

<u>Stoke Lodge Parkland, Bristol, BS9 1BN. – Town and Village Green Application</u>		
	<p>Cotham Academy further letter of objection dated 29th June 2015</p>	<p>Response by the TVG Applicant to the Cotham letter on behalf of Save Stoke Lodge Parkland dated 10th July 2015</p>
1	<p>Dear Mr Petchey</p> <p>Stoke Lodge Playing Fields</p>	<p>This response by Save Stoke Lodge Parkland should be read in conjunction with all our previous submissions. All available for easy reference on our web site www.stokelodgetvg.co.uk</p> <p>We are surprised that the objector has yet again submitted the same arguments as before.</p>
2	<p>As you are aware Cotham School retained the services of an eminent barrister Richard Ground, an expert in Town and Village Greens, to present our response to you on the issue of statutory use and the relevance of the Newhaven Case. I refer you again to that response which we are confident clearly sets out the relevance of the New Haven and Cotham's assertion that Stoke Lodge should not be designated a Town or Village Green and this needs no further amplification.</p>	<p>Conversely, we maintain that we have demonstrated and evidenced why the <i>Newhaven</i> decision is not relevant to the TVG Application at Stoke Lodge Parkland in our previous submission(s) dated 14.06.15. Tabs 1, 2 and 3 and feel that interpretation of the relevance of the <i>Newhaven</i> case is better served by the Inspector who was intimately involved with that case.</p> <p>In summary we contend that the playing fields do not have a strategic (single option) Statutory Purpose, and even if they do, registration would not prevent ongoing use as playing fields. Hence no incompatibility. For ease of reference to our previous submission see our web site www.stokelodgetvg.co.uk</p>
3	<p>However, I feel I must write to you in response to the Save Our</p>	<p>Following the Recommendation by the Inspector to register Stoke</p>


	<p>Stoke Lodge Campaign representations on our submission to clarify some point in the Campaign's response which we feel is misleading.</p>	<p>Lodge Parkland in his report dated 22.05.13 the ensuing deferment confirmed by the Inspector in his Further Direction dated 26.03.14 is predicated on awaiting the outcome of the <i>Newhaven</i> Appeal. (For easy reference see our web site www.stokelodgetvg.co.uk)</p> <p>Furthermore we submit that within sections 3 – 13 opposite the objector has not introduced anything new. All items have been answered previously, and we submit that it is a spurious accusation to suggest that we are trying to mislead the Inspector.</p>
4	<ul style="list-style-type: none"> Just to clarify, Cotham is an 11-18 year school with 1482 no of pupils from September 2014 rising to 1509 from September 2015 to meet the rising demand for school places in Bristol. Our students are drawn from some 32 primary schools to our high performing school. We have 42% BME, and 21% for whom English is a second language. More than 34 languages are spoken by students in the school. 	<p>We submit that we cannot see how the ethnic mix of Cotham Academy pupils is in any way relevant to the TVG Application. All children, irrespective of ethnic mix, need access to green space and all children should be treated equally.</p> <p>We refer to our previous submission dated 14.06.15, Tab 2, in response to the previous Cotham Academy letter dated 04.03.15, Section 4 (page 12 of 31) where this topic was answered in detail including evidence of resident use and resident child numbers and confirming why we submit that we have met the qualifying criteria as set down in the Commons Act 2006, section 15.</p>
5	<ul style="list-style-type: none"> In September 2011 we became a Co-operative Academy, part of our ethos to work within our local community. 	<p>We have previously confirmed that the date Cotham School became a self governing Academy was indeed September 2011 and we look forward to working with Cotham on a co-operative basis. Please refer to our previous submission dated 14.06.15, Tab 2, in response to the previous Cotham Academy letter dated 04.03.15, Section 11 (page 27 of 31) where this topic was</p>

		<p>answered in detail and the local community in this case includes residents of Westbury on Trym, Stoke Bishop and Sea Mills who regularly access Stoke Lodge as a matter of routine.</p> <p>Importantly this date of September 2011 is 7 months after the date of the TVG Application and hence not included within the 20 year qualifying period.</p> <p>Furthermore please refer to our previous submission dated 14.06.15, Tab 1, in response to the previous Cotham Academy Legal submission dated 28.04.15, Section 2.6 (page 15 of 30) where this topic was answered and raised questions for Cotham.</p>
6	<ul style="list-style-type: none"> Mr Mayer talks about Cotham having a sport centre and multi-use games area on the school site. That is correct, but these do not allow us to provide all our sport on site. This is simply not possible taking into account the large number of pupils we have. 	<p>We acknowledge the confirmation that Cotham do have sporting facilities at their home site.</p> <p>However, we have never suggested that it would provide all their sporting needs.</p>
7	<ul style="list-style-type: none"> Mr Mayer talks about Cotham having access to other playing fields. He is correct in that for some time we have used the University's facility at Coombe Down, mainly for orienteering. However there are two relevant points here. Firstly that the University is expanding and assessing all its estate with a view to meeting a growing number of students requirements. We are aware that we may not have access to quite so much time at the University in the future and will have to use Stoke Lodge more and adapt our PE syllabus accordingly. Secondly, that the University charges Cotham for this use and we are facing significant funding cuts over the next three years and will have to review this cost. Again we will intensify 	<p>We acknowledge the confirmation that Cotham do use additional Sports playing fields provided by Bristol University at <u>Coombe Dingle</u>.</p> <p>We would welcome increased use of Stoke Lodge Parkland by Cotham Academy on the same shared and harmonious basis as the per the last 68 years (10 years with Cotham) with the Community engaging in lawful sports and pastimes, as of right, as per <i>Redcar</i>.</p> <p>For information, the University continually reviews and assesses</p>

	use of Stoke Lodge.	their estate and no evidence has been provided to suggest that they will reduce the amount of time available to Cotham.
8	<ul style="list-style-type: none"> Further to Mr Mayer's comments re Cotham having access to other playing fields, beyond the limited use of the University facilities, we do not. It will be no surprise to you to understand that there is an overall shortage of playing field space in the City and hence a 125 year lease on becoming an Academy. This is a one way reversionary lease. Only Cotham can break this agreement. 	<p>During the qualifying period (20 years prior to 4th March 2011) we do not believe that Cotham can deny using other playing fields including Whitchurch and Golden Hill for example. Please refer to the minutes of the Cotham Governors meeting, contained as evidence in our previous submissions dated 14.06.15, that Golden Hill was being used for sport in preference to Stoke Lodge because it was to their financial advantage.</p> <p>We are happy for Cotham to increase their use of Stoke Lodge as per Section 7 above</p> <p>We have previously confirmed that the 125 year lease enjoyed by Cotham <i>"is a one way reversionary lease. Only Cotham can break this agreement."</i> However, we struggle to see how any of this is relevant to the TVG Application.</p>
9	<ul style="list-style-type: none"> Throughout the papers, Mr Mayer refers to Stoke Lodge as 'Parkland' which it is not. The playing fields are established in the Bristol Local Plan as 'private playing fields' and so designated as leisure use under Local Plan Policy LE1 and not public open space which parkland would be i.e. under Local Plan Policy NE1. I am confident that this designation was carried forward from the previous Bristol Development Plan; this is evidenced in the policy of the long established private playing fields. 	<p>The Name of our group is <u>Save Stoke Lodge Parkland</u>; we adopted that name on the basis that the grassed and arboreal areas were the grounds to the grade 2 listed house at the centre of the site. (very rare example of an Estate of this size still intact)</p> <p>Parkland is described as a large enclosed piece of ground, usually with grass or woodland, attached to country house.</p> <p>Hence we consider it legitimate to refer to the TVG Application Land as Stoke Lodge Parkland.</p>

		<p>We are grateful for the objector confirming that Stoke Lodge Parkland is “not public open space” (as described in <i>Barkas</i>)</p> <p>However, we struggle to see how any of this is relevant to the TVG Application.</p>
10	<ul style="list-style-type: none">With regard to fencing Stoke Lodge, Mr Mayer’s comments are misleading. I believe he is referring to several years back when the City Council was considering a development project on the site. Cotham was not fully aware of the implications of this. The reference to £1million to fence the site is inaccurate. We now have a quote to fence the site of £35,000 and with planning fees etc. will cost just under £40,000 to implement. These are recent estimates, correct as at June 2015.	<p>The point at issue here is not the cost of a fence but the decision of whether the Community should be excluded from Stoke Lodge Parkland or not. Indeed a perimeter fence would cut across the Bristol City Council Cabinet decision in 2010 that Stoke Lodge would not be fenced. Please refer to our Application dated 04.03.11 evidence tabs 10 – 14.</p> <p>We maintain that we have complied with the qualifying criteria set out in the Commons Act 2006 and the Land should be registered as a Town or Village Green as recommended by the Inspector in his report dated 22.05.13. Furthermore we contend that the <i>Newhaven</i> findings do not apply to the circumstances at the Application site.</p> <p>Hence Community access should be maintained on a shared basis with the Formal Sport users, as per <i>Redcar</i>.</p> <p>With regard to the cost of a fence we simply point out that the perimeter of Stoke Lodge Parkland is 1 mile in length?</p>
11	<ul style="list-style-type: none">Mr Mayer’s papers contain many statements about use of Stoke Lodge by Cotham and the suggestion that the playing fields are underused. There are several points to make here. Firstly, subject to resolving the village green matter, Cotham	<p>For clarity we have previously pointed out that Cotham’s use during the whole qualifying period was minimal in comparison with Community use. Which is a statement of fact, please refer to the</p>

	<p>intends to re-instate a higher level of use of Stoke Lodge. We have had to stop using the playing fields with the resultant negative impact on students' sport provision. This has been in response to intimidation and heavy use by dog walkers with the resultant pollution and safeguarding concerns for our students. Secondly, Mr Mayer does not mention the other sports club and University use of the site, especially at weekends. Thirdly, whilst there is clearly is some capacity for more use of Stoke Lodge, it is also vital for the use of the site to be balanced with resting times to allow the grass to recover. As you know Stoke Lodge playing fields are well maintained by us in partnership with the University.</p>	<p>Inspector's report dated 22.05.13, page 4, paragraph 14.</p> <p>We would welcome increased use by Cotham on a shared basis as per <i>Redcar</i>.</p> <p>With regard to alleged "<i>intimidation and heavy use by dog walkers with the resultant pollution</i>" please refer to our previous submission dated 14.06.15, Tab 2, in response to the previous Cotham Academy letter dated 04.03.15, Section 8 (page 17 of 31) where this topic was answered and refuted in great detail.</p> <p>However, for the avoidance of doubt we reconfirm that we cannot find any evidence of intimidation by dogs or dog owners and we submit that the unsubstantiated allegation of 'pollution' is an overstatement of the facts. Furthermore we refer to Cotham's refusal to engage with the Police to investigate previous such allegations detailed in our previous response dated 14.06.15, to the Cotham Letter dated 04.03.15, Section 8, (pages 17 – 31).</p> <p>With regard to Formal Sports use by sports clubs, we welcome the sports use at weekends and importantly we are pleased to confirm that they have continued to use the pitches unabated as before, confirming that they are perfectly playable and we submit are in the same state as witnessed by the Inspector during his site visit on 21.02.13 i.e. very clean. Additionally, child safety is clearly adequately managed as evidenced by the ongoing and enthusiastic use.</p>
12	<p>In addition to the above points, I would remind you that the Government, through its Department for Education, recently produced a Guidance on the protection of education playing fields.</p>	<p>We confirm, once more, that if the Land included within our Application is registered as a Town or Village Green, as per the</p>

	<p>This is clearly in response to the pressure for additional school places and, whilst buildings can be converted to school use, education playing fields are in short supply and once lost, are usually lost for ever. The guidance strictly forbids the disposal of education playing fields to other uses, clearly this would include publicly accessible parkland. If the village green application were allowed you would be putting the site in aspic.</p>	<p>Inspector's recommendation dated 22.05.13 <u>there will be no loss of pitches</u> and use of the Parkland will continue as it has done for the past 68 years; with the Community engaged in lawful sports and pastimes, as of right, whilst co-existing on a shared and harmonious basis with the formal sports users as per <i>Redcar</i>. Hence we submit that the concerns expressed by the objector are groundless.</p> <p>Furthermore, Town or Village Green registration is the most certain way of preserving the playing fields at Stoke Lodge Parkland.</p> <p>Please refer also to our previous submission dated 14.06.15, Tab 2, in response to the previous Cotham Academy letter dated 04.03.15, Section 7 (page 16 of 31) where this topic was answered in detail.</p>
13	<p>I hope the above points clarify some of the matters raised by Mr Mayer. We are keen to see this matter resolved as soon as possible and for Cotham to get back to using our playing fields in perpetuity.</p>	<p>In conclusion we submit that we have demonstrated above: -</p> <ul style="list-style-type: none">a. Why the <i>Newhaven</i> findings are not relevant to the circumstances at Stoke Lodge Parklandb. This submission by the objector has not introduced anything new.c. All the objections revisited in this submission have been refuted.
	<p>Yours sincerely</p>  <p>Dr Malcolm Willis Headteacher on behalf of the Governing Body of Cotham School</p>	<p>Submitted by: -</p> <p><i>D Mayer</i> David Mayer On behalf of Save Stoke Lodge Parkland</p>