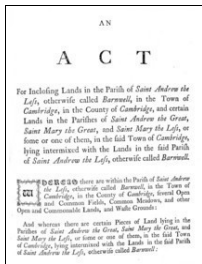


Annual Report for 2008

It is customary for the Chairman to say something about the year past and the year ahead. What have we achieved in 2008 and what problems lie ahead? In our Constitution we set ourselves 5 specific aims. Let me report how we have faced up to each of these in turn.



1. Our first aim is to **establish the legal position regarding the use and management of the Common**. Cambridge City Council owns Midsummer Common. One of our objectives is to research the historic documents and determine what the Council can and cannot do on Midsummer Common. Also what the Council should be doing. Legislation sets the scene and lays down the rules.

Commons legislation has evolved in England over the last two centuries. A number of associated Acts are still in force, including the *Commons Act 1876*, the *Commons Act 1899*, the *Open Spaces Act 1906*, the *Law of Property Act 1925*, the *Local Government Act 1972*, the *Countryside and Rights of Way Act 2000*, and the *Commons Act 2006*. Further powers exist in Cambridge under local statutes: the *Cambridge University and Corporation Act 1894* and the *Cambridge City Council Act 1985*. Together they paint a complicated and sometimes confusing picture which FoMC attempted to unravel and document in 2008 - see <http://www.midsummercommon.org.uk/papers/Legal.html>.

A feature in many of these Acts is the power for local authorities to make byelaws to regulate what can and cannot be done on their own Commons.

The only traceable byelaws for Cambridge Commons are those dated 1852 and 1969. The former are over 150 years old and reflect a bygone age - for example, any person beating or shaking a carpet, rug or mat or gambling, betting or playing with cards, dice or any other article on Midsummer Common can be fined forty shillings. The 1969 byelaws do no more than impose a £20 fine on any person feeding animals depasturing on the Common.

Cambridge City Council has ignored legislative powers to update its byelaws. This is a sad picture, especially when compared with what other local authorities have done. I believe it is time to make more up-to-date byelaws for Cambridge Commons. To help this process, in 2008 FoMC produced a draft set of byelaws based on Defra guidance and what other local authorities have produced - see <http://www.midsummercommon.org.uk/papers/Byelaws.pdf>. The Council is looking at these now and I look forward to a positive outcome in 2009.



2. Our second aim is to **help foster good management practices in order to protect the environment and address the principles of sustainable development**. Our stated objective is to work with the City Council and other groups to prepare and adopt management plans for Midsummer Common. This is proving to be a very challenging and frustrating task.

Management practices are important. A Government commissioned Guide to the management of common land called for the removal of potential controversy by working with stakeholders to create increased levels of awareness of the issues and values related to their common and the range of possible solutions that would tackle the one while respecting the other. The Council has a key role to play here. Back in 2007 it promoted a Performance Framework for Green Spaces with 4 key requirements:

- the need to ensure that green spaces are provided and maintained to standards, satisfaction and which residents are satisfied with and that meet expectations;
- that resources allocated to green spaces can be shown to be efficient and provide value for money;

- the need to have a partnership approach to delivering standards, satisfaction and improvement that covers citywide and local perspectives; and
- the need to have a joined up approach to an asset management, improvement and investment programme of Green Spaces.

At last year's AGM, a Council officer accepted that the management of Midsummer Common and the accomplishment of what should be routine activities were deficient. He hoped that a new plan, drawn-up in conjunction with the Wildlife Trust, would provide the framework for better performance, the attainment of which would be monitored. The Trust's draft was delivered to the Council last July and FoMC submitted its own comments in August - see <http://www.midsummercommon.org.uk/papers/ManagementPlan.pdf>. Seven months have now elapsed and we are still waiting for the Council to approve and publish the Management Plan for Midsummer Common.

The Midsummer Common environment needs to be protected and greater emphasis placed on sustainable development. The Council published a Conservation Plan for the Common in 2001. It states that "the semi natural pastoral scene of grazing cows close to the urban centre makes an important contribution to forming the character of this part of the city". It goes on to say that this character would be lost if the cattle grazing regime ceased and mechanical maintenance took over. Angelika von Heimendahl wishes to graze another herd of red polls on Midsummer Common in 2009. But there are conditions. Both she and FoMC would like to see their removal for events minimised and this could be achieved if the pound at the east end of the Common were made available but not before the Council secures the Regional College boundary hedge with simple fencing. And she needs Council assurance that the Pindar will continue to be available out of hours to deal with emergencies. The Council should also consider a more sustainable regime by extending the grazing season beyond April to November.

The state of Midsummer Common leaves much to be desired. Grass mowing in 2008 was infrequent and incomplete. There has been a growing incidence of chickweed, barley grass, nettles, thistles and brambles on the grassland - little Council effort is given to their removal and members of FoMC have taken it upon themselves to weed large areas. This problem would be eased if the Council were to mow the grass just before the weeds flowered. Some diseased and damaged trees were removed in 2008 and FoMC had to collect money from its members to have them replaced. More are scheduled for removal in 2009 and FoMC has asked the Area Committee to reserve funds for their replacement. It is nice to be able to thank the Council and the Arboricultural officer for briefing FoMC on the tree management programme and for walking the Committee round the Common to see the problems and corrective actions. Well done!

Mention must be made of proposals in the draft Management Plan for the Common. The Wildlife Trust have suggested enhancing the species richness of the grassland to achieve a more natural floodplain grassland habitat, enhancing the overall habitat diversity, and creating a community orchard in the pound adjacent to the Newmarket Road. The Trust identifies the need for volunteers to help implement its proposals and FoMC is cast in this role. These are imaginative ideas and deserve our support. If accepted, 2009 could be an exciting year on the Common.



3. Our third aim is to **encourage the use and enjoyment of Midsummer Common and its facilities by members of the public.** The Common is a transit route for many Cambridge citizens. But its location also makes it a popular place for recreation and the holding of events. FoMC works with the City Council in drawing up the annual programme of events and we advertise them on our own website. Last year saw the usual list of events: May Fair, Strawberry Fair, Midsummer Fair (which is as old as Cambridge University - see <http://www.midsummercommon.org.uk/papers/Fairs.html#spot>), the

London to Cambridge and Oxford to Cambridge Bike rides, the Chinese State Circus, the City's most popular bonfire night display, and various charity walks. Council took our advice in refusing one fair because of the waterlogged state of the Common.

Although encouraging such events, FoMC has a secondary objective which is to work with organisers to

ensure that events have minimal impact and cause no nuisance to local residents. We gather and report grievances made by those attending events on Midsummer Common and by those living nearby. Strawberry Fair was alone amongst the events held on the Common last year in drawing much criticism from Cambridge residents. Complaints have grown over recent years, partly because the Fair has changed in character and now attracts a different type of audience. The organisers made some welcome improvements in 2008 but these were dwarfed by persistent problems of anti-social behaviour, especially in the surrounding streets and gardens. Following this, FoMC orchestrated a series of meetings with councillors to have them recognise the problems and seek solutions. FoMC spoke to the Council's Scrutiny Committee in November asking for a much tighter control over the Fair and various conditions were agreed. The Council agreed to this and promised a planning meeting in January. The meeting went ahead but FoMC was not invited. In spite of these frustrations, FoMC wants to work with the organisers to ensure an enjoyable Strawberry Fair for all in 2009.



4. Our fourth aim is to **discourage the spoliation or inappropriate use of Midsummer Common by individuals or organisations.** We try to identify areas of poor Common's maintenance and failure to meet standards and to work with the City Council to rectify these.

Vehicular movements continue to be a problem. Events attract ever larger and heavier trucks and these are damaging the grass, tree roots and footpaths, especially in wet weather. The Cambridge Evening News ran an article on this back in December and your Secretary and I were photographed pointing to a bonfire site! As long as the Common hosts events, it is difficult to see how this spoliation can be stopped. There is also the problem of private cars and service vehicles entering the Common near the Fort St George pub and Midsummer House restaurant. At our last AGM, a Council officer promised an electric gate to control vehicular access. FoMC wants vehicular access controlled but was unconvinced at what the council proposed on the grounds of cost and practicality - we suggested cheaper and more practical alternatives. The Council persisted with the gate and installation was promised before last year's Strawberry Fair but we are still waiting. Meanwhile, cars continue to drive and park illegally on the Common and we feel helpless in trying to solve the problem.

The Fort St George pub and Midsummer House restaurant are the cause of other problems. Citizens complain about the pub leaving vividly coloured trash containers on the Common. They complain about the restaurant cutting the Common's grass and installing floodlights in front of their property and of encroaching on the adjacent Council-owned pound. The Council itself stands accused of allowing the restaurant to build a concrete car standing on the Common without getting Ministerial approval.

Litter remains an ever-present problem and we frequently accuse the Council of a dereliction of duty in failing to clear the site. They claim otherwise which gets us nowhere. In recent months there has been an outburst of late-night bonfires which have left nasty scars on the Common. I and other FoMC members have tried to get the police and firebrigade to intervene without success and I am still waiting for a response from the Council. Painting of the railings proceeds at a slow pace and I don't doubt that I will be saying the same thing next year as I did last year. Back in 2007 the Council decided to widen the pinch points in the railings around the Common to comply with the Disability Discrimination Act and FoMC submitted its views - see <http://www.midsummercommon.org.uk/papers/PinchPoints.pdf>. More than a year has passed with no action.



5. Our fifth and final aim is to **ensure that any developments and improvements are within the law and sympathetic to the nature, characteristics and qualities of Midsummer Common.** The *Cambridge University and Corporation Act 1894* empowers the Council to improve the Common for the purposes of health recreation and enjoyment, to make and maintain roads footpaths and ways, to plant and manage trees and shrubs, and to erect baths wash-houses and lavatories. But it can only do these provided they do

not "unduly interfere with hinder or prejudice any rights of common in or over the common". One of our objectives is to test and express a view on any proposed developments on the Common. This is an infrequent task.

Some might remember back in the 1960s and 1980s when the Council wanted to build a car park under and on Midsummer Common. Both caused a group of citizens to petition against the building. The latter ended up with costly legal proceedings and a Council decision to build the car park elsewhere. The only major developments in recent years have been the replacement Cutter Ferry footbridge over the river and an architecturally-designed new toilet block alongside Victoria Avenue. It is interesting to note that the *Cambridge University and Corporation Act 1894* requires such toilets to be built in wood and within 30 yards of the river! Both of these buildings have their critics but they have not been the cause of much dissent.

Currently there is a plan to rebuild the footpath from Auckland Road to Parsonage Street in front of Brunswick Cottages. FoMC took exception to the proposal on grounds of cost and design. Concern was expressed about the £22k cost given that the Council had been unable to fund the less-costly replacement of diseased trees on the Common - FoMC had to collect money from its members to facilitate the replacements. Design is the other issue. All the other footpaths on the Common are surfaced with asphalt. Both the 2001 Conservation Plan and the draft Management Plan for Midsummer Common call for the continued use of asphalt because it is "hard wearing" has "low visual impact" and is "flexible" in order to accommodate the heavy vehicle movements and tree roots. Council officers wanted a wider footpath with a different more expensive surface material and decorative block paving. In FoMC's view this violated section 38 of the *Commons Act 2006* and so argued the case at an Area Committee meeting of the Council. As a result, Councillors asked officers to revise their proposal. They did this, choosing to do away with the widening and paving and offering the Area Committee a choice of concrete, asphalt or resin-bound gravel as the surface material. Councillors dismissed the asphalt option (for unfathomable reasons) and instructed Council officers to get residents and stakeholders to choose between the two surface material options. Concrete was the popular choice.

I think it is important that we agree a position, not only for this project but in anticipation of similar works in 2009. Berkeley Homes will be redeveloping the Regional College site which adjoins the Common. When submitting their planning application, they need to suggest s.106 environmental improvements in the area. They have already approached FoMC for views and made a presentation to the Council Planning Committee which FoMC attended. The formal planning application and public viewing are due in March.

In conclusion, mention might be made of a recent proposal to build a monorail from the city outskirts across Midsummer Common to the train and bus stations. That would be challenging!