

# Angry at being ignored and driven by sense of injustice

**Miriam Heppell is locked in a legal battle with Basildon Council over a decision to award planning permission to build homes on a designated local wildlife site. CHARLES THOMSON spoke to her as she awaits the result of her and campaigners' second bid for a judicial review to argue their case**

FOR the past year Miriam Heppell has dedicated several hours every day to a High Court battle with Basildon Council.

To date, the cost to Miriam and local backers has topped £20,000.

Backed by the Green Action Group (GAG), she is fighting to overturn planning permission granted by Conservative councillors last year for 725 houses on a designated local wildlife site at Dry Street.

This week, a judge is set to rule on a second appeal, after the court refused permission for a judicial review earlier this year.

"It's taken far more time than I ever envisaged," Miriam says. "It seemed at the time that as I work from home, I could deal with the paperwork and contact with the solicitors and the barrister."

"I would say I spend two to three hours a day on it at the moment. It's very tiring, but each time we get knocked back we think, 'We can't let this defeat us'. We've got to just carry on."

"Had the public said, 'Let's call it a day', that would have been it – but they didn't so it's our duty to carry on."

Miriam and GAG thought they had a pretty strong case.

The Dry Street Pastures were described by experts as one of Britain's most valuable habitats.



**SACRIFICE:** Miriam Heppell has dedicated a year of her life to fighting Basildon Council

Dr Annie Gordon, of Essex Wildlife Trust, told Basildon Council the anticipated damage to rare orchids, protected birds and badgers would be 'irreversible' – although the HCA disputed her claims. But the HCA's own environmental papers accepted the works would have an 'adverse effect' on plants, animals, trees and air quality.

Plans to mitigate the damage were described by Dr Gordon as 'wholly inadequate', 'unreliable', 'highly flawed' and 'extremely dubious' – also all refuted by the HCA.

Miriam's court papers argued that councillors did not possess the full facts when they made their decision. She said environmental reports pre-

sented to councillors were redacted.

Meanwhile, Natural England said several wildlife experts should have been consulted, but never were.

However, in May a High Court judge rejected the case for a judicial review – a decision that left Miriam shocked and angry.

"All we have to demonstrate is that the case is arguable," she explains.

"At the first hearing our barrister argued himself to a standstill. We were there for two-and-a-half hours arguing. Then, at the end, we were told it was not an arguable case. We really were gobsmacked. We couldn't speak."

"We were so astonished at what we'd seen and heard. We were angry."

"But by the time we came out and got on the train back to sunny Basildon, we were already thinking, 'What can we do about this?'"

An appeal was lodged but also rejected, prompting Miriam to question the fairness of the process.

"This is a very personal reaction but I do believe they're trying to maintain the status quo," she says, admitting that she thinks she faces extra opposition because the developer is a Government agency.

"But it's such an arbitrary process," she adds. "We have been told that it depends what judge you get. There is no consistency, apparently."

Following a vote at a public meeting last month, Miriam has launched a

second appeal. For her, the fight is greater than Dry Street.

It is a battle to make politicians recognise the will of local people.

"We do feel powerless," she says. "We would very much like to redress the situation by getting the judicial review. But there is a sense of powerlessness."

"I think myself and the other GAG supporters are extremely angry that we haven't been listened to."

"This is a large group of people, a large portion of the electorate."

"We are certainly angry that we haven't been listened to but at this stage it's not just that we haven't been listened to by Basildon Council or even the Government body that owns the land."

While her last rejection was on a 'paper appeal', this week's court date will allow Miriam's barrister to argue his case before a judge, giving her some hope that this time she will get a fair hearing.

"If we do get our judicial review, we will be delighted," she says.

"But if we don't, then we will have to look at the options. We could take it to the European Court."

"We don't ever know what the outcome will be. We can only hope that we get the outcome we want."

● A decision on Miriam's second High Court appeal was imminent as the YA went to press.

# Thurrock Windows

Family Run with Family Values

**No Deposit  
Payment on  
Installation**

**Ask about  
our whole  
house offer  
for  
£3,850\***

## 5 Windows from £1,450

Discounts for Senior Citizens

- We install 'A' Rated as standard
- No pressure sales tactics
- 10 year guarantee

- No subcontractors
- Insurance backed Guarantee
- Saracen secured locking system

## WINDOWS DOORS

### CONSERVATORIES, FASCIAS, SOFFITS

40 Years fitting  
in Thurrock

See Customer Reviews on

Your home Our Expertise  
Improve Your home With Complete Confidence



CALL FOR FREE QUOTE  
01375 893833  
www.thurrockwindows.co.uk

\*Subject to Terms and Conditions

# Campaigner is unmoved over 'green lung' bid

**EXCLUSIVE**

by Charles Thomson

basildon@yellowad.co.uk

PLANS to plant trees on green-belt land could prevent another Dry Street, council leader Phil Turner has suggested.

The Conservative councillor last week said that the council could create forests to combat air pollution, which kills more than five per cent of Basildon residents.

He said the scheme, which would help cut instances of respiratory illness, currently the single largest health problem in the borough, could stave off unwanted developments.

Cllr Turner said land designated as forest would likely be spared when the Government issued housing targets.

He unveiled the plans exclusively last week to the YA.

This week, he responded to Dry Street campaigners who accused him of 'hypocrisy' for hatching the scheme, which he is set to present to officers, after his party sanctioned the destruction of a designated wildlife site the size of 12 football pitches.



**STANCE: Cllr Phil Turner**

Tory councillors last year approved plans for 725 homes on the green land.

Cllr Turner said the development was unavoidable due to an outstanding land designation.

But Miriam Heppell, 53, of Gaynesford, who is seeking a judicial review against the Dry Street development in the High Court, questioned the policy.

She said: "We've got awful air pollution and it's going to be on the health agenda, and yet this land is going to be built on - and it's a large piece of the Langdon Living Landscape.

"This is exactly what it was

designed for. The idea was that it was going to be a 'green lung' across the edge of the Thames Estuary, into Thurrock. That was the whole idea of creating a living landscape."

Cllr Turner forwarded correspondence to the YA between himself and other Dry Street campaigners.

Responding to them, he said: "Dry Street has for many years, and long before me, had a determination on it in the Local Plan of 'land of special reserve'."

"Under that determination and with housing in short supply, anything the council could do was limited, whatever colour its politics. We sought to get the best deal from the Homes and Communities Agency [the landowner] by getting a decent design of development, low density and investment in the borough of approximately £30million.

"The alternative was that the HCA sell the land to a developer, who would have taken us through the courts and won. We would have ended up with a much higher density of build and without the investment."

windows

doors

conservatories

orangeries

**SUMMER SALE**  
NOW ON

**SAVE UP TO 30%**  
or

**2 YEARS**  
INTEREST FREE CREDIT

**01702 421 421**

**FACTORY & SHOWROOM** 401 Rayleigh Road  
Eastwood Leigh-on-Sea Essex SS9 5JG  
monday to friday - 8am to 5pm  
saturday - 9am to 4pm sunday - closed

**01268 561 984**

**CONSERVATORY SHOW CENTRE** View Garden Centre  
Old A130 Rawreth SS11 8SJ  
monday to saturday - 9am to 5pm  
sunday - 10am to 4pm

\* subject to status. Terms and conditions apply

**hometec**  
www.hometec.co.uk enquires@hometec.co.uk

**Soffits • Fascias • Guttering**

**Mid Terrace £600**  
**Semi detached £1300**  
**Detached £1700**



- Windows
- French Doors
- Doors
- Porches
- Bi-Fold Doors
- Conservatories
- Composite Doors
- Sealed Units
- Patio Doors
- Fascia, Soffits & Guttering



# SWD ESSEX WINDOWS & DOORS LTD

*A Family Run Business*

[www.swdessex.com](http://www.swdessex.com)



**AUTUMN OFFERS**  
UP TO  
**50% OFF**  
**ALL PRODUCTS\***



Full 10yr Guarantee

**FINANCE AVAILABLE**

**01268 281400**



Triple Glazing Available



\*SUBJECT TO STATUS. T/C'S APPLY

**SWD Essex Windows & Doors • 22 Orion Court, Cranes Farm Rd, Basildon SS14 3DB**