

By Email

thangam.debonnaire.mp@parliament.uk

From welovestokelodge@gmail.com

Copied to; Darren Jones MP, WLSL Members, Social Media and Bristol City Council

13/12/2018



Good Morning Thangam

Thank you for publishing your blog regarding Cotham School and Stoke Lodge Playing Fields. I also wholeheartedly want to see Cotham's students playing sports on Stoke Lodge Playing Fields very soon; as does every member of 'We Love Stoke Lodge' that I have spoken to. We are an informal group of 1000+ residents of Sea Mills, Stoke Bishop, Westbury on Trym and surrounding wards.

To best support the school (and your role as MP) I am sure that you want your blog (Annex 1) to be factually correct. I am writing to provide you with information that you may not be aware of. If you would like to validate the accuracy of **any** of the information provided below, please do not hesitate to contact me. The sources can be requested by matching to the lettering below. For example, to see;

- Bristol City Council's review of the Cotham School Risk Assessment which shows that the risk rating that led to Cotham School choosing to leave Stoke Lodge in 2014 is **too high/ overstated**, please ask for **f**.
- The payments made by the school to evidence that they have **not been forced to rent** other premises at huge expense, please ask for **k**.
- Examples of schools, including the comparable **Fairfield School in your constituency**, that use open access, unfenced fields and welcome shared community use, please ask for **u**.

Please accept my apologies for the length, I have placed a few bullets under each of your points and this still only touches the surface of why so many of us don't understand your blog or why Cotham School wants to build a huge fence. Many of our children play sport in unfenced sites in higher crime areas at Bristol's state funded schools. Stoke Lodge is the last open green space in this area, the only place we can happily let our children safely run free. We do not understand why Cotham students are cited as being in clear and present danger and high risk of attack based on the facts. For further information (such as Podcasts), please visit <https://welovestokelodge.co.uk/some-background>

We also wholeheartedly support Cotham School's responsibility to protect its students and would like to work in partnership to achieve this at Stoke Lodge. I agree that this dispute has dragged on too long however the school does not appear to want to work with the community to resolve this. Your fellow MP Darren Jones kindly arranged two meetings with the school, I am sorry that you couldn't make it to them personally. At the last meeting (Sept '18 in City Hall) a school Governor (who has led on Stoke Lodge for 8 years) told us that unless we; shut down our Facebook group, stopped campaigning and asking for information, we would not be invited to talks.

Whilst I fully appreciate that the school doesn't want to talk to the community we are still asking, we wrote again 11 days ago and are awaiting a reply. With respect, we are concerned that your blog (and its coverage) could further entrench the school, harming it not helping. Please join Darren Jones and support all stakeholders in reaching a sensible compromise to this. The only other route will be further lining the school's legal Counsel's pockets and they have already spent c £140K pursuing a fence.

Please take the time to read the important information provided below against the points you have made in your blog and do come back to me as soon as you can. I do appreciate that Westminster should be any MP's key focus this week however no one wants to see Bristol's children and elderly lying in front of diggers and litigation underway, I fear we are now heading that way before Christmas.

Please look at this as soon as possible or ask one of your team to.

Yours sincerely

Emma Burgess

Important Information to review blog for accuracy and completeness

“Unfortunately, some local residents have consistently opposed the school’s plans to put up a mesh fence. As a result...”

Yes there is significant opposition from residents to the current fence proposals for Stoke Lodge Playing Fields (SLPF). Please note, for twenty years BCC has considered the field as being in the curtilage of a listed building. So for the last 8 years (and until a U-turn in November 2018) the council has required the school to apply for planning permission to build a 2M high, 1.5 mile long metal, mesh fence. The school submitted 1 application in Nov 2016, which they withdrew shortly afterwards and no application has been made since.

... “the school has been unable to use the playing fields since 2014, following a risk assessment which highlighted dangers from people and dogs.”

Please consider:

- a) Cotham School has been using open access, public, unfenced facilities at Coombe Dingle Sports Complex (CDSC) just 500 yards from SLPF for over ten years and still do so today. The school (as at October 2018) has not completed a risk assessment for this site nor been provided one by CDSC (the University).
- b) When considering students absconding, stranger danger or complex families the school has been using CDSC which has public rights of way, open gates, public hire, cars and coach access.
- c) The school has stated that they do not hold a risk assessment for SLPF prior to April 2014.
- d) The school states that the risk assessment in 2014 was instigated as a result of incidents at SLPF.
- e) The school states it has no recorded incidents at SLPF (incidents must be recorded and held for 20 years).
- f) The risk assessment was completed days following the receipt of a consultant’s report which, in section 9 regarding grant funding, states “Areas of investment are likely to be prioritised towards Safeguarding projects and Improvements to play and sport spaces’
- g) The risk assessment was reviewed by Bristol City Council’s Health and Safety officer. The officer was not aware of data in the risk assessment which is incorrect (as provided by WLSL). However, they still concluded the key risk (and the reason for the school’s ‘stop order’ for using SLPF) was overstated, noting the risk is “medium” not “high”. Please note a medium risk requires measures that aren’t ‘too costly or troublesome’ so a medium risk would **not stop** the school playing sport at Stoke Lodge without a fence, as it chose to do in April 2014. The officer also suggested existing controls, additional controls used by other schools, and includes comments that the officer is not aware of the cited risks occurring across Bristol.
- h) Experts (including one from ROSPA) have confirmed that a fence is not required. Advising that the risk assessment completed by Cotham is “fundamentally flawed”.
- i) Cotham School published statements (and other comms) stating that the fence was required by Ofsted. Ofsted have confirmed that they do not require a fence.
- j) Many comparable schools across Bristol (e.g Fairfield) and even some in high crime and challenging London boroughs play sports in open access playing fields where open access community use is welcomed.
- k) SLPF sits in one of the lowest crime areas in Bristol with an average 2 crimes a year. There are over 300 crimes a month in areas of Bristol where children play sports in open access spaces.

During this time the school has been forced to rent other playing fields at huge expense. At a time when schools are struggling to make ends meet, this is even more challenging.

- l) Cotham School has rented facilities at CDSC for over ten years. The school’s spend with CDSC (and usage) is consistent today as it was in the years **before it stopped** using SLPF. The school’s costs have NOT increased since leaving SLPF in 2014, the only increment in costs detailed in the FOI response being inflation.
- m) Legal, planning and consultancy costs are reported at £133k to August 2018 (primarily costs for legal Counsel). Since this date the School has continued to engage planning consultants, solicitors and legal Counsel so these costs will now be higher.
- n) The sole value for money basis of a (c.690K) ESFA grant was the costs of being ‘forced to rent other playing fields’. Please refer to 3.a and note that ESFA are currently reviewing this matter.
- o) Cotham School’s risk register does not include any reference to SLPF for the last 4 years. The school’s states: “The Governors have a comprehensive risk management process to identify and monitor the risks faced by the School. A comprehensive risk register has been established and is reviewed by the Senior Management Team on a regular basis.”

- p) WLSL has put forward a wide range of low cost alternatives to fencing which we believe address the school's safeguarding concerns including supporting the school through grant funding which only communities can access. Governors did not wish to discuss our proposals.
- q) There are a number of underutilised facilities accessible to Cotham School at a lower cost than the basic maintenance costs for SLPF; we have identified 7 other facilities that provide better value (with no transport issues and better facilities than could ever be developed at SLPF).
- r) Usage data from CDSC and the Head Teachers submission at a public enquiry shows that SLPF will be used for 4 or 5 mornings a week, 36 weeks a year. The cost per lesson at SLPF does not provide best value to the school over the term of the lease.
- s) Cotham School do not hold a cost benefit analysis to demonstrate that their plans provide best value, nor any documents that demonstrate that best value has been discussed or reviewed.
- t) There are many underutilised facilities with floodlight 4G pitches and public parking across Bristol (and new ones underway) so the likelihood of income to offset the school's costs are low.
- u) The school has had a transfer of control agreement in place with the University which meant they receive/d no income from third party hire and profits go to the University instead.

And playing fields are very important for Cotham's pupils, many of them from deprived areas of the city with few green spaces.

- v) Fairfield School (with a higher % of pupil premium) and many other school's across Bristol in higher crime areas play in unfenced fields. Cotham students are able to use SLPF tomorrow, if the School so wished.
- w) SLPF is the last open green space in the area upon which many people with complex, low socio economic backgrounds and with physical/ mental impairments rely. This Important Open Space (BCC status) has been the epicentre of a community for over 70 years.

I believe objections to the fence are excessive and unreasonable.

- x) Bristol City Council Cabinet confirmed in 2010 that Stoke Lodge Playing fields would never be fenced.
- y) Please come to SLPF and review the alternatives to fencing that we have proposed together with the information provided within this letter.
- z) Please review the letters issued by community members to BCC and councillors since the fence was proposed in May and November of this year for 'excessive or unreasonable' requests. The community have called for transparency and democracy asking that the school apply for planning permission so that the democratically elected Councillors can make a decision. This would ensure that proper consideration is given to 38 trees with TPO's, badgers sets, emergency services (including air ambulance) and equality impact.

The school has always maintained that local residents will be able to continue to use the playing fields when they are not being used by the school.

- aa) The school has always maintained that 1 gate in the 1.5 mile long fence (22 acres) **could** provide access for the community.
- bb) At the July '18 meeting in City Hall a school Governor told the meeting that the school was also considering a plan B whereby they would build an even bigger fence and it would be permanently locked.
- cc) The community have raised concerns that if one teenager leaves a beer bottle inside the fence at a weekend then the single gate would be locked forever; the community have not been assured otherwise.
- dd) The fence is proposed to be built on the perimeter of the school's lease – the 'generous sharing' stated by the school is for land that is NOT within the school's lease.
- ee) The school has never completed and issued a community partnership agreement or charter (Sport England guidelines etc.).

And everyone will still be able to use the perimeter area at any time.

- ff) There is no perimeter walkway **on the field** based on plans issued to date. For the majority of the circumference of the field public highways and footpaths external to the field will form the 'perimeter'- outside of the school's lease.

Bristol City Council has confirmed that Cotham does not need planning permission to put up a fence on its own playing fields.

- gg) We believe that the BCC officers' decision is legally incorrect - the law and Planning Portal guidance are clear that planning permission is required before a fence can be built on the boundary of a listed building.

- hh) WLSL has called for permitted development rights to be suspended.
- ii) There are several reasons why Cotham's pupils will not be able to use the field at Stoke Lodge in the foreseeable future, and so there is no urgent need to erect a fence. Whilst the school might bus pupils already in their PE kit, there are no toilet facilities on the field so they can't play sport there until such facilities are provided, presumably through their intended plan to redevelop the Pavilion. Bus access is very restricted, the only possible safe drop off point being on Shirehampton Road; the pitches are in a really poor state as they haven't been maintained for four years. As the school does not currently have planning permission (or a live planning application/ appeal) for the Pavilion redevelopment, this could take many months during which the field will remain unused by Cotham pupils and the community fenced out.
- jj) We have written to the school to advise them of the very real risks they take if they go ahead with the fence without the appropriate tree protection measures and a licence to carry out development works near active badger setts. We are concerned that the school could commit criminal offences, which carry potentially unlimited financial penalties and for which the Governors would be personally liable. Complying with due process would protect the school, not harm it.
- kk) If the school builds a fence and then the Public Right of Way/Town or Village Green applications are granted the school may have to adjust or remove the fence, wasting further public funds.

The school has been using the fields since 2002 and took a long lease with Bristol City Council in 2011.

- ll) Cotham School readily accepted a specific clause that was added by BCC into the standard DfES lease in 2011, the school's lease is subject to "all existing rights and use of the Property including use by the community"
- mm) Cotham School entered the lease having happily co-existed with the community and knowing the level of community usage for over 9 years
- nn) Cotham School signed the lease knowing that a Town or Village Green application had been submitted
- oo) Cotham School signed the lease knowing that the field was in the curtilage of a Grade II listed building (as determined by BCC at that time)

Annex 1

Copy of your Blog for ease of reference 12/12/2018

Cotham School students must be able to use safe sports facilities

Cotham School has been fighting for the last eight years to put a fence around their playing fields at Stoke Lodge. The inner-city school has limited grounds. To be able to play sports the students need playing fields which are safe, and seen to be safe.

Unfortunately, some local residents have consistently opposed the school's plans to put up a mesh fence. As a result, the school has been unable to use the playing fields since 2014, following a risk assessment which highlighted dangers from people and dogs. During this time the school has been forced to rent other playing fields at huge expense. At a time when schools are struggling to make ends meet, this is even more challenging. And playing fields are very important for Cotham's pupils, many of them from deprived areas of the city with few green spaces. I believe objections to the fence are excessive and unreasonable. The school has always maintained that local residents will be able to continue to use the playing fields when they are not being used by the school. And everyone will still be able to use the perimeter area at any time.

Bristol City Council has confirmed that Cotham does not need planning permission to put up a fence on its own playing fields. The school has been using the fields since 2002 and took a long lease with Bristol City Council in 2011.

I wholeheartedly support Cotham School in building a fence, which upholds the school's responsibility to protect students. This dispute has dragged on too long. I hope to see Cotham students playing football, rugby and other sports on Stoke Lodge fields very soon.

An example of a mesh fence, similar to that planned by Cotham School.

