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The Radley Lakes may still be saved

One of the nation's top QC's has reviewed the Inspector's report following the Public Inquiry on the Radley Lakes and has advised that it is unsound.

Following the Public Inquiry held in Radley earlier this year, Town Green Inspector, Mr Vivian Chapman QC, delivered his report to Oxfordshire County Council in October, recommending that the Radley Lakes should not be designated as a Town Green, but this report has now been questioned. Save Radley Lakes has received independent advice on the Inspector's report from a leading barrister in this field. Save Radley Lakes has been advised that the report is legally unsound, and requires further consideration by the Inspector.

This has been put to Oxfordshire County Council, whose Planning and Regulation Committee was due to consider the Inspector's findings at its meeting scheduled for Monday 26th November 2007. The advice is that Oxfordshire County Council should defer making a decision at the meeting to allow the Inspector's report to be reconsidered.

We understand that Oxfordshire County Council has now taken the item off the agenda for the 26th November and that consideration of the matter will not now take place before the meeting scheduled for January 14th 2008.

Mrs Jo Cartmell, in whose name the application to designate the Radley Lakes as a Town Green was made, said

“I am delighted to learn that the possibility still exists to save the Lakes as a Town Green. They have been used as such by the people for a very long time and we really thought after the public inquiry that that had been made adequately clear. The point of law that the Public Inquiry Inspector used to reject the application was very difficult to understand or to accept, so we welcome the possibility that the whole issue is to be re-examined. The final decision is very much one to be settled between lawyers, so we can only hope that it will be possible to save the Lakes for the people of Abingdon and their descendants to enjoy in the future.”

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or visit www.saveradleylakes.org.uk.

Notes for Editors

The application to register the Radley Lakes, Bullfield Lake and Thrupp Lake and the land around them, as a Town or Village Green under the Commons Registration Act 1965 was made by Mrs Jo Cartmell on 19th October 2006.

The registration authority, in this case, is Oxfordshire County Council.

The application was accepted as duly made in December 2006, and Oxfordshire County Council appointed senior barrister, Mr Vivian Chapman QC, to head a non-statutory public inquiry into whether the area was registrable.

The Public Inquiry was held in Radley over 7 days during April and June 2007.

35 witnesses gave oral evidence in support of the applicant and 3 against. A further 78 witnesses (some of whom were couples) submitted written evidence in support of the application.

Two of the key findings of fact contained in the Inspector's report are:

[237] The evidence is overwhelming that for many years, certainly since before 1986, Thrupp and Bullfield Lakes have together formed a popular destination for trips by residents of Abingdon. They are only a short distance from the edge of Abingdon and are readily accessible on foot or by bicycle using public rights of way which are easily combined to make a short round trip. It is also possible to park a car near Sandles. There are very good views over Thrupp Lake from the BOAT running down its E bank. Thrupp Lake is an attractive expanse of water with interesting waterfowl. The ease of access has increased with the opening of the Sustrans route in 1999, but I find that the trip to these lakes was very popular with Abingdon residents even before 1999.

[238] Although many people doubtless confined themselves to the public rights of way running along the E and S sides of the lakes, I find that, since before 1986, a significant number of local people have left the public rights of way and walked around the sides of the two lakes. Since before 1986, it has been possible freely to enter the application land through an opening at the SE corner of the application land. From there, it is possible to walk a circuit of Bullfield Lake using the path along the isthmus to the N of the lake and the path running through the strip of land to the S of Bullfield Lake. It has also been possible to walk a circuit of Thrupp Lake by walking N or S of Bullfield Lake and then walking along the W side of Thrupp Lake, exiting through the Curtis works gate when it is open and then walking along Thrupp Lane to the N of Thrupp Lake to rejoin the E BOAT. Of course, these routes can also be walked in reverse.

On 13 October 2007, Mr Chapman delivered a 62 page report recommending rejection of the claim by the applicant, Mrs Jo Cartmell, to register Thrupp and Bullfield Lakes and their immediate surroundings. Despite finding "overwhelming evidence" of use by the people of Abingdon, and fully acknowledging the beauty and interest residing in the area, the inspector nevertheless decided, based upon his expert interpretation of the law, that the applicant had failed to prove that the land was registrable as a Town Green. Accordingly he recommended that Oxfordshire County Council reject the application.

The process has nothing whatsoever to do with the rights and wrongs of npower's plans to dump ash into one of the lakes. It is to determine whether the lakes or any of their surroundings are registrable as a Town or Village Green under the Commons Registration Act 1965 (the Act prevailing at the time of application) which has nothing to do with planning. Were the application to be successful, it would prevent any development in the designated area.