



3rd November 2022

The Planning Inspectorate
Major Casework
3rd Floor, Temple Quay House
2 the Square
Temple Quay
Bristol
BS1 6PN

Re: APP/A1530/W/22/3301862 - Land at Brook Meadow

Dear Sirs,

We have been made aware of a note being circulated as part of the inquiry which questions GPS's credibility in respect of its representation of the landowners.

We therefore write again on behalf of the landowners, the Bonnet family, and their prior generations, as agent, to refute this vigorously.

Two generations of our family, myself, and my father Spencer Firth (now deceased) have acted for now three generations of the landowners' family; being Rosemary Pledger & Judy Bonnet (now deceased), Lisa Bonnet, and Archie Bonnet-Fryer. As well as being close personal friends for decades.

In addition, Archie Bonnet-Fryer is employed by our group of companies in an apprenticeship capacity. By virtue of our close personal relationships.

Likewise, two generations of our family have been close personal friends and advisors to two generations of the tenant farmers of the land, being Donald 'Ginger' Ferguson (now deceased) and his son Alec Ferguson.

We irrefutably confirm on their behalf that there has NEVER been a right of way granted in ANY respect to ANY third parties to use this land for recreational purposes.

GRANVILLE GROUP
Established since 1977

Address. Threshelfords Business Park, Inworth Road, Feering, Colchester, Essex CO5 9SE. Telephone. +44 (0)1376 571556

Registered Office. Kingsridge House, 601 London Road, Westcliff-on-Sea, Essex. Registered in England No.1333489.

Website. www.granville.co.uk Group CEO. Matthew AG Firth Group FD. Mark Firth





It has been a constant and painful battle for both landowner and farmer to stop recreational walkers, motorcyclists, and other unlawful users from using/walking across/abusing the land. One which has been fought over many, many years.

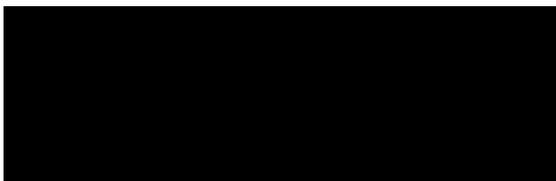
The most recent example of this unlawful activity was only this week, when the gates which were replaced afresh five years ago were chained and padlocked again, only for them to be cut off within 18 hours. It has felt like fighting a losing battle over many moons by the landowners and tenant farmers, on whose behalf we act. Surely continuous and unlawful trespass and vandalism does not constitute an established right?

Even in comments on the extensive recent local community social media refer to 'finding another way in' (to the site) if required. To give a flavour of the ongoing fragrant disregard and disrespect for this private land. Private land should not have to be permanently and persistently guarded to save it from being stolen. This is the 21st century.

Suffice to say that the landowner has again confirmed they will be permanently and robustly fencing this land off as soon as practicably possible to remove any past, present, or future ambiguity over these persistent false and frustrating claims that people have a right to trespass.

We hope this clears up the situation once and for all. However, if there is necessity for the landowners, the tenant farmer, or even contractors who worked on the original phase of the 'Brook Meadows' development to bear testimony in rebuttal of PROW applications, we are sure that can be arranged.

Yours faithfully,



GPS & The Granville Group

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31/10/2022 LOCKS ATTACHED



01/11/2022 SIGNS ATTACHED



01/11/2022 (MORNING)



01/11/2022 (EVENING) LOCKS REMOVED AND PHOTO POSTED ON SOCIAL MEDIA



02/11/2022 LOCKS REATTACHED.

SOCIAL MEDIA COMMENTS AND PHOTO OF LOCKS CUT 01/11/2022



Like Reply 1 d



But there are other ways in anyway!!

Like Reply 1 d



I just climbed over this morning and carried on 🚶 walking Sam the dog



Like Reply 1 d



Note regarding Death Certificates – Brook Meadows Landowners

This issue has originated from the appellant. Through preparing the S106 for the Brook Meadows site, the Council have been notified that the two landowners – Ms Rosemary Pledger and Ms Judy Bonnett have died in January 2020 and August 2017 respectively. These were provided to the Council on 26 October 2022, during the first week of the inquiry. This confirmed that the previous owners of the site were deceased some time ago.

It has been proposed to amend the parties on the S106 from the landowners to the executors – Lisa Bonnett and Moira Ann Davidson.

Given that during the course of the inquiry, access and land management have been raised, this update is therefore required to be presented to the Inspector.

~~The letter from GPS (CD 9.15) is submitted on behalf of the wider landowner's family. Given that the previous owners have deceased, it is therefore questionable whether the letter is representative of the previous owner's position concerning the lawfulness of informal use of the site.~~

~~This goes to the nature and extent of the significant issue that exists, concerning the status of the informal use of the site.~~

~~This is relevant in particular to the prospect that the proposed Tiptree Neighbourhood Plan, Local Green Space designation will be maintained (CD 4.1, page 46, Policy TIP13).~~

GPS Ltd.

Kingsridge House | 601 London Rd | Westcliff-on-Sea | Essex | SS0 9PE

24th October 2022

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Bristol
BS1 6PN

Re: APP/A1530/W/22/3301862 - Land at Brook Meadow

Dear Sirs,

We wish to make a statement in light of the submission of the Neighbourhood Plan for Examination on behalf of the landowner.

We, acting as agent on behalf of the wider landowner's family, are very concerned indeed that a position has been represented to suggest there is a right for the public to use the land for recreational purposes. And that this is now being used to justify a restrictive designation in the emerging NP, which is also being relied upon in the appeal.

This is a privately owned site, and there is no public right to use the land to roam, no rights of way over the site, and no member of the public using it for recreational purposes has permission to do so. Nor have they at any time in the past.

The landowner and their tenant farmer have all repeatedly tried to exclude the public from the land through various means; erecting and repairing fencing, erecting and repairing gates, parking substantial concrete blocks in accessways, signage and other means. These have always after some period of time or another, often as quickly as overnight, been torn down/ignored or broken. No permission has been given for the public to make any kind of recreational use of the land. And it has been a persistently tiresome job for the landowner and tenant farmer over many years.

It is denied in the strongest possible terms that there are any rights of way over the land that have been acquired through the operation of S31 Highways Act. The landowner is aware that an erroneous claim has been made to this effect in an attempt to scupper the Appeal and have instructed professional Rights of Way consultants to object. Any suggested evidence has not been presented to the landowner supporting any such claims, but for the avoidance of doubt, any such claims are considered to be wholly unsubstantiated and are and will be strenuously resisted and supported by the landowner's agents and historic tenant farmer.

The purpose of this is to provide formal confirmation, as a matter of law, that the landowner does not admit that any right of way has been dedicated over the land, and they have no such intention to dedicate. There can therefore be no doubt to their future intentions.

It is also confirmed that there is absolutely no prospect of the owner allowing the site to be used as a country park either, now or in the future, which is said to be an aspiration of the emerging LGS designation. The land has been in the same family for generations and will remain private and protected.

In light of the erroneous and deliberately inaccurate statements that are now being made, attempting to assert that the public have a right to use the site for recreational purposes, and reliance on the same in the emerging NP and appeal, and in view of the ongoing issues in respect of trespass across the site, the landowner intends at its earliest possible convenience to securely fence the site so that public access is permanently prevented in any form.

For the avoidance of doubt, this is irrespective of the outcome of the appeal, and in order to assert and protect their longstanding private property rights over this land.

Yours Faithfully,



GPS Ltd.