



## Friends of Warneford Meadow Annual Report 2008-09 for presentation at the AGM, May 20<sup>th</sup> 2010, at Southfield Golf Club

*Friends of Warneford Meadow (FoWM) was inaugurated on March 1<sup>st</sup> 2007. This third Annual Report covers the year to May 2010.*

### 1. HEADLINES

WARNEFORD MEADOW IS NOW A TOWN GREEN. It has been registered by Oxfordshire County Council. So, after nearly four years of campaigning, FoWM has succeeded in its central aim of protecting the Meadow from development. In 2010-11, we can at last turn to our other important objectives, notably promoting the maintenance and enhancement of the Meadow's recreational and ecological value."

### 2. FRIENDS OF WARNEFORD MEADOW OBJECTIVES

FoWM Objectives, as listed in the FoWM Constitution, amended June 2009:

1. To campaign to prevent building or any other development on the 18.5 acre area of naturalised grassland in East Oxford known as Warneford Meadow, including the land abutting Boundary Brook and the Orchard bordering Warneford Playing Field...
2. To campaign for the future maintenance and enhancement of the Meadow as a wild meadow and assist with the maintenance in agreement with the owners.
3. To encourage the protection and maintenance of the Orchard as a distinct cultivated area and assist with the maintenance in agreement with the owners.
4. To raise funds in direct support of the above objects.
5. To affiliate at its discretion to organisations whose objects are sympathetic to those of FOWM.
6. To promote and provide green care activities such as health walks and green gym on the Meadow and in the Orchard'
7. To develop environmental education in relation to the Meadow and Orchard by giving talks, guided walks and encouraging community involvement in projects such as reptile and moth surveys'

### 3. TOWN GREEN APPLICATION



The year began with good news. In October 2008 Vivian Chapman QC, the Inspector appointed by Oxfordshire County Council, had delivered his 80-page report, which concluded by firmly recommending that Warneford Meadow should be registered as a Town Green. This followed the 15-day public inquiry, spread over three weeks from September 2007 to May 2008, which heard from over 30 local witnesses about their use of the Meadow, besides hearing evidence against registration from the NHS.

The NHS tried hard to persuade the County Council to reject the Inspector's recommendation, arguing both points of law and the loss of proceeds from selling the Meadow for development. Some issues had to be referred back to the Inspector for a second report. However, on 6 April 2009, a County Council committee considered the recommendation, and voted 10-3 to register the Meadow. It seemed that, after 2½ years, the campaign had succeeded and the Meadow was safe. We started to plan management of the Meadow that would protect its ecology and enhance its value for recreation by local residents, hospital patients and staff.

However, on 3 June, the NHS exercised their right to seek a judicial review of the County's decision. Judicial review doesn't involve questioning the Inspector's basic conclusion on the facts, that local people had freely used the Meadow for recreation for over 20 years; but it enables the decision to be challenged on points of law and procedural defects. Initially the NHS raised five grounds of challenge, reduced to two – following further exchanges between lawyers – before the case went to the High Court. The first judge, who considered the case in writing, made clear that he wasn't impressed by the NHS's case, but concluded it justified a full oral hearing, partly because of the amount of money at stake. Cue for further delay and exchanges of lengthy legal submissions. Finally, on 25 February, the case reached the High Court in London in front of Judge David Waksman. Even this, scheduled for two days, ran into a third – in Manchester! – in response to the intervention of an "interested party", Mr Christopher Whitmey. However, Judge Waksman was prompt in delivering his judgment, which can be downloaded from the FoWM website. On 22 March, we learnt that he had dismissed both the NHS's points of law. Oxon & Bucks Mental Health Trust announced (perhaps to the disappointment of all three parties' lawyers!) that they would not appeal. The Meadow is safe!

Oxfordshire County Council has completed the registration process and the Meadow is now officially registered as a Town Green.

What does registration as a Town Green mean? Essentially, that the landowner may not do anything on the land that substantially interferes with local people's right to use it for "lawful sports and pastimes". Obviously, they mustn't build on it, and mustn't fence it off. The NHS remains responsible for managing the land, e.g. keeping the bridges over Boundary Brook in repair; and any positive management activity to enhance the ecology and recreational value will need their agreement. FoWM, along with neighbouring residents' associations, has made contact with the NHS estates department to discuss future management of the Meadow.



*Illustrations of the Judicial Review by Helen Ganly*

#### 4. **WARNEFORD MEADOW: WHAT NEXT?**

Although registration as a Town Green means the Meadow is safe from development, it does raise the question as to its future management. As a starting point, FoWM would like to see the Meadow managed:

- as a green space for future generations;
- to ensure its continued free use for outdoor recreation;
- to provide an outdoor amenity for patients of the adjoining hospitals;
- to preserve and enhance flora and fauna within an urban setting;
- to provide a study amenity for schools, colleges and other interested groups;
- to protect and enhance the existing wildlife corridor along the Lye Valley;
- to preserve and enhance the traditional Apple Orchard.

However it must be remembered that, for the present, the Department of Health (DH) remains the owner of the Meadow. Registration as a Town Green protects the Meadow from development and gives residents rights of recreation, but no rights of active management; so management needs to be in tandem with the NHS and hopefully with its full cooperation.

A "What Next" committee had already been formed before the NHS judicial review, and it is intended to revive that body to initiate discussions and consultations over the future management of the Meadow. The committee's initial tasks will include:

- defining the aims of the Committee;
- consultation with local residents and interested bodies and consideration of any proposals they put forward. These proposals should focus on the enhancement of the Meadow as an amenity and wildlife conservation site. It should be borne in mind that any proposal that includes the erection of permanent buildings is likely to fall outside the Town Green parameters;
- liaison with the owners of the Meadow;
- liaison with professionals and other bodies who can assist in the management.

It may also become necessary to redefine the role and constitution of Friends of Warneford Meadow itself.

## 5. FoWM STEERING GROUP

In 2009-10, the Steering Group consisted of Sietske Boeles, Andrew Carter, Anne Copley, Chris Dunabin, Elizabeth Mills, Graeme Salmon and David Sutton. The Group met on 12 occasions during the year.

Alison Williams continues to act as Honorary Auditor.

The Steering Group would welcome proposals and volunteers for new members to join the group for 2010-11.

## 6. FUNDRAISING AND OTHER ACTIVITIES

It is a delight to contemplate a future without legal costs, but there is still an outstanding bill to settle for legal representation at the Judicial Review. FoWM is making a final push to raise money for this.

In November a second evening of music was held at the Jacqueline du Pre Building. Once again, the success of events such as this demonstrates that there is a genuine and lively neighbourhood in our area.

Merchandise on sale – which in its own way reflects the wish by members of the neighbourhood to be part of the Warneford campaign – are Christmas cards and notelets depicting Meadow images. The FoWM apple mug, decorated with a painting by Helen Ganly showing some of the varieties of apple growing in the Orchard has been very popular. Over 300 have been sold to date. A matching mug showing meadow flowers is in production.

Many, many thanks are due to everyone who has contributed to the town green campaign by giving time or money and by buying FoWM merchandise.

*11<sup>th</sup> May, 2010*