

Save Stoke Lodge Parkland

Chairman's Tenth Annual Report on behalf of the Committee

(To be presented at the 2022 AGM on Friday 29th July 2022)

I am pleased to submit my tenth Chairman's report on behalf of the Committee. The bulk of which was prepared in anticipation of an AGM 2020; which was postponed until now because of the Covid 19 pandemic.

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 seven parts and covers the period since our last AGM held on Friday 12th April 2019 (the Treasurer will report separately on financial matters): -

1. The Town or Village Green Applications (1), (2) & (3)
2. Outstanding Planning Applications
3. The Perimeter Fence
4. The Public Rights of Way Application
5. The Children's Play Facilities
6. Arboreal issues
7. The Sustainability of the House and Gardens (incl Arboretum)

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 Applications (1), (2) & (3)

Our initial Town or Village Green Application dated 4th March 2011 was effectively ended on 3rd May 2018 by 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). Unsurprisingly on 25th June 2018 BCC's PRoW&GC met to reconsider its previous decision to grant TVG Registration and inevitably given the composition of the committee the decision was overturned and Registration was denied.

However, we remain committed to delivering the "Aims and Objectives" set out in our Constitution for maintaining "unfettered access" to this important community asset.

On 14th September 2018 Emma Burgess (on behalf of WLSL) submitted an application to register Stoke Lodge as a TVG and this application was confirmed as “Duly Made” on 10th January 2019. See website www.welovestokelodge.co.uk.

At our last AGM held on 12th April 2019 we passed the proposition that: -

“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.”

Accordingly, this has been our focus since the last AGM. During this period BCC have done all in their power to delay and frustrate the process in support of Cotham Academy. However, WLSL have doggedly and determinedly pushed BCC to comply with their own standing orders and have engaged Andrew Garland QC to reinforce their arguments on a legal basis. See WLSL website www.welovestokelodge.co.uk and click on the 3 bars at the top left-hand corner.

The main stumbling block at the moment is that BCC is trying to find ways of preventing the Application(s) being heard at the PRow&GC where standing orders require, where the land in question is owned by BCC, the appointment of an Independent Inspector to provide a recommendation on the validity of the Application, to form the basis of the Committees debate and ultimate decision.

BCC is trying to frustrate the process by requesting more and more legal arguments from the interested parties which should be the prerogative of the Inspector.

Whenever WLSL have requested help from their membership we have conveyed that message to you, our membership. And I pay tribute here to the support our membership has continued to display in this vitally important local issue. We have also donated funds from our reserves to WLSL to assist with legal costs.

On 23rd July 2019 Kathy Welham submitted a further application to register Stoke Lodge as a TVG and this application was confirmed as “Duly Made” in January 2020.

Since we postponed our AGM, in March 2020, we have continued to support WLSL in their determined efforts to secure Town or Village Green status for Stoke Lodge.

WLSL will present a report on progress separately.

2. Outstanding Planning Applications

Cotham Academy’s revised planning application to construct a new multi-purpose sports pavilion was rejected by BCC’s Development Committee in December 2018. On 20th Feb 2019 Cotham issued an appeal to the Planning Inspectorate to review that decision. On 24th May 2019 the Planning Inspectorate upheld the decision of the Council’s Development

Committee and rejected Cotham's appeal. Many thanks to all our membership who objected so vigorously to this Application.

Consequently, Cotham have pursued a strategy to reinstate the previous planning consent dating back to the 1960's, which was the basis of current the "ruin". Arguing that they can refurbish the existing without any additional planning consent.

However, time and tide have moved on and building regulations and accepted building materials have moved on since the 1960's. Their current proposals which have been modified to change the changing facilities from one based on 40 users to 120 users fails to take account of modern Health and Safety requirements, particularly, access and egress, room size, sanitary provisions and the presence of asbestos. Cotham seem hell bent on proceeding. But we understand they have been persuaded to undertake an "Asbestos" study and report to confirm if the proposed works are feasible and sustainable.

We understand that there is a further impediment pending to their plans, i.e., the matter of how they fund the works. We understand that the Sports Funding Agency is reviewing the time limit and appropriateness of the funds provided for this project. Particularly bearing in mind the discrepancies between the case presented by Cotham to BCC and separately to the Funding Agency. My thanks to all members who have written on this matter.

Since we postponed our AGM, in March 2020, Cotham have completed their refurbishment / rebuild of the Pavilion despite concerns that the building might not meet current legislation.

However, with regard to funding the Sports Funding Agency has insisted on Cotham returning £55,000.00 in respect of overclaimed funds to provide the perimeter fence. This matter has sparked considerable press coverage in Private Eye who have included five articles on the subject.

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 and have referred the matter to the Local Government Ombudsman. Unfortunately, the Ombudsman's first report failed to take

account of all the evidence. This was referred back to the Ombudsman who accepted that there were shortcomings and appointed a Senior Inspector to review the findings. Unfortunately, his findings also failed to address certain of the more important failings by BCC identified by WLSL.

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

Meanwhile Cotham continue to adopt an authoritarian approach to providing access to the field, which they continue to deny is enshrined in their lease. And BCC fails to recognise its Health and Safety responsibility to maintain and provide safe access and egress to the perimeter walkway generated by Cotham.

Please continue to enjoy the field when you can.

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. Importantly, the PRoW officers have collected their own evidence and have confirmed that the application had been added to the list of pending Applications awaiting deliberation by Officers and subsequent consideration by the PRoW Committee for adoption or rejection.

Whilst, Alan had previously been advised that the process to prepare a report for the PRoW Committee would be ‘held’ pending a decision on TVG2, he has now been advised by the case officer, T Brumhead, in his e-mail dated 10th March 2020, that the application is currently scheduled for review at the latter end of 2021.

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

Since we postponed our AGM, in March 2020, there has been little progress to report; until a BCC Public Rights of Way and Greens Committee meeting was held on Monday 20th June 2022. This committee had not sat for over two years throughout the whole covid pandemic period. However, it has been reconvened with all new members and a new Chairman.

At that meeting it was confirmed by the PRoW team that the Public Rights of Way Application for Stoke Lodge was now a priority because the claimed pathways were now obstructed.

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. Arboreal issues

Please see separate Report from the Neighbourhood Tree Champion, Stephanie French. Agenda item 8.

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 Levy (CIL) Grant, she has also engaged the part-time services of a gardener.

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.

Since we postponed our AGM in 2020 the membership of the working group has changed and is now led by Jenny Weeks, under the stewardship of Jenny Wilkes.

David Mayer
Chairman
Save Stoke Lodge Parkland

30th June 2022