

iii) Without permission

Both the House and Parkland are owned by Bristol City Council. The House is utilised as an adult learning centre, and the Parkland is administered by the Education Department now referred to as Children and Young People's Services. Bristol City Council has granted Cotham School the use of the Parkland and sporting pitches. However, Cotham School is located approximately 3 miles by road from this site and as well as the school's own use of the sports facilities, which is limited, they administer the renting of pitches to local clubs on afternoons, evenings and at weekends via their sub-contracted pitch maintenance team. Hence, the Education Department do use the Parkland for educational sporting activities, and Cotham School do raise revenue by renting out the pitches to local sports clubs for formal sports activities, i.e. not free and open access for formal sport activities albeit the money raised is retained by the pitch maintenance sub-contractor to pay for their services of, grass cutting, pitch marking and goal post erection etc.

However, in complete contrast, the parallel Community recreational use and informal sports are not administered and are conducted without permission and/or supervision. See evidence item 12, clause 5.3 where it is apparent that one of the tactics proposed by the Council Briefing Note to prevent Town or Village Green Status is to grant permission, thus confirming that they have not done so to date.

As part of this application it is intended that sporting use by Cotham School and local clubs should continue on the current basis with the current level of facilities, with the exception of improvements to the changing rooms which are currently not fit for purpose, pending repair/replacement.

iv) Local authority land

Stoke Lodge Parkland is administered by Children and Young People's Services and is not recognised as "Green Space" within Bristol City Council, and is not administered as public open space, see evidence item 18.

Achieving Town or Village Green status would protect the existing community use, as of right, in perpetuity, whilst retaining the shared use with the school and local sporting clubs sporting with the current level of facilities, with the exception of improvements to the changing rooms which are currently not fit for purpose pending repair/replacement.

Previous cases have confirmed that:-

Cutting the grass by the local Authority does not imply or grant permission for community use (*Beresford v Sunderland City Council*).

Additionally, where community use is conducted in parallel with formal sporting activity, and the community use defers to the sporting activity then, the community use as of right is maintained. (*Regina v Redcar and Cleveland Borough Council*)

d) "in lawful sports and pastimes"

We have no evidence to identify any unlawful activities such as cockfighting, badger baiting or prize fighting taking place on Stoke Lodge Parkland in the past 64 years. Conversely all the recreational activities and informal sporting activities described in the witness statements and evidence questionnaires fall into the category of "lawful sports and pastimes".