

Save Stoke Lodge Parkland

Chairman's Ninth Annual Report on behalf of the Committee

(To be presented at the AGM on Friday 12th April 2019 at Stoke Bishop Village Hall)

I am pleased to submit my ninth Chairman's report on behalf of the Committee.

Ours is a voluntary Community Group ruled by its Constitution and I must firstly thank the Committee for their ongoing work and support and secondly, and importantly I must thank the Membership for their unprecedented contribution to all of the issues listed below and your continued support including responses to the calls for their help and involvement which enables us deliver such a powerful community voice.

My Report will be in eight parts and covers the period since our last AGM held on Friday 9th March 2018 (the Treasurer will report separately on financial matters): -

1. The Town or Village Green Application (dated 4th March 2011)
2. Outstanding Planning Applications
3. The Perimeter Fence
4. The Public Rights of Way Application
5. The Children's Play Facilities
6. The upkeep of the Parkland including arboreal issues
7. The Sustainability of the House and Gardens
8. A Proposition for the membership to consider, and vote on, regarding the future direction and priorities for the Committee to adopt.

Please note that previous Annual Reports are available on our web site: www.stokelodgetvg.co.uk on the "About us" page.

1. The Town or Village Green Application (dated 4th March 2011)

On 3rd May 2018 we received the Judgement from the High Court Judge Sir Wyn Williams which disappointingly found in favour of Cotham's Appeal which requested that BCC's Public Rights of Way & Greens Committee (PRoW&GC) reconsider their decision to grant registration of the Land at Stoke Lodge as a Town or Village Green (TVG).

On 14th May 2018 we held a Public Meeting at St Mary's Church Stoke Bishop to explain the High Court Judgement and why it was imprudent to challenge that decision in a higher Court. This was because whilst the Inspector and the Judge both confirmed we had met all but one of the conditions required by the Commons Act 2006 together with the later requirements pertaining to Statutory Incompatibility we had, in their opinion now, fallen short on the "*Without force*" condition based on the recent "*Winterburn*" case precedent which had brought into the equation the effectiveness (*contentiousness*) of the Avon signs.

Importantly, this meeting can be seen as the birthplace of a second community group concerned with the future of Stoke Lodge named “We Love Stoke Lodge” (WLSL) who have now taken the lead on securing TVG Registration at Stoke Lodge unencumbered by the Avon signs because the qualifying period for their application is for the twenty year period prior to September 2018 i.e. back to September 1998 i.e. after Avon ceased to exist. More about this below and in section 8, page 5. Website: www.welovestokelodge.co.uk

On 25th June 2018 BCC’s PRoW&GC met to reconsider its previous decision to grant TVG Registration and unsurprisingly given the composition of the committee the decision was overturned and Registration was denied.

On 14th September 2018 Emma Burgess (on behalf of WLSL) submitted an application to register Stoke Lodge as a TVG and the application was confirmed as “*Duly Made*” on 10th January 2019

At this point in time BCC are proceeding with the recognised procedure, albeit very slowly. A request for objections has been issued and the deadline for receipt extended until 6th April 2019. Following receipt of all objections the Applicant (WLSL) will have the opportunity to respond. At which time, if this application follows recognised procedure because a conflict of interest exists within internal BCC departments acting as both Landowner and Registration Authority, an Independent Inspector will be appointed to produce a report and recommendation.

2. Outstanding Planning Applications

On 25th June 2018 the revised (Second) planning application by Cotham 17/6665/F to build a new and enlarged pavilion at the West Dene entrance at Stoke Lodge was refused by BCC development committee on the grounds that Cotham had not only failed, but had refused, to include a credible Transport and Traffic Management Plan in support of their application.

On 24th December 2018 Cotham put in an appeal to the Planning Inspectorate to review the above decision with the view of having it overturned

February 28th 2019 was the deadline for comments from the public for consideration by the Inspector.

We are currently expecting the Inspector to visit the site and deliver his recommendation in due course.

On 24th July 2018 Cotham erected two new signs at Stoke Lodge. One at the West Dene entrance and one at the Parry’s Lane entrance. The wording is substantial similar to the wording on the old Avon signs.

On 19th December 2018 Cotham were refused planning permission by BCC Development Committee to erect a third sign with similar wording at the Adult Learning Centre entrance

3. The Perimeter Fence

On 14th January 2019 Cotham started to erect the long threatened, unauthorised and ill-conceived perimeter fence at Stoke Lodge. The fence was completed after 8 weeks of hell in the freezing cold on 14th March 2019. However, without the help and persistence of the community holding Cotham to account and making a fuss about: - root protection zones, adherence to method statements (after they were submitted and approved), proper arboreal supervision, badger protection, setting out and avoiding the buried gas main. Then the resulting fence line and consequential damage to protected trees would have been much much worse. I must also make special mention of the team manning the banner(s) on Parry's Lane and the photographic record keeper(s). I must also thank the Police for their patience and understanding

In my view the rationale for this fence does not bear scrutiny, unless Cotham wish to develop, exploit and commercialise the site. I also question the use of "*permitted development*" as a sustainable legal basis to permit this work to be undertaken without due process and public consultation in accordance with BCC planning process. WLSL are leading the legal challenge on this matter.

On 21st July and 14th September 2018 two meetings with Cotham were facilitated by Darren Jones MP with SSLP committee members, plus Cllr J Goulandris and WLSL, in attendance. These meetings have been well documented but suffice to say Cotham were in "Telling" mode not "Listening" mode, and we left in no doubt that they were not interested in the needs of the community.

On 25th March 2019 Cotham called a further meeting to discuss the fence with selected Community representatives, by invitation only, including WLSL (SSLP and Cllr J Goulandris were not invited). This meeting has also been well documented but true to form Cotham told the invitees what they could expect and refused to provide the opportunity for the invitees to put forward the community view although they were permitted to ask questions on matters of clarification regarding Cotham's proposals.

Following the Full Council Meeting on 19th March 2019 the Elected Mayor has once again contacted Cotham to seek a meeting to try and resolve the current impasse. Don't hold your breath. This Full Council Meeting was the meeting where the Councillors were prevented by officers from accepting the Community petition with over 4,000 signatures regarding the fence and its impact on the community, where the Lord Mayor and the Elected Mayor effectively sand bagged any discussion and refused to listen to reasoned argument and spouted flawed, well-rehearsed, replies passed to them by officers who in turn were the architects of this folly.

We continue to support WLSL in their challenge on this matter and the TVG Application which should see the fence removed.

4. The Public Rights of Way Application

On 1st May 2018 Professor Alan Preece submitted an application to the Public Rights of Way committee to register 4 pathways across Stoke Lodge as “Public Rights of Way” they go from Cheyne Road to Druids Hill roundabout, from Cheyne Road to the Adult Learning Centre, from West Dene to the Adult Learning Centre and from West Dene to Cheyne Road.

This application was registered by BCC as “Duly Made” on 7th June 2018 and is being processed by them in accordance with BCC procedures. It is in a queue of 7 or 8 and it is therefore not possible to give a firm date when a decision will be made.

My thanks to all those who provided Statements and I’m sure Alan will shout when he needs further assistance.

5. The Children’s Play Facilities

These facilities continue to be very popular and provide the opportunity for youngsters to let off steam in a safe and delightful setting.

We note that BCC continues to conduct annual safety audits on the equipment, which is good. However, given the budget deficit in BCC, when a safety officer reports a piece of equipment as being unsafe it is then scheduled for removal, not repair, and if replacement equipment is required it must be funded privately. So please be alert and report any concerns to Bruce Quilter or Martin Bennet so that we can maintain this hard-won facility.

My thanks as always to Bruce and Martin and their BS9 helpers.

6. The upkeep of the Parkland including arboreal issues

Please see attached on pages 6 to 12 extracts from a report prepared by Alan Preece and Stephanie French for a meeting of the Stoke Lodge Preservation Working Group held on 18th March 2019.

7. The Sustainability of the House and Gardens

Four of our Committee members sit on working group with Jenny Wilkes from the Adult Learning Centre to aid her with decisions relating to access to the buildings and the land associated with the House.

Recent initiatives include the provision of a Sensory Garden and current initiatives include “Safe” access to the site and the play facilities. Additionally, Jenny is working with a member of the community to investigate Disabled, non-intrusive, pathways within the arboretum in conjunction with a Community Infrastructure Levey (CIL) Grant.

Jenny is also considering **if** and how access along the fence line from the Arboretum to the entrance to the rear car park by the walnut tree can be incorporated whilst complying with H&S legislation particularly bearing in mind the proximity of the old barns.

Since the Adult Learning Centre (ALC) was transferred back into education it has gone from strength to strength and is now financially self sufficient no longer requiring a subsidy from BCC. This is obviously very good news for the future of the ALC and a testament to Jenny and rest of the team at the centre.

8. A Proposition for the membership to consider, and vote on, regarding the future direction and priorities for the Committee to adopt.

Since the formation of “We Love Stoke Lodge” (WLSL) we have adopted a supporting role to their initiatives and whilst some of our members are members of both community groups many are not. We see value in maintaining both groups and continuing to provide a second voice on community matters when dealing with external parties such as BCC.

There can be no denying that WLSL have increased local knowledge of the plight to Stoke Lodge amongst the local community hugely, primarily, through the use of social media.

We therefore considered it important to consult with the membership and ask them to vote at the AGM on the following proposition: -

“Whist not changing our constitution (copy attached). We confirm that the Committee, in addition to its other duties, should continue to provide help and support to WLSL where possible by continuing to advise the membership of any WLSL initiatives together with any request for help and/or support. All in accordance with clause 2) [paragraph 7] of our constitution.”

**David Mayer
Chairman
Save Stoke Lodge Parkland**

2nd April 2019

2. Parkland Environmental Issues

Dog bins

At the last CIL bid which was formulated in March 2017, there was a bin for the front of Stoke Lodge House, previously agreed by the NP before its demise but not ever implemented. As a replacement for that bin, a bid was approved last October but the bin has not yet been installed. Enquiries are being made, and I have suggested that in the event that the money continues to be frozen, we should apply to move the bin at Parrys Lane to SLH since it is now on a fairly useless small patch of green space of little value to dog walkers. Jenny Wilkes recommended holding back for the moment until an access route for mowers is decided. If the second CIL bid bin is approved and made available for installation, I would suggest moving the Parrys Lane bin onto Ebenezer Lane as that is now a much more used dog walk route.

Fence and Badgers

During July, August and December 2018 and January 2019 I carried out badger surveillance of the copse in the WSW corner of the field. I have about 50 sightings some of which have the requisite markings of badgers. I had hoped that these were sufficient to argue against Cotham's "no wildlife on Stoke Lodge" environment report used for the pavilion application and fence construction. Because the latter is permitted development, the evidence cannot be used to control the planning application. The "expert" was recalled on 28th Jan and he accepted an active sett status but still insisted it was an "outlier" and not a breeding sett, so the work could continue. (Natural England do not enforce their written guidelines, which would have demanded a licence between November and May, in recent policy changes, and these advise the police and RSPCA). Since then badger activity in the overflow car park seems to have resumed. Prof Steven Harris came to look at the sett and confirmed my opinion that there is occupation and movement, so Jon Kennedy and I have transferred monitoring to the car park, sensory garden and the derelict outbuildings. We again now have photographic evidence of fox and badger movements in the area. This work continues as it will affect any near-house developments. Gratifyingly the badgers have made short work of the absence of the recommended "badger gates" and there are about a dozen well made tunnels under the fence.

Fence, Knotweed and Chemicals

I note that the whole length of the fence has had an unknown herbicide sprayed (I would expect glyphosate). Again, Natural England guidelines precluded using ANY chemicals within 20m of a sett. However with past experience of trying to enforce the digging guidelines I think any protest would lose. In any case we would have been in breach of those guidelines in dealing with knotweed. There was last season some knotweed (very spindly) in the SW corner still surviving, but none in the car park.

Perimeter path

Now that everyone is funnelled into a few metres wide trackway some of the surface is becoming seriously damaged particularly in the region of Cheyne Road and alongside the playpark. Something similar has been caused by the inappropriate contractor's vehicle wheels at several places, and is likely to occur near the front gate on approach to the arboretum. Jenny Wilkes has been approached to consider an

accessible pathway thorough the arboretum. She is also unhappy with the access for mowing equipment into Cotham's area and back out to the arboretum as access is dependent on there being no activity by the school, and currently Sea Mills depot are being very helpful in allocating spare equipment time to the ALC.

PROW

The fence is showing the importance of the previous route from West Dene to SLH front entrance with access to the new pedestrian crossing for access to Stoke Bishop C of E Primary School. Children have to make the much longer walk to Druid's Hill, and cross at the roundabout in rush hour traffic and use the rear access to the school via the PROW on Druid Stoke Avenue.

Alan

3. Arboreal issues

This is not an easy report to write. I have been handed a poison chalice! I'll have to be careful with my comments so please note my restraint. What I am really thinking may be being expressed quite differently in my mind.

I'll divide it into 3 areas:

- a. Tree issues that are nothing to do with Cotham School.
- b. Tree issues that should not be anything to do with Cotham School.
- c. Tree issues entirely to do with Cotham School.

(If you have anything to do with trees that I have not mentioned then please note them down and bring them with you to the meeting so I can re-write this report for posterity.)

a. Tree issues that are nothing to do with Cotham School

Some work needs to be done on some of the trees. I walked around the trees with Emma Burgess and Phil Burton (BCC "Geographical Area" Tree Officer.) It became clear he was being guarded in his conversation even though we tried hard to stick to tree issues and not the merits or de-merits of the Fence.

The White Poplar on the Ebenezer Lane boundary near the Oak is mostly dead and is to be felled. I have asked if BCC is ready to replace it, as they should because it has a TPO. They have not replied. There is a sponsor waiting in the wings but I have not told BCC that yet. A replacement tree should be planted in the same place.

The Black Poplar on the Stoke Paddock Road boundary has many dead branches lodged within it. Formerly walkers visiting STOKE LODGE PLAYING FIELD (yes, I am shouting) could avoid walking underneath it but now they cannot. These branches are to be removed.

The dead branches lodged within the Walnut tree in the "Arboretum" can be left as they offer no danger to the public – they are firmly stuck.

The replacement Cedar of Lebanon in the "Arboretum" died, and has been replaced. It seems to be thriving so far. Originally it had no cage around it (not being on a Street) but it was short and was being peed on by tall dogs. I chatted to John Atkinson – BCC Tree Officer. He said that dog pee on tree trunks was not harmful for trees (Cotham School please note) but amongst the foliage it was a different matter, so I asked for it to be fenced off and 2 days later the fencing protection was in place. Thank you, John Atkinson.

A "two seasons ago planted " Lime tree on the Stoke Paddock Road boundary was getting swamped with brambles. I informed Phil Burton and he attended and cleared the brambles away from it.

More recently (6th March) I have asked Phil Burton about possible works to trees around Stoke Lodge Playing Field. I apologise for the burden of reading but I think the only way to inform you of these issues is to copy here for you the e mail I wrote. I have yet to receive a reply.

"Dear Phil,

Thanks for coming to Stoke Lodge Playing Fields last week to discuss with the residents' representatives some of the issues concerning the future for some of the trees.

Inevitably we missed out a few things, and would like some further input from you please.

You mentioned the need to fell the White Poplar on the Ebenezer Lane boundary in Group 5, TPO 1192. This tree has a TPO and should be replaced by its owner - which is Bristol City Council. Do you have plans to replace this tree when it is felled? There seems no reason not to replace it where it is now.

The narrow pathway between the Pavilion (West Dene entrance) and the Corsican Pine (T8, TPO 1192) is coming under pressure from pedestrians. Group 7 trees are along that border, amongst them a Holly, an Ash and a Sycamore. Apart from those three named trees most of the rest of the trees are tall shrubs and self-seeded Ash and Sycamore. Some of the branches of these shorter trees are getting bent and snapped. Some of the residents would like permission to cut back some of the lower branches (not the three named trees) to reduce some of the obstruction. They would make heaps of the wood for habitat. Would that be possible. They are happy to do the work themselves.

As you commented yourself the area we call the "Arboretum" (although the whole piece of land is an arboretum for the House) is the only piece of land now available for recreation. It is not in Cotham's lease.

In this area is a Black Mulberry. It is in Group 3, TPO 1192, although not separately identified. For the last couple of years it has looked rather tired - we do not know how old it is. The trees came into England in the 1600s, but ours is not that old. It looks like a tree that should be drawn for an illustrated version of Grimm's Fairy tales. Growing very tightly against it and now with branches intermingling with those of the Mulberry is what looks like an Elder (also not named in G3). Might the removal of the opportunistic Elder improve the chances

of the Mulberry? It would be great to try and improve its future. It may not have many more years.

If you feel the Elder could be removed, I'm sure we could find a work party to do it and thus this would cause no expense for the Council. We should be grateful for your opinion.

While we were with you we discussed the access gates through the fence and how vehicles passing through them will put much pressure on the roots of precious trees. The gates seem to have been put as much in line as was possible with splendid old trees with TPOs on them. You said to talk to Tom Luck about that and I will, but I'll copy you in to the e mail.

with thanks

Stephanie”

b. Tree issues that should not be anything to do with Cotham School.

The dead Oak and the Cedar of Lebanon (down by Badger's Corner) both have TPOs, although the Cedar of Lebanon, a replacement for a dead Ash in Group 4 TPO 1192 that died with Honey Fungus, has yet to be marked as such on any BCC map. These trees we believe are under threat of removal/moving by Cotham. If they move the Oak then they should replace it? The Cedar could be moved, but it is my belief that such action would require a Planning Application as moving it is not required by the erection of the Fence (contentiously done under Permitted Development). If anyone sees plant or workman on the Field working on these two trees please send out an alert.

I wrote to Tom Luck (6th March) as advised by Phil Burton about the passage of vehicles over the roots of TPO trees and whether any protection is required for them. Again I apologise for the amount of reading, but it is the best way to inform you of what we are asking, and why.

“Dear Tom,

I'd like to talk to you about the gates in the fence providing access into the field at Stoke Lodge.

There is not a vehicle access that does not threaten a precious tree, or more than one. Richard Ennion banned all vehicles other than emergency vehicles from coming on to the field, and I wish that were still true, but it seems not.

The trees under threat are:

3 trees, T1, T2 and T3 TPO 451, which are three Pine trees, and a Sycamore T14 TPO 1192. They are at risk as Cotham School vehicles are using the entrance at Parry's Lane on their way to the old white maintenance shed which now has a different unknown use and which also leads to gates in the new fence.

The Austrian Pine, T2, the Copper Beech T4 and the Walnut T3 on TPO 1236 are in direct line with a double gate on the southern stretch of the fence. These trees have intermingling crowns and presumably intermingling roots, and also very low branches.

The Walnut tree T17 on TPO 1192 which is but a few feet away from a gate in its root protection zone.

For years these trees have lived in peace with their roots, but recently have had construction vehicles passing over them frequently and also have even more recently had mowers (large red tractors) and white line painting vehicles driving over them. At one time the mowers were visiting daily. We anticipate that mowing vehicles will visit frequently during the summer.

We do not yet have a clear picture of the pressures on the gates at Parry's Lane but we anticipate mini-buses, construction vehicles and mowers, based upon recent usage.

These trees and their roots need some protection.

The branches of the Walnut T17 (1192) are low and are being knocked aside by tractor sized mowers. Do they really have to use that entrance which, apart from the damaging the Walnut tree, travel at fast speeds quite unnecessarily through the Adult Learning Centre car park, often full of pedestrians? There has been one very near miss already, with the police having to speak to the lorry driver.

The trees at the Parry's Lane entrance are under great threat. Very reluctantly and rather late in the day a temporary trackway was put down by Cotham School, but today this was taken up. Although the fence now passes between T9 and T13 (TPO 1192) without any gates, so that vehicles cannot pass between those trees (and then pass underneath T7, a huge Turkey Oak) nevertheless the entrance at Parrys Lane will still be used, with vehicles then passing along the track to the white shed, threatening T1, T2, T3 (451) and T14 (1192), and we do not know if the gravel is adequate protection for all those trees and their roots.

The Parks department, who mow the grass under contract to the Adult Learning Service, are now faced with having to enter the playing field with their mowers via the Walnut Tree gate (T17) and leave the field via the gate leading to the Copper Beech, Walnut and Austrian Pine in order to gain access to the "Arboretum" area to mow it. They have no other (current) access as all the trees around the ALS ground are protected and have low branches, as indeed do the Beech, Pine and Walnut. It really is a desperate and worrying situation.

Could Bristol City Council please take control of this situation, assess the risk, and then say what can pass through which entrance without any risk to the trees? Could Bristol City Council say what protection is required if the Leaseholder insists on driving vehicles over the roots of TPO trees as they do currently?

*I look forward to hearing from you
with thanks
Stephanie”*

I have not yet received a reply.

c. Tree issues entirely to do with Cotham School.

It is difficult to know where to start here. We know that Bosky Trees and Cotham School did not adhere to the Arboricultural Method Statement which was written to describe the method they would use with regard to trees while they erected the fence. The first AMS was secret, divulged to BCC in the first instance and then eventually to members of the Bristol Tree Forum after enormous pressure.

There were no major differences between the two.

Cotham and its fence contractors adhered to neither AMS in as much as they:

- i. Did not use hand tools all the time while working in tree root protection zones. Instead they often used their power tools (as they were held in the hands of the contractors, they were hand tools of course!)
- ii. Did not always mix the cement away from the root holes on a hard surface (Apparently, as the two powders in the concrete were “ready mixed” then further mixing with water was not mixing!!! in the opinion of their Consultant.)
- iii. Did not always have an Arboricultural Expert supervising their work. This turned out to be a requirement of very dubious benefit for those of us defending the trees! It was only when their Consultant was not present that we achieved any amelioration for the trees, possibly saving them for the future.

Thus we:

stopped the Arboretum Walnut from having branches cut from it.

managed to move the Fence further away from the Copper Beech in the Arboretum than Cotham wanted.

managed to prevent the Fence from being erected right against the fence of the Children’s Playground.

managed to get a protection trackway for the trees from the road edge to the Field by the Gas Cabin and stopped lorries from using the entrance prematurely meanwhile (well done Sheila!)

managed to get “mixing” re-defined by Planning Enforcement after yours truly had a bit of a set-to with their Arboricultural consultant. Thus, for the Turkey Oak, and the rest of the trees along Ebenezer Lane to the Pavilion, cement mixing was done away from the holes.

- iv. Cut at least one root > 2.5 cm in diameter.

But we could not stop them:

ploughing straight on through the root protection zone of the Veteran Oak by the Cheyne Road entrance

ploughing straight on through the root protection zone of the Beech tree on the Ebenezer Lane border.

ploughing straight on through the Root Protection zones of all the trees along the Ebenezer Lane boundary trees, including the mighty Turkey Oak (RPA 18.2 metres) passing their fence posts within the RPZ of the Lucombe Oak, Tree of the Year. and we are fairly confident that a root greater than 2.5 cm was cut from a fence post hole amongst the roots of the Beech by Ebenezer Lane (Cheyne Road end) and then taken off site out of sight.

using their own smaller definitions of root protection areas

***Thanks to Tom Luck (BCC Tree Officer) for getting the Fence line moved from between the Lucombe Oak and the Cedar of Lebanon to a line further west. It is still too close to the Lucombe Oak, but spared the Cedar of Lebanon on Stoke Lodge House's lawn.**

The future:

We await replies to the requests e mailed to Phil Burton and Tom Luck.

Bristol Tree Forum has submitted a question to the Mayor for 19th March on the issue of the lack of a Planning Application from Cotham for work to TPO trees. The Chair of the BTF has been careful not to mention Permitted Development.

If the Mayor's replies do not provide an assurance that in future Planning Applications for work to TPO trees will be required by Bristol's Planning Department, as applies in the rest of the UK, then the BTF will take this nationally. Some enquiries have already been made. PD trouncing TPO law rather than the other way around , decisions about which being considered as at the discretion of BCC Planning Officers, has huge implications for Bristol's TPO and Conservation Area trees.

Should we find some younger people to hold the evidence we have, as the damage done by Cotham may not become evident for many years? This includes the damage done by the insertion of the notorious signs let alone the Fence.

THANKS to everyone who came and stood on the field hour after hour. I am sure that without them things would have been oh so much worse. I mention Mike Whitworth and John Moore and Ewan McCleod here especially, whose photographic evidence and steadfastness and vigilance has done the trees, and us all, a favour.

Stephanie