



**Clerk:**  
Rob Williams



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23<sup>rd</sup> November 2022

Dear Mr Seaman,

**Response to the Submission of 9th November 2022 by Michael Robson of *Cerda* Planning (for a response to the 17<sup>th</sup> November submission please see the addendum at the end of this letter).**

I am writing to you on behalf of Tiptree Neighbourhood Plan (NP) Steering Group with respect to the above late submission. We would like to draw your attention to the following points:

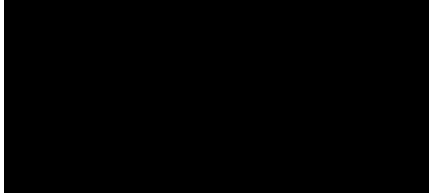
- The NP seeks to adopt a strategic approach to maintaining and enhancing networks of habitats and green infrastructure to meet the needs of an increasing population. This is in accordance with NPPF (July 21) paragraph 175. It is important to us (and a stated aim of the Essex Local Nature Partnership) that communities should have accessible green space on their doorstep.
- Brook Meadow is a designated Local Wildlife Site containing nationally rare species and it is highly valued by the local community. 'Zero loss of Local Wildlife Sites' is a stated target of the Colchester Local Plan (Section 9 ENV).
- All iterations of the Tiptree NP have sought to protect green spaces and Local Wildlife Sites in particular (e.g. Policy TIP15 in the June 2019 regulation 14 edition and Policy TIP11 in the February 2022 regulation 14 edition). However, following representations to the 2022 regulation 14 consultation, particularly from Colchester Borough Council, it was considered necessary to strengthen Section 11 *Countryside, Green Spaces and Green Infrastructure*. The rationale for the designation of Brook Meadow as Local Green Space (LGS) is set out in the NP paragraphs 11.12 – 11.18. The proposed designation accords with the criteria set out in NPPF paragraph 102 (repeated in NP paragraph 11.12). Although there has been open access to the site for 50 years or more, we understand that the LGS designation does not require the land in question to be in public ownership but neither does the LGS designation confer, in itself, any rights of public access.
- With regard to public access we do dispute some of the claims made in the GPS letter submitted to the recent planning appeal. Our response to that letter which was submitted and accepted by the inspector is attached. We are aware of numerous local residents who are able to testify that there has been open access to Brook Meadow for 50 years or more. Many of these witnesses have come forward in response to the impending claim for PRoW status to be awarded to certain well marked tracks that cross Brook Meadow. This claim was made following the fencing of an adjacent meadow in 2021. In living memory, there has never been a fence or a sign (until the week of the appeal in November 2022) to prevent

entry to Brook meadow. The main gate to the meadow even has a 'kissing gate' – a clear invitation to local users. Users have been walking the informal network of paths 'as of right' (without force, without secrecy and without permission) for well over 20 years. Should Brook Meadow be fenced the right of access could be legally claimed both through the right to claim PRowS and the right to claim Village Green Status.

- *Cerda* has also mistakenly claimed that there has been no approach to the land owner by Tiptree NP. In this respect the NP Steering Group *did not* confirm in evidence that no approach had been made to the owner. Rather this was assumed by the appellant and there was no opportunity to introduce evidence to the contrary. An approach to the owner was initially hampered by the deaths of the two registered owners. Although the Land Registry was checked on three occasions it still lists the deceased sisters as the owners. However we did ascertain from the Office of the Public Guardian that Lisa Marie Bonnett, who is the heir to the one sister, is also the possessor of lasting power of attorney with regard to the other sister. Despite this information it still took us a while to identify an address for Mrs Bonnett nevertheless we subsequently wrote to Mrs Bonnett on four occasions, initially this was an invitation to commence discussions regarding the future of Brook meadow (sent 7<sup>th</sup> June 2021). When we received no reply a second 'chaser' was sent on 5<sup>th</sup> August 2021. Then on 24<sup>th</sup> August 2022 we wrote to advise of the proposed LGS designation and to give an opportunity to respond to the Regulation 16 consultation. Finally we wrote on 9<sup>th</sup> September 2022 to advise of the concern expressed by neighbouring residents with regard to the fire risk posed by the uncut meadow during the dry conditions. The four letters are attached. Copies of most of these letters were also sent to the Colchester business address of Mrs Bonnett. We have never received a reply.
- There is considerable interest expressed by local residents who are keen to protect Brook Meadow. On the evening of 17<sup>th</sup> July 2020, a tractor and Plough was parked on the edge of the meadow. The following morning some 40 residents turned up at 8am to meet the driver when he arrived and to ask him not to plough. He did not have a certificate of authorisation from Natural England and agreed not to plough. He removed the tractor and plough the following Monday. Tiptree Parish Council subsequently wrote to *Cerda* expressing our concern about this potentially illegal action and we were told it was necessary in advance of a 'non-invasive geophysical survey'. However this survey had already taken place two weeks before and prior to the survey the meadow had been mowed – which is the appropriate preparation for such a survey. Since this time public interest in the meadow has increased such that circa 60 residents turned up in Colchester on the first day of the recent appeal. Whilst the open access to the meadow has been greatly valued by the community for decades, it is recognised that the land is an important component of the green infrastructure on the edge of Tiptree and in the undeveloped state it is considered more valuable in any condition compared to if it is developed. In the eyes of the community, this is also true whether or not there is public access. Indeed any attempt to prohibit access may be overcome through negotiation or legal challenge but once developed, it is lost. The NP recognises the role of this site as part of the wider green infrastructure network and the important local valued contribution it makes, hence the proposal to designate it as LGS. It is hoped that through the removal of the possibility of development by the LGS designation, the land owner will be more amenable to negotiation in the future than has been the case up until now.

Tiptree NP Steering group, the Parish Council and many local residents hope that you will understand and support the reasoning behind this proposed LGS designation. We have further documented evidence in the form of Land Registry and Office of the Public Guardian documents, photographs and letters in connection with the information referenced in this response. These can be made available if required but are not included here in view of the need for all such documentation to be made publically available.

Yours sincerely,



Jonathan Greenwood  
Chairman, Tiptree Parish Council  
Chairman, Tiptree Neighbourhood Plan Steering Group

### **Addendum**

In the light of the Examiner's decision to accept the further submission by Mr Robson of 17<sup>th</sup> November 2022, I would like to make the following additional points:

1. Mr Robson states in his letter of 9<sup>th</sup> November, 'Furthermore, the Neighbourhood Plan Group confirmed in evidence that no plan has been prepared for the Local Green Space designation, no contact has been made with the landowners, and consequently the landowners have been prejudiced by the process of neighbourhood planning in this instance.' This is not true. Under cross examination I did concede that no plan had been prepared for the LGS designation – believing this to be a reference to an on-going management plan; however I did not (knowingly) concede that the owners had not been contacted because that was not true. Mr Robson again makes the same claim, more overtly this time in his letter of 17<sup>th</sup> November claiming 'The response was that owners had not been contacted' but no such response came from me. Quite the contrary, I was looking for an opportunity to make it clear that the owners had been contacted – an opportunity that never came. The appeal procedure made it difficult to introduce new evidence. Mr Robson in his own evidence did not state that the owners had not been contacted. If he had done so I would have questioned him on the matter. Rather he stated that there had been no discussion with the owners (or words to that effect – implying contact in which the owners had responded). As his statement was true it wasn't questioned. Although I was permitted to ask questions it was not my role to cross examine.
2. Mr Robson claims that the issue of land ownership was discussed with the Parish Council at the round table session of Section 106 matters. However the Parish Council chose not to be involved in this session. As mentioned above, the Parish Council did seek to discover if there was a registered enduring power of attorney, lasting power of attorney or court-appointed

deputy for Mrs Rosemary Pledger. This revealed that Lasting Power of Attorney was held by Mrs Lisa Marie Bonnett (I have now attached this document).

I hope you will agree that, to the best of its ability given the available information, Tiptree Parish Council has done what it can to contact the relevant landowner and follow the appropriate procedures (JMG).