

KCP / Cotswold Country Park and Beach

History

1969 purchased by GCC as a Country Park using public money

Initially operated by GCC and the CWPJC

Leased to the CWPS in 1996

Sub-leased to Watermark in 2007 (Dennis Grant)

DMMO Application submitted in 2010

2016 Watermark vacate site and Trust advertise for new tenants

2017 PSL appointed with proviso of maintaining free open access

PSL require limits to access for “management” reasons

Law

DMMO Application apparently invalidated by 2014 Lord Neuberger legal interpretation

Access “by right” to the Country Park has always been the case so, in essence, open access already created

This year

GCC said that they are committed to guaranteeing free public access at KCP

PRoW's were created on definitive map at KCP utilizing the Localism Act

These would be subject to limited restrictions to avoid overcrowding

Trust however objected to the Creation Order and had it invalidated by Judicial Review

The Future

Trust claim to maintain free public access subject to closure for overcrowding

The Trust

The CWPT is a registered charity with an objective which requires:

the provision of public parks or other public facilities of an environmental, educational or recreational nature, provided that the parks or facilities are not to be operated at a profit

Keynes Country Park/ Cotswold Country Park and Beach

You may recall the past issues regarding public access at this site. It was purchased in 1969 by Gloucestershire County Council for £20,000 utilizing a Government Grant for the creation of a Country Park. In 1996 control was leased to the newly formed Cotswold Water Park Society. Open access was maintained until 2007/8 when an agreement was made between the Society and Watermark to allow charging for entry, drawn up by the now disgraced Society CEO Dennis Grant. Gates were installed to prevent entry without payment. Following a massive public outcry, in 2010 the Local Parish Councils made a joint application to make the footpaths around the lakes be created Public Rights of Way. This was supported by many affidavits and a 2000 signature petition. In 2010, following the legal controversy surrounding the operations of Dennis Grant, the Society was replaced by a new body, The Cotswold Water Park Trust. In view of the commercial lease agreement with Watermark it was agreed by all parties, the County Council (landowners), the Trust and the local parishes that activation of the PRow application should be supported but delayed until the termination of that lease. All parties agreed that in the meantime open access would be maintained. Once Watermark vacated KCP the site was subsequently offered for lease by the Trust, but the tender documents made it clear that whoever ran the site would have to support open access. A new company, PSL, took over commercial operation of the site but were concerned at the safety implications of overcrowding and wished to have control of entry on busy days. This was recognized as a problem by all parties and various solutions were offered whilst maintaining the PRow application. It was then discovered that the PRow application had fallen foul of a Supreme Court ruling in 2014 (*Barkas v North Yorkshire CC*) that access to a Country Park purchased by a County Council for the benefit of the public was “by right” and therefore the PRow application would fail. In 2018 Gloucestershire County Council however decided to proceed to create the PRow’s at KCP utilizing the Localism Act but with a proviso that allowed closure on some days if overcrowding became a problem. This was enacted and the paths were put on the “Definitive Map”. The Trust however objected and took the agreement to the High Court by way of a Judicial Review. The Trust won the review, apparently on a technicality, and the paths have now been removed from the Definitive Map. This raises the possibility that gates could be installed as in 2008 and, in fact, the PSL website advertises an entry charge for pedestrians. Once more the public could be denied free access to land purchased by a Local Authority, using public money for the benefit of the public. Local people who have had open access to the site for 50 years may in the future no longer be able to enter without payment.