NUSRAT GHANI MP
Member of Parliament for Sussex Weald

Madam Deputy Speaker of the House of Commons
Chairman of Ways and Means
House of Commons London SW1A 0AA

Cllr James Partridge
Cllr Rachel Millward
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
BN27 2AX

13th November 2025

Dear Cllr Rachel Millward and Cllr James Partridge – Wealden District Council Leadership team,

In your letter dated 5th November 2025, in response to the one sent by me on behalf of myself, Mims Davies MP and Dr Kieran Mullen MP, you fail to respond to each of our points. Can you please respond to each and every point raised and get back to us.

In the letter dated 5th November, you suggest your inaction is because:

- The land on which the Crowborough Training Camp is situated is Crown Land
- The Home Office has used certain exceptions, which you do not specify
- You, as the Local Planning authority, have no role to play in any necessary planning permission so you have in effect no power to object to the use of the Camp for occupation by 600 single male Asylum seekers.

That as you know, or should know, is not in fact the case:

A – As I evidenced at the public meeting on Monday 10th November with examples of other Councils taking action.

B – With the Home Office officials stating at the meeting that the Planning Authority can take Legal Action 'before, during and after,` asylum seekers arrive.

C – With the previous Home Office Minister confirming the site was previously rejected and examples he gave of legal challenge options.

<u>This letter requires a point by point response. If you do not know the answer, respond as such. If you haven't yet asked the Home Office, respond as such. If you haven't asked your legal team, respond as such.</u>

The Town and Country Planning Act 1990 does apply to Crown Land and in general applications for planning permission for development of such land should be made to the Local Planning Authority by the "Appropriate Authority". Crown Land means land in which there is a Crown Interest or Duchy Interest. Crown Interest is defined in Section 293 of the Act in three ways of which the second applies here. That is an "interest belonging to a government department or held in trust for His Majesty for the purposes of a government department."

In this case the land is owned by the Ministry of Defence. The Appropriate Authority is defined in Section 293(2)(d) in the case of land owned by a Government Department as meaning that government department. This means that unless the ownership of the Camp has been transferred to the Home Office, the Appropriate Authority to make any necessary application for planning permission is the Ministry of Defence.

There is no doubt that pursuant to Section 55 of the Act which sets out the meaning of development and new development and that the change of use proposed for the Camp is a material change of use in the use of the buildings and other land comprised in the Camp and so requires planning permission.

The application by the Appropriate Authority should be made to the Local Planning Authority i.e. Wealden District Council unless one of the exceptions comprised in the Act apply. Those exceptions are set out in Section 293B of the Act which provides that where the appropriate authority intends to make an application, and the authority considers that the development to which the application relates is of national importance, and, that it is necessary that the development is carried out as a matter of urgency, the appropriate authority may make the application to the Secretary of State under this Section.

It is difficult to see why an application in this case would be of national importance or why it is necessary for the development to be carried out as a matter of urgency, but even if such an application has been made to the Secretary of State, there are statutory procedures to be followed before the application can be determined. The Secretary of State must decide that the Application is both of national importance and that it is necessary for the development to be carried out as a matter of urgency. If the Secretary of State does so determine she must notify the appropriate authority under sub section 5 of his decision that she will determine the application (not that she has determined the application) and must under sub section 7, send a copy of the notice given under sub section 5 to the local planning authority, to whom the application would otherwise have been given.

It follows that if the appropriate authority i.e. prima facie the Ministry of Defence has made an application under section 293B and the Secretary of State has agreed to determine the application then Wealden District Council will have been notified of that pursuant to sub section 7.

1 – Have you received any such notice?

2 – If so, when was it received?

3 – Did Wealden District Council make any representations in relation to it?

4 – If so, when and what representations were made?

Pursuant to sub section 9 the Secretary of State may make provision for notice to be given of the application, as to the form and content of such notice and requiring the application to be publicised in such manner as the order may specify.

5 – Are you aware of any such provisions being made?

6 - And what representations did you make that the application should be publicised bearing in mind the fact that there would be many well justified local objections on safety, absence of adequate local infrastructure and general opposition to a development on the edge of the Ashdown Forest, an area comprised within the National landscape, a specially protected area, an area of Special Scientific Interest, and a special conservation area held by the Conservators subject to the provisions of the Ashdown Forest Act 1974 used by many for recreational purposes and where any commercial or other development is severely circumscribed because of the impact on the habitat and where there is an effective ban on any development within 400 meters

of the Forest. The camp is within that distance.

7 – Have you met with, consulted or received objections or support from the Ashdown Forest Conservators?

Under sub section 13 the Secretary of State may give directions to a local planning authority to do things in relation to an application made under section 293B that could otherwise have been made to that authority.

8 – These directions will typically include the erection of planning notices on the boundaries of the site for a period of 21 days to allow for objections.

9 – It is not the case that objections are precluded or restricted in such an application. Have any such directions been made?

10 – What steps have you taken to ensure that objections are invited.

The Government has produced guidance in relation to Crown Development and urgent Crown Development which was last updated on 12 May 2025.

11 – I am sure that you have seen and studied such guidance - can you confirm that?

This makes it plain that the Camp is operational Crown Land owned, prima facie by the Ministry as set out above it is only if Section 293B of the Act is being used by the Appropriate Authority that the application for planning permission does not proceed to the local planning authority and strict requirements must be fulfilled if that is to be the case. The guidance states that the Secretary of State will only in general consider a development to be of National Importance if, in their opinion, the development would:

- (a) Involve the interests of national security or of foreign governments
- (b) Contribute towards the provision of national public services or infrastructure, such as new prisons, defence or border infrastructure
- (c) Support a response to international, national or regional civil emergencies;
- (d) Or otherwise have significant economic or environmental effects and strong public interest at a regional or national level

It is difficult to see why any of these would apply. Clearly neither (a) nor (c) do.

The guidance suggests that there should be pre-application engagement with the local planning authority and with statutory and non-statutory consultees local communities and other government departments and agencies whose interests may be affected by the proposal.

It is clear that local communities were not consulted and that local members of parliament were not either consulted or in fact kept informed. Other Councils in similar situations have held weekly public meetings with stakeholders.

12 – Please share Wealden District Councils weekly engagement plan.

It is unclear what level of support Wealden District Council has from any of the delivery partners to ensure that this project is safe, legal and compliant. As the lead partner who will directly receive funding for each asylum seeker housed in Crowborough, no doubt the Council has had several meetings to consult and assess how money will be allocated.

13 – Please share evidence by date when Wealden District Council has secured meetings and support from stakeholders for policing, health, fire and security.

The guidance also sets out that once the application is complete the Crown Casework Team will

send a notice to the relevant Members of Parliament. I have not received any such notice so that either means that there has been a breach of the guidance or the application is not yet complete.

14 – Do you know whether the application is complete as your public statements seem to suggest that it is and that as a consequence Wealden District Council as local planning authority is powerless?

Section 293C provides that before any application under section 293B is determined the local planning authority must be consulted.

15 – Have you been consulted? If not, that suggests that the Secretary of State has not yet determined that the application should proceed under section 293B or that there has in fact been a breach of planning law. Do you know which?

The guidance also provides that when the application is complete Wealden as local planning authority will be notified and will be required to place a site notice on or near the application site for 21 days. No such notice has been erected. This would suggest that you have not received any notice from the Planning Inspectorate. As local planning authority it is your responsibility to publish the application on the planning register. Nothing has been published thus far.

16 – Does that mean that you have not received any such notice?

The planning inspectorate is also obliged as soon as reasonably practicable after notifying the appropriate authority that the application has been accepted the planning inspectorate publicise the application on the website and must consult the local planning authority.

17 – Have you been consulted and can you confirm that you will oppose the application?

It is clear from the guidance that the local planning authority is involved throughout the process and will be asked to provide relevant documents and information so that local planning considerations are considered appropriately by the planning inspectorate. This will include information on whether Community Infrastructure Levy is liable for the proposed development, relevant site history and planning policies.

18 – What has Wealden District Council shared to date?

19 - The local planning authority will also be required to assist with the hosting of hearings or inquiries. When will you be hosting these?

Biodiversity net gain policies do apply to Crown Land Applications as do the Environmental Impact assessment Regulations 2017 in most cases.

20 – Please share what assessments you have sought and received?

The accelerated procedure for applications only applies where there is an urgent need for the Crown to undertake nationally important development.

21 – Have you received any notice that the Crown is intending to or has invoked this expedited procedure?

It is clear that even where this expedited route is proposed or subsequently approved the Secretary of State will consult the local planning authority.

22 – If you have received notice this procedure is to be used, to what extent have you been consulted and what has been your response?

It is also clear that Natural England, the Environment agency and various other NGOs will be

consulted.

23 – Do you know the extent to which any of these bodies have been consulted?

It would also seem likely that because of the location of the site the Environmental Impact Assessment Regulations would apply to this application.

24 – Have you made any representations in this regard?

All of these questions will help in collating evidence to legally fight the Home Office. You will no doubt want to help in that fight and therefore we need responses to the 24 questions raised by Monday 17th November. As the Home Office have made it clear, they are working at pace so we don't have time to lose.

Kind regards,
Nusrat Ghani MP – Sussex Weald
Mims Davies MP – East Grinstead and Uckfield
Dr Kieren Mullen MP - Bexhill and Battle

Copied to:
Crowborough Town Mayor Natalie Whittle
Cllr Ian Tysh
Cllr Alison Arthur
Cllr Jane Clark
Cllr Martyn Everitt
Cllr Andrew Wilson
Cllr Gareth Owen-Williams