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Our legal-action fund is money well spent—but we need more

As you may know, we have a legal-action fund to pay for action by the society, and to support members needing legal help. Your response to our previous appeal was hugely encouraging and has enabled us to take on and to back many cases. But the fund is now exhausted—and we need to replenish it.

Since we last wrote to you about this, our case officers and enforcement officer have been working tirelessly with lawyers to bring cases to court—whether for the society alone or in partnership with other organisations*. Here are some examples.

- We intervened to support the Dartmoor National Park Authority in its camping case: we want to confirm that there is a right to backpack camping on Dartmoor's commons. The landowners have deep pockets and have now pushed the case to the supreme court.
- We ensured that county and unitary councils maintain a register of applications for definitive map modification orders as required by law: Cornwall Council was failing to do so but capitulated when we confronted it with court action—as a result, other authorities are now adopting the correct procedure.
- We challenged a planning inspector's failing on a path modification order at Hotham in the East Riding of Yorkshire: he confirmed the modified order without advertising the changes. By threatening court action we caused the order to be quashed—a lesson to the Planning Inspectorate that it must follow due process.
- We secured the removal of gates on paths at Stanwick St John in North Yorkshire, by threatening to take the county council to the magistrates' court.

We have also backed many members' cases. They include the following.

- A challenge to Swansea Council's planned disposal of open space to make way for a mega-tourist development on the wild and lovely Kilvey Hill.

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* These are the British Horse Society, Byways and Bridleways Trust, Ramblers, and Trail Riders' Fellowship.



- Legal representation for the Gower Society and us at a public inquiry into an exchange of common land: this would allow housing development on Clyne Common while providing grossly inferior replacement land.
- Court action by local people in support of Bristol City Council's registration of Stoke Lodge playing field as a town green—that registration is being fought by the lessee, Cotham School, which wants it for a playing field.

Cases in the pipeline include unlawful enclosure of commons and abuse of temporary traffic regulation orders on paths by local authorities.

And we are backing our energetic local correspondents to take action against the failure of highway authorities to reopen blocked paths—in court when necessary.

As soon as cases arrive with us we must move fast, scrutinising each one, obtaining the necessary authority through our legal committee and trustees and, for our own cases, briefing our legal team and preparing papers for court. We normally proceed only when the chances of success are more than 50 per cent but, even when we lose, we learn how we might win another time.

Please enable us to continue 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

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 AUT24 plus your membership number as the reference)*
3. *By cheque in the post using the enclosed envelope.*

PPS: We have been using the law for 159 years. Your gift enables this vital work to continue.

