their green spaces. Some are full-time paid appointments¹⁶, others are casual part-times¹⁷, and some are volunteers¹⁸. Cambridge City Council once had a Park Warden for Jesus Green and should consider re-appointing a dedicated and visible Warden to provide a diverse and multi-functional service for the benefit of those who use the two Commons. The cost of this provision should be set against reduced work for Street Scene. At this stage all we would ask is that this possibility and its various options be looked at; how to work with volunteers should be a key consideration. The training in handling people that is available nowadays to such as security guards should equip the Warden to operate on their own which has been a fear.

The Way Ahead. The above listing of green space issues exposes many shortcomings in current Council management practices. Many of these problems arise from disjointed functions in the Council in recent times. Reorganisation gives the new Head of Streets and Open Spaces a chance to deliver a better overall service because most of the key functions are under her command¹⁹. In taking issues forward, a distinction is made between routine and ongoing tasks and what might be termed new thinking.

Routine and Ongoing Tasks. The many such tasks that are outstanding or not being satisfactorily carried out include, in no special order:

- a) footpaths and lights are in a very bad state of repair and need urgent attention;
- b) pedestrian gates need modification to comply with Disability legislation;
- c) cattle grids and Jesus Ditch need regular cleaning;
- d) vehicle gates need better control mechanisms;
- e) litter bins warrant better design, seasonal provision, location and clearing;
- f) notice boards could be better designed;
- g) buildings and facilities should be reviewed for usage and condition with some upgrading;
- h) tree planting programme needs finalisation and implementation;
- i) condition of the Commons should be improved;
- j) byelaws should be updated; and
- k) consideration should be given to dedicated BBQ areas to avoid damage and prevent pollution.

Management should afford high priority to these tasks and monitor progress.

New Thinking. Council reorganisation should help foster better joined-up government. But there are lessons to be learned from practices in other local authorities. Three topics spring to mind:

- a) **Volunteers.** Better use could be made of volunteers in helping to manage green spaces. This would tie in with present government policy;
- b) **Park Warden.** A study should be undertaken of the financial and other implications of the appointment of a Park Warden for Jesus Green and Midsummer Common; and
- c) **Political Oversight.** Routine meetings are held between officers and the **Friends of Midsummer Common** and the **Jesus Green Association**. These meetings have improved matters but overall progress is patchy and there is a clear lack of political oversight and direction in the accomplishment of agreed objectives.

Endnotes

- ¹ *Environmental Protection Act 1990; Dogs (Fouling of Land) Act 1996; Countryside and Rights of Way Act 2000; Clean Neighbourhoods and Environment Act 2005; Commons Act 2006; and Planning Act 2008.*
- ² A Common Purpose: A guide to agreeing management on common land. English Nature, RDS Defra, Open Spaces Society, The Countryside Agency and the National Trust.
- ³ See *Cambridge City Council Act 1985*.
- ⁴ Cambridge City Council approved a [draft parks and open spaces strategy](#) for consultation in March 2009. The consultation period ended in September 2009. The Council promised that after responses are analysed and an action plan drafted, a final version of the strategy will be prepared for scrutiny and approval. That was a year ago.
- ⁵ This Management Plan sets the Council 7 main objectives:
 - to enhance the species richness of the grassland to achieve a more natural floodplain grassland habitat;
 - to maintain and enhance the overall habitat diversity of the Common;
 - to maintain the trees so as to contribute to the character of the Common and its value for biodiversity;
 - to enhance the Pound through the creation of a community orchard;
 - to maintain and improve the site infrastructure;
 - to enhance the visitor experience; and
 - to put in place administrative arrangements to ensure the co-ordinated implementation of this management plan.
- ⁶ See [FoMC website](#).
- ⁷ See s.87 of the *Environmental Protection Act 1990*, the *Environment Act 1995* and the *Clean Neighbourhoods and Environment Act 2005*. It is common for local byelaws to prohibit the deposition or abandonment of refuse, rubbish, wood or soil on any common land. Complies with Cambridge 1851 byelaw 15. The Council can issue a Fixed Penalty Notice and £75 fine to an individual or business leaving litter.
- ⁸ Cambridge City Council has adopted and enforces the *Dogs (Fouling of Land) Act 1996*, which makes it an offence for any one in charge of a dog to allow it to foul on any land within the City unless they clear it up. Under the *Clean Neighbourhoods and Environment Act 2005*, local authorities can make Dog Control Orders relating to dog fouling. Dog Control Orders can be made following the procedure prescribed in the *Dog Control Orders (Procedures) Regulations 2006*.
- ⁹ Under s.193 of the *Law of Property Act 1925*, any person lighting a fire on common land shall be liable on summary conviction to a fine. Under Schedule 2(e) of the *Countryside and Rights of Way Act 2000*, a person is not entitled to be on any common land if he "lights or tends a fire or does any act which is likely to cause a fire". Complies with Cambridge 1851 byelaw 16.
- ¹⁰ Under s.193 of the *Law of Property Act 1925*, any person camping on common land shall be liable on summary conviction to a fine. Under Schedule 2(s) of the *Countryside and Rights of Way Act 2000*, a person is not entitled to be on any common land if he engages in camping. Local authorities are empowered by sections 77-79 of the *Criminal Justice and Public Order Act 1994* to direct unauthorised campers to leave the land, and remove their vehicles and any other property.
- ¹¹ Under s.34 of the *Road Traffic Act 1988*, a person is prohibited from driving a motor vehicle onto or upon any common land or footpath without lawful authority. Under the revised s.3 of the Act it is now possible to prosecute any person driving on common land without due care and attention, or without reasonable consideration for other persons. Under s.20(e) of the *Cambridge University and Corporation Act 1894*, the Council may make byelaws "preventing or regulating ... driving on the Commons and the roads and footpaths on the Commons". Under s.193 of the *Law of Property Act 1925*, rights of access to common land "shall be subject ... to any byelaw ... made thereunder or under any other statutory authority". Under Schedule 2 of the *Countryside and Rights of Way Act 2000*, a person is not entitled to be on any common land if he "drives or rides any vehicle other than an invalid carriage". Complies with Cambridge 1851 byelaw 9.
- ¹² See <http://www.cambridge.gov.uk/democracy/Published/C00000117/M00000382/AI00001157/FINALWCReportEnvI mp240610.pdf>
- ¹³ See [FoMC draft byelaws](#).
- ¹⁴ See [FoMC Community Orchard](#).
- ¹⁵ Under s.18 of the *Countryside and Rights of Way Act 2000*.
- ¹⁶ See [Manchester Park Warden](#), [Kirklees Park Warden](#) and [Worcester Park Warden](#).
- ¹⁷ See [Charnwood Park Warden](#).
- ¹⁸ See [Chelmsford Park Warden](#).
- ¹⁹ The Head of Arts and Recreation has responsibility for sports development, swimming pools, recreation, arts and entertainments.