


		<p><u>IN THE MATTER OF</u> <u>AN APPLICATION TO REGISTER LAND</u> <u>AT STOKE LODGE PARKLAND BS9 1BN</u> <u>AS A TOWN OR VILLAGE GREEN</u> <u>UNDER SECTION 15(2) OF THE COMMONS ACT 2006</u></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 by Ross Burnham On behalf of Shire Colts Junior Football Club</p>	<p style="text-align: center;">Response by Save Stoke Lodge Parkland Dated 16th December 2013</p>
	<p>The Limes, 4 Pembroke Avenue, Shirehampton, Bristol BS11 9SJ</p> <p>1st November 2013</p> <p>Dear Ms Harvey</p> <p>Shire Colts Junior Football Club – use of Stoke Lodge Playing Fields</p> 	<p>Mr Ross Burnham fails to introduce anything which is materially new. The issues he 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>We submit that use by Shire Colts Junior Football Club does not exceed the schedule of use set out in paragraph 14 of the Inspector’s Report dated 22nd May 2013 Therefore no dispute exists on the issue of use and therefore the grounds for the findings within the Inspector’s Report dated 22nd May 2013 are neither “wrong nor inadequate”. See Inspector’s Directions dated 11th September 2013 page 4 paragraph headed “Conclusion.....” line two.</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 81 Statements contained within our Response dated 30th 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.</p> <p>We have included a new Statement from Mr Bryan McKenna as part of this response. Please see pages 6 & 7 of 10 below. This statement provides additional evidence to support the schedule of use included in paragraph 14 of the Inspector's Report dated 22nd May 2012, based upon Mr McKenna's personal experience of Shire Colts Junior Football Club use from his position as a team manager during the Application period.</p> <p>We have also provided below on pages 8, 9 and 10 a register of current use of the Site at the weekend with photographic evidence to show that current use still does not exceed the schedule of use contained in paragraph 14 of the Inspector's Report dated 22nd May 2013. We accept that current use does not define previous use during the qualifying period. However, we submit that it is a reasonable indicator to previous use, particularly bearing in mind that the objectors continue to raise the assertion that demand is increasing.</p> <p>We therefore repeat our submission that a Public inquiry and/or hearing would serve no useful purpose and is therefore unnecessary.</p>
1	I understand that Bristol City Council is asking all of the users of Stoke Lodge to provide statements detailing their use of the playing fields.	Noted
2	Shire Colts Junior Football Club provides competitive and non-competitive football for children of ages six years old to eighteen years old. The club has used the Stoke Lodge Playing Fields for the development of junior football since the early 1980's.	Agreed

3	The pitch layouts have not changed too much during that period other than to meet Football Association regulations, which from time to time have been amended (small-sided games etc). Where changes have occurred the Club has worked with Bristol City Council and its grounds team, and more recently (since 2001) with the University of Bristol grounds team to ensure the pitches meet those regulations.	Agreed
4	The Club uses Stoke Lodge Playing Fields every weekend (Saturdays and Sundays); during the football season for matches, throughout the year for coaching, plus midweek summer training leading into the season. This has been a regular pattern for the last 30 plus years, increasing with the size and success of the club. We also added a female football section which was merged into a new joint club, Bristol Ladies Union Football Club, in 2008 in conjunction with Rockleaze Rangers FC and University of Bristol Ladies. There are now 150 girls and women playing each week as a result. At the moment Shire Colts has a membership of over 200 local families.	<p>We have responded in detail to the issue of use by Shire Colts in our response to the statement issued by Mr Simon Hinks contained in this bundle of documents. Please refer to our comments therein setting out why we consider that a public Inquiry is not required because use is shown not to exceed the schedule of use contained within paragraph 14 of the Inspector's Report and Recommendation dated 22nd May 2013. Therefore no dispute exists on the issue of use and therefore the grounds for the findings within the Inspector's Report dated 22nd May 2013 are neither "wrong nor inadequate". See Inspector's Directions dated 11th September 2013 page 4 paragraph headed "Conclusion....."</p> <p>Please refer also to the statement from Mr Bryan McKenna dated 26th November 2013 included on pages 6 & 7 of 10 below in support of our submission above by confirming use during his period as a team manager of Shire Colts and beyond, but importantly, during the qualifying period. This confirms once again that no dispute exists on the issue of use and therefore the grounds for the findings within the Inspector's Report dated 22nd May 2013 are neither "wrong nor inadequate". See Inspector's Directions dated 11th September 2013 page 4 paragraph headed "Conclusion....."</p>
5	The Club now works closely with the University of Bristol and the Coombe Dingle Management Team to ensure compatibility with the other clubs, university, and schools who have use of the Playing Fields. This has worked well for the past 13 years or so, with each organisation happily co-existing.	<p>Agreed</p> <p>We also contend that the Community is one of the <i>"organisation(s) happily co-existing."</i></p>
6	As a club, we have been very concerned regards recent discussions on; assigning the facility village green status, and the plans for a pre-school play area. We would welcome further involvement in such discussions, and believe that we have an excellent potential focus group with-in our large membership. We are very supportive of the local community as a whole, and are happy to support development of the facilities, as long as the football facilities are protected, or even enhanced (the changing facilities are badly in need of updating).	<p>a. Registration as a Town or Village Green will not change use by Formal Sports users, indeed it will protect it for future generations</p> <p>b. The planned Children's Play Facilities are outside the Application site, do not reduce the number of pitches and offer a much needed recreational facility to the Community and the Formal Sports supporters families</p> <p>c. Shire Colts are clearly part of the consultation process relating to</p>

		<p>the TVG Application. Furthermore they were invited to and did attend workshops regarding the Play Facilities</p> <p>d. The Pavilion is excluded from the Application site and we have always been supportive of its refurbishment</p>
7	<p>Shire Colts have had shared use of the Playing Fields with a variety of clubs over the years and in so doing have provided many hundreds of children the opportunity to play football, stay healthy and bring the local community together. This is more important than ever, with childhood obesity on the increase. All of our coaches and committee members are volunteers, and the club is funded purely through subscriptions from each member.</p>	<p>We too support healthy exercise.</p> <p>We note the acceptance by Shire Colts that they share the Parkland with others i.e. the Community.</p> <p>We contend that Stoke Lodge Parkland has been used by the Community, as of right, for lawful sports and pastimes, for a period of over 20 years, co-existing in harmony with Formal Sports users on a shared basis, as per the Redcar case and therefore qualifies for registration as a Town or Village Green.</p>
8	<p>Regards</p> <p><i>Ross Burnham</i></p> <p>Chairman</p>	<p>No comment</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 paragraph 14.

	<p>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.</p> <p>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> <p>vii. We therefore submit that the Inspector should provide his supplementary report on the basis of the written representations.</p> <p>Submitted by David Mayer</p> <p>On behalf of “Save Stoke Lodge Parkland”</p>
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**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**

BETWEEN:

The Applicant – David Mayer (on behalf of Save Stoke Lodge Parkland & the Community.
AND

The Objectors – Bristol City Council & Others

STATEMENT OF BRYAN JOHN MCKENNA

I Bryan John McKenna will say as follows:-

I make this statement to the best of my knowledge and belief concerning Stoke Lodge Parkland ("The Site")

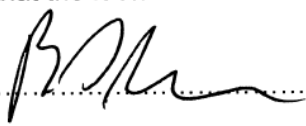
1. Address: 47 Druid Hill, Stoke Bishop, Bristol BS9 1EH
2. Profession (professionally qualified): Chartered Accountant ACA
3. Stoke Bishop resident from 2nd June 1992, hence 21+ yrs
4. Period of use of Stoke Lodge Parkland – very much from the very start of my residence locally, but then much more involved with the Parkland when the eldest of my 3 sons joined Shire Colts Junior Football Club in September 1998. From that date I was closely connected to the club for 8 years.
5. Period of involvement with Shire Colts – September 1998 to May 2006
6. Nature of involvement with Shire Colts – initially as parent helper/supporter (1998 to 2001), and then as a junior team manager (June 2001 to May 2006).
7. Specific responsibilities with Shire Colts – as a junior team manager I organized training and games for my team, during the normal football season and for summer pre season training. This was an enjoyable, and not insignificant, part of my personal and family life at that time, and involved me in many aspects of the administration of the club (monthly managers / committee meetings, etc). As part of that overall involvement I got to know the club's relationship with the site very well – my team played there, on a Sunday morning, for 3 years and trained there once a week from early July to mid September, and from mid March to early May, for the whole 5 seasons I managed.
8. Experience of pitch cancellation due to inclement weather or unplayable pitches during your period of involvement with Shire Colts – because I live quite close to the site I did have some extra responsibility for assessing, along with the ground staff who managed the site (from Coombe Dingle Sports Ground), the playability of the allocated pitches at times of very cold or very wet weather. From November through to February there would be occasional Sundays when we could not use the pitches, and games were therefore cancelled or postponed – please note the vast majority, if not all, Shire Colts games were played Sundays (the club rarely used the pitches on Saturdays).

Continued on next page.....

9. Experience of using Stoke lodge post your involvement with Shire Colts – since May 2006 I have used the site less formally, i.e. simply as a member of the local community, with my main activities being walking and running. I have taken occasional interest on how Shire Colts are "getting on" by planning some of my walks/runs for a Sunday morning, or afternoon.
10. My view on amount of use by Shire Colts in the period up to the Application date of 04.03.11 –

I note the reference to Shire Colts use of the pitches in paragraph 14 of Mr Petchey's Report of 22 May 2013, and I note also paragraph 4 of the 1 November 2013 letter from Shire Colts to Mrs Harvey of BCC: I know, certainly in the period up to May 2006, and almost certainly up to March 2011, that Shire Colts very rarely used Stoke Lodge on a Saturday. The vast majority of Shire Colts usage is on a Sunday, when most organized junior football is played. As regards actual usage on a Sunday, the club had/has access to 5 full size pitches, and 3 junior pitches, with the junior pitches generally being used in the morning, only. In my time of main involvement with the club it was very rare for the junior pitches to be all in use on any given Sunday – I would say that the junior pitch usage would be best described as "one or two pitches on most Sunday mornings from early September to early April, with one or two weeks break at Xmas and Easter". The usage of the 5 full sized pitches would, similarly, be best described as "one or two used on a Sunday morning, and two or three used on a Sunday afternoon, on the average, with one or two weeks break at Xmas and Easter". It was very rare that 4 pitches would be in use, on any given Sunday afternoon, which would be something of an occasional maximum figure, anyway. Furthermore large pitches are less frequently used on Sunday am anyway as the older group games involving the league are usually played pm. In fact, from November through to February, the ground staff, and the Club would try to ensure that each full sized pitch was used only once on a Sunday – i.e. either morning or afternoon – so as to protect it from overuse in the middle of winter. This protection restriction fits very well with my average usage description, just given, for the bigger pitches.

11. My view on amount of use by Shire Colts in the period post the Application date of 04.03.11 – I believe that there has been no significant change to Shire Colts actual usage as stated in the previous paragraph.
12. Please also refer to my previous statement and photos dated 13.02.11 – see Application dated 04.03.11 vol 3 statement number V3.18.
13. Please also refer to previous statement and photos from Ben McKenna (son) 30.01.11 – see Application dated 04.03.11 vol 3 statement number V3.19.
14. Please also refer to my previous supplementary statement dated 22.01.12 – see Applicant response to first objections dated 30.01.12 - evidence tab 8 ref 8.10.
15. I thoroughly enjoyed my years of involvement with Shire Colts, and I know the club greatly values Stoke Lodge as its main playing, and outdoor training, field. The club co existed brilliantly with the local community, as regards the site, during my time with the club, and I am sure that the club and the local community continue to co exist in a mutually supportive manner, currently.
16. I believe that the facts stated in this witness statement are true.

Signed  dated 26/11/13

**Stoke Lodge Parkland
Pitch usage Sunday 24th November 2013**



View above facing East at 11.01 am on Sunday 24.11.13



View above facing East at 15.00 pm on Sunday 24.11.13



View above facing South West at 11.00 am on Sunday 24.11.13



View above facing South West at 14.58 pm on Sunday 24.11.13



View above facing West at 11.00 am on Sunday 24.11.13



View above facing West at 14.58 pm on Sunday 24.11.13

In addition to these photographs and for a complete register of weekend pitch use from 10-Nov-13 to 01-Dec-13 please see page 10 of this response. This register confirms that usage during this period did not exceed the use set out in the schedule of use in paragraph 14 of the Inspector's Report dated 22nd May 2013 i.e. providing further evidence that paragraph 14 in the Inspector's Report was neither "wrong nor inadequate".

**Stoke Lodge Parkland
Pitch usage Sunday 1st December 2013**



View above is facing East at 11.00 am on Sunday 01.12.13



View above is facing East at 3.00 pm on Sunday 01.12.13



View above is facing South West at 11.00 am on Sunday 01.12.13



View above is facing South West at 3.00 pm on Sunday 01.12.13



View above is facing West at 11.00am on Sunday 01.12.13



View above is facing West at 3.00 pm on Sunday 01.12.13

In addition to these photographs and for a complete register of weekend pitch use from 10-Nov-13 to 01-Dec-13 please see page 10 of this response. This register confirms that usage during this period did not exceed the use set out in the schedule of use in paragraph 14 of the Inspector's Report dated 22nd May 2013 i.e. providing further evidence that paragraph 14 in the Inspector's Report was neither "wrong nor inadequate".

Stoke Lodge Parkland										
Register of pitches in use at the weekend from 10-Nov-13 to 01-Dec-13										
Date and time				Shire			Rockleaze			St
				Colts			Rangers			Brendons
				(football pitches)			(football pitches)			(rugby)
				full size	jnr pitch	total	full size	jnr pitch	total	
1	Sunday	10-Nov-13	am	2	1	3	0	0	0	1
2	Sunday	10-Nov-13	pm	0	0	0	0	0	0	0
3	Saturday	16-Nov-13	am	0	0	0	0	0	0	0
4	Saturday	16-Nov-13	pm	0	0	0	0	0	0	0
5	Sunday	17-Nov-13	am	3	1	4	0	0	0	0
6	Sunday	17-Nov-13	pm	2	0	2	0	0	0	0
7	Saturday	23-Nov-13	am	0	0	0	2	2	4	0
8	Saturday	23-Nov-13	pm	0	0	0	1	0	1	0
9	Sunday	24-Nov-13	am	4	0	4	0	0	0	1
10	Sunday	24-Nov-13	pm	1	0	1	0	0	0	0
11	Saturday	30-Nov-13	am	0	0	0	0	3	3	0
12	Saturday	30-Nov-13	pm	0	0	0	1	0	1	0
13	Sunday	01-Dec-13	am	2	1	3	0	0	0	0
14	Sunday	01-Dec-13	pm	1	0	1	0	0	0	0