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Why we need the law

Our society has always been ready to go to law to get things done, and we are proud of the results we have achieved in the courts. Today the legal route is more necessary than ever because—after years of financial austerity—commons, greens, open spaces, and paths are all too often neglected by those who are supposed to protect them. That means we must step in and use the courts to safeguard them.

This is why we have now employed an enforcement officer, Jess Tyler, whose job it is to help our local correspondents and other members in prosecuting law-breaking landowners and serving notices on highway authorities to open blocked paths. (Jess's appointment was announced in the latest *Open Space*.)

We have set up a new legal-action fund for this work, to pay for action taken by the society, and for support for members needing legal help. (This replaces the legal fund for members' grants which has been exhausted.) *We need your help with this.*

The types of legal work in which we have engaged in recent years have been varied—and effective. For example, we have:

- intervened in the court of appeal on the Dartmoor backpack-camping case, proving that there is a right to such camping on the Dartmoor commons. We won, but the other side hopes to appeal;
- a similar intervention at Blackbushe aerodrome, Hampshire, saved 46 hectares of Yateley Common from deregistration;
- rescued part of Richmond Low Common, North Yorkshire, from wrongful deregistration, by threatening judicial review;
- in the high court successfully challenged the decision of the National Transport Casework Team to stop up public access at Knowle Green in Solihull;
- with the Trail Riders Fellowship and Ramblers fought and defeated Gloucestershire County Council's application to the magistrates' court to close part of an unclassified road at Redmarley d'Abitôt;
- at Barking Tye in Suffolk opposed a decision by the planning inspectorate to allow a vehicular access road across the common. The high court ruled against us, but our action was well worthwhile because the judgment provided

CAMPAGNING
SINCE 1865

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important clarification on the principles to be taken into account when determining an application for works on common land;

- challenged the decision to confirm a deplorable path-diversion order at Little Rollright, Oxfordshire, in the court of appeal (we lost).

We have also funded many members' cases, for example:

- **Downs for People, Bristol:** successful high court action against the unlawful parking on Clifton and Durdham Downs for Bristol Zoo;
- **Friends of Freeman's Wood, Lancaster:** registration of threatened land as a village green;
- **Woodcock Hill Village Green Committee, Hertfordshire:** battle against the deregistration and exchange the green in the court of appeal (ongoing)
- **Member:** action against Cornwall Council for failure to remove obstructions from a Bude footpath (ongoing);

Obviously the law costs money—for solicitors' fees, counsels' opinions, applications to the court, preparation of materials—and there is always the risk of costs being awarded against us.

Requests for legal action arise all the time, and we have to react quickly. We scrutinise each one; we only go to court when other methods of achieving the outcome are unavailable or have been exhausted, and normally only when the chances of success are more than 50 per cent. Even when we lose, we often gain useful opinions and valuable insights into how to succeed another time.

Please enable us to fund legal action where it is needed, and to support our members in fighting their legal battles. Please contribute to our legal-action fund now.

Yours sincerely



Kate Ashbrook
General Secretary

PS: *We are pleased to accept donations to this appeal as follows:*

1. *Online at www.oss.org.uk/appeals/*
2. *By bank transfer to Account: 00035916 Sort Code: 40-52-40 (please quote AUT23 plus your membership number as the reference)*
3. *By cheque in the post using the enclosed envelope.*

PPS: Your gift today saves green space and access tomorrow.

