



**SAVE
RADLEY LAKES**

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RWE npower Fails to Secure New Draconian Injunction

A High Court judge has ruled that the draconian injunction obtained by RWE npower against Radley Lakes protestors cannot continue in its present form and must be diluted. He stated forcefully that those who wish to protest lawfully, without causing harassment to npower staff and workers, such as the mayor of Abingdon, should be excluded from the injunction, and that is clearly reflected in the new order.

This is a big climb-down for RWE npower, whose lawyer, Mr Tim Lawson Cruttenden, persuaded a judge on 14th February (the day their contractors started to fell hundreds of trees) that their injunction should be binding on pretty well everybody. Moreover the scope of the injunction has been considerably reduced.

Pronouncing his judgement today in the High Court, Mr Justice Teare argued the continuation of the restraining order only because one of the six defendants, Anthony "The Ant" Bailey had not been represented in court and 'may be ill'. Mr Justice Teare acknowledged that the five defendants, who were represented by Liberty, and were present in court "*very properly and responsibly offered undertakings in place of formal restraining orders*". But he was unwilling to agree undertakings, with one defendant unrepresented.

The order issued today applies until trial (not before June, due to delays in obtaining legal aid). It no longer applies to all protestors who know about it, only to those who act unlawfully; there is a greater restriction on the ability to enforce it on those who may be acting illegally against npower and in concert with the defendants. The new order is more clearly drafted, so ordinary protestors, indulging in legal protest, can stop worrying about the injunction – within limits, it would appear, given that the wording of the order suggests that trespassing is deemed illegal.

A spokesman for Save Radley Lakes expressed relief "*Now we can get on with our aim to persuade npower to abandon its disgraceful quest to fill a beautiful lake with toxic ash slurry, when environmentally sustainable solutions exist. RWE npower secured this draconian injunction (using unidentified witnesses, absent from court) solely to prevent photography of their apparently unlicensed tree-felling, and their wanton destruction of wildlife habitats. But if they think they can scare the local population into submission they should think again. Radley's remaining lakes should be saved for the community; the Town Green inquiry is already showing Npower that we mean business.*"

For those still covered by the injunction there is greater freedom than before, thanks to the positive arguments put forward by the defendant's barrister Ms Stephanie Harrison. Photography is allowed, provided not leading to identification or used for harassment. The previous order forbade kids camping in the gardens of more than

5000 houses in Abingdon: that inanity has now been removed but not without considerable discussion! The freedom to carry a hammer or tow-rope in defendants' cars has been reinstated (if carried for legal purposes). "Loitering within five yards of a guard" appears now to be allowed, and the zones around the lakes within which defendants are restricted are now much smaller. Previously Dr Peter Harbour, the sixth defendant, had been prevented (without first emptying his car) from driving along the Oxford Road, or to Waitrose, or even to the Abbey Meadow Swimming Pool, a pool which he successfully campaigned to save from closure just over a year ago. Now these restrictions apply only to Thrupp Lane and to the BOAT (Byway open to all traffic). The retired scientist still faces the risk of losing his house if he attempts to defend himself against the allegations made against him. *"It's difficult to see how to obtain justice against a bullying multinational corporation, unless one is either very poor or very rich",* he said. *"The stress of all this is altogether too much. It has exacerbated my heart problem and the anonymous allegations of illegal behaviour against me are beyond belief."*

On the other hand any publication of details of people working for npower is as restrictive as ever. The sole concession is that if Mr X of npower has allowed his name to be used in the media then a defendant is allowed to repeat it without restraint, provided it is certain Mr X agreed to his name being published in the first place. Just imagine the problems that would ensue should Mr X's name be published in the media on Friday just before going on leave for a week!

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Notes for Editors

1. The full definition of the group of people injuncted (in addition to the six defendants) is “all other persons acting in concert with the Defendants to deter, obstruct or prevent the First Claimants’ intended use of Sandles House and Radley Lakes by harassment, trespass and by any other unlawful means.”
2. A Radley Parish Councillor has claimed his way had been blocked by three security guards, who dared him to try to get past them or they would arrest him. Now they will be unable to do that.
3. The court order obtained on 14th February was poorly drafted and nobody could understand to whom it applied and how it restricted them. The revised order appears on first reading to be more clearly worded, but it has just been handed down by the judge at 11 a.m. today.
4. RWE npower have convinced the judge that they “had to fell” a large number of trees by 1st March 2007. Tree felling “required by 1st March” appears to have been accepted by the court. The truth of the matter is that npower were prevented by the legislation from felling trees after 1st March.
5. Ms Stephanie Harrison, for Liberty and the defendants, had asked for the injunction not to be continued. When this was not accepted, although disappointed, she asked for it to be modified, and in this she was successful.
6. While the judge stated that it is right in principle that the injunctive relief against harassment and trespass should continue, it is particularly important that the right of peaceful protest is not impeded to a disproportionate extent.
7. Although RWE npower appear to have withheld the material fact that there would be a town green public inquiry, in obtaining the first injunctive order, they now seem to have persuaded the judge in a matter of an hour or two that “*the case that there was a common law right to use the land (at Radley Lakes) for recreational purposes seemed to be very flimsy*”. In contrast, the professional inspector for the public inquiry has listened to evidence over four days and has not yet reached a conclusion.