

ROW/3363939: City Council of Bristol Definitive Map and Statement Modification Order No.7 2024
Summary Proof of Helen Powell

This is a summary of the Proof of Evidence of **HELEN POWELL**.

1. I am a member of the community group 'We Love Stoke Lodge' and in that capacity have researched the history of Stoke Lodge Playing Fields (SLPF). The role of my evidence is to address factual matters about the history of SLPF and to address some of the Objector's key factual misconceptions.
2. The Objector's lease to use SLPF was amended from the Department for Education (DfE) standard by agreement. Clause 2.1 provides that the Objector's rights are 'subject to all existing rights and use of the Property, including use by the community'. The Objector's Funding Agreement requires it to comply with the Lease. I understand that the Objector is arguing that enjoyment of the routes by the public is incompatible with the statutory objects of education and prohibited by its governing documents. However, its bespoke lease and Objects include both education and the provision/sharing of facilities for recreation by the 'public at large' and the 'wider community'.
3. Public rights of way exist across many school sites (both main sites and detached playing fields) without breaching school standards regulations. The Applicant's evidence includes statements from the DfE and Ofsted confirming that security arrangements may vary to reflect the differing nature of sites and buildings; that risk assessments 'should take into account any third-party use of the facility', and that 'It is not a requirement that all playing fields or indeed any school site should be fenced'.
4. In 2009 leading Counsel Nigel Giffin KC advised the Council that: 'the legal duty is not to eliminate the risk of injury but to take reasonable care in all circumstances in the same way as a reasonable careful parent would. Parents do allow their children to play games in open grassed spaces to which the public have access, and which is not inspected'. The Objector's Health, Safety and Wellbeing Policy dated November 2025 [CD/13.4] mitigates risk by requiring pitch inspections prior to activities.
5. My evidence includes five examples of schools successfully coexisting with public rights of way on their premises (including playing fields). In the Cotswold Academy example, the cross-country track on the school's playing field intersects with the right of way in two places. This school was most recently inspected in March 2025 and its safeguarding was assessed as effective. Ms Butler was one of the Ofsted Inspectors who agreed this assessment and wrote the report.

The Blue route

6. The Objector claims that there was an unbroken stone wall at Point A until 1957. However, an aerial photograph dated 31 March 1955 [CD/13.11] shows a physical gap in the wall, with evidence of access at Point A. The current concrete and wire fence maintains access including the remains of a diagonal concrete step between the field and the pavement; this is referenced in multiple user forms.

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7. A newspaper report dated 8 January 1990 [CD/2.1] regarding the Cheyne Road entrance quotes a resident saying "This access to Stoke Lodge has been in use for at least 40 years... It is a favourite short-cut to Stoke Lodge, the shops and the playing fields." The Objector's own 2016/2018 fencing proposals [CD/13.14] acknowledged existing informal access to the field at points A and G.

The Red route

8. The Red route originally ran across the field on the carriage drive of Stoke Lodge House, emerging to the side of the northern Lodge cottage. User evidence and aerial photographs confirm that it later exited to West Dene via the gap in the stone wall (Point H).
9. The Objector's claim that 'prior to 2014, the gate at Point C was locked daily' is unsubstantiated and is contradicted by overwhelming evidence of free and unobstructed use of the Red and Green routes from the 1940s onwards, for example on early morning school runs. There is no evidence of locked gates at Point C during the relevant period.
10. In section 5 I respond to claims made by the Objector and note that track marks along the routes are visible in ground level photographs submitted by the Applicant in 2018 (when the field was not in use by the Objector and the grass was longer). Multiple users refer to seeing worn tracks on the ground.
11. In section 6 I explain that under education legislation it was not the role or responsibility of the Council to erect, in mid-2009, a sign relating to use of the playing field area. The Council noted shortly afterwards that 'the playing field is currently unfenced and allows unfettered community access'. Following a public consultation in 2010, the Council's Cabinet agreed that 'the parkland would remain with open access for all as of right'.
12. In section 7 I respond to claims by the Objector that the Avon signs were erected in 1983. Those claims are based on one press article that does not mention signs and another which quoted only part of a Council response. In a follow-up article the Council states that people who walk their dogs on Stoke Lodge playing fields are not committing a criminal offence and that "If there was sufficient evidence against individuals, the authority could apply for an injunction against them taking their dogs onto the field." The Council does not suggest that walkers were not welcome.
13. For the last decade it has been accepted by all parties that three Avon signs were erected in 1985/6. This date was also accepted by the High Court. The evidence for this Inquiry (see the statutory declarations of Alan Preece and Jo Scott) substantiates that the Avon signs were not in place before Easter 1984.
14. At no time did Bristol City Council erect signs at access points G, A or C or replace the Avon sign behind the pavilion. Nor did it maintain the Avon signs after their erection. By 1 April 1996 virtually all the wording on the Avon signs was inaccurate and/or inapplicable.