

<p><u>IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT STOKE LODGE PLAYING FIELDS AS A TOWN OR VILLAGE GREEN UNDER SECTION 15(2) OF THE COMMONS ACT 2006</u></p>	<p><u>IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT STOKE LODGE PARKLAND BS9 1BN AS A TOWN OR VILLAGE GREEN UNDER SECTION 15(2) OF THE COMMONS ACT 2006</u></p>
<p>BETWEEN:</p> <p style="text-align: center;">MR MEYER – APPLICANT</p> <p style="text-align: center;">AND</p> <p style="text-align: center;">BRISTOL CITY COUNCIL & ORS – OBJECTORS</p>	<p>BETWEEN:-</p> <p style="text-align: center;">THE APPLICANT – DAVID MAYER (ON BEHALF OF SAVE STOKE LODGE PARKLAND & THE COMMUNITY)</p> <p style="text-align: center;">AND</p> <p style="text-align: center;">THE OBJECTORS – BRISTOL CITY COUNCIL & OTHERS</p>
<p style="text-align: center;">STATEMENT OF MEL SPERRING</p>	<p style="text-align: center;">Response by Save Stoke Lodge Parkland Dated 16th December 2013</p>
<p>I, Mel Sperring, will say as follows: -</p>	<p>Mrs Sperring fails to introduce anything which is materially new. The issues she has raised have, therefore, already been fully considered by the Inspector in his Report dated 22nd May 2013 confirming that Community use is “as of right” and recommending that the Site be registered as a Town or Village Green.</p> <p>Crucially and critically we shall show that this statement by Mrs Mel Sperring supports the Recommendation contained within the Inspector’s Report dated 22nd May 2013 because it confirms, amongst other things, that the schedule of use contained within paragraph 14 of the Report has not been exceeded.</p> <p>Consequently we contend that a Public inquiry and/or hearing would serve no useful purpose and is therefore unnecessary.</p> <p>In addition to our comments contained herein we refer to all our previous responses and our Application dated 4th March 2011, in particular the 54 Statements contained within our Application and the</p>

		81 Statements contained within our Response dated 30 th January 2012. These, together with the survey of use contained in our Application at tab 19 describe clearly our use 'as of right' as required in section 15 of the Commons Act 2006.
1	I am the Business Manager of Cotham School, a position I have held since 2005, and I make this statement to the best of my knowledge and belief concerning usage by Cotham School of Stoke Lodge Playing Fields ("the Site").	Noted
2	Cotham moved to Stoke Lodge as its' off-site provision approximately 10 years ago.	Agreed
3	Although our records of usage do not date back that far, I can confirm that the schedules that have been provided, detailing the school use of Stoke Lodge Playing Fields 'post' application are, to the best of my knowledge consistent with usage and maintenance over the past 10 years.	<p>Accepted as booking schedules for both Stoke Lodge and the University facilities at Coombe Dingle, which in themselves provide sufficient evidence to demonstrate that the schedule of usage contained within paragraph 14 of the Inspector's Report dated 22nd May 2013 has not been exceeded. For evidence to support this assertion please refer to paragraph 4 below.</p> <p>Actual use by Cotham is much less than that shown on the booking schedules included by Mrs Sperring in her statement. However, the issue of determining actual use is no longer relevant nor pertinent, because both parties agree that the actual Formal Sports use is within the schedule of use included in paragraph 14 of the Inspector's Report dated 22nd May 2013. This schedule was used by the inspector in reaching his Conclusion and Recommendation, confirming that Community use is "as of right" and recommending that the Site should be registered as a Town or Village Green.</p> <p>We contend that this point goes to answer the issues raised in the Inspector's Directions dated 11th September 2013 under the heading of: - "<i>first reason....</i>" on page 3 and the issues raised at the beginning of the "<i>Conclusion</i>" on page 4 confirming that the schedule of use contained within the Inspector's Report dated 22nd May 2013 at paragraph 14 is neither "<i>wrong nor inadequate</i>". We therefore submit that this shows that a public inquiry on this topic is unnecessary.</p>

<p>4</p>	<p>I produce the following exhibits:-</p> <p>MS.1 – Maintenance schedule</p> <p>MS.2 – Copy of bookings Term 5 - 2012 - 2013</p> <p>MS.3 – Copy of bookings Term 6 - 2012 – 2013</p> <p>MS.4 – Copy of bookings Terms 1-4 – 2010 – 2011</p> <p>MS.5 – Copy of facility bookings Terms 1-4 – 2011 – 2012</p> <p>MS.6 – Copy of facility bookings Terms 5 -6 – 2010 – 2011</p> <p>MS.7 – Copy of Stoke Lodge usage summary 2012 – 2013</p> <p>MS.8 – Copy model agreement between Cotham School and Bristol University</p> <p>The schedules of usage were provided to me by the Head of P.E.</p>	<p>MS.1</p> <p>Not relevant to the Town or Village Green qualifying criteria. The responsibility for Stoke Lodge Parkland maintenance will remain with Cotham Academy under the terms of the 125 year lease agreed with Bristol City Council in August 2011 (NB post Application) whether the Application for the Registration as a Town or Village Green is granted or not.</p> <p>MS.2 -7</p> <p>Any comments that we have on these schedules must be considered against the contents of paragraph 14 of the Inspector’s Report dated 22 May 2013 reproduced below at page 8 of 10. This schedule was used by the Inspector when determining that Community use was “as of right”; see paragraph 75 of the Report, “<i>I consider that use of the land by local people has been as of right.</i>”</p> <p>We have analysed the data presented in these schedules and have produced a consolidated table reproduced below at page 9 of 10. We have also included our notes regarding the consolidated table as page 10 of 10</p> <p>The analysis on page 9 of 10 shows that in the school year of the Application (2010/11) the maximum number of pitches booked at any one time was 3 and the average period of use per week booked was 3.75 hrs. Therefore the schedule of use set down in paragraph 14 of the Inspectors Report dated 22nd May 2012 was not exceeded throughout the whole of this school year (and subsequent years) therefore supporting the Inspectors findings that Community use was “<i>as of right</i>” as set out in section 15 of the Commons Act 2006</p> <p>Furthermore, in the period relevant to the Application, i.e. the weeks shaded in green, the maximum number of pitches booked at any one time was 1 and the average period of use per week booked was 2.3 hrs i.e. even less.</p> <p>Additionally we submit that the data provided by the objector confirms</p>
----------	--	--

that there is no dispute with paragraph 14 of the Inspector's Report and that it answers the questions raised by the Inspector within his Directions dated 11th September on page 3 under the heading "*first reason...*" and under the heading "*Conclusion*" on page 4 that the Inspector's schedule of use was neither "*wrong nor inadequate*".

In our response to Simon Hinks included in this bundle of responses all dated 16th December 2013 we have examined the question of the percentage of parkland marked out as pitches and the percentage of land utilized for brief periods by 1 or 2 or 3 or 4 pitches. Please refer to paragraph 4 on page 3 of 15 and also to page 12 of 15 of that response to Mr Simon Hinks. This analysis shows by calculation that: -

- i. the % of pitches **marked out** on the Application Land = **37.6%**
- ii. the % of Application land **not marked out** as pitches = **62.4%**

- iii. the % of land **used by** 3 pitches concurrently = **13.3%**
- iv. the % of land available when 3 pitches in use = **86.7%**
(3 pitches have been selected for this illustration because that is the number included in paragraph 14 of the Inspector's Report dated 22nd May 2013 for use by Cotham school on Monday to Friday (during term time), reproduced for ease of reference at page 8 of 10 below, and importantly this rate of use is not exceeded in the statement given by Mel Sperring.

- v. the % of land used by 1 pitch = **4.4%**
- vi. the % of land available when 2 pitches are in use = **95.6%**

We therefore submit that at all times of use by Cotham school there is more than 85% of the Parkland available for Community use as of right for lawful sports and pastimes, co-existing harmoniously with the Formal Sports on a shared basis, including watching the game, with the Community returning to the full 100% after the game(s) have finished i.e. after a maximum of 1 hour per pitch.

		<p>Whilst we have made these points using the booking data supplied by the objectors we still maintain that actual use was even lower and therefore fully supportive of the “Recommendation” contained in paragraph 75 of Inspector’s Report dated 22 May 2013 confirming that Community use was as of right and recommending that the Site be registered as a Town or Village Green.</p> <p>What is equally important is that throughout the 20 year qualifying period the Community has engaged in lawful sports and pastimes, as of right, whilst co-existing harmoniously with the Formal Sports users on a shared basis as per the Redcar case.</p> <p>MS.8 As with MS.1 this is interesting but not relevant to the Town or Village Green qualifying criteria.</p>
5	To enable our students to participate in curricular Physical Education we must timetable all lessons for the first 2 periods of the school day, there is a mid-morning break after period 2, therefore it allows additional time for the students to return to the school, following their off-site lesson, in time for the start of the third period. This has been the case since I commenced in my post at the school in 2005 and so far as I am aware was the case before I joined the school.	Agreed; but limited to the extent that Cotham school did use Stoke Lodge i.e. not every day.
6	Stoke Lodge is also used for extra-curricular ‘fixtures’ although I am unable to provide details of the precise usage, the university will have this information available.	As Mrs Sperring did not seek to obtain any evidence relating to any extracurricular “fixtures” it must be assumed that that is not of any relevance to her.
7	The inspector is correct; the site is laid to pitches, 5 in total; although one of those is currently out of use awaiting a goal post replacement.	Agreed.

<p>8</p>	<p>The agreement with the university was, to the best of my knowledge, originally set up in the form of a Transfer of Control, in 2006 and was prepared by the Legal Department in Bristol City Council. The agreement transfers the schools right to exclusive use, but retains priority use of Stoke Lodge to the university. The university undertake to provide certain aspects of grounds maintenance at Stoke Lodge and charges the school an annual fee for this service. The university also manages the use of Stoke Lodge by other community groups during evenings and weekends, all fees generated by such use are retained by the university.</p> <p>I believe that the facts stated in this witness statement are true.</p> <p>Signed.....</p> <p>Dated.....</p>	<p>We note the words "<i>The agreement transfers the schools right to exclusive use</i>".</p> <p>Clause 3, page 1 of 5 of the agreement submitted as exhibit MS.8 states, "<i>As part of the statutory arrangements for the delivery of secondary education by Bristol City Council the school has exclusive use of Stoke Lodge Playing Fields ("Stoke Lodge") in Stoke Bishop, North Bristol.</i>"</p> <p>In apparent complete contradiction on page 4 of 5 of exhibit MS.8 at the bottom of the page under the heading "Athletics" it states:- "<i>pits etc. will be kept as clean as possible, considering the site is open, at present, to the public and dogs.</i>"</p> <p>We contend therefore that the exclusive status referred to in clause 3 of the agreement (and by implication to the statement in this paragraph by the objector) refers to Cotham as the sole school with the right to use Stoke Lodge as it's home ground, subsequently reinforced by the 125 year lease granted by Bristol City Council.</p> <p>We also contend that the reference on page 4 of 5 of the above agreement under the heading "Athletics" "<i>considering the site is open, <u>at present</u>,.....</i>" (emphasis added by us) was referring to the plans under consideration at that time and outlined in the briefing document issued on 22nd April 2010 by Bristol City Council seeking to exclude the Community use by fencing the site to prevent any future Town or Village Green Application from succeeding; please refer to our Legal Statement, paragraph 5, contained within our bundle of responses dated 31st January 2013.</p> <p>We note the words "<i>but retains priority use of Stoke Lodge to the University</i>". We find this wording confusing and capable of misunderstanding.</p> <p>This matter was dealt with by the Inspector at paragraph 21 of his report dated 22nd May 2013.</p> <p>We therefore submit that the wording should read as: - "<i>but retains priority use of Stoke Lodge over use by the University.</i>"</p>
----------	--	--

		<p>Clause 14 on page 2 of 5 of the agreement submitted as exhibit MS.8 confirms that the University can be sacked "at any time" by Cotham subject to the terms of the clause.</p>
9		<p>In conclusion: -</p> <ul style="list-style-type: none">i. We confirm that we are pleased to accept the findings, conclusion and recommendation contained within the Inspector's Report dated 22nd May 2013 confirming that Community use is "as of right" and recommending "Registration" of Stoke Lodge Parkland as a Town or Village Green.ii. We note that the above Report contains a schedule of Formal Sport use at paragraph 14.iii. We are pleased to confirm that we accept that Formal Sport use was contained within the parameters set out in paragraph 14 and did not exceed paragraph 14 during the qualifying period of 20 years.iv. This objector has shown in their evidence above that they too confirm that Formal Sports use is contained within, and does not exceed, the schedule of Formal Sports use contained in para 14.v. We submit therefore that there is no dispute on the level of Formal Sport used by the Inspector in considering his report and furthermore paragraph 14 is neither "<i>wrong nor inadequate</i>" as raised by the Inspector in his Directions dated 22nd September 2013 on page 4 under the heading "<i>Conclusion.....</i>" at line 2.vi. We therefore contend that a public inquiry/hearing on this issue would serve no useful purpose, is therefore unnecessary and would be a waste of public money. <p>We therefore submit that the Inspector should provide his supplementary report on the basis of the written representations.</p>

*Any request for the use of these grounds should be made in writing to the Divisional Director of Property and Local Taxation.
The exercising of dogs on these grounds is forbidden.*

14. The application site forms the playing fields of Cotham School (which is 3 miles distant from the site⁶). 12 sports pitches are laid out on the land as follows:
- 5 full sized football pitches
 - 2 junior pitches (60m x 40m)
 - 4 mini-pitches (50m x 30m)
 - 1 full sized rugby pitch.
 - Additionally, in summer an athletics track and a cricket wicket is set out, and lined areas provided for javelin and discs. There are 2 long jump areas.
 - Cotham School, on average, use three pitches for five hours a week. In addition there is after school use for school matches of, on average, one pitch for one hour per week.

Community use is as follows:

- **Shire Colts FC**- four pitches on Sunday am and four on Sunday pm during the football season
- **Rocklease Rangers FC** – three to four junior pitches on Saturday am and one full size pitch on Sunday am during the football season
- **Bristol University** – four football and one rugby pitch on Wednesday afternoon between 1 pm – 4pm or 5pm
- **[A club whose name I cannot read]** – Sunday morning use of the rugby pitch during the winter season as required
- **Coombe Dingle Crusaders juniors** – two junior football pitches on Saturdays during the football season
- **GWR Shunters Cricket Club** – approximately nine home matches during the summer. Several hours a week in the summer (weekends and evenings)
- **Various corporate cricket bookings during the summer.**⁷

⁶ I imagine that the fact that the site is distant from the school is one of the reasons why it is not used very much by the school; and I also imagine that they must have at least some other facilities available to them. But I have not been told this.

⁷ This list is based on material supplied by Mr Mayer but emanating from the City Council. There is some suggestion that the land may be more used now by community groups; and, in any event, this list does not speak to the detail of the use over 20 years. I do not think that the precise extent of the use is

Summary analysis of data presented in 190 MS.2, MS.3, MS.4, MS.5, MS.6 & MS7

with data related to - astro-turf pitches, tennis courts & netball courts stripped out as these are not available on Stoke Lodge Parkland
 data related to orienteering is also stripped out as this is not played on a pitch at Stoke Lodge Parkland

School year 2010/11						School year 2011/12					School year 2012/13						
ref MS.4 & MS.6						ref MS.5					ref MS.2, MS.3 & MS.7 (pages 1-5)						
Wk #	Week		Pitches Booked	Total Hours	Max # of pitches at any one time	Mon	Fri	week	week	one	time	Mon	Fri	week	week	one	time
	Mon	Fri	in week	in week	at any one												
1	Sep-06	Sep-10	4	4	1	Sep-05	Sep-09	4	4	1	Sep-03	Sep-07	5	5	1		
2	Sep-13	Sep-17	5	5	1	Sep-12	Sep-16	8	8	1	Sep-10	Sep-14	8	8	1		
3	Sep-20	Sep-24	7	7	1	Sep-19	Sep-23	8	8	1	Sep-17	Sep-21	8	8	1		
4	Sep-27	Oct-01	7	7	1	Sep-26	Sep-30	8	8	1	Sep-24	Sep-28	8	8	1		
5	Oct-04	Oct-08	8	8	1	Oct-03	Oct-07	8	8	1	Oct-01	Oct-05	8	8	1		
6	Oct-11	Oct-15	7	7	1	Oct-10	Oct-14	8	8	1	Oct-08	Oct-12	8	8	1		
7	Oct-18	Oct-22	8	8	1	Oct-17	Oct-21	8	8	1	Oct-15	Oct-19	8	8	1		
8	Oct-25	Oct-29	0	0	0	Oct-24	Oct-28	0	0	0	Oct-22	Oct-26	3	3	1		
9	Nov-01	Nov-05	2	2	1	Oct-31	Nov-04	2	2	1	Oct-29	Nov-02	0	0	0		
10	Nov-08	Nov-12	2	2	1	Nov-07	Nov-11	4	4	2	Nov-05	Nov-09	0	0	0		
11	Nov-15	Nov-19	2	2	1	Nov-14	Nov-18	4	4	2	Nov-12	Nov-16	0	0	0		
12	Nov-22	Nov-26	2	2	1	Nov-21	Nov-25	4	4	2	Nov-19	Nov-23	0	0	0		
13	Nov-29	Dec-03	2	2	1	Nov-28	Dec-02	4	4	2	Nov-26	Nov-30	0	0	0		
14	Dec-06	Dec-10	2	2	1	Dec-05	Dec-09	4	4	2	Dec-03	Dec-07	0	0	0		
15	Dec-13	Dec-17	2	2	1	Dec-12	Dec-16	2	2	2	Dec-10	Dec-14	0	0	0		
16	Dec-20	Dec-24	0	0	0	Dec-19	Dec-23	0	0	0	Dec-17	Dec-21	0	0	0		
17	Dec-27	Dec-31	0	0	0	Dec-26	Dec-30	0	0	0	Dec-24	Dec-28	0	0	0		
18	Jan-03	Jan-07	0	0	0	Jan-02	Jan-06	0	0	0	Dec-31	Jan-04	0	0	0		
19	Jan-10	Jan-14	0	0	0	Jan-09	Jan-13	0	0	0	Jan-07	Jan-11	0	0	0		
20	Jan-17	Jan-21	0	0	0	Jan-16	Jan-20	0	0	0	Jan-14	Jan-18	0	0	0		
21	Jan-24	Jan-02	0	0	0	Jan-23	Jan-27	0	0	0	Jan-21	Jan-25	0	0	0		
22	Jan-31	Feb-04	0	0	0	Jan-30	Feb-03	0	0	0	Jan-28	Feb-01	0	0	0		
23	Feb-07	Feb-11	0	0	0	Feb-06	Feb-10	0	0	0	Feb-04	Feb-08	0	0	0		
24	Feb-14	Feb-18	0	0	0	Feb-13	Feb-17	0	0	0	Feb-11	Feb-15	0	0	0		
25	Feb-21	Feb-25	0	0	0	Feb-20	Feb-24	2	2	1	Feb-18	Feb-22	0	0	0		
26	Feb-28	Mar-04	1	1	1	Feb-27	Mar-02	2	2	1	Feb-25	Mar-01	0	0	0		
27	Mar-07	Mar-11	2	2	1	Mar-05	Mar-09	2	2	1	Mar-04	Mar-08	0	0	0		
28	Mar-14	Mar-18	2	2	1	Mar-12	Mar-16	2	2	1	Mar-11	Mar-15	0	0	0		
29	Mar-21	Mar-25	2	2	1	Mar-19	Mar-23	2	2	1	Mar-18	Mar-22	0	0	0		
30	Mar-28	Apr-01	2	2	1	Mar-26	Mar-30	1	1	1	Mar-25	Mar-29	0	0	0		
31	Apr-04	Apr-08	2	2	1	Apr-02	Apr-06				Apr-01	Apr-05	0	0	0		
32	Apr-11	Apr-15	0	0	0	Apr-09	Apr-13	Easter			Apr-08	Apr-12	6	6	3		
33	Apr-18	Apr-22	0	0	0	Apr-16	Apr-20				Apr-15	Apr-19	10	10	3		
34	Apr-25	Apr-29	5	5	3	Apr-23	Apr-27				Apr-22	Apr-26	10	10	3		
35	May-02	May-06	9	9	3	Apr-30	May-04				Apr-29	May-03	10	10	3		
36	May-09	May-13	10	10	3	May-07	May-11				May-06	May-10	8	8	3		
37	May-16	May-20	10	10	3	May-14	May-18				May-13	May-17	12	12	3		
38	May-23	May-27	10	10	3	May-21	May-25				May-20	May-24	12	12	3		
39	May-30	Jun-03	0	0	0	May-28	Jun-01	0	0	0	May-27	May-31	0	0	0		
40	Jun-06	Jun-10	12	12	3	Jun-04	Jun-08				Jun-03	Jun-07	8	8	3		
41	Jun-13	Jun-17	12	12	3	Jun-11	Jun-15				Jun-10	Jun-14	8	8	3		
42	Jun-20	Jun-24	12	12	3	Jun-18	Jun-22				Jun-17	Jun-21	8	8	3		
43	Jun-27	Jul-01	12	12	3	Jun-25	Jun-29				Jun-24	Jun-28	8	8	3		
44	Jul-04	Jul-08	12	12	3	Jul-02	Jul-06				Jul-01	Jul-05	8	8	3		
45	Jul-11	Jul-15	12	12	3	Jul-09	Jul-13				Jul-08	Jul-12	8	8	3		
46	Jul-18	Jul-22	8	8	3	Jul-16	Jul-20				Jul-15	Jul-19	8	8	3		
47	Jul-25	Jul-29	0	0	0	Jul-23	Jul-27	0	0	0	Jul-22	Jul-26	1	1	1		
48	Aug-01	Aug-05	0	0	0	Jul-30	Aug-03	0	0	0	Jul-29	Aug-02	0	0	0		
49	Aug-08	Aug-12	0	0	0	Aug-06	Aug-10	0	0	0	Aug-05	Aug-09	0	0	0		
50	Aug-15	Aug-19	0	0	0	Aug-13	Aug-17	0	0	0	Aug-12	Aug-16	0	0	0		
51	Aug-22	Aug-26	0	0	0	Aug-20	Aug-24	0	0	0	Aug-19	Aug-23	0	0	0		
52	Aug-29	Sep-02	0	0	0	Aug-27	Aug-31	0	0	0	Aug-26	Aug-30	0	0	0		
			Total	195	56			Total	87	26			Total	181	51		
			Average	3.75	1.08			Average	n/a	n/a			Average	3.48	0.98		

The dates highlighted in Green are the dates leading up to the Application date.

The date highlighted in Red is the Application date.

The numbers highlighted in Yellow are the maximum number of pitches listed as booked concurrently on any day during the week in question.

All listed bookings are for one hour only.

All listed bookings are for a range of "am" starts with a latest finish time of 12.35pm on certain bookings.

Notes regarding

the Consolidated Summary of the Data Presented as exhibits: -

MS.2, MS.3, MS.4, MS.5, MS.6 & MS.7 (pages 1-5)

1. MS.4 & MS.6 provided the data for school year 2010/11
2. MS.6 provided the available data for school year 2011/12
3. MS.2, MS.3, and MS.7 (pages 1-5) provided the data for school year 2012/13
4. School year 2010/11 (in part) is the only data relevant to the TVG Application
5. School years 2011/12 and 2012/13 are not relevant to the TVG Application but do show consistency of data
6. School year 2011/12 is incomplete because the data provided is incomplete
7. We have stripped out use of:- Astro turf pitches, tennis courts, and netball courts because they do not exist at Stoke Lodge
8. We have not stripped out the use of rounders pitches although we understand that this is sometimes played at Coombe Dingle Sports Centre and not at Stoke Lodge
9. We have stripped out use for orienteering because it is not played on a Formal Sports pitch and not always at Stoke Lodge
10. Importantly this Summary Analysis of the booking data provided by Mrs Sperring does not exceed 3 pitches concurrently i.e. confirming that the schedule of use in paragraph 14 of the Inspector's Report dated 22nd May 2013 is neither "*wrong nor inadequate*"