

PLANNING AND REGULATION COMMITTEE – 1 DECEMBER 2014

COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE OXPENS MEADOW, OXFORD IN OXFORDSHIRE AS A TOWN OR VILLAGE GREEN

Report by the County Solicitor and Head of Legal Services

Introduction

1. On 29 September 2008, an application to register a Town or Village Green at the Oxpens Meadow, Oxford was received. The County Council are the Registration Authority appointed under the Commons Act 2006 to register Commons and Town or Village Greens. This application a copy of which is attached at Annex 1, was submitted formally in pursuance of the Act and has now to be determined by the County Council.
2. The Planning & Regulation Committee have delegated powers to determine such applications.
3. An objection to the application was received from the Oxford City Council (the landowner and “Objector”) and the application was considered by an experienced barrister. Before the issues could be fully resolved however, the Applicant and Objector entered into negotiations and in due course a compromise was reached.
4. The Committee needs to determine this application in any event and so the appropriate recommendation follows.

The Oxpens Meadow

5. The Oxpens Meadow is a large area of land to the south of the Oxpens Road in Oxford. Its eastern boundary is the Castle Mill Stream and the southern is the River Thames (or Isis). To the north-east lies the Oxpens Ice Rink. The land is predominantly managed grassland with some mature trees.
6. The application site is readily accessible on foot from its boundary onto Thames Street/Oxpens Road and also via footpaths from adjoining land (including over a footbridge crossing of Castle Mill Stream).
7. Further detail of these features can be seen on the plan annexed to the application at Annex 1.

The Town or Village Green Application

8. On 29 September 2008, Mr Colin Bridger applied on behalf of the St Ebbes New Development Residents Association (SENDRA) to the County Council under Section 15(2) of the Commons Act 2006 to register the Oxpens Meadow as a Town or Village Green since by his assertion, it had become eligible to be registered as such a Green on that date. He alleged that (a) local residents had used it for lawful sports and pastimes as of right (without obstruction, permission, stealth or force) for an unbroken period of twenty years and (b) they continue to do so until the date of the application.
9. The County Council duly publicised the application and invited objections. An initial objection was received from the Oxford City Council, the relevant landowner.

The Objection and Further Submissions

10. The landowner objected on the grounds that the application land had been acquired by it in 1923 for the purposes of a park or pleasure ground under s164 of the Public Health Act 1875. As such, they contended that all public use would be pursuant to a statutory right to do so and would not therefore be 'as of right' as required by s15 of the 2006 Act.
11. The Applicant responded to this with a lengthy submission settled by Public Law Solicitors. In it, they accept that the land was acquired under the 1875 Act, but they argue that the land was later appropriated by the City Council to various other uses pursuant to s122 of the Local Government Act 1972 or its predecessor powers. They further argue that that, when the land was put back into use as a public park, it was never formally re-appropriated to such use and therefore the public were not using it under any statutory right to do so. Such use would therefore be 'as of right' and qualify for the purposes of the 2006 Act.
12. The County Council appointed very experienced Counsel – Mr Vivian Chapman QC – to prepare a written Opinion on the issues raised by the landowner's objection and the Applicant's response. Mr Chapman QC was asked to advise on whether the matter could be determined on the papers or whether a public inquiry would be needed. His advice was, in summary, that the Applicant had raised an arguable case that the subsequent appropriations had occurred, but that there were several factual matters that needed to be established before a decision could be made. The parties were therefore requested to undertake further research into the background of the land.
13. There then followed an extended period of time during which the landowner carried out a great deal of research into its records and archives concerning the various uses of the land over the years. The results were comprised in a Further Submission dated 27 November 2009. This was passed on to the Applicant for a response which was received on 5 February 2010.

14. Due to the complex nature of the further submissions by the parties, the registration authority intended to refer the matter back to Mr Chapman QC for further advice. Before this was done, however, the parties informed the registration authority that the City Council was considering making a voluntary application for registration as a green of part of the Oxpens Meadow. The parties therefore asked if the application could be put 'on hold' while they considered whether this would allow the City Council to carry out the works it needed to and also whether the area to be registered by the City Council was acceptable to the Applicant for the protection of open space.
15. The City Council and Applicant then negotiated directly on possible solutions and in late 2012 settled on the dedication of most of the Oxpens Meadow as a Queen Elizabeth II Field as part of the Diamond Jubilee celebrations. Such dedication involved a Deed of Dedication dated 14 February 2013 entered into with the National Playing Fields Association (Annex 2) and the registration of a restriction on the register of title (Annex 3).
16. In view of the contents of the Deed of Dedication, the Applicant was satisfied that the Oxpens Meadow is now adequately protected for public recreation and has formally requested by a letter dated 10 September 2013 (Annex 4) that their application be withdrawn. The City Council supports this course of action.

The Determination of the Application

17. The parties are in agreement that the application dated 29 September 2008 can be withdrawn as it has in effect been superseded by the registration of the land as a Queen Elizabeth II Field. The registration authority has no objection to this course of action. The application is 'duly made' however and there is no delegation to officers to determine an application in such circumstances. A resolution of the Committee is therefore required.
18. It is open to Members to reject the recommendation contained in this report. However, if they do there are several factual and legal issues raised by the parties and not yet resolved in relation to the village green application. To resolve these would require a public inquiry to be held which would incur significant additional time and cost. This option is unlikely to be supported by the City Council and the Applicant.

RECOMMENDATION

19. **The Committee is RECOMMENDED to REJECT the application for registration of the Oxpens Meadow, Oxford as described in the application by Mr Colin Bridger on behalf of the St Ebbes New Development Residents' Association dated 29 September 2008 as a new town or village green pursuant to the Commons Act 2006, by consent of the Applicant and the landowner of the application land.**

PETER CLARK

County Solicitor and Head of Law & Culture

Background papers: Application in Form 44 dated 29 September 2008 plus supporting papers
 Objection submissions by the Oxford City Council dated 19 March 2009
 Applicant's submissions (undated) in response to objection
 Further submissions of Oxford City Council dated 27 November 2009
 Applicant's response dated 4 February 2010
 Opinions of Mr Vivian Chapman QC dated 15 January 2009 and 9 August 2009

Contact Officer: Richard Goodlad, Principal Solicitor

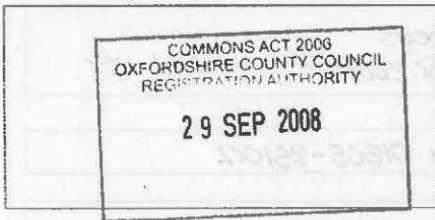
November 2014

FORM 44

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:



Application number: NLREG20

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1-6 and 10-11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7-8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

1. Registration Authority

To the

Note 1
insert name of registration authority

Oxfordshire County Council
County Hall Oxford

3.

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here

2. Name and address of the applicant

Name:

Full postal address:

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

5.

<p>Note 5 The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.</p> <p>Note 6 It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.</p>	<p>5. Description and particulars of the area of land in respect of which application for registration is made</p> <p>Name by which usually known:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Oxpens recreation ground OR OXPENS meadow or field [see map A on page 12]</p> </div> <p>Location:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Oxpens road Oxford</p> </div> <p>Shown in colour on the map which is marked and attached to the statutory declaration.</p> <p>Common land register unit number (if relevant) * <input type="text"/></p> <p>6. Locality or neighbourhood within a locality in respect of which the application is made</p> <p>Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:</p> <div style="border: 1px solid black; padding: 5px;"> <p>St. Ebbes St. Thomas Paradise Square [See map B on page 14] Osney Grandpont</p> </div> <p>Tick here if map attached: <input checked="" type="checkbox"/></p>
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7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8)

- Oxpens Recreation Ground or Meadow has been a recreation area at least as early as the late 19th century.
- It is a delightful open green space of approximately 2.2 hectares surrounded by trees and, on two sides, by the River Thames and Castle Mill Stream.
- The meadow forms an important green element in Oxford's West End and should continue to provide recreational space when new developments take place on its northern and western boundaries. It provides a place of relative peace and tranquility within a few paces of the bustling city centre.
- For many years the Meadow has been the focus for a variety of recreational activities. Some of these are organized events occurring annually but the general use is by local people 'as of right' and many visitors for informal sport and pastimes. It is also used daily by shoppers, cyclists, runners and others crossing typically from Osney to St. Ebbes, and Grandpont to St. Thomas, as healthier routes compared to nearby roads.
- The Meadow is an important part of Oxford's Flood defences. In the severe flood of July 2007, well over half the area was submerged and remained waterlogged for some considerable time afterwards.
- Bounded on two sides by water and forming the tip of a green wedge into the City from the south (Grandpont Nature Park) the Meadow is an excellent location to observe a wide variety of wildlife species particularly birds.

SENDRA's case is developed further in a series of appendices to this form. See note 10 for a list of these.

7.

<p>Note 8 Please use a separate sheet if necessary.</p> <p>Where relevant include reference to title numbers in the register of title held by the Land Registry</p> <p>If no one has been identified in this section you should write 'none'</p> <p>This information is not needed if a landowner is applying to register the land as a green under section 15(8)</p>	<p>8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Oxford City Council Town Hall St. Aldate's Oxford</p> </div>
<p>Note 9 List all such declarations that accompany the application. If none is required, write "none".</p> <p>This information is not needed if an application is being made to register the land as a green under section 15(1).</p>	<p>9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>
<p>Note 10 List all supporting documents and maps accompanying the application. If none, write "none"</p> <p>Please use a separate sheet if necessary</p>	<p>10. Supporting documentation</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Appendices A: Map A. B: Map B. C: Justification D: Witness statements E: Historical Evidence F: Planning Issues G: Biodiversity</p> </div>

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

11. Any other information relating to the application

See Appendix F on page 56

Date:

27th September 2008

Signatures:

Chairman: M. [Signature]

Secretary: [Signature] M. Jeffreys

REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

9.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ Insert full name (and address if not given in the application form).

MARK ALAN LUNTLEY.

I.....¹ solemnly and sincerely declare as follows:—

² Delete and adapt as necessary.

1.² I am ~~((the person~~ (one of the persons) who ~~(has)~~ (have) signed the foregoing application)) ~~((the solicitor to~~ (the applicant) ~~(³ one of the applicants))~~.

³ Insert name if Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ Complete only in the case of voluntary registration (strike through if this is not relevant)

~~4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:~~

- ~~(i) a declaration of ownership of the land;~~
- ~~(ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have~~

Cont/

⁴ Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

MARK ALAN LUNTLEY.

at

9 Sadler Walk
St Ebbe's
Oxford OX1 1TX

this

27th day of September 2008



Signature of Declarant

Before me *

Signature:

Nizan Kangi

Address:

9 Sadler Walk
St Ebbe's
Oxford OX1 1TX

Qualification:

A Solicitor

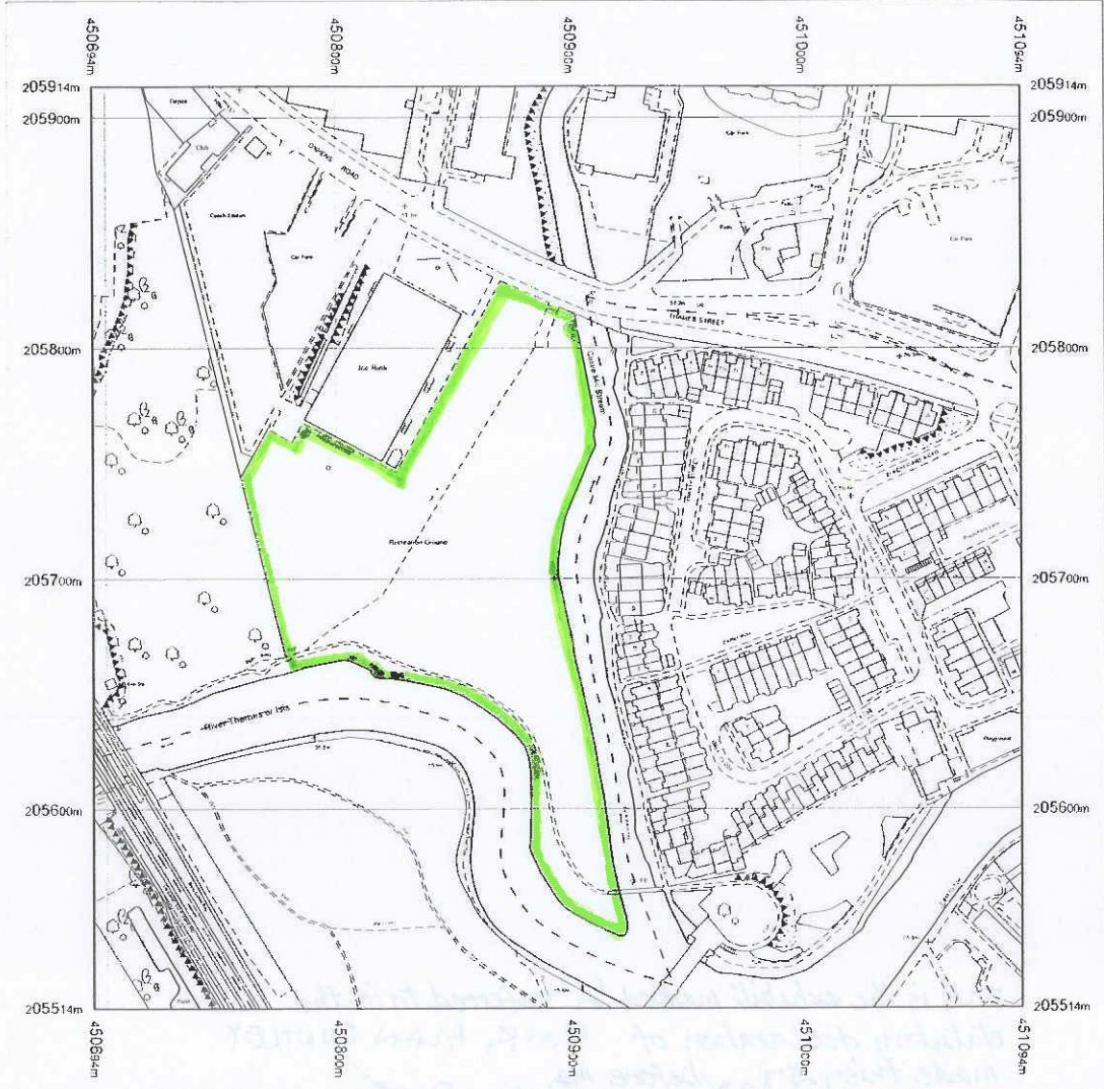
* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

Appendix A : Map to a scale of 1:2500 (MAP A)
Showing the land outlined in green
(part 5)



MAP 'A'

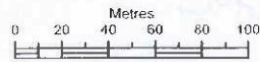
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Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

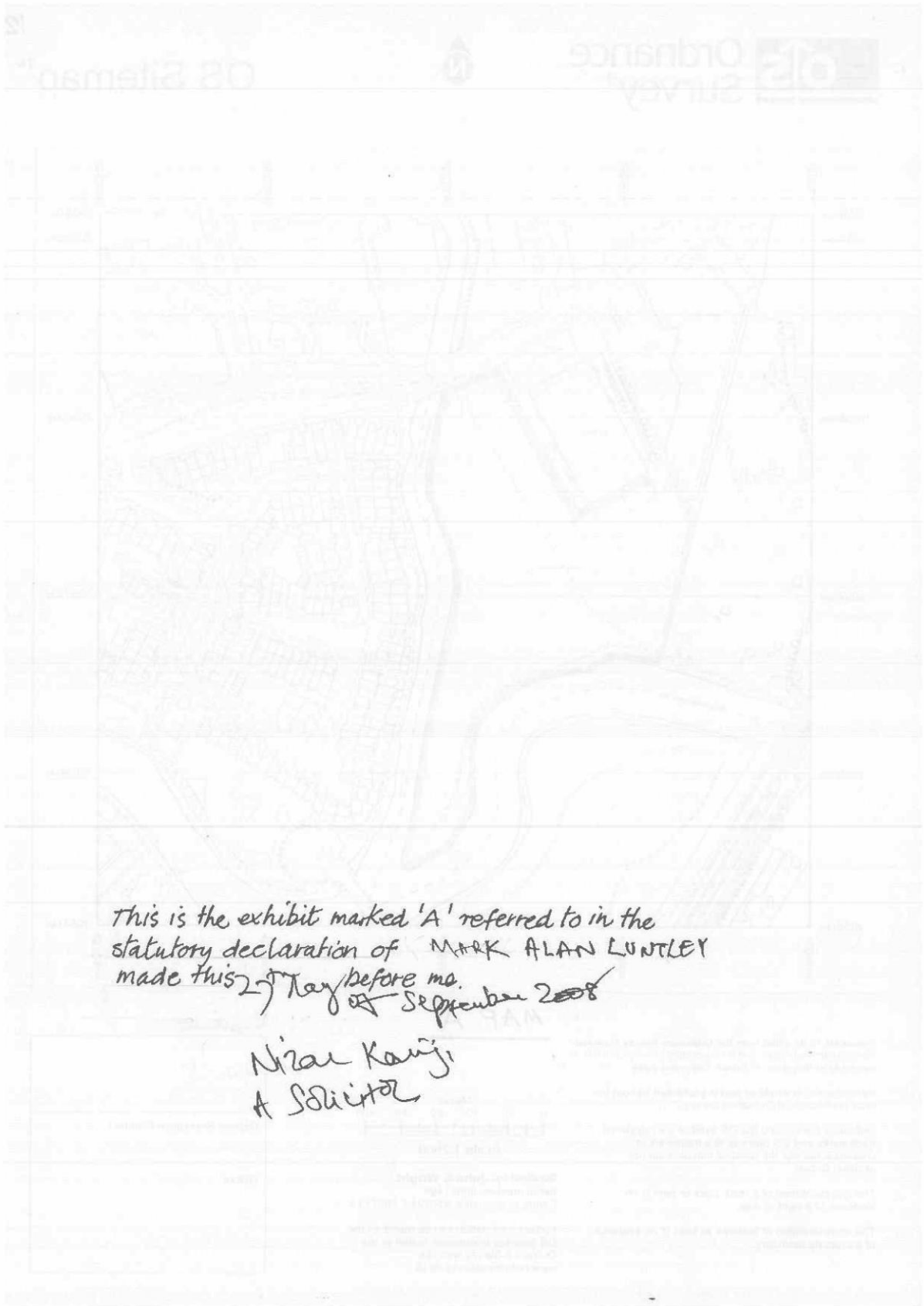


Scale 1:2500

Supplied by: **John E Wright**
Serial number: 00031400
Centre coordinates: 450894.5 205713.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site.
www.ordnancesurvey.co.uk

Oxpens Recreation Ground
Oxford



This is the exhibit marked 'A' referred to in the
statutory declaration of MARK ALAN LUNTLEY
made this 27th day before me. ~~of~~ September 2008

Nizar Kawi
A Solicitor

1650QE

FIELDS IN TRUST – QUEEN ELIZABETH II FIELDS
Non-Charitable Deed of Dedication
Local Authority Protected

The Oxford City Council (1)

and

National Playing Fields Association (2)

Oxpens Meadow

THIS DEED OF DEDICATION is made on the 14th day of February 2013

BETWEEN

- (1) THE **OXFORD CITY COUNCIL** of The Town Hall, St. Aldate's, Oxford OX1 1BX and of DX4309, Oxford and its successors in title (the Council); and
- (2) **NATIONAL PLAYING FIELDS ASSOCIATION**, operating as Fields in Trust, of Kings Chambers, 15 Crinan Street, London N1 9SQ a Royal Charter Organisation established for charitable purposes (registered charity number 306070) and its successors in title (FIT)

(the Council and FIT being together called the Parties)

WHEREAS:

1. The property more particularly specified in the Schedule (the Property) forms part of the corporate property of the Council. The Council, in response to representations from neighbouring Oxford residents, has agreed not to use the Property as development land, but has reserved the right to undertake such flood remediation and flood prevention work at or on the Property as may be reasonably required.
2. The parties have contracted in correspondence that the Property will be dedicated in the manner and for the purposes set out below (but without any intention to create any charitable trust), and in accordance with the mutual undertakings given by the parties.
3. The Council gives the following undertakings:
 - 3.1 Not to use the Property or permit the Property to be used other than as an area of public open space, for use by the public for leisure or recreational purposes and/or for the purpose of holding occasional fetes, fairs, circuses, concerts, dramatic productions, sporting events, community events and other public entertainments which may involve the erection of marquees, tents and other temporary structures or enclosures (entry to which may or may not be subject to the imposition of a charge), and which may involve the entry onto the Property of necessary motor vehicles, provided that there shall be no more than 6 such events per calendar year (the Primary Use); such use being subject to any reasonably required flood remediation or flood prevention work;
 - 3.2 Not (in so far as it has the power to do so) to dispose of the Property without the consent of FIT;

- 3.3 To return the property to its Primary Use as far as is reasonably practicable following the completion of any reasonably required flood remediation or flood prevention works within a reasonable time;
- 3.4 It will not (in so far as it has the power to do so) erect any building or structure on the Property the use of which falls outside of the Primary Use in Clause 3.1, without the consent of Fields in Trust; For the avoidance of doubt buildings and facilities ancillary to the Primary Use will not require FIT consent.
- 3.5 To inform FIT without delay of any proposals, intentions or decisions to dispose of or erect any structures or carry out any flood remediation or flood prevention works on the Property;
- 3.6 To maintain the Property and so far as is consistent with its duties as a local authority to have regard to any advice given from time to time by FIT on the management and running of the Property;
- 3.7 To erect notices on the Property in the form of signage provided by FIT relating to the background of FIT and the Queen Elizabeth II Fields and giving recognition of financial support where required;
- 3.7 To apply within three months of the date of this Deed on form RX1 annexed hereto for the registration in the proprietorship register of the registered title of the Property at the Land Registry of a restriction to the following effect:

"No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by National Playing Fields Association of 15 Crinan Street, London N1 9SQ or by its conveyancer that the provisions of paragraph 4 of The Deed of Dedication dated [14th February 2013] between The Oxford City Council (1) and National Playing Fields Association (2) have been complied with";

- 3.8 To apply within three months of the date of this Deed on form AN1 annexed hereto for the registration in the charges register of the registered title of the Property at the Land Registry of a notice to the following effect:

"By a Deed of Dedication dated [14th February 2013] between The Oxford City Council (1) and National Playing Fields Association (2) the land in this title was dedicated for use as an area of public open space, for use by the public for leisure or recreational purposes and/or for the purpose of holding occasional fetes, fairs, circuses, concerts, dramatic productions, sporting events, community events and other public entertainments which may involve the erection of marquees, tents and other temporary structures or enclosures (entry to which may or may not be subject to the imposition of a charge), and which may involve the entry onto the Property of necessary motor vehicles, provided that there shall be no more than 6 such events per calendar year (the Primary Use); such use being subject to any reasonably required flood remediation or flood prevention work"

- 3.9 To notify FIT immediately once the registrations referred to in clauses 3.7 and 3.8 have been completed.
4. FIT undertakes that it will:
- 4.1 Not unreasonably withhold consent to disposal of the Property or the erection of structures upon the Property, subject to its duty to perform its charitable objects and provided that the relevant provisions of this Deed have been complied with;
 - 4.2 Respond without delay to any notifications of intended disposal or erection of structures, or to any requests for advice; and
 - 4.3 Notify the Council without delay of any concerns or matters of advice to which it requires the Council to have regard.
5. The Council DEDICATES the property in celebration of the Diamond Jubilee of Her Majesty Queen Elizabeth II in accordance with clause 3.1. above for the benefit of the inhabitants of Oxford and thereabouts and the site will be titled the Queen Elizabeth II Field Oxpens Meadow.

IN WITNESS whereof this Deed of Dedication is executed the day and year first before written

SCHEDULE

All that freehold property being land lying to the south-east side of Oxford Ice Rink, Oxpens Road, Oxford which is identified on the plan outlined in red and annexed to this Deed being H M Land Registry Title Number ON305227.

EXECUTED as a **DEED** by affixing the
The **COMMON SEAL** of
OXFORD CITY COUNCIL
in the presence of:

J. Thomas
Nominated Officer:

Name:

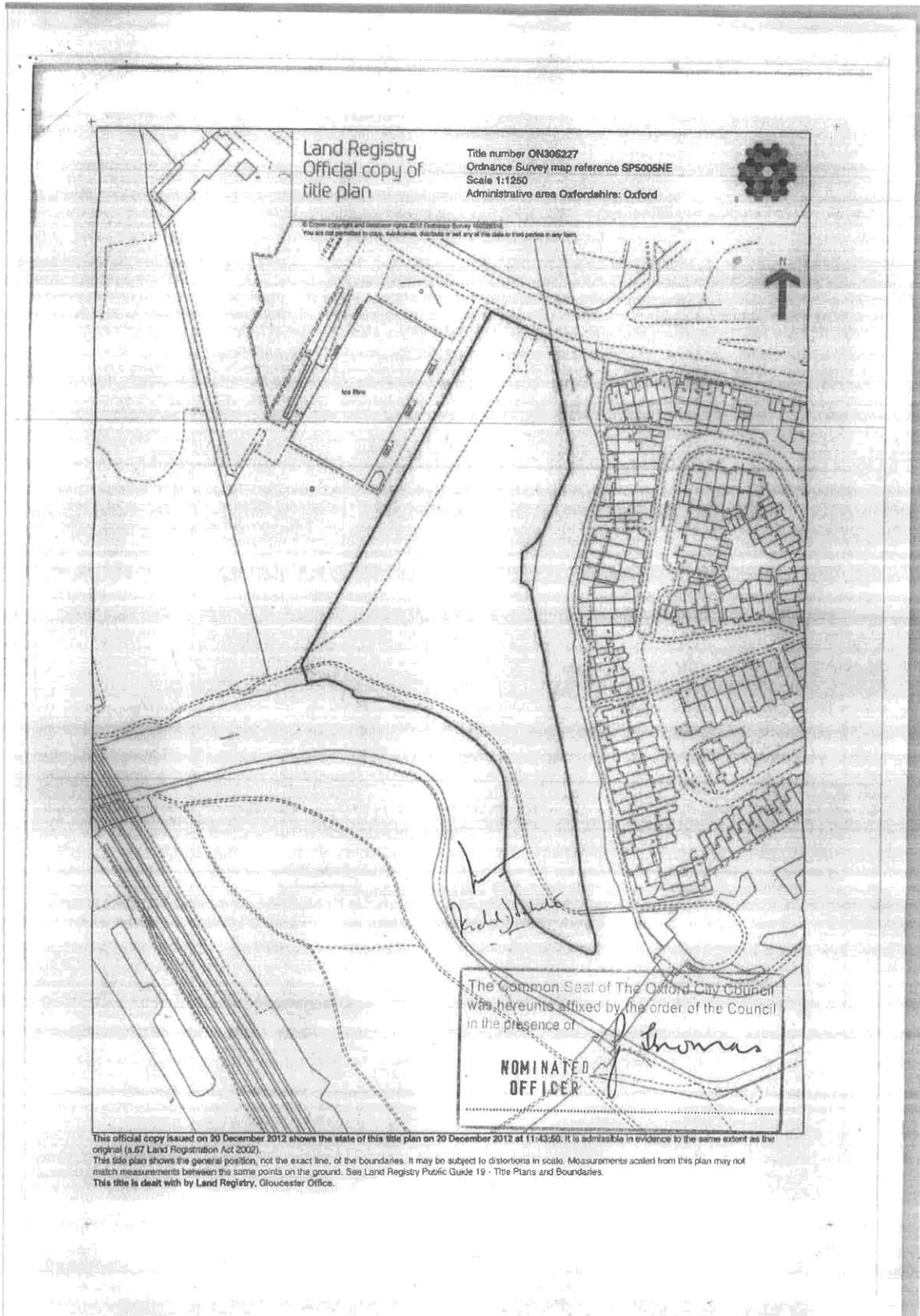
EXECUTED as a **DEED** by affixing the
The **COMMON SEAL** of
NATIONAL PLAYING FIELDS
ASSOCIATION
in the presence of:

R. de Salvo
[Signature]

Member of Council

Member of Council







**Official copy
of register of
title**

Title number ON305227

Edition date 04.03.2013

- This official copy shows the entries in the register of title on 4 March 2013 at 12:04:26.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 4 March 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by Land Registry Gloucester Office.

A: Property register

This register describes the land and estate comprised in the title.

OXFORDSHIRE : OXFORD

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the south-east side of Oxford Ice Rink, Oxpens Road, Oxford.

B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (05.12.2012) PROPRIETOR: THE OXFORD CITY COUNCIL of The Town Hall, St Aldate's, Oxford OX1 1BX and of DX4309, Oxford.
- 2 (04.03.2013) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by National Playing Fields Association of 15 Crinan Street, London N1 9SQ or by its Conveyancer that the provisions of paragraph 4 of the Deed of Dedication dated 14 February 2013 made between (1) Oxford City Council and (2) National Playing Fields Association have been complied with.

C: Charges register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to rights of drainage and rights in respect of water supply services.

Title number ON305227

C: Charges register continued

- 2 The land is subject to the following rights reserved by a Conveyance thereof and other land dated 15 December 1923 made between (1) The Dean and Chapter of The Cathedral Church of Christ in Oxford of the Foundation of King Henry The Eighth (Vendor) and (2) Oxford Corporation (Purchaser):-

"Excepting and Reserving unto the Vendors their successors and assigns and all other persons who have or may hereafter have the like right the free and uninterrupted passage and running of water and soil from the adjoining or neighbouring hereditaments through or into the channels sewers drains and watercourses in or under the hereditaments hereby contracted to be sold and Excepting and reserving also unto the Vendors the right to build on any portion of their land abutting on or in the neighbourhood of the land hereby conveyed or any part thereof."

- 3 (04.03.2013) By a Deed dated 14 February 2013 made between (1) Oxford City Council and (2) National Playing Fields Association the land in this title was dedicated to the public as a public playing field and recreation ground.

The said deed contains restrictive conditions

NOTE: Copy filed

End of register



Saint Ebbe's New Development Residents' Association



Mr Richard Goodlad
Principal Solicitor (Conveyancing)
Oxfordshire County Council
County Hall
New Road
Oxford OX1 1ND

10th September 2013

Dear Richard

Re: SENDRA's application for Town Green status for Oxpens Meadow

As you know, the above application was suspended in early 2010. The purpose of the suspension was to give SENDRA and Oxford City Council time and space to explore alternative ways of securing the future of the Meadow in perpetuity as a public open space for informal recreation.

In February 2012, the City Executive Board agreed formally to apply for town green status itself for Oxpens Meadow after flood compensation works were completed. Although this represented considerable progress in ensuring the future of the Meadow, it had the disadvantage that there was no time limit for these works and everything was dependent on the wider developments of the West End and the pace at which they unfolded. This uncertainty caused us much anxiety.

In August 2012, we became aware of the QEII Jubilee Field programme promoted by the National Playing Fields Association under the label 'Fields in Trust'. We drew the City's attention to this scheme and to the possibility of pursuing this alternative path to secure the Meadow's future. The scheme was due to close at the end of 2012. To our great satisfaction the City actively explored the Field in Trust approach.

In December 2012, the City notified the Land Registry that it was separating off part of its holding of land at the Oxpens so as to create the Field in Trust. Early in 2013, the Deed of Dedication was signed by the City and the NPFA.

The land covered by this Deed excludes a piece of Oxpens Meadow behind the Ice Rink. This piece of land formed part of the SENDRA application for town green status. In March 2013 we were notified by the City that it intended to protect its interests in this land against any future adverse claim. This was done in April by the erection on the land of signage proclaiming ownership. SENDRA did not object but expressed our wish that if and when flood remediation works were carried out on this land the Council would consider adding it to the Field in Trust.

SENDRA is of the opinion that we have secured the future of Oxpens Meadow as a public open space for informal recreation to the best of our ability and that pursuit of our application for Town Green status would serve no useful purpose. Therefore, we wish formally to withdraw that application and request you to undertake any necessary steps to facilitate this withdrawal.

I should like to take this opportunity on behalf of SENDRA and our subsidiary group: Friends of Oxpens Meadow to thank you most warmly for your help and advice since the application was first made in 2008.

Sincerely

A handwritten signature in blue ink, appearing to read 'L Gander'.

Luke Gander
Chair SENDRA
34 Trinity Street
Oxford
OX1 1TY