

Save Stoke Lodge Parkland

68a Coombe Lane
Westbury on Trym
Bristol
BS9 2AY

13th February 2014

Mr T Dunsdon
The Registration Authority
Legal Services
Bristol City Council
City Hall
Bristol
BS1 5TR

Dear Sir.

Stoke Lodge Parkland - Town or Village Green Application.
Applicant's response to the questions raised in the e-mail from the Registration Authority on 30th January 2014.

Question 1 – Submissions.

In relation to the Inspector's comments in paragraphs 1-4 of the Further Directions, please could all parties let me have their submissions by 4 pm on Friday 14 February 2014?

Applicant's response: -

The Applicant is the nominated signatory to the Application made on behalf of the properly constituted organisation known as "Save Stoke Lodge Parkland" ("SSLP"). A committee has been established to act on behalf of SSLP and is made up of a group of members of the local community, who share a common passion for the maintenance of the existing shared use of Stoke Lodge Parkland. Our time and efforts are devoted to ensuring that the Land may continue to be enjoyed as an open green space, shared by school sports users, formal sports users and those of the local Community engaged in informal lawful sports and pastimes.

The Committee does not, however, possess any professional expertise relating to the determination of applications for Town Green status. Therefore, whilst we are aware of the *Newhaven* case, we are not qualified to make an assessment as to its potential relevance to the current application. We must, therefore, rely on the legal expertise and fair practice of the Inspector to decide whether or not it is appropriate to defer any determination, pending the ruling of the Supreme Court; and that his decision does not place us at an unfair disadvantage.

We, obviously, have a desire for a speedy conclusion to our application, but recognise the Inspector's comments in paragraph 3 of his Further Directions to the effect that the *local people currently enjoy free access to the application site*".

Question 2 - Representation

In relation to the inspector's comments (paragraph 7) regarding the Objectors agreeing, if they are so minded, to single representation, can the Objectors please let me have an indication whether or not they are agreeable to this.

I would also be grateful if the Applicants could indicate whether they intend to have legal representation at the pre- inquiry meeting.

Applicant's response: -

We agree it would be preferable that *"the objectors could make common cause and agree single representation..."* (paragraph 7), to ensure efficient use of the time by avoiding unnecessary repetition of the same contention. We would be concerned if any such repetition were to afford unfair weight to the objectors' claims.

We maintain for the reasons given above in the response to Question 1 that we should be permitted to include several members of our Committee with complementary skills to ensure that we are not disadvantaged in any pre-inquiry meeting.

We are currently considering whether or not to have legal representation at any pre-inquiry meeting. This will be influenced by the decision of whether consideration of this matter is deferred, or not, together with the outcome of the *Newhaven case appeal*.

Question 3 – Pre Inquiry Meeting

In relation to the dates for the pre- inquiry meeting (paragraph 18), I am obtaining inconvenient dates from the Inspector, but in the meantime, would be grateful if all parties could let me have any dates over the next 3 months that they would be unable to attend a pre-inquiry meeting.

Applicant's response: -

We maintain that this question is premature given the contents of paragraph 18 of the Inspector's Further Directions: *"Thereafter (i.e. after the deferral has come to an end or after a decision not to defer) I would ask the Registration Authority to make arrangements for a pre-inquiry meeting at a date convenient (as far as possible) for all the parties."*

Other matters: -

Paragraph 5

In Cotham's submissions listed below we have been unable to find any suggestion by them that: - *".. the land has not been used by local people for lawful sports and pastimes – although it may well be that the point that is being made is that there has been **insufficient** use by local people in the context of use of the land by the School and others for organised sport."*

As far as we are aware Cotham Academy has only made three submissions dated: -

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| 1. 29 th November 2011. | Please see our response dated 30 th January 2012 |
| 2. 25 th July 2013 | Please see our response dated 31 st July 2013 |
| 3. 4 th November 2013 | Please see our response dated 16 th December 2013 |

Copies attached for ease of reference.

Are there any other submissions that we are not privy to?

Our understanding is that the objectors' disputes with our Application to date are in regard of "as of right" use, and potentially "statutory duty", with all other qualifying criteria required by the 2006 Commons Act section 15 accepted as "made".

Please see the Inspector's Directions dated 27th November 2012, paragraph 1: - *"In my draft directions I noted that the extent of the issues in dispute is limited and many of the relevant facts are uncontroversial. In its response to my draft directions, the City Council as landowner accepts in terms that the land has been used for lawful sports and pastimes, that the use has been for a period of twenty years or more and that it has been by the inhabitants of a neighbourhood within a locality."*

Please see also the Inspector's Report dated 22nd May 2013, paragraph 3: - *"The position is now that the City Council as landowner expressly accepts that the land has been used for lawful sports*

and pastimes, that that use has been for a period of twenty years or more and that it has been by the inhabitants of a neighbourhood within a locality: and I understand that the other objectors do so also.”

Furthermore we have previously provided evidence to show that the total area of the Parkland marked out as pitches is 37.6% of the total area available. Additionally 3 pitches (Maximum Cotham use) represent 13.3%. Please see our response to Simon Hinks (on behalf of the University of Bristol) dated 16th December 2013, paragraph 4 together with the analysis of land use on page 12 & 13 of that response. Additionally please see also our response to Mel Sperring (on behalf of Cotham Academy) dated 16th December 2013 paragraph 4 together with pages 8 & 9 of that response. Hence the Community has access to the majority of the land at all times, whilst avoiding pitches in use as an act of courtesy, with 100% of the Land available when the pitches are no longer in use i.e. the majority of the day and of the year, as per the Redcar case.

The Inspector will be aware of the factual evidence we have obtained and submitted, and hence why we maintain that we have demonstrated within our Application our compliance with the qualifying criteria relating to “*use by local people for lawful sports and pastimes*” (including demonstrating the extent of use). The issue of use by the Cotham and the Formal sports users is dealt with under paragraph 14 of the Inspector’s Further Directions dated 30th January 2014.

We therefore request clarification on this matter and a ruling on whether this new challenge can be raised now.

If this issue is being pursued by Cotham, and is allowed, we request Cotham to present their case and evidence to support their argument in writing within the next 6 weeks so that we can collate our evidence to respond to this late unsubstantiated claim.

Gagging order

The Registration Authority has issued all recent documentation (objections, reports and directions) with the heading of “Private and Confidential”. When we sought clarification we were advised that we could not distribute the contents of the documentation beyond our Committee and our Legal Advisor.

It would appear to us that the objectors’ have made wider consultation to gather further evidence to enable them to prepare their submissions. We therefore consider that we are being disadvantaged in that, whilst the objectors have been permitted to continue to formulate objections, the gagging order has prevented us from distributing the contents of the objector’s submissions, Inspector’s Reports and Directions and from consulting the local community further on these issues.

We therefore request that the Gagging order be removed to put this matter on a fair footing.

Yours truly

The logo for David Mayer, featuring a stylized blue 'D' followed by the name 'Mayer' in a blue serif font.

David Mayer
Chairman
Save Stoke Lodge Parkland