

<p><u>IN THE MATTER OF</u> <u>AN APPLICATION TO REGISTER LAND AT</u> <u>STOKE LODGE PLAYING FIELDS AS</u> <u>A TOWN OR VILLAGE GREEN</u> <u>UNDER SECTION 15(2) OF THE COMMONS ACT 2006</u></p>	<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;">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 SIMON HINKS</p>	<p style="text-align: center;">Response by Save Stoke Lodge Parkland Dated 16th December 2013</p>
<p>I, Simon Hinks, will say as follows: -</p>	<p>Mr Simon Hincks 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>Crucially and critically we shall show that this statement by Mr Simon Hinks 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 Inspector’s Report has not been exceeded and is therefore neither “<i>wrong nor inadequate</i>”, 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 14 & 15 of 15 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>
1	I make this statement to the best of my knowledge and belief concerning Stoke Lodge Playing Fields ("the Site")	Noted
2	The University of Bristol has used the Site for more than 30 years for both its Inter-University competition and for its student based intramural competitions. In that time the majority of that use would be on Wednesday afternoons and weekends. During this period the Site has been owned by Bristol City Council (the Council) and operated by its Education Authority (under various name changes). Up until entering into a formal agreement with Cotham School, the University would negotiate use of the pitches directly with the Council.	<p>We accept this as a true statement. We confirm that the University:-</p> <ul style="list-style-type: none"> i. has been a user of the site for Formal Sport (i.e. booked and paid for sporting use) during the qualifying period for the Application. ii. has no ownership right to the site. iii. has, in the form of Coombe Dingle Sports Centre, assumed the maintenance and pitch booking sub contract on behalf of Cotham School. iv. has provided evidence, contained in paragraph 10 below, which shows that use has not exceeded the schedule of use included in paragraph 14 of the Inspector's Report dated 22nd May 2013, demonstrating that the basis of the Inspector's recommendation was neither 'wrong nor inadequate'. See Inspector's Directions dated 11th September 2013 page 4 paragraph 7.

3	<p>The University worked with the Council and Fairfield School for the period 1990 and 2000/1 to ensure both school and university use was compatible and did not directly overlap. This was relatively easy to achieve given that Fairfield School would use the Site for curricular activity on Monday to Friday and normally between the hours of 9pm-12noon and 2pm-3.30pm. The University required use every Wednesday afternoon 1pm-4pm and some Saturdays during the Winter. This pattern of use did not change when Fairfield School moved from the Site and Cotham School moved its programme there shortly thereafter.</p>	<p>We do not accept this as a true statement because the University student body is in residence for only 30 weeks a year. Use is restricted to term times and hence the assertion that: - <i>"The University required use every Wednesday afternoon 1pm -4pm and some Saturdays during the Winter"</i> is patently untrue.</p> <p>We are also concerned to note the use of the word "<i>required</i>" implying that the University had some superior overriding right of use over the use by the school. It should also be remembered that the University has an abundance of pitches that are available for their use at Coombe Dingle Sports Centre. This issue of priority use was dealt with by the Inspector within his report dated 22nd May 2013 at paragraph 21, where he states – "Subject to the School's priority use, the University can also use the fields for sporting purposes.....".</p>
4	<p>The current programme of use remains compatible with University use. The University entered into a Maintenance and Management Agreement with Cotham School following this change and as such endeavours to maximise the space for school, university and local club use. The use is based on formal seasonal arrangements (linked directly to fixtures and timetables) and as such also provides much needed income to maintain all of the pitches (the vast majority of the Site) to a reasonable standard as set by the School. The clubs and schools find that by having one local point of contact/one person responsible for arranging the schedules has improved customer service and prevented double bookings and wasted journeys. They also welcome the expertise afforded by the University's grounds maintenance team.</p>	<p>We agree that <i>"The current programme of use remains compatible with University use."</i> confirming that Community use for lawful sports and pastimes continues to co-exist harmoniously with the Formal Sports users on a shared basis; as per the Redcar Case.</p> <p>We also agree with the rest of this paragraph apart from the assertion by Mr Hinks that the pitches make up <i>"the vast majority of the Site"</i>. For evidence to support our challenge to this assertion we have prepared an <i>"Analysis of the percentage of Land marked out as pitches at Stoke Lodge Parkland"</i> included in this document on page 12 of 15 below.</p> <p>Any comments that we have on pitch usage must be considered against the contents of paragraph 14 of the Inspector's Report dated 22 May 2013 reproduced below at page 13 of 15. This schedule was prepared and considered by him in reaching his conclusion that Community use was <i>"as of right"</i>, and given that all other qualifying criteria under Section 15 of the Commons Act 2006 had been evidenced and accepted, he recommended Registration as a Town or Village Green.</p> <p>The analysis shows by calculation that:-</p>

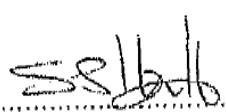
- i. the % of pitches **marked out** on the Application Land = **37.6%**
- ii. the % of Application land **not marked out** as pitches = **62.4%**
- iii. the % of land **used** by 4 pitches concurrently = **17.7%**
- iv. the % of land available when 4 pitches in use = **82.3%**
(4 pitches have been selected for this illustration because that is the number included in paragraph 14 of the Inspector's Report dated 22nd May 2013 for Shire Colts use at the weekend). The evidence presented by Mr Hinks shows that this rate of use has not been exceeded. Please refer to paragraphs 7 and 10 below.
- v. the % of land used by 2 pitches concurrently = **8.8%**
- vi. the % of land available when 2 pitches are in use = **91.2%**

We therefore submit that this evidence demonstrates that there is always a substantial area (at least 80%) of the Parkland used by the Community during times when Formal sport is underway, returning to 100% when games are completed i. e. after a maximum of 105 minutes (plus any injury time). Thus for the majority of the time 100% of the Parkland is available for Community use spread over 52 weeks. This has ensured that the Community has continued to engage in lawful sports and pastimes as of right over the past 65 years co-existing harmoniously with the Formal Sports users on a shared basis, as per the Redcar case.

Additionally we submit that this evidence goes directly to the first issue, answering the question about the need for a public inquiry raised under the heading of: - "*first reason.....*" on page 3 of the Inspector's Direction dated 11th September 2013, and supports our contention that a public inquiry on this issue would serve no useful purpose and is therefore not necessary. For ease of reference we reproduce the Inspector's statement below: -

"I think that there may be a dispute as to the extent to which the land

		<p><i>was used for organised sport' but I do not think that this goes to the heart of the point. Although I can see that the more the land is used for organised sport the stronger the argument that a licence is to be implied (and the less it is, the weaker that argument)"</i></p> <p>The evidence above does not conflict with the Inspector's assessment of usage in reaching his conclusion and recommendation contained in his Report dated 22nd May 2013. That use by the Community was "as of right" and consequently Stoke Lodge Parkland should be Registered as a Town or Village Green.</p> <p>Please see our comments in paragraphs 7 & 10 below relating to the second issue raised under the heading of: - "<i>first reason.....</i>" on page 3 of the Inspector's Direction dated 11th September 2013.</p>
5	During the last 30 years the University has also worked with a range of local sports clubs to ensure that weekend use was equitable and that fixtures were arranged so as not to clash. The Site has been used by local sports clubs since the early part of the last century.	<p>We accept this as a true statement.</p> <p>We confirm that it was the local cricket club that was allowed to use Stoke Lodge by the Butlin sisters, the owners of Stoke Lodge House and Parklands, which was their family estate prior to its sale to Bristol City Council in 1946/7.</p>
6	There are records for Shire Colts Football Club (who have used the Site every weekend for the last 25 years catering for up to 200 local school children), Stoke Bishop Cricket Club (when there were three cricket squares on the site), Bristol Bowmen Archery Club, Old England Cricket Club and more recently, (since 2005) alongside Shire Colts, Rockleaze Rangers Football Club, St Brendan's Rugby Club, Bristol Indians Cricket Club, University Staff Cricket Club and various Sunday league football clubs, such as Bristol Ladies Union FC.	<p>We accept this as a true statement, apart from the unsupported assertion that "<i>Shire Colts Football Club (who have used the site every weekend for the last 25 years catering for up to 200 local children).</i>" Please refer to the statement from Bryan McKenna included on pages 14 & 15 of 15 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 use from his position as a team manager during the Application period.</p> <p>Importantly, the evidence introduced by Mr Hinks in paragraph 7 below confirms that Formal Sports use does not exceed the rates of use contained in paragraph 14 of the Inspector's Report dated 22nd May 2013 used by him in reaching his conclusion and recommendation to register Stoke Lodge Parkland as a Town or Village Green.</p>

		Furthermore, the evidence provided as part of the Application in the form of the 53 witness statements and the survey of use together with the additional 81 witness statements contained in our response dated 30 th January 2012 demonstrate that the Site has also been used by the Community for over the past 65 years for lawful sports and pastimes, as of right, co-existing harmoniously with the Formal Sports users on a shared basis as per the Redcar Case.
7	I produce as Exhibit SH.1 a club usage document from 2003 for Shire Colts Football Club. I also produce as Exhibit SH.2 a letter from Bristol Ladies Union FC who have been using the Site since their formation in 2008.	Please refer to paragraphs 10 and 11 below for our comments on "Exhibits SH.1 & 2."
8	In conclusion, the Site has been laid out for sports pitches in the same orientation over the last thirty year period –for football and rugby in the winter/spring terms and cricket and athletics in the summer term. They have also been used by the University, local schools and sports clubs in a well-planned and managed way that has not changed during the period in question.	<p>We accept this as a true statement.</p> <p>However, we confirm that the Site has also been used by the Community as of right for over 65 years for lawful sports and pastimes co-existing harmoniously with the Formal Sports users on a shared basis as per the Redcar Case.</p> <p>Please see Save Stoke Lodge Parkland closing statement in paragraph 12 below</p>
9	<p>I believe that the facts stated in this witness statement are true.</p> <p>Signed..... </p> <p>Dated..... 24/10/2013</p>	



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	Sea Mills	small sided	sided	11-A	Stoke Lodge	tdb	Pitches req
		AM	AM	AM	PM	PM	PM
07-Sep	11b 12b			10	12a 13a		16
14-Sep	11a	12c	8		13b 13c	14	15a
21-Sep	11b	12c	9	10	12a 13a	14	
28-Sep		8 9 10			cup week games to be advised		
05-Oct	11a	12b			13b 13c	15b	16
12-Oct	11a	12c	8 9	10	12a		15a
19-Oct	11b 12b	8			13b 13c	15b	
26-Oct	11a			10	cup week games to be advised		
02-Nov		12c	9		12a 13a	14	
09-Nov	11b 12b	8			13b 13c	15b	16
16-Nov	11a	12c	8 9	10	12a 13a	14	15a
23-Nov	11b 12b	8			13b 13c		
30-Nov	11a	12c			12a 13a	14	15a
07-Dec	11a	12b	8		13b 13c	14	15a
14-Dec	11b	12c	8		12a 13a	13c	15b
21-Dec	11a	12c			13b 13c	15b	16a
28-Dec					12a 13a	14	15a 16
04-Jan	11b 12b	8 9	10		13b 13c	15b	
11-Jan	11b	12c	8 9		12a 13a	14	15a
18-Jan	11a	12b	8 9	10		13b 13c	15b
25-Jan	11b	12c	8 9		12a 13a	14	15a
01-Feb	11a	12b		10		13b 13c	15b
08-Feb	11b	12c			12a 13a	14	15a
15-Feb	11a	12b		10		13b	
22-Feb	11b	12c	8 9		13a		
29-Feb		12b		10		13c	
07-Mar		12c			13a		
14-Mar		12b	8			13b	
21-Mar			8 10				
28-Mar			8				
04-Apr			8				
11-Apr							
18-Apr			8 9				
25-Apr							

To aid with understanding we have reproduced below the schedule submitted by Mr Hinks with certain columns removed, but with extra columns and rows added by us:-

Date	Red column (green + blue)		New column (green only)	
Sunday	Pitches req		i.e. with tbd omitted	
	am	pm	am	pm
07-Sept-03	2	3	2	2
14-Sept-03	1	4	1	3
21-Sept-03	3	2	3	2
28-Sept-03	2	0	2	0
05-Oct-03	0	4	0	3
12-Oct-03	4	1	4	0
19-Oct-03	1	4	1	3
26-Oct-03	0	0	0	0
02-Nov-03	2	2	2	2
09-Nov-03	1	4	1	3
16-Nov-03	4	3	4	2
23-Nov-03	1	2	1	2
30-Nov-03	1	3	1	2
07-Dec-03	1	4	1	3
14-Dec-03	2	3	2	3
21-Dec-03	0	4	0	3
28-Dec-03	1	4	1	2
04-Jan-04	3	3	3	3
11-Jan-04	3	3	3	2
18-Jan-04	3	4	3	3
25-Jan-04	3	3	3	2
01-Feb-04	1	3	1	3
08-Feb-04	1	3	1	2
15-Feb-04	1	2	1	1
22-Feb-04	2	1	2	1
29-Feb-04	1	2	1	1
07-Mar-04	0	2	0	1
14-Mar-04	1	2	1	1
21-Mar-04	2	0	2	0
28-Mar-04	1	0	1	0
04-Apr-04	1	0	1	0
11-Apr-04	0	0	0	0
18-Apr-04	2	0	2	0
25-Apr-04				
Total	51	75	51	55
No of wks	33	33	33	33
Average	1.6	2.3	1.6	1.7

	<p>Any comments that we have on pitch usage are considered against the contents of paragraph 14 of the Inspector's Report dated 22 May 2013 reproduced below at page 13 of 15 which was used by him in reaching his conclusion that Community use was "<i>as of right</i>" and his recommendation that the land should be registered as a Town or Village Green.</p> <p>Firstly, we note that this table is a "Booking Schedule" submitted pre season. This assertion on our part is supported by the entries alongside 28-Sept & 26-Oct in their schedule - "<i>Cup week games to be advised</i>". Furthermore it includes a column (Blue) of pitches tbd (to be determined?) Also it shows play on every Sunday and does not reflect games cancelled due to inclement weather and / or cancelled due to unplayable pitches and/or games moved to Coombe Dingle, all of which are regular events.</p> <p>Secondly, and more importantly, if we use the data supplied by the objectors contained in the above schedule then their evidence supports the Inspector's Report dated 22nd May 2013 because none of the above conflicts with the table of usage contained within paragraph 14 and hence supports the conclusion and recommendation in paragraph 75.</p> <p>The "red column" shows a maximum of 4 games on Sunday am and a maximum of 4 games on Sunday pm with an average of 1.6 games and 2.3 games respectively spread over a period of 33 weeks (not 52) This confirms the usage rate included in paragraph 14 of the Inspector's Report dated 22nd May 2013.</p> <p>If we use the new column excluding the "tbd" that we have included the numbers are even less.</p> <p>However, and most critically, Formal Sports users (at whatever scale their actual use was) and the Community, engaged in lawful sports and pastimes, as of right, have co-existed harmoniously throughout the whole of the qualifying period, of twenty years and more, on a shared basis, as per the Redcar Case. This is a statement of historical fact. This demonstrates that section 15 criteria, specifically as of right, as</p>
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		<p>stated by the Inspector has been satisfied and hence nothing affects the conclusion and recommendation contained within the Inspector's report dated 22nd May 2013.</p> <p>Furthermore we refer to paragraph 4 above and the "<i>Analysis of the percentage of land marked out as pitches at Stoke Lodge Parkland</i>" which helps to explain how this is perfectly achievable, understandable and reasonable.</p> <p>Hence any ongoing debate to establish the exact numbers of players engaged in Formal Sport on the Parkland over the past 20 years is futile since the Application and the Inspector's Report dated 22nd May 2013 are satisfied by the numbers quoted by all parties including the objectors.</p>
11	<div data-bbox="241 647 436 791">  </div> <div data-bbox="882 654 1070 798">  </div> <p>Ms Simon Hinks Director of Sport University of Bristol Tyndall Avenue Bristol BS8 1TP</p> <p>24 September 2013</p> <p>Dear Mr Hinks</p> <p>I am writing on behalf of Bristol Ladies Union Football Club with regard to Stoke Lodge Playing Fields.</p> <p>As you are aware, Bristol Ladies Union FC is an all-female club, formed through the merger of the girls sections of Rockleaze Rangers FC, Shire Colts FC and the University of Bristol Ladies. Working with the University, other clubs and the local community we have grown significantly since our formation in 2008 and now have some 190 playing members ranging in age from under 8s to adults.</p>	<p>9 Burlington Road Redland Bristol BS6 6TJ</p> <ul style="list-style-type: none"> - noted - Not relevant to the TVG Application

	<p>The club currently uses Stoke Lodge Playing Fields for mid-week training from late March to mid September and, on occasion, winter training and matches on Sundays if our normal facilities at Coombe Dingle Sports Complex are unavailable. However, as the club continues to grow and with it our demand for playing areas, we can foresee increased use of Stoke Lodge in the future.</p> <p>We are a community club, heavily reliant upon the goodwill and commitment of parents and guardians, with the vast majority our players living locally and attending schools and colleges. Over the years, we have given many hundreds of children the opportunity to play football, make friends and stay fit and healthy. The provision of good quality facilities has been vital in allowing us to achieve this.</p> <p>Yours sincerely</p>  <p>Lloyd Burnell Chair, Bristol Ladies Union FC</p>	<ul style="list-style-type: none"> - Usage prior to Application date was minimal therefore not significant. Future use is not relevant to the TVG Application. NB they usually play at Coombe Dingle. - As stated previously the TVG Application will not prevent any Formal Sports Club from using Stoke Lodge Parkland subject only to the physical constraints and limitations of the site. Additionally, however, the Community of all ages also benefits physically, emotionally and mentally from use of the site and has done so for the past 65 years.
12		<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

	<p>confirm that Formal Sports use is contained within, and does not exceed, the schedule of Formal Sports use contained in paragraph 14.</p> <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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Analysis of the percentage of “Land” marked out as pitches At Stoke Lodge Parkland

1	<p>The total area of Stoke Lodge is 27.5 acres, which equals For supporting evidence see: - Bristol City Council's first objection dated 18th November 2011. Which I reproduce below for ease of reference: - Page 2 of 13 <i>"The land now forming Stoke Lodge Playing Fields was purchased by BCC as two separate parcels of land in 1946 and 1947 – see plan entitled 'Stoke Lodge 2' (enclosure 2)."</i> Page 2 of 13 <u>"Land shaded yellow on plan 'Stoke Lodge 2 (enclosure 2)'"</u> <i>This part of the playing fields which comprise approximately 5.5 acres, was purchased by Bristol City Council from Emily Butlin (and others) on 13th July 1946....."</i> Pages 4 & 5 of 13 <u>"Land shaded blue on plan 'Stoke Lodge 2 (enclosure 2)'"</u> <i>This land which comprises approximately 22 acre, was purchased by BCC from Emily Gertrude Butlin (and others) on 19th September 1947....."</i> As confirmed in the Inspectors Report dated 22nd May 2013 at para 17.</p>		133,100 sq yds																	
2	<p>The total area of the Application site is: -</p> <table><tr><td>Total area</td><td>133,100</td></tr><tr><td>Less House and gardens</td><td>12,800</td></tr><tr><td>Less land excluded alongside Shirehampton Road</td><td>5,600</td></tr><tr><td>Less Storage shed and driveway on Parry's Lane</td><td>500</td></tr><tr><td>Less Electrical substation on Shirehampton Road</td><td>160</td></tr><tr><td>Less Gas installation and entrance on Parry's Lane</td><td>640</td></tr><tr><td>Less Pavilion including the container and brick tower</td><td>300</td></tr><tr><td>Nett area</td><td><u>113,100</u></td></tr></table>		Total area	133,100	Less House and gardens	12,800	Less land excluded alongside Shirehampton Road	5,600	Less Storage shed and driveway on Parry's Lane	500	Less Electrical substation on Shirehampton Road	160	Less Gas installation and entrance on Parry's Lane	640	Less Pavilion including the container and brick tower	300	Nett area	<u>113,100</u>	113,100 sq yds	
Total area	133,100																			
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Less Pavilion including the container and brick tower	300																			
Nett area	<u>113,100</u>																			
3	<p>Total area of Pitches marked out (as listed in para 14 of Inspectors Report 22nd May 2013)</p> <table><tr><td>5 full sized football pitches – 5 x 5,000</td><td>25,000</td></tr><tr><td>2 junior pitches - 2 x 2,400</td><td>4,800</td></tr><tr><td>4 mini pitches - 4 x 1,500</td><td>6,000</td></tr><tr><td>1 full sized rugby pitch -1 x 9,120</td><td><u>9,120</u></td></tr><tr><td>(including 6yds (x2) from goal line to dead ball line) Total</td><td>44,920</td></tr></table>		5 full sized football pitches – 5 x 5,000	25,000	2 junior pitches - 2 x 2,400	4,800	4 mini pitches - 4 x 1,500	6,000	1 full sized rugby pitch -1 x 9,120	<u>9,120</u>	(including 6yds (x2) from goal line to dead ball line) Total	44,920	44,920 sq yds							
5 full sized football pitches – 5 x 5,000	25,000																			
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1 full sized rugby pitch -1 x 9,120	<u>9,120</u>																			
(including 6yds (x2) from goal line to dead ball line) Total	44,920																			
4	<p>Total area of pitches marked out within the Application site</p> <table><tr><td>Total area of pitches</td><td>44,920</td></tr><tr><td>Less junior pitch in Land alongside Shirehampton Road</td><td><u>2,400</u></td></tr><tr><td></td><td>42,520</td></tr></table>		Total area of pitches	44,920	Less junior pitch in Land alongside Shirehampton Road	<u>2,400</u>		42,520	42,520 sq yds											
Total area of pitches	44,920																			
Less junior pitch in Land alongside Shirehampton Road	<u>2,400</u>																			
	42,520																			
			Used	Unused																
5	Percentage of total pitches on total land	44,920 / 133,100 x 100	33.7%	66.3%																
6	Percentage of pitches on Application Land	42,520 / 113,100 x 100	37.6%	62.4%																
7	Percentage of use for 1 full sized pitch	5,000 / 113,100 x 100	4.4%	95.6%																
8	Percentage of use for 2 full sized pitches	10,000 / 113,100 x 100	8.8%	91.2%																
9	Percentage of use for 3 full sized pitches	15,000 / 113,100 x 100	13.3%	86.7%																
10	Percentage of use for 4 full sized pitches	20,000 / 113,100 x 100	17.7%	82.3%																

*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

**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.....