

Bristol Local Plan Examination
Hearing Statement for Session on 27 March 2025
Cotham School Playing Fields, Stoke Lodge. Objection to GI1 Designation

1 Inspectors Question and response

- 1.1 The inspector asks with regard to Local Green Space;
Q10.13: Is there any evidence to suggest any individual LGS would not be consistent with national policy 16?
We set out below why we feel this designation is in breach of national policy 16.

2 Introduction

- 2.1 Rapleys, on behalf of Cotham School, Bristol, formally object to the proposed designation of Cotham School Playing Fields at Stoke Lodge (Stoke Lodge) (LGS32011) as a Local Green Space (LGS) under Policy GI1 of the Bristol Local Plan - Publication Version (Nov 2023). Page 12 Local Plan Policies Map P12 Stoke Bishop and Westbury-on-Trym.
- 2.2 Cotham School recognise and would support a Reserved Open Green Space (ROGS) designation under Policy GI2. However, the LGS designation is unsound because it is inconsistent with national policy, not justified nor effective.
- 2.3 It is also brought to the inspector's attention that the proposed designation has not been explicitly assessed and is clearly contrary to the Local Plan's Sustainability Appraisal.
- 2.4 The designation has not been subject to an Equality Impact Assessment. The policy fails to advance equality of opportunity between those with the protected characteristic of being under 18 and those who do not share that characteristic. In our opinion the proposal is in breach of the Public Sector Equality Duty.
- 2.5 The Playing Fields, have been the subject of an organised campaign and two applications to be allocated as a 'town or village green (TVG)'. Cotham School contests this. A specialist barrister-inspector has previously advised on two occasions that the Council should not to register the fields as TVG. However, the Council's Public Rights of Ways and Green Committee (PROWG) approved the second TVG in June 2023 against legal advice. Cotham School challenged that decision by way of a claim under s.14 Commons Registration Act 1965, to rectify the Register of Town and Village Greens maintained by Bristol City Council and remove that designation. This matter was considered by Judge Paul Matthews in the High Court between 28 - 31 January 2025 and in summing up on Monday 10 February 2025, to decide whether the school playing fields should be a Town and Village Green. The outcome of this case is expected to be known late June/early July 2025. See Appendix 1 for agreed Chronology and Appendix 2 for key documents.
- 2.6 This campaign has come to bear on the Bristol Local Plan making, at Reg 18 consultation, where the campaigners argued to change the designation of the playing fields from G12 Reserved Open Green Space (ROGS) to GI1 Local Green Space (LGS). Cotham School were not consulted about this allocation. We now ask for this allocation to be reversed.
- 2.7 It should be noted that the fields are statutory school playing fields, held by the City Council for education purposes, and leased to Cotham School as their school playing fields. Cotham School is a large comprehensive school having 1670 students aged 11 – 18. The fields are separated from the main school site in Cotham Lawn Road, Cotham.

3 **Consistency with national policy 16.**

- 3.1 **Non-Compliance with Local Green Space Criteria (GI1)** - We contend that the designation of Cotham School Playing fields at Stoke Lodge as Local Green Space is inconsistent with national policy 16 for the reasons set out below.
- 3.2 The National Planning Policy Framework (NPPF, 102) and Planning Practice Guidance (PPG, S8). Promoting Healthy and Safe Communities outline specific criteria for LGS designation. They comprise:
- Closeness to the community it serves
 - Demonstrable special local significance
 - Not an extensive tract of land
- 3.3 The playing fields at Stoke Lodge do not meet these criteria for the following reasons:
- **Restricted Public Access:** There is no authorised public access to the site. If the TVG claim to the High Court is allowed, the School would be entitled to exclude the public. Indeed, it is the School's evidence that unrestricted public access to its pupils is incompatible with its safeguarding obligations. (see Appendix 3). It would serve no useful purpose to designate the land as a LGS in such circumstances.
 - **Limited Recreational Value:** The Bristol Parks and Green Space Strategy (March 2024) states that school playing fields are not included in the city's green space strategy as they do not offer full public access for recreation.
 - **Failure to Demonstrate Special Local Significance:** The Local Green Space and Reserved Open Green Space Topic Paper (November 2023) identifies key values for LGS designation (beauty, historic significance, recreational value, tranquillity, and wildlife richness). Stoke Lodge does not meet these characteristics.
- 3.4 **Contradiction with Bristol's Own Assessment Methodology** - The Local Green Space and Reserved Open Green Space Topic Paper (November 2023) provides a detailed methodology for site selection. It confirms that:
- Most school playing fields were deemed more suitable for ROGS than LGS.
 - ROGS is intended to protect spaces that hold community value but do not meet LGS criteria.
 - Cotham School Playing Fields, Stoke Lodge lack the public accessibility required for LGS designation but fits within the ROGS category, which accommodates school playing fields.
- The current LGS designation contradicts Bristol's own site selection criteria and methodology.
- 3.5 **Failure to Consult** - in promoting a change in status of school playing fields the City Council should have consulted with the Department for Education, Sport England, and Cotham School. As far as we can ascertain, no such consultation was undertaken.
- 3.6 **Failure to consult with the Department of Education** - any proposal that affects the designation and availability of statutory education buildings or land including school playing fields requires secretary of state approval.
- 3.7 **Failure to consult with Sport England** - Under NPPF Paragraph 98, Sport England must be consulted on proposals affecting playing fields England has been consulted, *"Playing fields are a vital resource that offer flexible opportunities to take part in sport and physical activity, providing wide ranging health and wellbeing benefits to communities across England"*.
- 3.8 **Failure to consult Cotham School** – in coming to a view about the designation of Cotham School Playing Fields, the City Council have not consulted with the long leaseholder de facto

land owner, Cotham School. Cotham has a 125-year, one-way reversionary lease in their favour, of this land for educational use as school playing fields.

- 3.9 More Appropriate as Reserved Open Green Space (ROGS) under Policy GI2 - Cotham School** supports the site's recognition as Reserved Open Green Space (ROGS) under Policy GI2, as this designation acknowledges the site's open space function while recognising its restricted access and specific use as a school playing field. This aligns with:
- The Bristol Parks and Green Space Strategy, which excludes school playing fields from public green space classifications.
 - The ROGS criteria outlined in the Local Green Space and Reserved Open Green Space Topic Paper, which categorises school playing fields under ROGS rather than LGS.
 - The importance of maintaining school sports facilities, as required by Sport England and NPPF (September 2023) Paragraph 98. Allowable exceptions to this policy are set out below
 - a) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

None of the above exceptions have been addressed by the Local Planning Authority. As such the intended designation as a LGS is not positively prepared, not justified and is inconsistent with national policy. Accordingly, the intended LGS designation is unsound.

And ultimately the City Council would have to seek approval from the Secretary of State for Education for disposal of education land including school playing fields and to demonstrate that they are no longer required. These playing fields are required by Cotham School.

- 4 Assessment of Local Green Space Criteria in the Sustainability Appraisal (SA) of the Bristol Local Plan.**
- 4.1** The SA acknowledges that Policy GI1 aims to protect spaces that are demonstrably special to the community due to their recreational, historic, or environmental significance. However, it does not state that public accessibility and recreational use are strict prerequisites for designation. Instead, the SA evaluates LGS designations within the broader context of sustainability objectives, including land-use flexibility and public benefit. Stoke Lodge is not freely accessible to the general public, as it is a school playing field, meaning its designation under GI1 does not align with the SA's sustainability objectives.
- 4.2 Inconsistency with the SA's Sustainability Objectives-** The SA sets out sustainability objectives that policies should align with, including:
- SA Objective 1, which seeks to ensure an adequate and diverse supply of land for community use. LGS designation could, potentially, restrict appropriate being available for educational use including school playing fields.
 - SA Objective 6, which promotes healthy lifestyles and recreation. LGS designation could restrict flexibility in the future use of school sports facilities and impact a students' health and wellbeing.
 - SA Objective 8, supports the local economy. LGS designation could limit flexibility for community-serving infrastructure such as use of fields by local youth sport clubs.
- 4.3 Impact of LGS Designation on Land Use Flexibility -** The SA states that LGS designations are afforded a high level of protection similar to Green Belt, which may well reduce the scale and flexibility of land available for alternative uses, including housing and employment

development. The assessment of Policy GI1 acknowledges that these designations could restrict land available for key urban functions. While sports uses are permitted on LGS, the designation may limit future flexibility in how the land is used or managed and conflict with the school's operation with regard to the need to keep students safe at school.

4.4 **LGS Designation is Contrary to the Local Plan Sustainability Appraisal Findings**

Given the Sustainability Appraisal's emphasis on avoiding restrictive designations that limit essential land uses, the classification of Stoke Lodge as LGS under Policy GI1 is inconsistent with the SA's principles. The most appropriate designation is Reserved Open Green Space (ROGS) under Policy GI2, which balances green space protection with land-use flexibility, ensuring that school playing fields continue to serve their intended purpose while contributing to the city's green infrastructure.

5 **Public Sector Equality Duty**

- 5.1 The Council have produced an Equalities Impact Assessment (EqIA) dated 31 October 2023 with the objective of demonstrating that in producing the Draft Local Plan for Examination, it has complied with the Public Sector Equality Duty (PSED). Regrettably that does not appear to have occurred with regard to the change in designation of Cotham School Playing Fields.
- 5.2 Neither policy classification, Policy GI1 and GI2, deals with the age of users. Indeed, the Local Plan Equalities Impact Assessment with regard to Bio-Diversity and Green Infrastructure only deals with the safety of women and yet the EqIA also has the protected characteristics that include young people, race, disability and disadvantage all of which apply to the community of Cotham School and should be taken into account in changing the designation of the fields which could in turn create safeguarding risks for Cotham School students.
- 5.3 In electing to place the Cotham School playing fields in a 'local green space' category rather than a 'reserved' category, the Local Planning Authority has failed to advance equality of opportunity between people with the characteristics of being under 18 and those who do not share that characteristic, and thereby failed to have regard to the PSED. No consideration of the impact of the proposed policy has been produced.
- 5.4 The EqIA notes '1.11 The above protected characteristics will include everyone with many people belonging to more than one 'protected characteristic'.
- 5.5 It is noted that the EqIA deals with;
 - Age Issues relating to a particular age group i.e. the young or the elderly
 - Disability Issues relating to communities with physical or mental impairment
 - Gender Reassignment Issues relating to men and women who have undergone, are undergoing or are about to undergo a process of reassigning their sex
 - Pregnancy and Maternity Issues relating to women who are pregnant or within the period of maternity leave
 - Race Issues relating to colour, nationality and ethnic or national origin NB: Gypsy (including English, Scottish and Roma Gypsy) and Irish Travellers are a distinct ethnic group
 - Religion or Belief Issues relating to religion or lack of religion and or religious or philosophical belief or lack of belief Sex Issues relating to men and women
 - Sexual Orientation Issues relating to the Heterosexual, Gay, Lesbian and Bisexual communities Marriage or Civil Partnership Issues relating to marriage or civil partnership
- 5.6 Appendix 4 is an equality impact statement which sets out the extent of failure to consider the impact of this allocation on young people at Cotham School.

5.7 It follows that the EqIA is flawed and that the Council has not demonstrated compliance with the PSED, given the resultant unmet need for reserved open green space for school children and young persons for playing fields for sport education and club use.

6 **Conclusion**

6.1 For the reasons outlined above, we strongly object to the designation of Cotham School Playing Fields, Stoke Lodge (LGS32011) as Local Green Space (LGS) under Policy GI1 as it is unsound because:

- i. It is not justified on the evidence base.
- ii. It would not be effective because public access will likely be restricted in the near future.
- iii. It is inconsistent with paragraph 102 NPPF.

6.2 The Plan could be made sound by deleting Cotham School Playing Fields from the LGS section and re-listing it as Reserved Open Green Space (ROGS) under Policy GI2, in accordance with:

- NPPF and PPG guidance on Local Green Space, including Sport England's requirements for playing field protection
- Bristol City Council's own Parks and Green Space Strategy (March 2024) and site assessment methodology
- The requirements of the Secretary of State for Education with regard to land and buildings allocated for education
- The Public Sector Equality Duty placed on Bristol City Council.



Appendix:1 Cotham School Playing Fields TVG Challenge

A Chronology of events was submitted as part of the bundle of papers to the High Court, January 2025, this is attached for information

Please see link:

- [Agreed Chronology for filing 20.01.25](#)

Appendix 2: Key documents with regard to the Town and Village Green (TVG) applications at Cotham School Playing Fields, Stoke Lodge

There are many papers and reports relating to this matter which can be provided to the inspector.

A link to key documents is set out here:

- [Stoke Lodge Town or Village Green Application - Inspectors Report dated 14 October 2016](#)
- [Bristol City Council Public Reports Pack 12 December 2016](#)
- [Bristol City Council- Minutes PROWG -12 December 2016](#)
- [JR Judgement – 3 May 2018](#)
- [Bristol City Council – Public Reports Pack – PROWG – 25 June 2018](#)
- [Bristol City Council – Public Reports Pack – PROWG – 15 October 2018](#)
- [Stoke Lodge TVG Application - Inspector's Report Dated 14 March 2023](#)
- [Bristol City Council – Agenda – PROWG – 28 June 2023](#)
- [Bristol City Council – Public Reports Pack – PROWG – 28 June 2023](#)
- [Bristol City Council – Minutes – PROWG – 28 June 2023](#)



Appendix 3: Cotham School Safeguarding Policy

Cotham School Safeguarding Policy 2024-25.

This statement is updated every year, approved by the Full Governors Board and every governor signs to agree and comply with.

Please see link:

- [Safeguarding and Child Protection Policy 2024-25](#)

Appendix 4: Equality Impact Assessment of Decision to change the designation of Cotham School Playing Fields from ROGS to GI1

If an EIA had been carried out with regard to this change of designation of Cotham School Playing Fields, it would be found that this decision would have the following impact on students at Cotham School;

- Cotham has well above national average number students on roll: approx. 1670
- Cotham's student population is highly diverse. The school's catchment reaches into areas with very high levels of deprivation, eg. St Paul's and Easton, placing the school in Quintile 1, Inspection Data Summary Report(IDSR).
- The school pupil base is in Quintile 4, IDSR (more deprived) of all schools in terms of deprivation.
- Over 50% of students are in the very highest category of deprivation evidenced by the Income Deprivation Affecting Children Index (IDACI) indicators.
- Students with SEND needs are well above national (Quintile 1, IDSR)
- The number of students in receipt of Pupil Premium Funding is higher than National at 36% (Quintile 2, IDSR).
- It should be noted that a child is only eligible for Free School Meals if their parents or guardians receive one of the following benefits:
 - Income Support
 - Income-based Jobseeker's Allowance
 - Income-related Employment and Support Allowance (ESA)
 - Universal Credit (if household income is £7,400 per year or less, after tax and not including benefits)
 - Child Tax Credit (if the household income is £16,190 or less, and not receiving Working Tax Credit)
 - Working Tax Credit (if the household income is £16,190 or less)
 - The Guarantee element of Pension Credit
 - Asylum Seekers receiving support under section 95 of the Immigration and Asylum Act 1999
- The school has 17 of 18 possible ethnic groups. Children from non-white backgrounds, the largest being Black African (Somali), Pakistani and Other Black African, make up approximately 70% of our student population.
- 60+ languages other than English are spoken by our students. The proportion of students with English as an Additional Language at 52% (Language spoken at home is not English) is in Quintile 1, IDSR.
- The school has well above national average levels of student mobility, in-year admissions and children of families seeking asylum.
- Cotham is an accredited School of Sanctuary:
 - We support the 'City of Sanctuary' vision that the UK will be a welcoming place of safety for all and proud to offer sanctuary to people fleeing violence and persecution.
 - We endorse the City of Sanctuary [Charter](#), and agree to act in accordance with City of Sanctuary values and apply the network principles within our work (as far as our specific context enables us to).
 - We recognise the contribution of people seeking sanctuary. People seeking sanctuary are welcomed, included and supported within our context.

Cotham has very high numbers of what the DfE terms Disadvantaged students. Cotham students often face a range of barriers that can hinder their personal development, academic success and overall well-being. These barriers can stem from various factors, including socio-economic status, family circumstances, and community challenges.

Key barriers that Cotham's disadvantaged students face:

1. Financial Hardship

- **Lack of Access to Resources:** Disadvantaged families may struggle to afford essential educational tools like books, uniforms, school supplies, or extracurricular activities.
- **Lack of access to Recreation and Sports:** Students from low-income households may lack access to recreation and sports due to budgetary constraints
- **Inadequate Technology:** Students from low-income households may lack access to computers, internet, or other digital tools necessary for learning, especially with the growing reliance on technology in education.
- **Food Poverty and School Lunch Costs:** Even with free school meals, some students may face difficulties accessing nutritious food outside of school hours or may experience stigma related to receiving free meals.
- **Fuel Poverty:** Households with limited income often struggle to meet the costs of energy bills, especially when heating and powering the home becomes a significant portion of their income.

2. Support at Home

- **Parental Involvement:** Parents from disadvantaged backgrounds may be less able to provide the academic support or encouragement their children need due to factors like low literacy, working long hours, or not fully understanding the school system.
- **Limited Educational Support:** Some parents might not have the resources to help with homework, attend parent-teacher meetings, or provide a conducive learning environment at home.

3. Health and Well-being Issues

- **Mental Health Challenges:** Disadvantaged students may experience higher rates of mental health issues, such as anxiety, depression, or stress, often caused by economic instability or family trauma.
- **Physical Health Barriers:** Poor access to healthcare can result in untreated physical health conditions, which can affect a student's ability to attend school regularly or concentrate during lessons.
- **Chronic Absenteeism:** Health-related issues or other factors such as family responsibilities may lead to frequent absences from school, hindering academic progress.

4. Housing Instability

- **Living in Temporary or Poor-quality Housing:** Disadvantaged students may face housing instability, including homelessness or overcrowded living conditions, which can impact their ability to focus on studies or feel secure in their environment.

- **Frequent Moves:** Families living in temporary or unstable housing may move frequently, which can disrupt a student's education and social connections at school.

5. Limited Access to Enrichment Opportunities

- **Lack of access to play:** Decent parks and play space in home communities are scarce
- **Extracurricular Activities:** Many disadvantaged students miss out on extracurricular activities (e.g., sports, music, trips) that can enhance their learning experience and foster personal development..

7. Language and Communication Barriers

- **EAL:** Students who speak a language other than English at home may struggle with language barriers, which can affect their comprehension and participation in class.
- **Communication with School:** Parents who do not speak English may find it difficult to communicate with the school, leading to a lack of understanding about their child's progress or educational needs.

8. Low Self-esteem:

- **Constant exposure to poverty, racism and social exclusion.** This can lead to poor mental health and a lack of self-confidence, affecting students' willingness to engage with school and strive for success.

9. Transportation Issues

- **Difficulty Getting to School:** Public transport in Bristol is costly and time-consuming.

10. Reduced Access to Networks:

- **Networking opportunities:** These are often crucial for future employment or educational placements, may not be as available to students from disadvantaged backgrounds.