

I provided a brief overview and update on the legal situation concerning Becky Addy Wood at the last full council meeting and provide another such update now.

As a result of the actions following the Case Management Conference in September, we now know that the claim against BOATC is being brought by the Claimants: Lisa Otter-Barry and Christopher Humphries on their own behalf and as representatives of 6 other individuals.

The Council previously understood the claim to be brought as a representative action on behalf of FROBAW, however this is no longer the case given the represented parties now comprise 6 individuals and not FROBAW as a whole. The Council understands FROBAW is made up of a much greater number of individuals.

There are two parts to the legal action brought against the council in the High Court:

1. The temporary injunction preventing the council from carrying out work to trees in the wood.
2. The ongoing claim against the Council based on the claim that:
  - a. The Council is in breach of a Memorandum of Understanding which was signed by the Council and FROBAW (who at the time of signing, the Council understood comprised 59 persons); and
  - b. Some persons (at present unidentified) have a common intention constructive trust claim i.e. a claim that they have a beneficial interest in Becky Addy Wood as a result of donations they gave for the initial purchase.

The Council vigorously contests the Claimants' position.

As to the injunction, the Council has been working hard to implement a process whereby independent joint experts can assess Becky Addy Wood and create a new joint management plan, which would supersede the previous joint management plan for a defined period. This process requires input from the Claimants to progress. To date, their solicitors have been slow to engage on the detail which has unfortunately delayed expert instruction. The Council's

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solicitors continue to press. Once the new joint management plan is in place, the parties have agreed the injunction can be lifted.

As to the claim, there is little the Council is able to say whilst this process is ongoing. There are no live settlement offers from either party. The Council made, what it considered to be a very reasonable settlement offer in May 2023 but regrettably, this was not accepted.

As I explained at the last Full Council meeting, the claim will continue to trial unless either the claimants discontinue it (which they declined to do but which they could do of their own volition at any time), or terms of settlement can be agreed. As the defendant, the Council cannot withdraw from the claim.

At present, the trial is anticipated between 4 March and 13 May 2024. The Council will continue to keep settlement under careful review to see if costs can be saved and the trial avoided. It will also comply with the timetable to be ready for the trial should settlement not be achieved.

Ultimately, the Council wishes to be able to manage the woodland responsibly for biodiversity and for the people who enjoy visiting it.