

PRIVATE ACCESS TO COUNCIL LAND – report for councillors 26th October 2021

This was a topic aired on the Clerk's forum recently, to which I contributed bearing in mind the Meadow.

Various replies were received to the access enquiry on the forum, ranging from a straight 'no' to access from gardens, to a legally prepared licence (I have a copy of such a licence used by Banbury Town Council). One council had been informed by a solicitor, that you cannot prevent someone putting in a gate from their garden to council owned land, but that the gate must open inwards and said owner would need permission from the council to enter the council owned open space. The installation of a gate does not confer a legal right of access for a resident.

The general consensus on the forum was, that if there are any doubts at all, a solicitor should be consulted.

Since then I have tracked a legal topic note on the subject (attached) which clarifies and confirms the above position. I have also read the legal topic note on easements.

This access to the Meadow is on the November agenda in the hopes of replies from those property owners abutting the Meadow – however only 2 have been received to date, one against and one signed (Chris Sands).

There is a definite benefit to the Council to look further at this situation so that a 'right of access' is not established by any householder to the Meadow.

Penny Clapham
Clerk/RFO