

FROME TOWN COUNCIL

Rodden Meadow and River Frome Community Ecological Governance Byelaw

GENERAL INTERPRETATION

1. In this byelaw,

“the Council” means Frome Town Council.

“the Parish” means the area within the parish of Frome.

“natural communities” includes but is not limited to the non-human inhabitants of Frome such as wildlife, flora, fauna, soil-dwelling and aquatic organisms and ecosystems.

“the River” means the whole or part of the River Frome and connected streams, tributaries, watercourses and groundwater aquifers within the boundary of the Parish.

“Rodden Meadow” means the whole or part of Rodden Meadow, a community owned Meadow in the heart of Frome bordered by the River Frome.

the “Neighbourhood Plan” means the town plan drawn up by Frome Town Council under the Localism Act following wide stakeholder and District Council consultation.

APPLICATION

2. This byelaw shall apply throughout the Parish.

PREAMBLE

3. The Council notes as follows:

Whereas the River Frome has always been central to the cultural and economic life of the Parish;

Whereas like all communities, Frome's welfare is inextricably bound up with the health and welfare of its natural ecosystems and local ecological issues cannot be separated from their broader context;

Whereas many local groups and individuals have a strong record of commitment to protecting preserving and restoring the natural environment in the Parish, including the purchase of biodiverse meadows known as Rodden Meadow by the Council on behalf of the community;

Whereas the Town Council is committed to encouraging local residents to take a proactive role in protecting local ecosystems through community ecological governance;

Whereas preserving Rodden Meadow as a place of public recreation and enjoyment has to be done in a way that respects the ecology of the River and Meadow;

Whereas a healthy and thriving water cycle is the fundament of all life and a key indicator of the overall health of local and broader ecosystems, the River continues to be seriously polluted according to the recent assessments;

Whereas the Localism Act 2011 empowers local councils to identify and protect local green spaces and encourages individuals and community groups to get involved in solving local problems;

Whereas the Frome Neighbourhood Plan identifies the need to protect and enhance the local section of the River Frome as a public amenity and local green space for recreation and biodiversity of wildlife;

Whereas a Frome Citizens' Panel report identified as a high local priority addition to the public realm which incorporate and enhance the River Frome to improve access, recreation, education and wildlife opportunities along the length of the River Frome establishing it as a linear park;

Whereas the Council is committed to implementing the River Corridor Strategy produced by the Friends of the River Frome to maximise the potential for the River to provide a wide range of amenity activities whilst improving the health and biodiversity of the River;

Whereas the Council believes that the future sustainability of our ecology lies in reframing our relationship as part of nature and in local residents getting pro-actively involved in protecting our ecology through community ecological governance;

Whereas the Open Spaces Act 1906 allows a local authority to make byelaws for the regulation of, preservation of order and prevention of nuisances within any open space in or over which they have acquired any estate, interest, or control:

SUSTAINABILITY

4. The human and natural communities of Frome have the right to access a sustainable supply of clean and unpolluted water drawn from natural water cycles.
5. The River shall have the right to exist, the right to natural water supply, the right to natural flows and sustainable recharge sufficient to protect habitat for native flora and fauna, the right to maintain the functionality of the water cycle in the quantity and quality needed to sustain and restore a thriving healthy ecosystem in all its forms, the right to flourish and thrive and the right to timely and effective restoration.
6. Rodden Meadow shall have the right to exist, thrive, regenerate, and evolve, and the right to restoration to high or good ecological status. This includes, but is not limited to, the right to provide and protect flourishing habitat for native flora and fauna.
7. The Council and Friends of the River Frome shall be joint guardians of the interests of the River and Rodden Meadow who shall be deemed to be legal persons and shall balance these interests with the health and safety of local people.
8. The Council shall ensure that the provisions of this byelaw are integrated into all relevant policy areas and that the River and Rodden Meadow are represented in decision making processes that affect them as stakeholders in their own right.
9. The River and Rodden Meadow are owed a duty of care and it shall be unlawful for any natural person, company or other legal person or government to cause any pollution or nuisance to the River or Rodden Meadow or otherwise infringe the rights recognised in this byelaw.
10. The Council shall from time to time as necessary bring in additional measures to ensure that the rights created in this byelaw are respected through use of their statutory power to promote well-being of the area and through use of private law mechanisms and policies fostering community ecological governance.

ENFORCEMENT

11. The Council, Friends of the River Frome and anyone resident in the Parish may enforce and defend these rights to protect the natural communities or natural persons of Frome, Rodden Meadow, or the River itself.

NON-ADVERSARIAL DISPUTE RESOLUTION AND RESTORATIVE JUSTICE

12. If an action is commenced, the Council must in the first instance ask the party commencing proceedings to convene a stakeholder forum within 1 month from the date of the commencement of proceedings to facilitate dialogue and co-create solutions with the parties alleged to be infringing the aforementioned rights and any other interested parties and experts all acting in good faith. A restorative justice practitioner or other suitable conflict mediation professional may be engaged to facilitate the process.
13. All parties must be given reasonable opportunity to resolve the matter in good faith with a memorandum of understanding to be concluded no later than three months from the date of the first meeting.
14. A timed action plan for remedying the breach will be detailed in a practical resolution agreement which is signed by the relevant parties.
15. If the time specified in the practical resolution agreement has elapsed and the party who commenced proceedings observes that the action steps detailed in the practical resolution agreement have not been carried out as agreed and the aforementioned rights continue to be infringed, court proceedings may be reinstated.

PENALTY

16. Any natural person, company or other legal person or government offending against the rights in this byelaw shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
17. A restoration order may also be made to restore the River and or Meadow to high or good ecological status.
18. Injunctions may also be granted as appropriate.