

Appendix 23

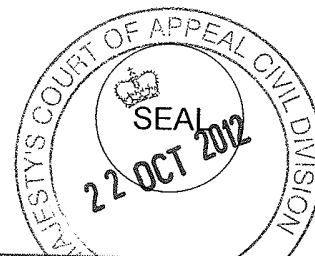
TRF's Appeal Notice in the proceedings R (Trail Riders Fellowship) v Dorset CC

Appellant's notice

(All appeals except small claims track appeals)

For Court use only	
Appeal Court Ref. No.	2012/2689
Date filed	22 OCT 12

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.



Section 1 Details of the claim or case you are appealing against

Claim or Case no.

Name(s) of the Claimant(s) Applicant(s) Petitioner(s)

(1) TRAIL RIDERS FELLOWSHIP (a company limited by guarantee)
 (2) DAVID LEONARD TILBURY

Name(s) of the Defendant(s) Respondent(s)

DORSET COUNTY COUNCIL
 (for details of Interested Parties, see the attached list)

Details of the party appealing ('The Appellant')

Name

Address (including postcode)

TRAIL RIDERS FELLOWSHIP
 c/o BUSINESS ACCOUNTANCY CONSULTANTS
 2 LONDON ROAD
 HEADINGTON
 OXFORD
 OX3 7PA

Tel No.	
Fax	
E-mail	

Details of the Respondent to the appeal

Name

Address (including postcode)

COUNTY HALL
 COLLITON PARK
 DORCHESTER
 DT1 1XJ

Tel No.	
Fax	
E-mail	

Details of additional parties (if any) are attached

Yes No

Section 2 Details of the appeal

From which court is the appeal being brought?

The County Court at

High Court

Queen's Bench Division

Chancery Division

Family Division

Other (please specify)

What is the name of the Judge whose decision you want to appeal?

MR JUSTICE SUPPERSTONE

What is the status of the Judge whose decision you want to appeal?

District Judge or Deputy

Circuit Judge or Recorder

Tribunal Judge

Master or Deputy

High Court Judge or Deputy

What is the date of the decision you wish to appeal against?

2 October 2012

To which track, if any, was the claim or case allocated?

Fast track

Multi track

Not allocated to a track

Nature of the decision you wish to appeal

Case management decision

Grant or refusal of interim relief

Final decision

A previous appeal decision

Section 3 Legal representation

Are you legally represented?

Yes No

If 'Yes', please give details of your solicitor below

Name of the firm of solicitors representing you

BRAIN CHASE COLES

The address (including postcode) of the firm of solicitors representing you

Haymarket House,
20/24 Wote Street,
Basingstoke,
Hampshire,
RG21 7NL

Tel No.	+44 (0)1256 354481
Fax	+44 (0)1256 841432
E-mail	mstevenson@brainchasecoles.co.uk
DX	DX 3005 - BASINGSTOKE
Ref.	MSS

Are you, the Appellant, in receipt of a Legal Aid Certificate or a Community Legal Service Fund (CLSF) certificate?

Yes No

Is the respondent legally represented?

Yes No

If 'Yes', please give details of the respondent's solicitor below

Name and address (including postcode) of the firm of solicitors representing the respondent

Dorset County Council
Head of Legal and Democratic Services
County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel No.	01305 225 104
Fax	01305 224 399
E-mail	s.l.meggs@dorsetcc.gov.uk
DX	DX 8716 Dorchester
Ref.	SLM

Section 4 Permission to appeal

Do you need permission to appeal?

Yes No

Has permission to appeal been granted?

Yes (Complete Box A)

No (Complete Box B)

Box A

Date of order granting permission

Name of Judge granting permission

Box B

BRAIN CHASE COLES

the Appellant('s solicitor) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

Yes No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

The whole of the order dated 2 October 2012.

Have you lodged this notice with the court in time?
(There are different types of appeal -
see Guidance Notes N161A)

Yes No

If 'No' you must complete
Part B of Section 9

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

OR

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice

Section 8 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- set aside the order which I am appealing
- vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

(1) The claim is allowed;
(2) It is declared that the five applications dated 14/7/04 (ref. T338), 25/9/04 (ref. T339), 21/12/04 (ref. T350), 21/12/04 (ref. 353) and 21/12/04 (ref. T354) under section 53(5) Wildlife and Countryside Act 1981 were made in accordance with paragraph 1 Schedule 14 Wildlife and Countryside Act 1981;
(3) Dorset CC be ordered to determine the five such applications;
(4) The decision of Dorset CC by letter dated 2 November 2010 rejecting the five such applications be quashed;
(5) Costs.

- order a new trial

Section 9 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- I apply for a stay of execution. (You must set out in Section 10 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

- I apply for an extension of time for filing my appeal notice. (You must set out in Section 10 the reasons for the delay and what steps you have taken since the decision you are appealing.)

Part C

- I apply for an order that:

(You must set out in Section 10 your reasons and your evidence in support of your application.)

Section 10 Evidence in support

In support of my application(s) in Section 9, I wish to rely upon the following reasons and evidence:

Statement of Truth – This must be completed in support of the evidence in Section 10.

~~He~~ (The appellant believes) that the facts stated in this section are true.

Full name

Name of appellant's solicitor's firm

signed

Appellant ('s solicitor)

position or office held

(if signing on behalf of firm or company)

Section 11 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

- two additional copies of your appellant's notice for the appeal court;
- one copy of your appellant's notice for each of the respondents;
- one copy of your grounds for appeal for each of the respondents;
- one copy of your skeleton argument for each copy of the appellant's notice that is filed;
- a sealed (*stamped by the court*) copy of the order being appealed;
- a copy of any order giving or refusing permission to appeal, together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- any witness statements or affidavits in support of any application included in the appellant's notice;
- a copy of the order allocating the case to a track (*if any*); and
- a copy of the legal aid or CLSF certificate (*if legally represented*).

A bundle of documents for the appeal hearing containing copies of all the papers listed below:-

- a sealed copy (*stamped by the court*) of your appellant's notice;
- a sealed copy (*stamped by the court*) of the order being appealed;
- a copy of any order giving or refusing permission to appeal, together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- any affidavit or witness statement filed in support of any application included in the appellant's notice;
- a copy of the grounds for appeal;
- a copy of the skeleton argument;
- a transcript or note of judgment, and in cases where permission to appeal was given by the lower court or is not required those parts of any transcript of evidence which are directly relevant to any question at issue on the appeal;
- the claim form and statements of case (where relevant to the subject of the appeal);
- any application notice (or case management documentation) relevant to the subject of the appeal;
- in cases where the decision appealed was itself made on appeal (eg from district judge to circuit judge), the first order, the reasons given and the appellant's notice used to appeal from that order;
- in the case of judicial review or a statutory appeal, the original decision which was the subject of the application to the lower court;
- in cases where the appeal is from a Tribunal, a copy of the Tribunal's reasons for the decision, a copy of the decision reviewed by the Tribunal and the reasons for the original decision and any document filed with the Tribunal setting out the grounds of appeal from that decision;
- any other documents which are necessary to enable the appeal court to reach a decision; and
- such other documents as the court may direct.

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied

Section 12 The notice of appeal must be signed here

Signed Brain Chow Coley. Appellant('s Solicitor)

IN THE COURT OF APPEAL

Appeal Court Ref. No.

ON APPEAL FROM

**THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
(MR JUSTICE SUPPERSTONE)**

Claim No. CO/899/2011

THE QUEEN ON THE APPLICATION OF

**(1) TRAIL RIDERS FELLOWSHIP
(2) DAVID LEONARD TILBURY**

Claimants

and

DORSET COUNTY COUNCIL

Defendant

and

**(1) SECRETARY OF STATE FOR
THE ENVIRONMENT, FOOD
AND RURAL AFFAIRS
(2) MR GRAHAM PLUMBE**

Interested Parties

GROUNDS OF APPEAL

1. The learned Judge erred in holding that the five applications did not comply in terms with the requirements of paragraph 1 Schedule 14 Wildlife and Countryside Act 1981.
2. The learned Judge erred in holding that any departure from the requirements of paragraph 1 Schedule 14 Wildlife and Countryside 1981 was not within the scope of the principle *de minimis non curat lex*.

IN THE COURT OF APPEAL

Appeal Court Ref. No.

ON APPEAL FROM

**THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
(MR JUSTICE SUPPERSTONE)**

Claim No. CO/899/2011

THE QUEEN ON THE APPLICATION OF

**(1) TRAIL RIDERS FELLOWSHIP
(2) DAVID LEONARD TILBURY**

Claimants

and

DORSET COUNTY COUNCIL

Defendant

and

**(1) SECRETARY OF STATE FOR
THE ENVIRONMENT, FOOD
AND RURAL AFFAIRS
(2) MR GRAHAM PLUMBE**

Interested Parties

DETAILS OF ADDITIONAL PARTIES

DETAILS OF THE FIRST INTERESTED PARTY
--

Name

SECRETARY OF STATE FOR THE ENVIRONMENT, FOOD AND RURAL AFFAIRS

Address (including postcode)

Nobel House 17 Smith Square London SW1P 3JR
--

Tel No.	020 7238 6000
Fax	020 7238 2294
Email	Jennifer.fern@defra.gsi.gov.uk

Name and address of the solicitors representing the First Interested Party

General Public Law and Planning Team Treasury Solicitor's Department 10 th Floor One Kemble Street London WC2B 4TS

Tel No.	0207 210 2919
Fax	0207 210 3352
Email	Juliette.Devani@tsol.gsi.gov.uk
DX	
Ref.	Juliette Devani

DETAILS OF THE SECOND INTERESTED PARTY

Name

MR PHILIP GRAHAM PLUMBE

Address (including postcode)

Crandall House, Crondall Road
Crookham Village, Fleet
Hants GU51 5SY

Tel No.	01252 850282
Fax	
Email	Graham.plumbe@googlemail.com

Name and address of the solicitors representing the Second Interested Party

Thomas Eggar LLP
Belmont House, Station Way
Crawley
West Sussex RH10 1JA

Tel No.	01293 742 746
Fax	01293 742 998
Email	james.pavey@thomaseggar.com
DX	85715 Crawley
Ref.	PPG/JRP/2312/45106495