

MAYFLOWER PARK, SOUTHAMPTON: PUBLIC ACCESS TO THE SOUTHAMPTON WATERFRONT

Evolution of the Waterfront

Millbrook Bay lay between the Totton or Red-bridge causeway and Southampton until the early twentieth century (Fig 5). The shoreline corresponded to the modern railway line from its crossing of the River Test in the west as far as Southampton Railway station and then followed Western Esplanade, along the old western walls of the City, as far as the Town Quay in the east. This area was drained in the 1920s as the site for Western Docks. A bund was built across the bay, now the line of Herbert Walker Avenue and berths 101–108, the water was pumped out and the land reclaimed (Pannell 1967, 130–33, pl 20, 21).

By agreement with the Southern Railway, then owners of the Eastern Docks, and in return for the surrender of mudlands in Millbrook Bay, for consent to the construction of Western Docks, and for £34,740, the City Council was assigned a piece of land for a recreation ground, now Mayflower Park, to be held under the terms of Southampton Corporation Act s25. The enabling legislation was the Southern Railway Act 1927 and the relevant subsection exactly reproduced, by way of repeal and re-enactment the Southern Railway Act 1924 (14 & 15 Geo 5, ch lxvi, s20(31); 17 & 18 Geo 5, ch.xxiii, s26).

The land was taken over by the City Council in the mid 1930s and was variously described as reclaimed land, Western Shore, and Western Esplanade recreation ground. There are many entries in the council minutes in the 1930s, especially under public lands. An enquiry from H M Office of Works about the possibility of a sale of a portion of the land for the new government offices was rejected in October 1938. The tender for the lay-out was accepted in June 1938, further discussions took place in December 1938 (City Minutes, 1937–8, 1023, 1454; 1938–9, 78), but, probably due to the Second World War, Mayflower Park seems not to have been formally opened.

Apart from a small hard near Northam

bridge, Mayflower Park is the only point of public access to the Southampton waterfront between Totton causeway and Itchen bridge. It offers outstanding views of the River Test and associated water-traffic, of Fawley refinery, and of the New Forest beyond. It is well-laid out and maintained: facilities include grass and flower-gardens, a putting green, a children's playground. It is frequented particularly by the elderly, now settled in large numbers in the rejuvenated old town just within the city walls, and by families with children. In comparison with the other local recreation ground, Queen's Park, which forms part of a one-way system and is bisected by a bus lane, Mayflower Park is an oasis of peace and quiet.

The international boat show

Since 1969 Mayflower Park has been the site of the Southampton international boat show. The show is run by Messrs Artman and Partners, under licence from the City Council. The current licence is a 10 year licence granted in 1980. The show has been a great success, and has grown considerably. Mayflower Park is an obviously suitable site, having the waterfront, giving access to floating pontoons which are anchored in the water, and a pleasant grassed environment. Difficulty arose over the legal position regarding closure and restriction of public access. The boat show organisers wanted longer closure and restriction of access than the general law allowed. The general law, by statute, lays down the compromise between the various amenity demands upon a park or similar open space, namely quiet peaceful undisturbed rest and recreation and noisy bustling organised shows and similar crowd activities. Mayflower Park, like any other such park, could be closed on twelve days in any one year, not more than six consecutive days on any one occasion, and excluding Sundays, Monday to be taken as consecutive to Saturday (Public Health Acts Amendments Act 1890 s44; Public Health Act 1961 s53). The general opinion was, although it

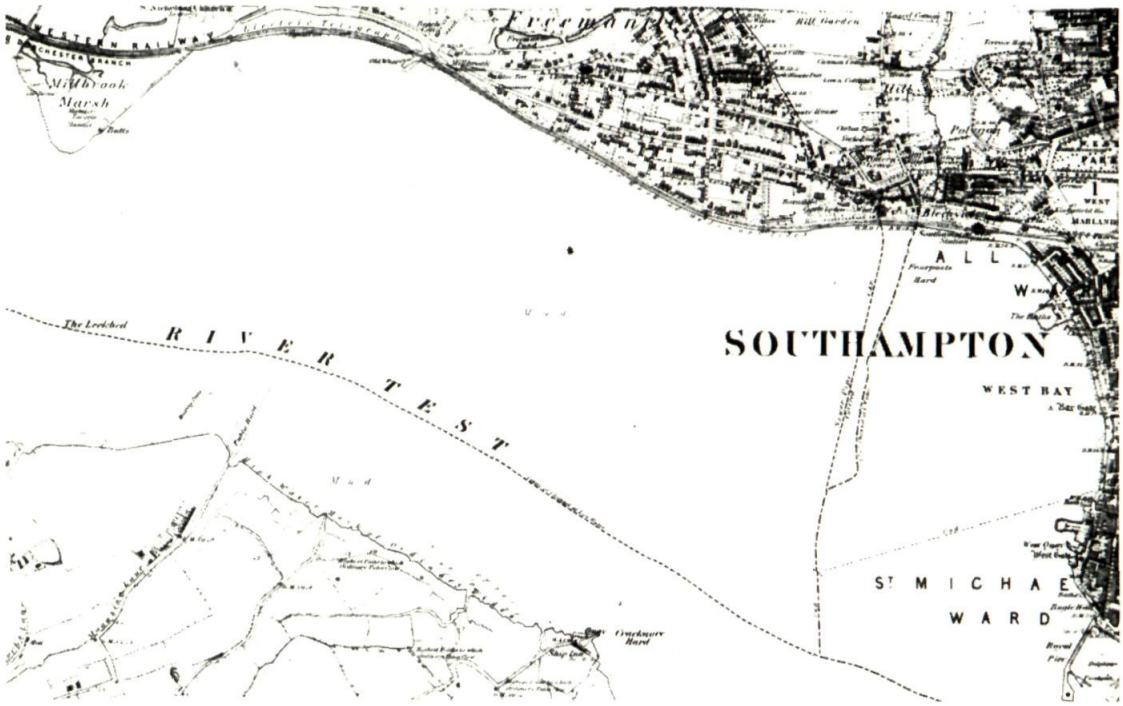


Fig 5. The shoreline in the area of Millbrook Bay prior to land reclamation in the 1920s.

was never judicially determined, that the City Council could grant a reasonable time for the putting up and taking down of the show, reasonable being a matter of fact and degree.

A proposal for a motor show in 1975 was not proceeded with, and the City Council broke and withdrew from the contract on payment of some £2,500 compensation. There has been no further proposal for any show other than the boat show on Mayflower Park.

The Hampshire Bill

In 1982 the City Council sought legal power to extend the number of consecutive days for the show and to regularise and specify the number of days for putting up and taking down. There are precedents in the South Yorkshire Act 1980 s5 and the East Sussex Act 1981 s8. In the Hampshire Bill the City Council accordingly asked for nine consecutive days including a Sunday and for twenty five days for the putting up and taking down, making thirty four days overall. The proposal emanated from the boat

show organisers and was supported, so far as the nine days were concerned, by sections of the community, such as the sailing and commercial and hotel interests. The proposal was opposed by the three amenity societies, the Friends of Old Southampton, the City of Southampton Society, and the Southampton Commons and Parks Protection Society. The amenity societies favoured six consecutive days for the show, and were prepared to go to nine, and from twenty-one to twenty-three days overall to include the putting up and taking down of the show. The amenity societies recognised that compromise has to be made in respect of the different competing amenity demands.

The Southampton City Council discussed the matter on Wednesday 10 February 1982. It was proposed by Councillor John Arnold, leader of the minority party, that the changes proposed in the Hampshire Bill be not proceeded with. He said that the changes were not necessary; public open space should be protected; closure of public open space should take place only when

absolutely necessary; the proposed changes did not find favour in some sections of the community. Councillor Christopher Mitchell, chairman of the leisure committee, moved the adoption of the proposed changes. He said that they constituted enabling powers, not an obligation. The Council would be empowered, not obliged, to close the Park. The terms of the licence to the licensee were renegotiated every three or five years. The City depended upon industry and commerce and tourism, which the boat show brought to the City. Many other towns on the south coast would be delighted to take over the boat show if Southampton could not accommodate it. The motion was lost 16:26 on a recorded vote. Accordingly the City Council by affirmative resolution supported the proposal.

The Southampton Commons and Parks Protection Society petitioned against the Bill. The hearing came before the House of Lords on Tuesday 20 April and Wednesday 21 April 1982. Mr Michael Mann Q C and Mr George appeared for the City Council, and Mr Alec Samuels, in the capacity of enrolled parliamentary agent, appeared for the Society. The City Council stressed the commercial and tourist advantages of extended facilities for the boat show. The Society, whilst not in any way detracting from the value and success of the boat show, and accepting the closure and restriction imposed under the general law of the land, argued that extensions of time would further interfere with public enjoyment as a public open space, undesirably and unnecessarily, and would subject Mayflower Park to risk of further or greater damage.

In the event their Lordships decided that closure or restriction of public access may by law be made for nine consecutive days including one Sunday and a further 21 days [not the 25 days asked for by the City Council], maximum, may be used for putting up and taking down;

though no marquee may be erected upon the grassed areas more than twelve days before the opening of the show or permitted to remain after seven days following the end of the show; and 25 days may be taken for the installation of the pontoons, for which access to the grassed areas of the park is not permitted. The children's play equipment in the park must continue to be available free for recreation during the closure. If closed for a boat show there may be no other closure for any other purpose during that calendar year. The new law, operative as from 9 August 1983, is contained in the Hampshire Act 1983 s60.

Unfortunately, in the first year of the new regime contractors entered the Park prematurely and illegally, 'by mistake', and had to be stopped by the City Council; and the children's play area was partly obstructed by exhibits and other things.

Conclusion

The Eastern Docks brought prosperity to Southampton in the nineteenth century; the Western Docks enhanced that prosperity in the twentieth century. But the price the public had to pay was the loss of the shore and the waterfront. In compensation the public obtained Mayflower Park. Progressive erosion of public rights of access has occurred at the same time as progressive demand for public amenity and recreation. In the 1970's and 1980's the conflict between commerce and amenity was played out in microcosm over the issue of the extent of interference with public enjoyment of the Park. A compromise was achieved, more favourable to commerce than before. But at least the legal regime is now clearly promulgated by statute.

Acknowledgements

I am grateful to Mr G Hampson of the Library of the University of Southampton for assistance.

REFERENCES

- City Minutes Southampton City Council Minutes, 1937-8, 1938-9. Transcript of House of Lords hearing, 1982.
Pannell, J P M 1967 *Old Southampton Shores*, London.
Author: Mr Alec Samuels J P, Barrister, BA (Cantab), Reader in Law at the University of Southampton.