

	<u>Objection by Cotham School</u> to the Town or Village Green Application At Stoke Lodge Parkland	<u>Response by Save Stoke Lodge Parkland</u> to the arguments raised in the objection submitted by Cotham School
1	Stoke Lodge Playing Field – Town or Village Green Application your ref JD5.450	
2	I am writing to you in response to the consultation to register Stoke Lodge Playing Fields as a Town or Village Green under the Commons Act 2006.	<p>This objection should be rejected as it fails to challenge any of the qualifying criteria required by the legislation covering the registration land as a Town or Village Green as presented for consideration in the Application submitted in March 2011, vols 1, 2 & 3. With the possible exception of paragraph 8 below, we consider it is based on a false premise anyway. It merely highlights Cotham School's ambition to develop Stoke Lodge.</p> <p>Please see Application vol 1 evidence item 24, an extract from the inspector's report from the registration as a Town or Village Green of Land at Ashton Vale Fields, Bristol. The whole document is relevant to the legislation but para 15 is of particular relevance to our argument in this paragraph:-</p> <p>15. It is important to note that a section 15 application can only succeed if (or to the extent that) the land the subject of the application is proved to satisfy the criteria set out in section 15(2), 15(3) or 15(4). Conversely, if those criteria are met, the application must be granted. No regard can be had to considerations of the desirability of the land's being registered as a green on the one hand, or of its being developed or put to other uses on the other hand. All such considerations are wholly irrelevant to the statutory question which the registration authority has to decide, namely whether the land (or any part of it) is land which satisfies the specified criteria for registrability.</p> <p>It should be noted that Cotham School applied for and received Academy status (1st September 2010) after the Town or Village Green Application was submitted on the 4th March 2010 i.e. Cotham acted in the full knowledge of the Application (having been advised by Bristol City Council). This situation also applies to the negotiations regarding the Lease, required as a condition of achieving Academy status, executed on 31st August 2010. It should be noted that the Town or Village Green registration will pose no detriment to the ongoing Cotham School use based on current usage.</p> <p>Whilst we consider the objection has no merit whatsoever, we will answer the points raised below to show how they are of no consequence to the legislation for qualifying criteria and should be discounted when considering the Application.</p>

3	<p>Cotham School has a significant interest in this land. The entire site has recently been let to Cotham School, as a newly established Academy, on a 125 year lease. Prior to this the fields were used by Cotham Grammar School since its establishment in the 1930s on its own account and latterly Stoke Lodge was assigned to Cotham School by Bristol City Council as its off-site playing field.</p>	<p>We recognise value and welcome the sporting use undertaken by Cotham School as part of the status quo of shared use with the community. We should also point out that the school only use the Parkland on weekdays, on 30 weeks per year and at the date of the Application was down to approximately 3 hours per week, whereas the Community use it 7 days a week 52 weeks a year and have done so for the last 64 years. We contend that the community also has a “<i>significant interest in this land</i>”. Please accept that we are happy for the school use to increase within the finite limitations imposed by the existing number of pitches and the necessary recovery time on each pitch.</p> <p>The Formal Sporting capacity at Stoke Lodge (number of grass pitches) has already reached its maximum on the available grassland. See evidence Section 16 (plan of existing pitches).</p> <p>It is factually incorrect to claim that the entire site has been let to Cotham School. The Lease excludes a) the Adult Learning Centre and gardens (administered by Libraries, not CYPS), b) the triangular wooded area abutting the Adult Learning Centre and Shirehampton Road (administered by CYPS), and c) the boundaries and perimeter walls (administered by CYPS and Parks and Highways). The parts of the Parkland that have been leased to Cotham School are the playing surfaces and the Pavilion. It should be noted that an area of the playing field is subject to a claw back clause in the lease for the provision of Children’s Play facilities, as detailed in the lease on the plan located between pages 8 & 9. See BCC objection evidence item 25.</p> <p>It is difficult to reconcile the claim that Cotham School have used Stoke Lodge since the 1930’s bearing in mind that it was in private ownership and used as a private house and estate until 1946/7 when it was sold to Bristol City Council. The records provided by Bristol City Council state that Cotham School use started after 2000. It is understood that prior to this time they used Whitchurch sports centre and Golden Hill sports facilities amongst others.</p> <p>None of the issues raised in the objection and the response in this paragraph have any relevance to the Town or Village Green legislation qualifying criteria.</p>
4	<p>Since becoming an Academy we, Cotham School, have continued to use the playing fields in conjunction with the University of Bristol. Under our agreement the university undertakes the day-to-day maintenance of the site and manages the letting of the playing fields to university and community sports clubs. We are keen to work with the university on developing the sport offer to both our students and those of the university, in addition to the wider community. We are aware that the City Council has identified Stoke Lodge as a sports hub in recognition of its importance to the City.</p>	<p>We agree with the first 5 lines of this paragraph provided of course that any improvements to the playing surface does not contemplate any “development” and does not include fencing to exclude the Community, ground works and levelling, floodlighting and “all weather pitches” etc, and are in keeping with the finite limitations of the Parkland, i.e. the pitches remain “as is” in terms of layout, composition, gradient and quality. It should be noted that the pitches are reported as high quality by many of the users, and are perfectly adequate for the current standard of sport and are on a par with other Bristol City Council Sports amenities.</p>

4 cont		<p>With regard to the status of the sports hub, our understanding is that this claim has been exaggerated and is actually centred on Coombe Dingle Sports Centre, the ground works subcontractor, who may wish to expand their estate and sales potential to include Stoke Lodge even more than they do already.</p> <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>
5	<p>At Cotham School we have 1350 pupils and by 2015 expect to have 1460. We are committed to providing an excellent education and a broad range of opportunities for all our students. This includes an excellent sports and PE curriculum and out of school activities. This is for all our students irrespective of their skills, needs and ambitions with regard to sport and PE. We have some sports facilities on our school site, notably a sports hall, multi-use games area and small external playing area. We do not have any playing fields on site, hence the lease from Bristol City Council. With the growing size of the school and our cramped urban campus, the use of Stoke Lodge for sports activities is vital.</p>	<p>The use of the Playing Fields for sports is restricted by the finite limitations imposed by the number of pitches and the necessary recovery time on each pitch irrespective of projected pupil numbers in 2015, or any aspirational goal regarding the quality of education to be provided.</p> <p>There is no question of precluding Cotham School from Stoke Lodge for sporting use on the current basis and facilities.</p> <p>None of the issues raised in the objection and the response in this paragraph have any relevance to the Town or Village Green legislation qualifying criteria.</p>
6	<p>Stoke Lodge is an extensive area of open playing fields, bounded by stone walls and containing some significant and possibly veteran trees. There is also a rundown sports pavilion. The entire site excluding the main house is leased to the school on a 125 year lease. The house, its outbuildings and its parking are relatively central to the site and currently used by Bristol City Council for community education.</p>	<p>Sentence 1 noted and not disputed. However it should be noted that the specimen trees referred to are protected by TPOs and cannot be removed to provide additional playing surface.</p> <p>Sentence 2 noted and not disputed. It is hoped that Cotham School will fund any “refurbishment”; see Application covering letter where we confirm that this would be welcomed by the Community (subject to suitability of scope and design and full planning process).</p> <p>Sentence 3 is incorrect see paragraph 3 above.</p> <p>Sentence 4 is noted and not disputed.</p> <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>
7	<p>The lease is terminable by the school only, not the City Council, the only exception to this being a small area of land that has been identified as a possible children’s play area, which the school could be asked to hand back to the City Council if a decision is taken to install the play area.</p>	<p>Noted and not disputed, but does not have any relevance to the Town or Village Green legislation qualifying criteria.</p>

8	<p>The playing fields are used almost every day by the school, the University and the community for formal sports. There are 5 football pitches, 1 rugby pitch, a cricket square and athletics areas. Use of the various sports areas and supporting facilities by the school, the University and other authorised groups (under licence and in general paying a fee), has always, since the playing fields were established, been exclusive, with members of the local community and wider public excluded from areas in use to enable effective sports use. Management of the playing areas has also required the exclusion of unauthorised users. Certainly any use by third parties has not been encouraged by the school, nor has it been acknowledged as being in any way as of right.</p>	<p>School use and University Sports Club use is limited to term times only, use by the Community for informal sport and general recreation (lawful sports and pastimes) continues 7 days a week 52 weeks a year.</p> <p>The issue of deferment by a co-existing user has not been accurately portrayed in the objection and we refer to our arguments stated in the response to Bristol City Council objections (see contents item 3 para 13 and 26 in the bundle of responses) to deal with this issue. And we refute that the Community was “excluded”.</p> <p>We do not need encouragement or acknowledgement by the School to qualify for use “as of right”, and we would argue that community use has been acknowledged as being “as of right” by the Landowner. See response to Bristol City Council objections (contents item 3 para 4 in the bundle of responses).</p> <p>We also contend that we have demonstrated that we qualify for use “as of right” (without force, without permission and without secrecy) within the contents of the Application and by the arguments and precedents and evidence submitted as part of the responses to the objections raised by Bristol City Council.</p>
9	<p>The intensity of use is indicative of the shortage of sports provision in North Bristol with resultant pressure on the facilities of Stoke Lodge. The site is also used informally by local people including dog walking, which at times and due to inevitable soiling is in conflict with the sport use.</p>	<p>The dwindling availability of open green space for use by the Community within walking distance of their home is also of great concern. (See Application evidence item 18, particularly pages 26-28 plus evidence of use listed in the response to the objections raised by Bristol City Council para16). That is why we are defending the shared ongoing community use alongside the ongoing formal sports use by seeking registration as Town or Village Green, to maintain the status quo.</p> <p>We agree that dog walkers should act responsibly, but would argue that the majority of dog walkers on Stoke Lodge are highly responsible. We also argue that the solution is not to ban dog walkers but for the Council or Cotham to provide dog waste bins and then use the existing enforcement officers to make sure that any offenders are persuaded to use them.</p> <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>

10	<p>The state of Stoke Lodge playing fields and sports pavilion is of some concern to the school. The site is used extensively and therefore is often not in an ideal condition for students to use. The site slopes and is not well drained. There is also a need for improved changing facilities. As part of the maintenance of the site there is also a need to consider the condition of all boundary walls and fences and the programme of tree and landscape maintenance. The school is in the process of establishing a programme to review the use, maintenance and operation of the Stoke Lodge sports facilities and to explore whether any opportunities to improve the sports facilities and the site as a whole exist. We propose to do this in consultation with our users, the University and the wider community. To this end we have already opened discussions with the Stoke Lodge Preservation Working Group (interestingly some of the same people as the Save Stoke Lodge Parkland Group that has made this application), to appraise them of our ambitions for the site and to explore how we can bring the community aspirations alongside those of the school and agree a long term plan for the maintenance, modernisation and long term sustainability of Stoke Lodge. We are also talking to the University, City Council and third party users about our long term ambitions. In the meantime, we are concerned that a hasty Town Green allocation would prejudice the long term future of the sports facilities at Stoke Lodge.</p>	<ol style="list-style-type: none"> 1. We agree that the pavilion should be refurbished 2. We agree that parts of the site are not perfectly level; however the gradients are within the Sports Council guidelines for this type of pitches. We also resist terracing as this would be unnatural and given the stone substrate within centimetres of the surface totally impractical and not necessary. We have similar concerns regarding any drainage proposals that involve earth works involving the stone substrate 3. Reference to changing facilities is duplication of 1 above 4. We agree that Maintenance of boundary walls and fences and trees is an important issue, but responsibility is excluded from their lease (See lease clause 3.3.1 (ii)) and will apply whether the TVG application is granted or not 5. Any future plans created by Cotham are not relevant to the Application and by definition (future) cannot be considered as part of this process 6. We welcome the confirmation that Cotham will consult with the Community on how they propose to use the Parkland 7. The registration process is triggered by the date of the application, and must be decided on the qualifying criteria, which are all historical not aspirational. <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>
11	<p>We trust you will understand the position the school finds itself in. As leaseholder it is our responsibility to lead the next steps and to establish an agreed plan to maintain and enhance the sports and recreation facilities at Stoke Lodge. Any action that could pre-empt the work we now propose would be unfortunate and should be resisted. We wish to work in partnership with all stakeholders in taking the site forward but do not wish at this stage to be fettered by any premature allocation of the site as a Town Green, and so must oppose the application.</p>	<ol style="list-style-type: none"> 1. The position that the school finds itself in is irrelevant to the registration process, particularly bearing in mind they were aware of the Application prior to entering into the lease negotiations; if they were concerned with the TVG Application why did they not take up the offer of alternative sites? 2. We contend that should Town or Village Green registration be granted then the legislation pertaining will control future use and any 'development' plans 3. The timing issue is an irrelevance in the registration process 4. Here we have the nub of the objection <i>"we wish to work in partnership with all stakeholders in taking the site forward but do not wish at this stage to be fettered by any premature allocation of the site as a Town Green, so we must oppose the application"</i> Possible future plans are not legitimate grounds for an objection <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>
12	<p>We are at a critical time in moving these discussions forward and for this reason we oppose the registration of Stoke Lodge as a Town Green. The registration would be premature and could prejudice the long-term sustainability of Stoke Lodge. We would be pleased to attend an Inquiry or Hearing and set out our concerns in more detail.</p>	<p>This is merely a repeat of previous issues raised in the objection and raises nothing new apart from their stated willingness to engage with the process.</p> <p>None of the issues raised in the objection and the response in this paragraph has any relevance to the Town or Village Green legislation qualifying criteria.</p>

13	<p>I trust you will give these points the weight they require in considering the application for the Town Green at Stoke Lodge and reject it.</p>	<p>We contend that this objection should be rejected as it fails to challenge any of the qualifying criteria required by the legislation covering the registration of land as a Town or Village Green as presented for consideration in the Application submitted in March 2011, vols 1, 2 & 3. With the possible exception of paragraph 8 above, we consider it is based on a false premise anyway, and we contend is fully answered in Para 8.</p> <p>There are no clear stated grounds for the objection save at para 11: <i>"We wish to work in partnership with all stakeholders in taking the site forward but do not wish at this stage to be fettered by any premature allocation of the site as a Town Green, and so must oppose the application."</i></p> <p>Conversely we have shown that:</p> <ol style="list-style-type: none"> 1. Aspirational changes in use is not grounds for objecting to an Application for registration as a Town or Village Green see para 2 above 2. Formal Sporting Use will continue in its current format 3. The Community enjoys and welcomes the ongoing Formal Sporting use by Cotham School and the Local Sporting Clubs 4. Lease enshrines ongoing shared use by the community. See Lease clause 3.9.3 (b) <i>"for community, fundraising and recreational purposes which are ancillary to the use permitted under clause 3.9.3 (a)"</i> 5. The arguments put forward by Cotham School are either <ol style="list-style-type: none"> a. irrelevant to this case b. no evidence to show that the community have acted contrary to the provisions of "as of right" use c. actually helpful to the application d. relevant issues have been shown to have been satisfied by the Applicant <p>Furthermore:</p> <ol style="list-style-type: none"> 6. Cotham was not an Academy at the time of the Application 7. According to the Cotham web site at the time of the Application they had not even applied for Academy status 8. The 125 year Lease exists only as a consequence of the Cotham School Academy status 9. If Cotham School are concerned about the consequences of Stoke Lodge being registered as a Town or Village Green why did they sign the lease? Why did they not accept one of the other sites they were offered by Bristol City Council? <p>We therefore request that this objection on behalf of Bristol City Council be dismissed and the Application judged on the merits of the Application alone.</p>
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