



HEADCORN PARISH COUNCIL

The Clerk, Parish Office, Headcorn Village Hall, Church Lane
Headcorn TN27 9NR
Phone 01622 892496 Email clerk@headcornpc.org.uk

Land between Mill Bank, Ulcombe Road & Kings Road Headcorn

Headcorn Parish Council would like to stress their appreciation for the messages of support received following the announcement we made on Wednesday 3rd May 2017 that our JR challenge regarding the proposed Hazelpits development had been dismissed.

From the messages we have received so far, it is clear that parishioners are just as disappointed as the Parish Council. This is not surprising as the Council was following the wishes voiced by Headcorn Parishioners.

How much has this legal process cost the parish?

£51,500 excluding VAT, this is made up of £35,000 for our own legal fees and £10,000 costs to be paid to the Secretary of State (SOS) and £6,500 to be paid to Maidstone Borough Council (MBC). Note we are able to claim VAT back so what you see here is what we pay.

What has this money been spent on?

Preparation of documentation, consultation, research and representation in Court. There have been two sets of legal proceedings, two hearings in the High Court, and one (so far) in the Court of Appeal. The process started in 2015 with the original JR request, this was turned down on written submissions and again at an oral hearing. We appealed and again this was turned down at the written stage so we appealed again and were successful at the oral hearing which was held in the Court of Appeal at the end of 2016. The JR hearing was finally heard on 4th April 2017 and as you are aware it was dismissed by the Judge.

Can the Parish Council afford to make these payments?

Yes, we would not have embarked on this legal process unless the funds were available and via the precept over the last few years we have built up a large enough contingency fund. We would also like to thank again parishioners who made contributions to a fund set aside to help further with legal fees.

What action did we take to limit costs?

We negotiated an arrangement with our solicitors Richard Buxton Environmental & Public Law to limit our own legal fees to £35,000, Richard Buxton's actual costs incurred are £70,568.62. In effect they have worked at about half rates.

This was an environmental claim so we were eligible for what is known as an Aarhus Convention cap which should have limited our exposure to £10,000. However the Judge decided that each of the SOS and MBC would have a separate £10,000 cap, although MBC agreed to limit its claim to £6,500. Richard



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Buxton does not agree that we should be liable to a double cap and this is something we could challenge if we decide to appeal.

What next?

The advice from Richard Buxton is that we still have a chance of winning and given the small additional cost of preparing the appeal paperwork of £2,500, Richard's recommendation is that we appeal against the Judge's conclusion to dismiss the JR (and to apply a double Aarhus cap). More details are on a separate note from him.

What can parishioners do?

Tell us what you think.

You have provided clear guidance in the past on your vision for Headcorn via the Neighbourhood Plan consultation process and also via the numbers of objections to the Hazelpits development.

Please let us know what you are feeling now. We should like to know if you think we should continue with our legal action and try and go to appeal or is it time to stop?

We really do need to know what you think.

You can do this in person at our next Parish Council Meeting in Long Meadow Hall at 8pm on 10th May. You can email the clerk at clerk@headcornpc.org.uk, or write to the clerk at the parish office or get in touch via Facebook.

Also, many of you know a parish Councillor so why don't you speak to them and let them have your thoughts?

If we are successful at appeal then there will be additional legal costs (in principle Richard Buxton have agreed to continue to work at half rates). In any event we will ensure that these are kept to a minimum and covered by the precept. However we know that some parishioners would like to make a direct financial contribution towards legal costs, if you would like to do this please contact the clerk direct who will ensure that your confidentiality is maintained.

Once again the Parish Council would like to thank you for your support and we look forward to receiving your comments.

May 8th 2017