



## Words from The Chair

**A**s I write at the beginning of August, we still have some way to go before our summer is over and with it the busiest season of events yet. A massive thank you to Rebecca Saunders whose unstinting dedication to organising events is unsurpassed and she manages to do it so well. The atmosphere at our summer fayre was sublime – a real village feeling in the middle of the city. I'm really looking forward to our 3 Choirs Festival bash and to the ever popular Oddsocks who are doing Richard III in their own inimitable style! Also a huge thank you to our new membership secretary, Antony Edwards, who has organised the "cleaning" of our membership list and encouraging friends to set up standing orders to pay for their annual membership – a great job!

It appears we have a general agreement with representatives of Herefordshire Council that plans for community use of the beautiful Georgian building in the corner of Castle Green should be found. Don't hold your breath, these projects tend to take years to get off the ground, but work will commence shortly with the Hereford Heritage Regeneration Group looking at possible options. We shall keep you informed of progress.

The next meeting of the committee will be on 24 September 2009. We should like to make these meetings more accessible to anyone who would like to come along, so please contact Lisa Richardson our Secretary on 01432 352287 if you would like to come along. Further meeting dates will be advertised on our notice board.

As ever, if you have any ideas or would like to become more involved please contact us via the website [www.friendsofcastlegreen.org.uk](http://www.friendsofcastlegreen.org.uk)

*Mark Hubbard. Email [chair@friendsofcastlegreen.org.uk](mailto:chair@friendsofcastlegreen.org.uk)  
Tel: 01432 272684*

## Christmas Fayre and Children's Wassail

### An Event not to miss! Sunday 6 December

Our plan to stage a Children's Wassail, to present a colourful and dramatic finale to the Christmas Fayre is still on track. However, our Awards for All funding application is still under review. This project will provide a great opportunity for the youngest members of our community to play a leading role in celebrating traditions that are uniquely Herefordian, in the form of song dance and drama associated with mid-winter and apple orchards.

At dusk the visitors will be asked to assemble in Redcliffe Gardens, where, under the supervision of Tony Handy, Master of Ceremonies, the audience will participate in a performance of the Mummers' Play, Morris dancing, the singing of the Wassail song and the lighting of the Herefordshire lantern.

The junior schools that have signed up to the project are St Pauls C of E, St Martin's C of E and the Cathedral Junior School. Unfortunately, our local St James' School didn't feel able to join us this time, which we very much regret.

*If anyone would like to get involved with the project, please contact:  
Julie Orton-Davies, Wassail Co-ordinator on 01432 760772.*

## The Perfect AGM

**P**ossibly the most innovative, and least formal AGM, I've had the pleasure of attending took place on the evening of Tuesday 21 July at Castle Cliff, the home of our Friends of Castle Green Chair, Mark Hubbard. About half of the membership attended, which was an excellent turnout, despite the dodgy weather forecast - to enjoy a sumptuous feast of salads and barbecued meats, prepared by the committee turned chefs for the night.

After a short business meeting, when Mark gave a brief resume of the years activities and plans for the future, tours of the house were enjoyed by many and the wine and conversation flowed for several hours with a good mix of new and older members making for a memorable evening with a distinctly party-like atmosphere along – something to repeat again next year, no doubt. *Mo Burns*

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## Committee Members

**Chair:** Mark Hubbard - [chair@friendsofcastlegreen.org.uk](mailto:chair@friendsofcastlegreen.org.uk)  
**Secretary:** Lisa Richardson - [mail@friendsofcastlegreen.org.uk](mailto:mail@friendsofcastlegreen.org.uk)  
**Treasurer:** Georgina Miller - [treasurer@friendsofcastlegreen.org.uk](mailto:treasurer@friendsofcastlegreen.org.uk)  
**Events:** Rebecca Saunders - [events@friendsofcastlegreen.org.uk](mailto:events@friendsofcastlegreen.org.uk)  
**Membership:** Anthony Edwards - [member@friendsofcastlegreen.org.uk](mailto:member@friendsofcastlegreen.org.uk)  
**Other members:** Julie Orton-Davies, David Whitehead, Andree Poppleston, Mo Burns.



## Registering Castle Green as a 'Village Green'

The ownership of Castle Green has been a matter of debate for at least 300 years. Last autumn there was a flurry of excitement when it was reported in the Hereford Times (18th October 2008) that Herefordshire Council had sold the fishing rights on the Wye from the Old Bridge to the Victoria Bridge to the Church Commissioners. This was instigated by the Church Commissioners who were facing a High Court action by Frank Barton on this very issue. Frank had marshalled convincing evidence, supported by expert witnesses, that the assumption by the Church Commissioners of the fishing rights where the Wye passed through the city in the early 19th century was entirely arbitrary and without legal foundation. The Council's deal, behind closed doors, made the Commissioners de facto possessors of the rights they already claimed albeit below Castle Green they were not riparian landowners. Elsewhere on the Wye fishing rights accompany landownership. Thus, it could be argued, the citizens of Hereford were deprived of rights, which had been illegally held for more than 150 years by the Commissioners, by their representatives – Herefordshire Council.

The Friends, thus became conscious that, in terms of their tenure and interest in the Green, they were teetering on the edge of a legal minefield. The site of the castle had been privatised by Charles I in 1630 when he granted the site to one of his courtiers. But it was not an absolute freehold and was held by feudal tenure from the manor of Greenwich. During the Civil War it passed through several hands until, in 1647 it was purchased by the Parliamentary Committee of Herefordshire – an illegal body from the perspective of Charles I. The purchase price was £600, paid by Sir Robert Harley of Brampton Bryan, a rebel and leading member of the Committee. The Harley family were never reimbursed and in 1748 Edward Harley, now the earl of Oxford, calculated that, with interest, he was owed £5160 by the county - now represented by the magistrates. Informally, but without legal process, he generously discharged the county of the debt. Periodically, throughout the 18th and 19th centuries the county magistrates tried to secure some sort of freehold over Castle Green, but this was never achieved, notwithstanding expensive searches in the Tower of London for the original Caroline documentation. In 1873 the county magistrates transferred their dubious tenure to Hereford City Council on 200-year lease. With the dissolution of city government in the 1990s it was assumed that the County Council recovered their rights over the Green – hence its agreement with the Church Commissioners. Basically, it would seem, Castle Green remains a crown property albeit the Council is the de facto possessor. This was the point being made by Frank Barton.

The Commons Act of 2006 re-opened the register of common land, which had been created by an earlier act in 1965 but subsequently closed. The public and recreational users of green spaces are being invited to register their access to unregistered lands, which will be guaranteed and preserved in perpetuity. Issues of ownership are irrelevant in terms of the Act so, clearly, it has particular relevance for Castle Green. Even if the crown (the government), the County Council, the Church Commissioners or even the Harley family, tried to assert their

outright ownership over the Green, access for recreation by the community would be upheld. Castle Green would become officially a 'village green' but without the rights of grazing, which appertain to many rural greens. As a charitable trust the Friends are well placed to act as the tribune of the people in this matter, albeit the Herefordshire Council or the city parish council could make the application but this might open the can of worms relating to legal ownership.

The Commons Act 2006 and an application form are available on the Defra website and from the local Commons Registration Office - [commonsregistration@herefordshire.gov.uk](mailto:commonsregistration@herefordshire.gov.uk). The application form contains a mere 10 sections, so is relatively straightforward. Now is an opportune time to make an application as Herefordshire has been chosen as one of the pilot areas to measure the demand for new registrations. The rest of the country will have to wait until after October 2010. There are several little 'greens' in various parts of the city, which could be considered under the terms of the new act. To complete their application the Friends need a few written statements outlining individual use of the Green over a period of at least 20 years. Please send them to [david.whitehead.hafod@care4free.net](mailto:david.whitehead.hafod@care4free.net) or by post to 60 Hafod Road, Hereford HR1 1SQ.

## Midsummer Fayre - what a day it was!

The 27 June, the day of the Castle Green Fayre and what a day it was! The sky was blue, the sun shone and wasn't it hot!! My duty was to support Antony, our new membership secretary, at the FOCG stand. We stood in front of a fabulous display board prepared by Mark. Large photos presented the work carried out on the river bank by volunteers; explained what is planned for the future and requested visitors to leave their ideas on the board. Well, we had plenty of "I remember ..." A gentleman recalled Sunday evening family walks along the river front and the link to the green alongside the old Art School. Many visitors expressed surprise at the work done. A great mix of people came to the stand. We had great pleasure in talking, explaining, encouraging. We believe it went well.

Everyone seemed to agree with the placing of viewing platforms with metal seats copied from the Victorian originals. Only two visitors disagreed with the removal of any of the yew trees, even though it would open the view to the Cathedral. During discussion with one objector, I suggested clearing the undergrowth and trimming the lower branches of the trees to see what views could be gained. This was acceptable to the gentleman, so the committee will ask for this to be done.

A fisherman was upset. The clearing of the greenery from the river edge has removed the fish shelter. However, the Friends are not responsible for the willows in the water; these were cleared by English Nature.

Thinking of next year and our display board, do you have any old photos or postcards of the Green? Family outings, games, army bands, anything we could share and enjoy? If you do, please contact Mark.

Is there a first-aider out there? We would be very pleased to have a volunteer first-aider at FOCG events. Free refreshments and a year's free membership are on offer - any takers??? We nearly lost our voices and suffered from heat exhaustion but we met some great people and had a fabulous time!! Thank you all for coming, please come again. *Andree*