

<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>MR MEYER – APPLICANT</p> <p>AND</p> <p>BRISTOL CITY COUNCIL & ORS – OBJECTORS</p>	<p>BETWEEN:-</p> <p>THE APPLICANT – DAVID MAYER (ON BEHALF OF SAVE STOKE LODGE PARKLAND & THE COMMUNITY)</p> <p>AND</p> <p>THE OBJECTORS – BRISTOL CITY COUNCIL & OTHERS</p>
<p>STATEMENT OF BOB HOSKINS</p>	<p>Response by Save Stoke Lodge Parkland Dated 16th December 2013</p>
<p>I, Bob Hoskins, will say as follows: -</p>	<p>Mr Bob Hoskins 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>We note the Inspector’s comments within his Directions dated 11th September 2013 page 4 at the top of that page: - <i>“It is possible that Mr Mayer does dispute the posting of those additional signs, but I do not think that would make any difference to my conclusion as to the effect of the signs put up in 1985/86 that initially there had been two additional signs in different locations.”</i></p> <p>Mr Hoskins states in paragraph 6 below that – <i>“It is impossible to say which inhabitants actually knew about it [the Bristol City Council sign]....”</i> In stark contrast, please compare this with the 54 witness</p>

statements and the survey of use (373 Community user interviews over 6 days) contained within our Application dated 3rd March 2011 together with the 81 witness statements contained within our response dated 30th January 2012 which we submit show that none of the signs at Stoke Lodge Parkland had any significant effect on Community use - please refer to the Inspector's Report dated 22nd May 2013 paragraphs 68 to 72 dealing with signs. In particular, at the end of paragraph 69 where the Inspector states that - *"The Bristol City Council sign is more recent but I would judge that most users of the Site would not have seen it..."*.

These comments are set against the Inspector's comments within his Directions dated 11th September 2013 on page 4 at lines 18 &19 and 31, 32 & 33 i.e.

"Thus potentially a public enquiry would be concerned about the circumstances of the erection of this sign, its orientation and whether a significant number of inhabitants knew about it." and

"I don't know how the objectors would seek to demonstrate that a significant number of inhabitants knew about the sign....."

Additionally we have prepared a list of the strategic questions posed by the Inspector in his Directions dated 11th September 2013 together with an analysis of the responses by Mr Hoskins. This analysis is reported below in paragraphs 11 to 24 incl.

Based on the above and our comments below we contend that a Public inquiry and/or hearing would serve no useful purpose and is therefore unnecessary.

In addition to our comments contained within this response 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.

1	I make this statement further to my earlier statement of 1 August 2013 concerning Stoke Lodge Playing Fields ("the Site") and in order to answer to the best of my knowledge and belief questions raised by the Inspector in his further directions dated 11 September 2013.	Please refer to our response to Mr Hoskins's previous statement contained within our response to Bristol City Council dated 26 th August 2013 at paragraph 35.
2	In my earlier statement I summarised my experience of the site and would reiterate that I am very familiar with it.	Noted. It should not be forgotten that many active supporters of Save Stoke Lodge Parkland and the Application have well in excess of 20 years, day to day, experience of the site.
3	With regard to the two additional signs, the Inspector has commented that I did not state when these disappeared. Although I am not able to precisely say when those signs disappeared, it would probably have been within the last ten years.	<p>We confirm that we do not dispute that there are two "Avon" signs at positions S1 and S2 on exhibit RVH.1 included in Mr Hoskins's previous statement dated 01.08.13 reproduced below on page 13.</p> <p>We confirm that we do not dispute that there is one Bristol City Council sign at position S3 on exhibit RVH.1.</p> <p>We confirm that we do not dispute that there are two signs at positions S4 and S6 on exhibit RVH.1, provided by the Adult Learning Centre on their gate to the centre, as presented in our e-mail dated 21st February 2013 to the Registration Authority for transmission to the Inspector and the Objectors.</p> <p>Mr Hoskins has not provided evidence of the "additional sign" located at position S5 on Exhibit RVH.1 but he does admit that it no longer exists and it <i>"probably disappeared within the last ten years"</i>. We have also argued previously that the wording, location and number of the Avon signs are not effective in denying access to the Site.</p> <p>In his Directions dated 11th September 2013 at the top of page 4 the Inspector has said: - <i>"It is possible that Mr Mayer does dispute the posting of those additional signs, but I do not think that would make any difference to my conclusion as to the effect of the signs put up in 1985/86 that initially there had been two additional signs in different locations."</i></p> <p>We therefore submit that a public hearing regarding these "additional</p>

		signs” would not serve any useful purpose and is therefore unnecessary.
4	With regard to the later Bristol City Council sign, I do not think that any reasonable person could conclude that this sign applied to the Adult Learning Centre (“the Centre”). If this sign did relate to the Centre then surely it would be either facing the other way around or instead displayed at the entrance to the Adult Learning Centre from the main road. There is no sign to the entrance of the Centre and a member of the public entering the car park to the Centre would not see the sign until they were already inside the grounds of the Centre. Therefore if the sign related to the Centre, it makes no sense for it to be positioned where it currently is.	<p>For our overarching comment on this issue please refer to paragraphs 18 and 23 below.</p> <p>We have previously provided our full rationale to explain why this sign is ineffective. See paragraph 18 below for list of related documents in previous responses.</p> <p>A proper test of what “<i>any reasonable person could conclude...</i>” is evidenced by the ongoing Community use.</p> <p>There are actually two signs at the entrance to the Adult Learning Centre, see paragraph 3, point 3, above.</p> <p>Regarding the Bristol City Council sign, if users of the Adult Learning Centre were approaching from the Field (as many do), then this would be a logical location for such a notice to protect the House and gardens. For effectiveness, clearly one of the objectors felt the need to rotate this sign post Application. See also paragraph 18 below.</p>
5	I would state that the sign in question is clearly displayed in a prominent position at an access point to the playing fields and therefore it should be obvious to a member of the public that the sign applies to the Site.	Whether “ <i>it is obvious to a member of the public that the sign applies to the site</i> ”, or not, is best evidenced by the ongoing use of the Field by the Community.
6	Although this sign is not as large as the Avon County Council signs it is still a reasonable size and displayed in a prominent position. It is impossible to say which inhabitants actually knew about it, but I would say that any member of the public accessing the site at that point would find the sign hard to miss.	<p>Whether it is “<i>hard to miss</i>”, or not, it has clearly had no significant effect on use of the Site by the Community as of right for lawful sports and pastimes in harmony with the Formal Sports users for more than 20 years prior to the Application date i.e. as per the Redcar Case.</p> <p>Mr Hoskins states here that – “<i>It is impossible to say which inhabitants actually knew about it [the Bristol City Council sign]...</i>” In stark contrast, please compare this with the 54 witness statements and the survey of use (373 Community user interviews over 6 days) contained within our Application dated 3rd March 2011 together with the 81</p>

		witness statements contained within our response dated 30 th January 2012 which we submit shows that none of the signs at Stoke Lodge Parkland had any significant effect on Community use.
7	I cannot say precisely when this sign was erected but I recall it was approximately five years ago in order to further notify members of the public that they were not permitted to use the Site.	Whilst we do not dispute the existence of this sign it has clearly had no significant effect on use of the Site by the Community as of right for lawful sports and pastimes in harmony with the Formal Sports users for more than 20 years prior to the Application date i.e. as per the Redcar Case.
8	The orientation of this sign has not changed since it was erected. I recall that this sign replaced an earlier Avon County Council sign (in addition to the other two signs I described in my previous statement) which was displayed in a similar location.	<p>Whilst we continue to maintain that the orientation of the sign has definitely changed, please refer to paragraph 18 below. For our overarching comment on this issue please refer to paragraph 23 below.</p> <p>When considering the effectiveness of this sign we submit that it is relevant to note that: -</p> <ul style="list-style-type: none"> i. There are a total of three signs on the site, two Avon one BCC ii. There are at least 20 access points for the Community to enter the Site iii. There are no records of any challenges or prosecutions by the Landowner iv. The survey of use contained within the Application list 373 interviews of Community users over a 6 day period, confirming very significant Community use v. The 54 witness Statements contained within the Application and the 81 witness statements contained within our response dated 30th January 2012 describe Community use engaged in lawful sports and pastimes, as of right, for a period of over 20 years, co-existing harmoniously with the Formal Sports users on a shared basis as per the Redcar case vi. The Inspector's Report dated 22nd May 2013 confirms Community use as of right and recommends registration as a Town or Village Green vii. The Inspector's Report dated 22nd May 2013 (at the end of paragraph 66) states – <i>"The facts that I have to consider are that</i>

		<i>the use by local people co-existed with use by the schools and use by the schools' licences on a give and take basis which, in my judgement, is not essentially different from the way the use by local people and the use by the golf club co-existed in R (Lewis) v Redcar and Cleveland Borough Council."</i>
9	I believe that the facts stated in this witness statement are true. Signed..... <i>RHO</i> Dated... <i>25-10-15</i>	No comment
10		For details of our Final Statement and Conclusion please refer to paragraph 25 below
11	Extracts from the Inspector's Directions issued on 11th September 2013	No comment – heading only
12	Key strategic questions posed to the objectors and the Applicant	No comment – heading only
13	The second reason for holding a public inquiry is that <i>... the knowledge of a sign forbidding access [is a] highly disputed [matters of fact].</i>	We do not dispute the existence of the Bristol City Council sign adjacent to Adult learning Centre, please see our Application dated 4 th March 2011 - evidence tab 16. However, we maintain that this sign has not been significant in deterring access to the Parkland at this point of entry or any of the other points of entry.
14	It seems to me that the knowledge of the signs which were put up in 1985/86 is not likely to be highly disputed.	We do not dispute the existence of the two "Avon" signs located at the Parry's Road entrance and the West Dene Entrance. Please see our Application dated 4 th March 2011 - evidence tab 16. However, Community use shows that the wording of these signs was/is ineffective. Please refer to paragraph 18 bullet point b. below.
15	Mr Hoskins now speaks about the posting of two additional signs that have disappeared, although he does not say when they disappeared.	Mr Hoskins has given above a vague and unsupported answer to this question.
16	It is possible that Mr	Mr Hoskins has failed to offer any evidence to support his assertion

	<p>Mayer does dispute the posting of those additional signs, but I do not think that would make any difference to my conclusion as to the effect of the signs put up in 1985/86 that initially there had been two additional signs in different locations.</p>	<p>relating to additional signs and the period they were in place. However, given the comments by the Inspector opposite this becomes a point of no significance. We therefore submit that there is no reason to pursue this issue via a public hearing.</p>
<p>17</p>	<p>However Mr Blohm on behalf of the City Council places considerable weight on the sign referred to at paragraph 13 of my Report:</p>	<p>Noted</p>
<p>18</p>	<p>In my Report I noted that there was a factual dispute as to this sign. This relates to its orientation – and has implications for its meaning. It is Mr Mayer’s case that it refers to the grounds of the adult learning centre.</p>	<p>We contend that there is not a factual dispute that the “Bristol City Council” sign has been re-orientated as it was admitted by Mr Simon Hinks in his second objection where he states that: - <i>“We agree that the signs have been ignored, changed and moved over a period of time.....”</i> . Please refer to our response dated 31st March 2012 to the University of Bristol paragraph 5 on pages 2 and 3 of 20 which additionally refers to our response dated 30th January 2012 to Bristol City Council paragraph 13, second bullet point, where we provide evidence to support our assertion based on the difference in reflected images in the photograph contained in the Application and the current reflection. The statement by Mr Hinks above was therefore made in response to our assertion that this sign had been rotated after we had presented the evidence of change. We have reproduced this evidence on page 14 of this response with additional photographs to provide proof that the sign was rotated post Application.</p> <p>Having established that the Bristol City Council sign has been rotated at least once post Application we submit that the possibility exists that the sign could have been rotated during the period it was installed prior to the Application with the further possibility that it could have faced the field not the house.</p> <p>Furthermore, our argument that this sign could relate to the Adult Learning Centre is only one of a number of standalone arguments, each of which we contend renders this particular sign ineffective in determining “as of right” use within the Town or Village Green Application. Please refer to our responses: -</p> <p>a. Firstly on issues specifically relating to the Bristol City Council</p>

		<p>sign</p> <ul style="list-style-type: none"> i. Our response dated 30th January 2012 (tab 3) to Bristol City Council paragraph 13 pages 12,13 &14 ii. Our response dated 31st March 2012 to the University of Bristol paragraph 5 pages 2 & 3 <p>b. Secondly relating to signs across the site as a whole including issues of legal precedent, public understanding (Sunningwell etc), non effectiveness, and non enforcement of the signs which satisfy “as of right” use i.e. without force, without permission, and without secrecy</p> <ul style="list-style-type: none"> i. Our response dated 30th January 2012 (tab 3) to Bristol City Council paragraphs 13, 16 to 26 incl ii. Our response dated 30th January 2012 (tab 5) to the University of Bristol paragraph 10 iii. Our response dated 31st March 2012 to the University of Bristol paragraphs 2 to 19 incl iv. Our response dated 5th October 2012 to Bristol City Council paragraphs 4 & 8 to 19 incl v. Our Legal Statement contained as a separate document within the bundle dated 31st January 2013, paragraph 5.
19	Thus potentially a public inquiry would be concerned about the circumstances of the erection of this sign, its orientation and whether a significant number of inhabitants knew about it.	We submit that a public inquiry is not required on this issue for the reasons set out in paragraphs 22, 23 and 24 below
20	Conclusion about whether there should be a public inquiry	No comment - Heading only
21	<p>It is not clear to me that what is set out in my report about use of the land for organised sport is wrong or inadequate.....</p> <p align="center">Mr Mayer should then have the opportunity to respond. It occurs to me that it might then emerge that there was not a dispute which required there to be public inquiry.....</p>	<p>We have responded separately to this issue of whether or not the schedule of use in paragraph 14 of the Inspector’s Report dated 22nd May 2013 was “<i>wrong or inadequate</i>” confirming that there is no dispute in our responses dated 16.12.13 to the Statements by: - Mr Simon Hinks from Bristol University-Coombe Dingle Sports Centre, Mr Mel Sperring from Cotham Academy, And Mr Ross Burnham from Shire Colts Junior Football Club, All are included separately in this bundle of documents.</p>

22	As regard the sign, this too is on the face of it is a narrow issue, and I could envisage that there might be a hearing that would take, perhaps, up to a day about it. I do not know how the objectors would seek to demonstrate that a significant number of inhabitants knew about the sign – this might indicate more extensive evidence – but if it require more extensive evidence, it would be appropriate to hear it.	Mr Hoskins has not provided any of the evidence requested by the Inspector. Indeed he has stated that – <i>“it is impossible to say which inhabitants actually knew about it</i> ” In stark contrast we refer to the 54 statements and the survey of use contained in our Application and the 81 statements contained within our response dated 30 th January 2012 illustrating Community use “as of right”
23	It does occur to however that it may not be necessary to hear evidence about this sign. I think that the first stage is for the objectors (essentially in this regard the City Council) to prepare a statement or statements about the point. When was the sign erected? Why was erected? What was its orientation? Did that orientation ever change? If so, what were the circumstances?	On the basis that the orientation of the sign is a very narrow issue and is only one very small part of our collection of arguments as to why this particular sign is ineffective in determining the TVG Application (see paragraph 18 above); and given that Mr Hoskins has failed to provide the evidence requested by the Inspector or any counter evidence as to the effectiveness of this particular sign with regard to:- <ul style="list-style-type: none"> ➤ This access point - only 1 of over 20 around the perimeter of the site For evidence to support this assertion of access points please refer to our response to the University of Bristol dated 31st March 2012 paragraphs 9 – 17 together with the photographs included at evidence tab 5 ➤ Community use on the whole site – please refer to the 54 statements and the survey of use contained in our Application and the 81 statements contained within our response dated 30th January 2012. <p>We therefore submit that a public hearing on this issue is not required.</p>
24	Why did Bristol City Council not put up other signs at that time at any of the other entrances to the application site?	Mr Hoskins has not responded to this very pertinent and revealing matter of fact. Importantly we maintain that at the time of the Application there were three signs which we submit were ineffective in denying access to the site as a whole for various reasons via the 20 or more access points as evidenced by the ongoing use, unchallenged by the Landowner, by the Community engaged in lawful sports and pastimes, as of right, for a period in excess of 20 years, co-existing harmoniously with the Formal Sports users on a shared basis in full compliance with section 15 of the Commons Act 2006 and the

25		<p>precedent set in the Redcar case.</p> <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 the Inspector's comments relating to the "Avon" signs within his Directions dated 11th September 2013 at the top of page 4: - <i>"It is possible that Mr Mayer does dispute the posting of those additional signs, but I do not think that would make any difference to my conclusion as to the effect of the signs put up in 1985/86 that initially there had been two additional signs in different locations."</i>iii. We note the Inspector's comments relating to the Bristol City Council sign within his Directions dated 11th September 2013 on page 4 at lines 31, 32 & 33 : - <i>"I don't know how the objectors would seek to demonstrate that a significant number of inhabitants knew about the sign....."</i>iv. We note the Inspector's comments relating to the "Bristol City Council" sign in his Report dated 22nd May 2013 at the end of paragraph 69 where the Inspector states that: - <i>"The Bristol City Council sign is more recent but I would judge that most users of the Site would not have seen it...."</i>v. The objector has stated in paragraph 6 above that: - <i>"It is impossible to say which inhabitants actually knew about it [the Bristol City Council sign]...."</i>vi. In stark contrast to v above, please compare this with the 54 witness statements and the survey of use (373 Community user interviews over 6 days) contained within our Application dated 3rd March 2011 together with the 81 witness statements contained
----	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

within our response dated 30th January 2012 which we submit shows that none of the signs at Stoke Lodge Parkland had any significant effect on Community use engaged in lawful sports and pastimes, as of right, co-existing harmoniously with the Formal Sports users on a shared basis in accordance with the qualifying criteria contained within Section 15 of the Commons Act 2006 and as per the Redcar case.

vii. When considering the effectiveness of this sign we submit that it is relevant to note that: -

- There are a total of three signs on the site, two from Avon one from Bristol City Council
- There are at least 20 access points for the Community to enter the Site
- There are no records of any challenges or prosecutions by the Landowner
- The Inspector's Report dated 22nd May 2013 confirms Community use as of right and recommends registration as a Town or Village Green
- The Inspector's Report dated 22nd May 2013 at the end of paragraph 66 states – *“The facts that I have to consider are that the use by local people co-existed with use by the schools and use by the schools' licences on a give and take basis which, in my judgement, is not essentially different from the way the use by local people and the use by the golf club co-existed in R (Lewis) v Redcar and Cleveland Borough Council.”*

viii. Please refer also to our Legal Statement contained within the bundle of documents as part of our response dated 10th March 2013 referencing all our previous responses, but in particular: -

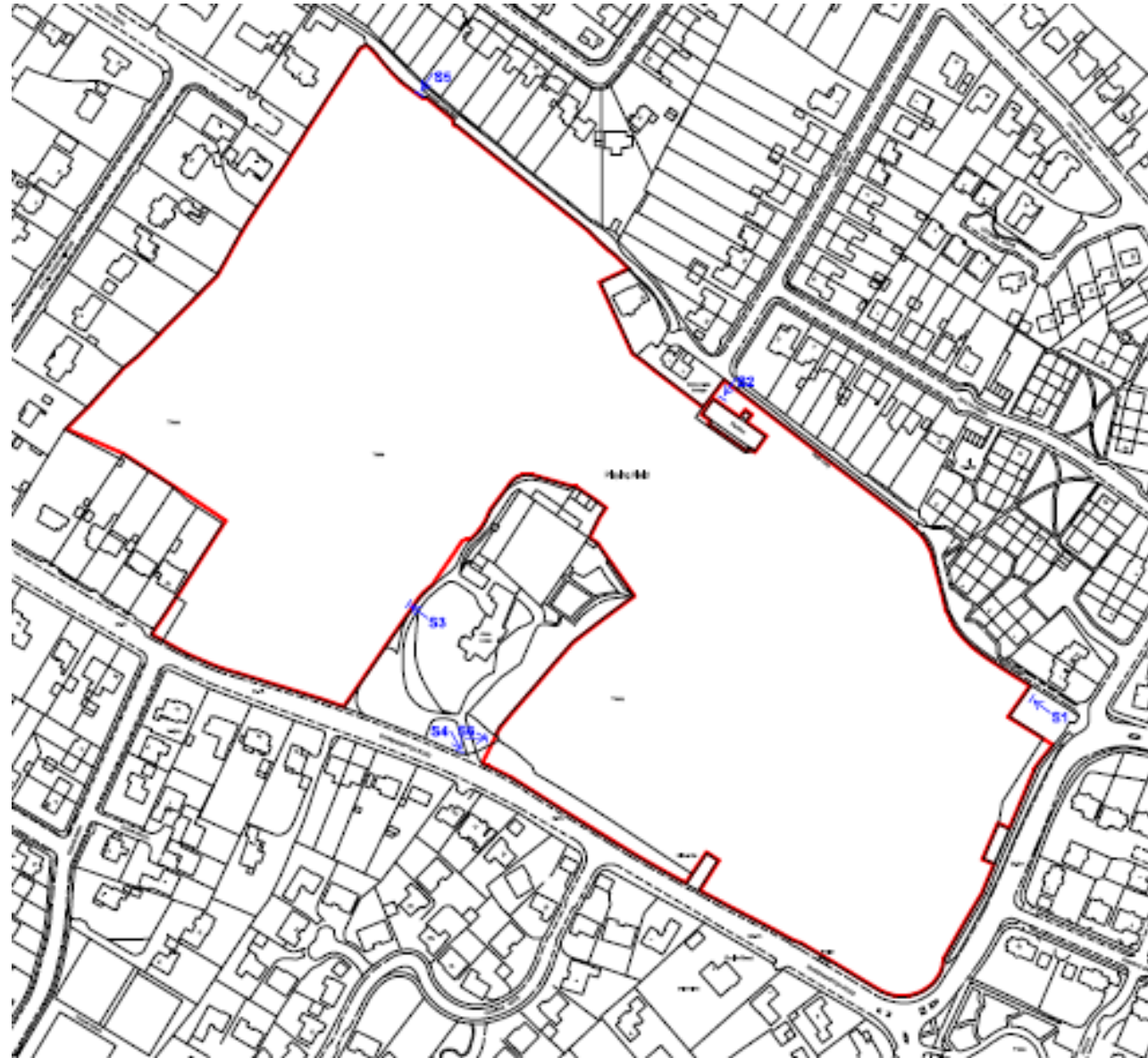
- Paragraph 5, Bristol City Council - Briefing note dated 22nd April 2010, bullet point d. *“The playing field (Stoke Lodge Parkland) currently unfenced and allows unfettered community access”*.
- Paragraph 6, Bristol City Council – Cabinet decision confirmed on 15th September 2010 [two years after the erection of the single BCC sign]: -

- *“it was envisaged that Stoke Lodge could be seen as a ‘flagship’ for shared use/access for other sites in the City”*
- *“It was further noted that the Executive Member had given an assurance that the proposal to fence Stoke Lodge had categorically been dropped and that the parkland would remain with open access for all as of right”*

- ix. We still fail to recognise how the objectors can run concurrent arguments (neither of which we accept) that Community use is both “with permission” and “with force”.
- x. Based on all of the above we submit that nothing of significance has changed since the Inspector issued his Report dated 22nd May 2013.
- xi. 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.
- xii. Furthermore submit that the Inspector should provide his supplementary report on the basis of the written representations.

Submitted by David Mayer

On behalf of “Save Stoke Lodge Parkland”



Bristol City Council sign “Then and Now”



Bristol City Council sign as at the time of the TVG Application, 4th March 2011. Please refer to the Application Volume 1 of 2 at tab 16.

Please note the red roofs clearly reflected in the photograph on the left hand side



Bristol City Council sign as at today 3rd December 2013.

Please note the chimneys clearly reflected in the right hand side



Bristol City Council, Adult Learning Centre. Photographed today i.e. 3rd December 2013.

Please note the chimneys seen in the photograph above (reversed by the reflection) and the absence of any red roofs as seen in the top photograph.

Providing evidence and proof that the sign has been rotated.