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Subject: Update 120 / Judicial Review / Felling along the A22
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The Steering Group received the response (attached below) to the Pre-Action Protocol Letter from Wealden District Council and have discussed it with our legal team. Our Barrister feels that we have a reasonable prospect of success. They quite correctly pointed out that if we win and the planning decision is quashed then the developer is likely to resubmit a new application, possibly for fewer houses, and that they would be unlikely to make the same legal mistakes again. Thus, we may well have spent a considerable sum of money just to delay matters. The Steering Group have considered this at length and we believe it is right that we continue with the Judicial Review process for the following reasons:

If we continue the JR process then the Council have another opportunity to realise their error and admit defeat.

If we win, any new application may be for fewer homes and that would be beneficial.

If we win, any new application will have to go back to the Planning Committee and there is a chance that Councillors would make a different decision and not approve the new application. We are lobbying Councillors regularly and things are changing. Wealden and other Councils are now beginning to challenge the government's housing policies – see [Uckfield News - Wealden takes housing concerns to government](#). There is a growing opposition to the proliferation of development across the South East and Councils and politicians are showing signs of concern. Any delay that we gain will push the decision towards a more favourable planning climate.

If we win the JR any new application may be pushed back sufficiently to fall within the period controlled by the New Wealden Local Plan process. This may mean that it would have to conform to the constraints of that emerging plan.

If we do not continue then we will have no further opportunity to challenge this application for 205 homes. We expect that the Planning Department will approve the removal of the Section 106 Planning Condition on the site to allow the 205 homes to be built. The best that we could then expect is to try and influence things at the Reserved Matters stage when the detail of the design and layout is confirmed. However, we fear that the approval of this application will be used as a "principle" that permits the overturning of applications under appeal and new applications to be brought forward by Hesmond's Stud.

Therefore, last, Friday, July 23rd, Village Concerns' Claim for a Judicial Review was Lodged in the Planning Court (of the Administrative Court) at the Royal Courts of Justice on the Strand, in London. A response by Wealden has to be made by 21 days.

We cannot thank you enough for your generous donations which has helped fund this Judicial Review.

On a separate issue, we believe that the behaviour of the Planning Department is improper and that the conduct of the Planning Committee is poor. Their behaviour is biased towards developers and they are complicit in overdeveloping our community. We feel that we must hold them to account and remind them that they serve this electorate and neither central government nor developers. In addition to the Judicial Review, we have challenged this and have put in a formal complaint to Wealden. If this is not handled satisfactorily we will take it further to the Local Government Ombudsman.

Felling Along the A22

Village Concerns has been in touch with the Forestry Commission as a result of some of our supporters being rather aghast at the amount of felling occurring before the roundabout leaving East Hoathly and along the A22, on Hesmond land. The landowner has a felling permit. The Forestry Commission sent one of theirs out to check on the felling and all is ok, according to them.

Steering Group Members

We are always on the lookout for new members to join the Steering Group. You do not need to be a planning expert! We need fresh ideas and fresh sets of eyes to proof read our documents. We would be delighted if someone with Communications or PR experience could join us. Enthusiasm and a dislike of over-development a must. Whatever your skills you will be of use to us. We are pleased to welcome residents from both East Hoathly and Halland. Please email us to find out more.

You are in receipt of this email because you have previously requested to be part of Village Concerns email list. If you no longer wish to receive these emails, please let us know.



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