

## PRESS INFORMATION

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31 May 2010: For immediate release

### **VeracityBath announces successful outcome of Judicial Review Claim against B&NES Council**

VCB announces that its judicial review proceedings in the High Court of Justice has been successfully decided upon based on papers, without the need for a costly trial. Whilst the Judge has refused permission for judicial review, the reasons given in the Court Order are a confirmation that B&NES Council can only develop the Green Belt site at Bathampton Meadows as part of the Bath Transport Package, and not independently.

Deputy Judge Ian Dove QC confirmed in the Order: "It is clear from the committee report that the advice to the members (which they accepted) was that very special circumstances could be made out for the development when regard was had to the implementation of the Bath Transport Package **as a whole**...". [emphasis added]

Therefore, the Council cannot develop the Bathampton Meadows site independently as a Park and Ride without being in breach of its submissions to Court in the VCB proceedings. Were the Council to start independent development, VCB would be entitled to apply to the High Court to re-consider the action on the basis that the Council misled the High Court.

Given that this confirmation was one VCB sought originally from the Council, but the Council had refused to confirm other than in response to the judicial review proceedings, the whole case, and its associated costs would have been avoidable if the Council had been open and transparent in respect of the BTP. This was further exacerbated by the Council seeking in its acknowledgement of service to bully VCB by claiming unreasonable costs, rather than dealing with the substantive issue.

That the order therefore gives the assurances that VCB sought without the costs of trial means that the outcome is highly successful for VCB. As leave was refused, and as is typical in litigation, B&NES was granted a contribution to costs, but only half of its claimed costs – reflecting the unreasonable stance taken by B&NES.

In respect of World Heritage issues, VCB also clarifies its position. The Bathampton Meadows lie in Green Belt, adjacent to the Cotswolds AONB and in the World Heritage Site landscape setting and green valley approaches to the City of Bath, the proposed development being in what would be the 'buffer zone' which UNESCO have recommended should be placed around such sites. VCB did write pre-action correspondence with B&NES in respect of World Heritage issues, but did not wish to expend unnecessary cost - either its own or Council tax payers' - on legal challenge but instead referred the matter to the custodian of World Heritage issues, UNESCO. VCB has written several times to UNESCO, Cabinet Ministers and other relevant bodies and, as a result, UNESCO has ordered an investigation into this inappropriate development in the World Heritage setting. We look forward to the results of that investigation in due course."

Spokesman for VCB, Mark Millar, commented:

"We are delighted to have obtained, for the people of Bath, confirmation of protection from independent development of the Bathampton Meadows by the Council under its own planning permission.

"This is what we had sought from B&NES Council in correspondence - without the need for costly litigation wasting VCB's and tax payers' money - but is consistent with the woeful way that the Council has treated, and continues to treat, its residents throughout the BTP process. This is ongoing.

"Despite DfT suspending consideration of funding for the BTP in April pending the Government's spending review, thus putting B&NES on risk of all costs incurred, B&NES failed to notify interested parties, including the Court and still continues incurring costs - for itself and interested parties - including in respect of the CPO public inquiry. We call for B&NES to stop all work on the BTP, and seek suspension of the CPO inquiry pending the outcome of the DfT review of funding.

"This was a case that we should never have had to bring but we are delighted to have obtained protection for Bath residents from inappropriate independent development on the beautiful and historic Bathampton Meadows."

For more information please go to [www.vcbath.blogspot.com](http://www.vcbath.blogspot.com)

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#### *Background information*

The directors and members of VeraCityBath Limited include representatives from Batheaston Parish Council, Bathampton Parish Council, Bathford Parish Council, Claverton Parish Council, the London Road Area Residents Association, the Bath Society, Save Bathampton Meadows and Newbridge Matters. VCB is open to new members.

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