

Comments by Peter Grubb dated 7 March 2016

“Thank you for giving me the opportunity to comment prior to final dispatch of paperwork.

First off re: Historical point of order.

Friends of Shoebury Common was a joint endeavour formed between Ray Bailey & Peter Grubb initially to fight the proposals for the 7 foot high wall through the heart of Shoebury Common.

Peter Lovett joined at a later stage & by mutual agreement.

For purposes of the VG application, Peter Grubb introduced the legal expert to our group, but because of general commitments of Ray Bailey & Peter Grubb, it was mutually agreed that Peter Lovett would deal with the application under delegation reporting back as when at our regular Monday meetings.

*At the time it was made very clear to him that the application was to be made **for and on behalf of Friends of Shoebury Common by Peter Lovett.***

At no time was Peter Lovett chairman of Friends of Shoebury Common!

Your report point numbers and content.

2.2& 2.3 *Having stated that Peter Lovett made the application in 2.3, by referring to the new chairman in 2.3 it implies Peter Lovett was Chairman in 2.2 which he was not.*

4.2 *It would be more accurate to record that the Council chose not to register the common some years ago when the opportunity arose despite it being known since time immemorial as Shoebury Common.*

7.1 *You have not summarized any of our detail regarding the inaccuracies contained within the report by the VG inspector.*

In particular, she refers to not enough evidence was presented re: the North area ---it was, and was contained within the submitted bundle.

She also confuses different sections of the Common within her report.

7.3 *Area south of Shoebury Common ---- will you pass our papers on or do we have to make fresh application to Corporate Director for Place?*

Since the hearing I have met with Nick Harris to pursue my long held complaints regarding height & thickness of the Tamerix at the North area-- this featured in the evidence of 'containment' & ladies including Council estates officer stating that the general area felt unsafe for the VG hearing.

Attached is my latest contact with Ian Brown detailing a program of works to reduce/remove Tamerix. I believe this has happened following the VG application.

And finally, we are in receipt a copy of the latest email from Peter Lovett - disappointing to see that he still fails to understand the Councils position as land owner re the application!

For the purpose of the report & meeting I am happy to act as spokesperson.

Response by Tim Row dated 14 March 2016, on behalf of the Council as Registration Authority,

“Thank you for your email and comments on the report. These have been passed to Mr Tremayne for his comments and these will be forwarded to you shortly.

- 1. Re: paragraphs 2.2 & 2.3, I have taken on board your comments regarding the role of Mr Lovett and have made some changes to reflect this. These changes are reflected in red text in the amended draft which I have attached. I will delete the reference to “the current Chairman” and this is indicated by the text being struck through. I believe this now accurately addresses your point.*
- 2. Re: paragraph 4.2. and your submission that the Council not registering the land the land as a common or town and village green some years ago, is a matter for the Council as landowner. Peter Tremayne will no doubt address this matter.*
- 3. Re: paragraph 7.1, this is really a matter for the independent Inspector not a matter for this report although at paragraph 2.4 of her report she states that she has received and read all of the documents. I am confident the independent Inspector did consider all of the evidence provided, including the bundles provided by the Friends of Shoebury Common.*
- 4. This is not relevant to this application however, I will pass on your request, regarding the area of land south of Shoebury Common to be opened up for car parking, to the Council’s Corporate Director for Place for consideration. There is no formal application procedure for this.*
- 5. I am aware that the Shoebury Coastal Community Team are current discussing this area of land but this is not relevant to the determination of this application for the land to be registered as a town or village green.*
- 6. I note that you will be attending the meeting and are acting in the capacity as spokesperson for the Friends of Shoebury Common. I would however, point out that you will not be able to speak or address the Committee at the meeting on 23rd March as previously stated in my previous email. The Committee will be considering the matter by way of written submissions.”*

Response by by Peter Tremayne dated 14 March 2016, on behalf of the Council as land owner/objector to application

"I note the contents of the report to the General purposes Committee.

I refer to Peter Grubb's email dated the 7th March 2016. I would comment as follows:-

Paragraph 4.2

Southend Borough Council only became a Commons Registration Authority when it took over the responsibility from Essex County Council on becoming a Unitary Council in 1998. Until conversion to unitary status Southend Borough Council was not responsible for registering land as Village Green under the Commons Registration Act 1965. Shoebury Common has not been registered as such either under that Act or the subsequent Commons Act 2006. However, the majority of the land, apart from the Northern overflow car park, was conveyed to the Council or its predecessor Council as public open space as set out in the inspectors' report.

Paragraph 7.3

The report sets out the finding of an independent inspector after a three day public inquiry and site inspection and the reasons she gave for her findings are fully set out in her report. As far as the Northern area is concerned the Inspector had before her at the hearing the bundles of evidence presented by all parties and heard considerable oral evidence. It is not for the Committee to reconsider the evidence and the inspector's conclusions and recommendations are fully and clearly set out in paragraph 8 of her report."

Supplementary comments by Peter Lovett dated 19 March 2016

"Thanks for your note.

Re points --Happy with amendment (1)

All the rest noted."