

West Sussex County Council
The Grange
Tower Street
Chichester
West Sussex
PO19 1RH

By email tro.team@westsussex.gov.uk
rebecca.caney@westsussex.gov.uk

Your ref: HT12 21/22
Our ref: REC00001
susanring@hglaw.co.uk

23 December 2021

FOR YOUR URGENT ATTENTION
JUDICIAL REVIEW PRE-ACTION PROTOCOL LETTER

Dear Sirs,

Chichester: Westgate Avenue de Chartres and Orchard Street etc Highway Improvements HT12 21/22 (CHS-9038-RC)

1. This is a pre-action letter under the Judicial Review Pre-Action Protocol in support of an application for permission to apply for judicial review to quash the decision approving a package of highway improvements.

The Claimant

2. The proposed claimant is Mark Record of 22 Barton Road, Chichester, West Sussex PO19 3LJ ("the Claimant").

The Defendant

3. The proposed defendant is West Sussex County Council ("the Council").

Interested Party

4. The Claimant is not aware of any interested party.

The Decision under challenge

5. The decision of the Council to authorise the Director of Law & Assurance to make the Traffic Regulation Orders and allow for the installation of the pedestrian crossing places and road humps as set out in the highway improvement report.

Orders Sought

6. The following orders will be sought from the Court:

- (i) a quashing order in relation to the decision, either in whole or in part; and
- (ii) costs.

Aarhus Convention claim

7. The Claimant considers this to be an Aarhus Convention claim under the CPR and so claims the costs protection which arises. If the Defendant Council disagrees then please explain why, pursuant to the Judicial Review Pre-Action Protocol.

Brief Summary of Facts

8. See attached draft Statement of Facts and Grounds drafted by Counsel James Burton of 39 Essex Chambers.

The Grounds

9. See attached draft Statement of Facts and Grounds drafted by Counsel James Burton of 39 Essex Chambers.

What the Defendant Council is asked to do

10. The Council is invited to agree to submit to the quashing of the decision and to payment of our costs. If the Council does not agree, please explain why not.

Further information required

11. The Council is asked to provide copies of any document upon which it relies together with all external and internal correspondence, emails and documents relating to the application that are not publicly available including:
- a. Correspondence from the Council to disability groups that were consulted in relation to the Decision, including correspondence to the West Sussex Association for the Disabled ("WSAD"),
 - b. Any response, automated or otherwise, received from WSAD,
 - c. Notes made by Stephen Shaw during his conversation with Glynis Spencer of Chichester District Access Group on 5 August 2021,
 - d. Any correspondence inviting comments from organisations representing vulnerable pedestrians beyond the disabled, such as the elderly, and
 - e. Whether there is another drawing, beyond P2, that the Council used for the "clip" in the officer's report, Appendix C, but has not disclosed to date.

Other applications made

12. An application for disclosure will be made if the documentation requested is not provided.

Legal Advisers dealing with this claim

13. Harrison Grant solicitors of 115 Castlehaven Street, London NW1 8SJ attention Alice Goodenough (alicegoodenough@hglaw.co.uk) and James Burton of 39 Essex Chambers.

Address for reply and service of court documents

14. At Harrison Grant, as above.

Period for reply

15. Please reply substantively within 14 days of the date of this letter.

Yours faithfully,

Harrison Grant

HARRISON GRANT