

Report to Faversham Town Council – 13 October 2025

Subject: Update on Judicial Review Proceedings – Ham Marshes

Background

The Council's legal representatives have now filed and served the final version of the Reply in the ongoing judicial review proceedings. This was submitted to the Court and served on the Defendants on 4 September 2025.

Current Position

We are now awaiting the Court's decision on whether the Council's claim will be granted permission to proceed. A judge will review all papers and issue a court order in due course.

- The Court may grant permission on all grounds, some grounds, or refuse permission entirely.
- The Court will also determine whether the Council will receive Aarhus costs protection, and if so, at what level (a cap of £10,000 or possibly £20,000)
- While timing is uncertain, a decision may be expected within 4–8 weeks, though it could take longer.

Correspondence with the First Defendant

The First Defendant wrote to the Court raising procedural objections regarding the date and length of the Reply. These points were reviewed by Counsel and found to have no merit. The Council's solicitors, RBS, responded formally to the Court to counter these claims.

Costs to Date

Costs for the Reply phase have now been incurred and total costs stand at £10,550 + VAT.

Next Steps

- Await the Court's permission decision.
- Review the draft bill for Reply costs when received.
- Continue to monitor budget and explore opportunities to manage costs.
- Decide whether to proceed to renewal or substantive hearing depending on the Court's ruling and costs position.

Fundraising

A regular meeting is taking place with representatives of the Faversham Society, Faversham Creek Trust and Save Ham Marshes group to devise a strategy for raising the required funds.

- A separate bank account in Faversham Town Council name has been set up
- A form on Survey Monkey to accept pledges in place
- Leaflets, banners etc organised by the Faversham Creek Trust
- 4 short videos will be released
- Articles in Faversham News, CommunityAd and Faversham Eye
- Details of FTC website