



Mr William Reed
Oxford City Council
By email to:
Wreed@oxford.gov.uk

43 South Avenue
Abingdon
Oxon
OX14 1QR

Tel: 01235 526678
e-mail: peter.harbour@talk21.com

14th February 2008

Dear Mr Reed,

Request for a grant towards legal costs of a Judicial Review of the County Council decision that Radley Lakes should not be registered as a Town or Village Green

Following discussions with a number of City Councillors (Councillors John Tanner - Lord Mayor, Susana Pressel, Craig Simmons and Caroline Van Zyl), I am writing to ask the help and support of Oxford City Council towards a judicial review of the Oxfordshire County Council decision not to register the Radley Lakes as a Town or Village Green (TVG).

Why Radley Lakes? There is no question they are important to the community. They are within easy striking distance of Oxford (notably via the Thames Path or via the Sustrans Cycle Path) and are used by residents. The issue is one of principle. No-one wants to see our local environment desecrated by a corporate body. Kids need somewhere to go and money spent securing the continued existence of that somewhere at Radley must rank against the costs associated with the increasing supply of CCTV and PCSOs.

Formally I suspect that this request should come from Abingdon Town Council or Radley Parish Council, but the legal position is that the Judicial Review should be applied for in good time – and the clock started ticking one month ago on 14th January, so time is short. I am writing in haste, having been involved in the start of a new fund-raising campaign, as well as in presentations to Abingdon Town Council and Kennington Parish Council. I understand that a motion has been proposed and seconded and I beg leave to make a request for a grant to the City Council on the basis of the content of this letter.

Background to the County Council decision not to register

As many City Councillors will know, the Save Radley Lakes group (SRL) have been working to save the remaining lakes at Radley from being turned into an ash dump, for nearly three years. So far, as a result of our efforts, the Bullfield Lake has been saved and the proposed destruction of Thrupp Lake has been delayed for over two years.

On 19th October 2006, Mrs Jo Cartmell applied to have Thrupp and Bullfield Lakes and the surrounding land, (the Application Land) registered as a Town or Village Green.

Mr Vivian Chapman QC was retained by Oxfordshire County Council as the Inspector to make a recommendation as to whether the Application Land should be registered. Following a non-statutory Public Inquiry, the Inspector issued his report which admitted that the land

had been in constant use by the public during the qualifying period. Despite this, his recommendation was that **no part** of the Application Land should be Registered. This was based on a technical point regarding the supposed way in which the paths had been used: (Vivien Chapman; 59725/VRC/07/195/wp/254/Radley Lakes Report v3).

Save Radley Lakes has sought the Opinion of George Lawrence QC, a leading barrister in this field on this matter. His Opinion questioned the legal basis of the Inspector's report. Even so, the County Council decided, on 14th January 2008, that the Radley Lakes should not be registered as a Town or Village Green.

The approach to a Judicial Review

Save Radley Lakes has approached Abingdon Town Council and Radley Parish Council, who are deliberating whether to launch a Judicial Review. Radley has decided to launch the review, subject to public consultation, but only if they can be convinced that their exposure to risk is not too great. They have issued a letter before claim, and the consultation process has started. Abingdon Town Council is discussing the matter as I write. The session is in confidence. The result will be announced tomorrow. The aim is that one or both of these councils should undertake the action, with Save Radley Lakes acting mainly as fund-raisers. Radley Council's legal advice is that the case is worth pursuing. Although winning is not guaranteed, there are grounds to believe that the County Council decision was flawed.

These two councils are naturally concerned that they should not be exposed to financial risks they are unable to justify. To reduce these risks I have approached Oxford City Council, with the encouragement of the Lord Mayor, which I gratefully acknowledge, and Kennington Parish Council. The latter met this evening and unanimously decided to support the Radley Lakes Judicial Review of Oxfordshire County Council's Town Green plan, conditional upon it being undertaken by Abingdon and/or Radley Parish Council(s). A second motion was unanimously agreed that the amount to be paid would be decided once the contributions from Abingdon, Radley and the Vale councils became known. The Vale Council has indicated in writing that they would support the action of a council but not pay the other side's costs. Exactly how the Vale of White Horse District Council might be involved would be determined upon request for help by one or both of the participating councils.

Clearly Abingdon Town Council and Radley Parish councils could feel more confident if they should be supported by neighbouring councils. Could the City Council consider also, whether they might be associated more closely with the funding appeal to avoid any restriction on the amount that could be contributed in any financial year as a donation under S137?

Save Radley Lakes is confident that the money can be raised. Over the past two and a half years we have raised £43,839 from the public (to December 2007), which has been spent in support of the campaign to date. The cost of the Judicial Review will probably be about £40,000 if unsuccessful, nothing (apart from incidentals) if successful. Costs would be spaced over a period of about 18 months. One has to assume there will be other costs, indeed Save Radley Lakes has existing legal bills and outstanding commitments of a few thousand pounds, related to the QC's report and obtaining the legal advice to put to the local councils.

Stop press news on our funding appeal is as follows:

- Save Radley Lakes launched a new funding appeal on Saturday February 9th to raise new funds for the proposed Judicial Review of the County Council decision on Radley Lakes Town Green.

- Dr Evan Harris, MP (Lib Dem) convened the meeting of almost 200 and made a personal donation, with promise of more. [Please see Abingdon Herald, 14th February 2008, page 12.]
- Several reasons why the Judicial Review to save Radley's Lakes should be supported were offered by Evan Harris and the three candidates for his seat (Conservative, Green and Labour).
- CPRE were there to speak for the campaign and to help with gift-aid. There was a warm response from those present.
- The funding campaign has made a flying start. Over £4000 collected on Saturday, almost £25 a head! Promises of more to come.
- **An anonymous donation of £10,000 is also promised. The cheque has been written (we learned yesterday) and will be received next week. This sets us well on the way to the initial target of about £40,000.**
- Save Radley Lakes is planning a full programme of events and organising the next phase of fund-raising on behalf of whichever council undertakes the legal action.
- We earnestly hope that Oxford City Council will endorse, join, and/or contribute to the funding drive and believe that if a donation be offered, it would best be offered to the council(s) undertaking the legal action.
- Making reasonable assumptions about contributions from local councils (Abingdon, Radley, Oxford City and Kennington have been approached so far, and the Vale has already offered a measure of support) we are confident that the required funding for a judicial review - *with action brought by Abingdon and/or Radley against Oxfordshire CC* - can be realised in very good time.
- Local people feel very ill served. We urge Oxford City Council to stand up with the population and be counted. *"When I needed a neighbour, were you there? Were you there?"*

I thank the Lord Mayor and the City Council for allowing me the opportunity to present this request for a grant. I will be happy to answer any questions.

Yours sincerely

Peter Harbour

On behalf of Save Radley Lakes, 14th February 2008

P.S. A parallel can be made with the matter of the Glebe Land at Sunningwell which was Registered as a Village Green after an appeal to the House of Lords. We understand that Sunningwell Parish Council was a prime mover, providing approximately £10,000 in support of an appeal to the House of Lords against the original rejection of the Application to register the land. The total cost of that appeal was about £45,000. Mr Roger Wiggins (Tel: 01865 730823) was involved in that appeal, and is willing to discuss the matter with the Council.