


Title of Report : RADLEY LAKES – REGISTRATION AS A TOWN OR VILLAGE GREEN

Report of : Head of Legal and Democratic Services

To : Executive Board

Date : 21st April 2008

Item No

 **Purpose of report :** To respond to the address to and Motion adopted by Council on 18th February 2008 concerning the preservation of Radley Lakes, and to recommend the nature of the Council's support.

 **Key decision :** No

 **Portfolio Holder :** Councillor Goddard (Leader of the Council) 


 **utiny Responsibility :** Finance


Ward(s) affected : All

Report Approved by : Jeremy Thomas (Legal)
Andy Collett (Finance)

 **Policy Framework :** Not applicable

 **ommendations:**

 That no financial contribution be made towards the cost of the judicial review;

(b) That a letter be sent to RWE npower welcoming its decision to defer the filling of Radley Lakes with coal ash from Didcot power station and inviting the  company to re-open a dialogue with Radley Parish Council to discuss the future of the lakes.

1. This report concerns support the Council has been invited to give to secure the preservation of Radley Lakes. The report contains three appendices, as follows:-
 - Appendix 1 – Text of address to Council on 18th February 2008 by the Save Radley Lakes Campaign;

- Appendix 2 – Motion adopted by full Council on 18th February 2008;
 - Appendix 3 – Press release by RWE npower issued on 18th February 2008.
2. Appendix 1, among other things, seeks a financial contribution from the City Council to support a judicial review of the County Council's decision not to register Radley Lakes as a Town Green. Appendix 2 asks the Executive Board to consider ways in which the Council might support any action taken by other local authorities to preserve Radley Lakes. Appendix 3 says that RWE npower is deferring its plan to fill lakes at Radley with coal ash from Didcot power station.
 3. The County Council's Planning and Regulation Committee on 14th January 2008 decided, in the light of an Inspector's report following a public inquiry, to reject the application for registration of Radley Lakes as a Town or Village Green.
 4. Other local authorities have decided as follows:-
 - Radley Parish Council - decided on 28th February, following a postal survey of all households in Radley, to challenge the County Council's decision. The Parish Council did not feel assured by the RWE npower press release that the Lakes would never be filled in. In addition, the Parish Council has said that it would like to re-open a dialogue with RWE npower to discuss the future of the lakes.
 - Abingdon Town Council – has agreed, subject to conditions, to make a contribution of £5,000.
 - Kennington Parish Council - will, in response to a request from Radley Parish Council, consider the matter on 10th April. The Council has already resolved in principle to support a judicial review.
 - Vale of White Horse District Council – will, in response to a request from Radley Parish Council, consider the matter on 4th April.

The deadline for the submission of an application for judicial review is mid April, namely three months from the County Council's decision of mid January.

5. An application for judicial review must satisfy the Administrative Court that the decision of the registration authority on the Town Green application was, in law, flawed. In summary, the applicants would have to demonstrate some aspect of illegality, irrationality or procedural impropriety. I have not seen any opinion or evidence that would enable

me to advise the Board as to whether a judicial review application would have a reasonable prospect of success. In those circumstances the making of a contribution would not, in my view, be a prudent use of resources. In any case there is no budget for the making of a contribution.

6. The Executive Board is recommended:-

- (a) That no financial contribution be made towards the cost of the judicial review;
- (b) That a letter be sent to RWE npower welcoming its decision to defer the filling of Radley Lakes with coal ash from Didcot power station and inviting the company to re-open a dialogue with Radley Parish Council to discuss the future of the lakes.

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Background papers: None

