

Comments by Peter Lovett dated 5 March 2016	Council's Response as Land Owner/Objector	Response by Peter Lovett dated 19 March 2016	Comments of Council as Registration Authority
<ul style="list-style-type: none"> Mainly interested in area north of Shoebury Common Road as appears neglected 	<ul style="list-style-type: none"> Council objected to the application as land owner whether in whole or in part requiring an independent inquiry. 	<ul style="list-style-type: none"> Accepts points made but does not agree and plans to make another application for the northern part. 	<ul style="list-style-type: none"> Comments noted by the Registration Authority but the Committee is still recommended to refuse application for the reasons set out in the report.
<ul style="list-style-type: none"> Application cost £5000 and is not prepared to seek additional support for Judicial Review 	<p>Application does not meet criteria and evidence fully tested. Common provides mixed leisure and tourism facilities.</p>	<p>Feels Inspector did not consider all the legal issues and were unable to secure sufficient witnesses due to work commitments.</p>	<p>All the legal issues were addressed by the independent Inspector as stated in her report. The directions for the inquiry were issued by the inspector and sent to all parties two months in advance of the inquiry.</p>
<ul style="list-style-type: none"> Mr Grubb (of FOSC& Uncle Tom's Cabin) was opposed to registration of northern overflow car park which was the only piece of land in application Inspector accepted being used "as of right" but insufficient evidence to support application 	<p>Registration could fetter and act as deterrent for any potential works as legislation is restrictive unless Secretary of State's approval obtained. May require special parliamentary procedure.</p>	<p>Main concern is that compromises were on the table and Council could spend £50,000 of tax payer's money to improve the common rather than on an inquiry. Council refused to talk and seems content just to cut hedges rather than improve what's on offer and encourage better use.</p>	<p>As regards the possible compromises Mr Lovett suggests could be offered, this point is addressed by Mr Tremayne in the Council's response to him.</p>
<ul style="list-style-type: none"> Now seeking use of land in Shoebury Coastal Community Team meetings – fear of losing green space. Would appreciate committee's support for my aim for a village green or country park 	<p>If land is registered may restrict flexibility to manage common as it sees fit.</p> <p>Land is designated and held by Council as open space which carries its own additional legal protections.</p>	<p>No doubt evidence was provided to support the application regarding the northern area but inspector was unwilling to accept that written evidence via questionnaires was sufficient. Unable to get all 92 witnesses to attend due to work commitments. Council only offered "oral" evidence without giving facts in person.</p> <p>Cannot see Council spending money on the common without some financial benefit. This is evident with little financial return</p>	<p>As mentioned above the applicant and all parties to the hearing were given two month's notice of the inquiry. The Council gave both oral and written evidence. The independent Inspector gave the parties the opportunity to question witnesses if required.</p> <p>Mr Lovett indicates that the land included in the application could be improved which he is taking forward with Shoebury Coastal Community Team and this may be something he could discuss with Corporate Director for Place.</p>

		<p>from small car park in Thorpe Bay but increased financial input to the Thorpe Esplanade “green space” which is open to encourage use and is full of lovely flower beds and clean cut grassed picnic areas. As open space the Council is unwilling to open it up or create improvements or volunteer support. Council is only interested in Thorpe Bay and Southend. You accepted the South Common as £50,000 revenue was received without any investment from its car park. Very little revenue received from Thorpe Bay Common but money was still spent to improve its outlook.</p>	
<ul style="list-style-type: none"> Invited Council to discuss compromises to application a year before inquiry – surprised Council would prefer to spend £30,000 of Council Tax payers money on legal fees rather than invest in land for benefit of the community 	<ul style="list-style-type: none"> Council responded to Mr Lovett regarding meeting to discuss matter at the time. Mr Lovett’s concerns at that time related primarily to the sea defence scheme that ensured long term preservation of the common. Scheme was subsequently reviewed and meeting would have been premature at that time. Application was subsequently amended by applicants as set out in the report. Council continued to oppose the application for the reasons stated 	<ul style="list-style-type: none"> I was the applicant for this application and paid the legal fees. The sea wall was a separate matter. The application was designed to save our 100 year old common from destruction. Opportunity to improve the area if it became a “residents’ village green”. When travelling from Chalkwell to Thorpe Bay evidence shows views change once you pass Maplin Way. 	<ul style="list-style-type: none"> As mentioned above, Mr Lovett states that the Shoebury Coastal Community Team is discussing this area of land and this may be something he could discuss with Corporate Director for Place. The Committee is still recommended to refuse application for the reasons set out in the report.
<ul style="list-style-type: none"> Will attend meeting and seeks Committees support 		<ul style="list-style-type: none"> Will be attending and will report back to 2000+ members of FoSC 	<ul style="list-style-type: none"> Public may attend the meeting to observe but not speak.

Comments by Peter Grubb	Council's Response as Land Owner/Objector	Response by Peter Grubb	Comments of Council as Registration Authority
<ul style="list-style-type: none"> Point of order – Mr Lovett was not Chairman of FoSC but draft report gives this impression. He made the application on behalf of FoSC 		<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> Report has been amended to reflect this
<ul style="list-style-type: none"> Council chose not to register common some years ago despite it being known as Shoebury Common 	<ul style="list-style-type: none"> Council was not Registration Authority until it became a Unitary Authority in 1998. Land was not registered under Commons Act 2006. The majority of the land was conveyed to Council or its predecessor as public open space 	<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> Land was not registered. Application now made to register land. Independent Inspector has considered evidence impartially and recommends application should be rejected. No change in recommendation
<ul style="list-style-type: none"> No summary of alleged inaccuracies in report by the Inspector particularly insufficient evidence regarding the north area despite it being in the bundle and her confusing different sections of the common 	<ul style="list-style-type: none"> Report fully sets findings on inspector following a 3 day inquiry and site inspection. She had all the evidence contained in the bundles and heard considerable oral evidence. Not for Committee to reconsider the evidence. 	<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> Independent Inspector considered evidence following a 3 day inquiry and site inspection. He report at paragraph 2.4 states she has received and read all documents. The Registration Authority is confident that the matter has been fully considered and is accurate. Does not change the recommendation to reject application as set out in the report.
<ul style="list-style-type: none"> Referring to paragraph 7.3 of the report to the Committee, will you pass on papers to Corporate Director for Place or is a fresh application required 		<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> To be passed to Corporate Director for Place for consideration.
<ul style="list-style-type: none"> Have been working with Council regarding land in North area as part of Shoebury Coastal Team 		<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> Mr Grubb states that the Shoebury Coastal Community Team is discussing this area of land and this may be something he could discuss with Corporate Director for Place.

<ul style="list-style-type: none">• Happy to attend meeting and act as spokesperson		<ul style="list-style-type: none">• Noted	<ul style="list-style-type: none">• Mr Grubb is able to attend but not speak at the meeting and has been informed.
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