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Judicial Review of Lakes Decision urged by Evan Harris MP

Local MP, Dr Evan Harris will address a public meeting in Abingdon on Saturday in support of a judicial review of the recent decision by Oxfordshire County Council not to register land around the Radley Lakes as a Town or Village Green.

An application to have the Radley Lakes and their immediate surroundings registered as a Town or Village Green to protect them from development into a waste disposal site for ash from Didcot Power Station was the subject of a 7-day Public Inquiry held in Radley during 2007. Despite finding that the land in question had been used by people from Abingdon for lawful sports and pastimes for the past 20 years, the Inspector refused to recommend registration of the Lakes on a contentious point of law. Save Radley Lakes and Radley Parish Council have obtained legal opinions from lawyers, including a top QC, that the Inspector's conclusions are legally unsound meaning that they could be challenged in the High Court. Oxfordshire County Council's Planning and Regulation Committee nevertheless rejected the application on 14th January 2008.

Radley Parish Council has now agreed, in principle, to support a judicial review of Oxfordshire County Council's decision in the High Court, subject to public consultation. Its chairman, Jenny Standen, appealed to the Abingdon Town Council, at its recent council meeting, to join Radley Parish Council in leading this legal action. Abingdon Town Council has agreed to refer the matter to a specially convened meeting of their Finance and General Purposes committee, which will immediately report its recommendations back to the council. In the meantime, Save Radley Lakes has begun raising the funds to support the action, and is already receiving promises of substantial sums. Dr Harris has offered his full personal support to the proposed action.

Save Radley Lakes has called a public meeting, to be addressed by Dr Evan Harris MP, on February 9th at 2pm in the Guildhall, Abingdon where members of the public will be updated on the situation. Members of the public are urged to come along to register their support.

For further information contact: Marjorie White on 01235 216428 or 01235 530174,
or visit www.saveradleylakes.org.uk.

Background

Over the past few years, local people have devoted huge amounts of time, effort and money to saving the remaining Radley Lakes from damage or destruction at the hands of RWE npower, who wish to fill one of them with ash from Didcot Power Station. Abingdon resident, Mrs Jo Cartmell, made an application in October 2006 to have The Lakes and their immediate surroundings designated a Town Green, which would protect them from development. A Public Inquiry was held to determine whether people from the locality had used the lakes for lawful sports and pastimes for the past twenty years. The Inspector, Mr Vivian Chapman QC, found that, in the case of the land around the lakes, this had indeed occurred, as can be seen from the following extracts from the Findings of Fact in the Inspector's report:

[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.*

However, on a contentious point of law relating to footpath use, he found that the land was nevertheless not registrable as a town green, upon which advice Oxfordshire County Council rejected the application for registration on 14 January 2008.