

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

25 JANUARY 2012

REPORT OF FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.5 LAND EXCHANGE AND DISPOSAL AT THE HANGINGS DOVERCOURT ESSEX (Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval for the disposal of land and acquisition of land at The Hangings, Dovercourt. The full extent of the site is shown shaded pink on the plan attached at Appendix A. On the detail plan attached at Appendix B the land for disposal is shaded pink and the exchange land is shaded green and hatched red.

EXECUTIVE SUMMARY

Developers have enclosed sections of the edge of the Council's land in the gardens of homes that they have built. The development site has since been taken on by receivers.

The purchasers of homes have not been able to register title to the full extent of their gardens because the Council owned parts are already registered.

In order to try to resolve matters the agents for the Council and the receivers have agreed a way forward, subject to approval and contract, to settle the encroachment dispute. This includes the Council disposing of areas to the developers or the receivers or agents in return for a smaller section of land and some money. The areas are described in the section below on Current Position and shown on the Plan at Appendix B. The financial element is considered in the report in Part B of this agenda.

RECOMMENDATION(S)

That Cabinet agrees in principle the settlement negotiated for the disposal and acquisition of the areas of land proposed for exchange.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Corporate Plan identifies priorities relevant to the matter:

- Promote healthy and active lifestyles.
- Protect and enhance our environment, countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Agents have negotiated a potential exchange deal to settle the matter including a capital receipt. Details of the potential capital receipt are included in the report in Part B of this agenda.

Risk

The alternative way to regularise the position would be to refuse to accept the exchange land and money and seek to recover the land from the householders. This would have a

serious impact on some of the householders and would involve the Council in significant legal and other costs as well as the potential for adverse publicity.

LEGAL

The exchange is within the Council's discretionary powers and would be the most prudent course of action. The alternative way to regularise the position would be to refuse to accept the exchange land and money and seek to recover the land from the householders. This would have a serious impact on some of the householders.

Although the Council's case would be very strong a court case would involve the Council in significant legal and other costs as well as the potential for adverse publicity.

The potential exchange has been advertised in the press as required by section 123 of the Local Government Act 1972 and on the Council's web site. The replies received at the time of printing are set out in the schedule attached as appendix C. Any additional replies will be reported verbally at the meeting.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Health Inequalities

The Hangings is a well used local walking route. However, the loss of the open space is very minor in relation to the overall size of the site and has little impact on the amenity of the area.

Consultation/Public Engagement

The potential exchange has been advertised in the press as required by legislation and on the Council's web site. The replies received at the time of printing are set out in the schedule attached as appendix C. Any additional replies will be reported verbally at the meeting.

All of the responses are from members of the public including Respondent G, the Secretary of SE Essex Organic Gardeners and Respondent C the Coordinator of Stour and Orwell Peninsula Habitat Protection UK.

Previously officers and the Executive Leader have consulted local members resulting in a general consensus for the seeking of a negotiated solution that considers the interests of purchasers of the new dwellings as well as the wider population.

Wards

Harwich East Central and Harwich West Central

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Discussions over the encroachment of a housing development onto The Hangings have been ongoing for some time. Initial investigations were inconclusive because of the nature of the records at the time and the difficulty of the terrain.

Because of this uncertainty developers enclosed sections of the edge of the Council's land in the gardens of homes that they built. The development site has since been taken on by receivers. The purchasers of homes have not been able to register title to the full extent of their gardens because the Council owned parts are already registered.

In order to try to resolve matters the agents for the Council and the receivers have agreed a deal, subject to approval and contract, to settle the encroachment dispute. There is more background information in the report of 05 August 2010 which initiated the disposal process.

CURRENT POSITION

The deal negotiated includes the Council disposing of the areas of land encroached upon to the developers or the receivers or agents in return for a smaller section of land and some money. The areas are shown on the Plan at Appendix B. The financial element is considered in the report in Part B of this agenda.

It is proposed that the Council will transfer 652m², of public open space to the developer (coloured red on the plan), in return they offer 281m² (coloured green on the plan) of land in exchange including part that will be subject to rights of way (coloured green with brown hatching on the plan), resulting in a net loss of 371m² of public open space for which the developers will pay a capital sum. The loss of the open space is very minor in relation to the overall size of the site and has little impact on the amenity of the area.

PROPOSED ACTION

It is proposed that the Council accepts the deal offered to settle the matter.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None.

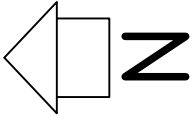
APPENDICES

Appendix A – General location plan.

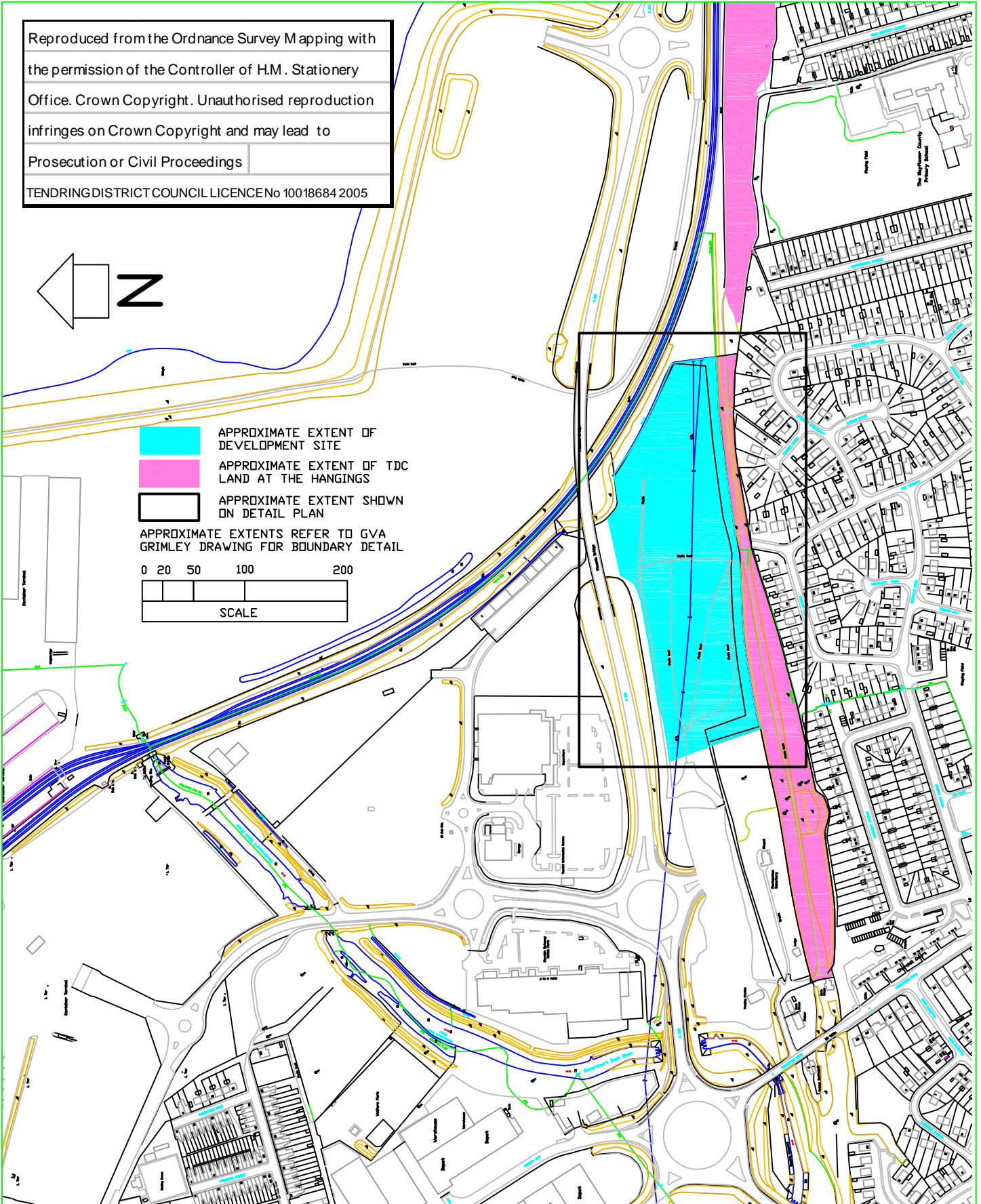
Appendix B – Detail plan.

Appendix C – Schedule of consultation responses.

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 TENDRINGDISTRICT COUNCIL LICENCE No 10018684 2005



APPROXIMATE EXTENT OF DEVELOPMENT SITE
 APPROXIMATE EXTENT OF TDC LAND AT THE HANGINGS
 APPROXIMATE EXTENT SHOWN ON DETAIL PLAN
 APPROXIMATE EXTENTS REFER TO GVA GRIMLEY DRAWING FOR BOUNDARY DETAIL
 0 20 50 100 200
 SCALE



Rev A 30NDV11. ARW. Head of Department Name changed. Extent of detail plan added

TENDRING DISTRICT COUNCIL

KAREN NEATH C.P.F.A.
 HEAD OF RESOURCE MANAGEMENT

title: THE HANGINGS - BOUNDARY WITH STANTON EUROPARK

drawing: LOCATION PLAN

scale: 1:5000

drawn by: AR WHITE

date: 14 JUL 2010

drwg.No. revision

1

A



APPENDIX B
DETAIL PLAN. SCALE 1: 1000 WHEN
PRINTED AT A3 FULL SIZE

SCHEDULE OF CONSULTATION RESPONSES

Comment or Opinion	Officer Comments
<p>Respondent A (15 December): Who was not doing their job for this not to have been noticed before the houses were built. Adjusting gardens would be easy but should houses be pulled down? I feel very annoyed about losing open space.</p>	<p>The alternative option to reclaim the land is considered in the report.</p>
<p>Respondent B (17 December): I am a student in my third year of a Fine Art Degree at Colchester school of Art and Design. [identifying text deleted - AW]. My art work focuses on The Hangings, as a beautiful part of Dovercourt/Harwich landscape, but also how The hangings is and has been affected over time by disruption; both naturally and by human intervention. This subject is very important to me and I am having difficulty finding any information about the history of The Hangings, building plots and if it has affected the landscape, clearing up/ tidying of the area and other propositions for The Hangings. I was wondering if you could possible help me on this matter. If you are able to provide any documents or information which are available on this place I would be most grateful. It would truly help me with both the research and art creation aspect if this could be possible on your part. Thank you.</p>	<p>Comments on the general nature of the site included for reporting. Officers will provide any information available to assist.</p>
<p>Respondent C (23 December): I would like some further information about the proposed disposal of land at the Hangings, Dovercourt. On the TDC website there are links to some documents which mention a plan and annexes A, B and C. But although I can see one plan, I am unable to find the annexes referred to. The plan has no key, so it is difficult to tell where the land being disposed of is situated. Is it the area coloured red on that plan? If not, what area is it? What does the area coloured yellow denote? And what is the area cross hatched in red? Where is the smaller area of land that it is proposed can be swapped for the larger area of stolen land? Has the sum of money been agreed yet? If so how much is it? If it is agreed what would TDC use that money for? Who is paying legal fees connected with this issue? Is the perpetrator expecting TDC to pay and does TDC expect to pay? Or does TDC expect the perpetrator to pay? How much are the legal fees and land registry, valuation etc fees likely to amount to? To write in with comments prior to the advertised deadline of January 6th. 2012 do I use this email address? And is there a reference number to use?</p>	<p>Reply sent: I am sorry that the dates specified in the press and on the web were different [text deleted for brevity] I will be happy to include your comments so far and to report any further comments received by the sixth or (within reason) after then but before the date for printing of the report: 13 January. The appendices to the July 2010 report are available on our web site: http://comad.tendringdc.gov.uk/comaddocuments/decision/1677/1962%20locplannet%20Layout1%20(1).pdf, http://comad.tendringdc.gov.uk/comaddocuments/decision/1677/1962%20The%20Hangings%20Dovercourt%20App%20B.pdf and:</p>
<p>Respondent C (04 January): I am writing to object to the proposal to dispose of open space land at the Hangings in return for a smaller piece of land and some compensatory funds. I object to the principal of diminishing the community's open spaces for no reason other than that the developer has mistakenly enlarged his plot. This arrangement would benefit the developer but appears to be of no benefit at all to the community</p>	<p>http://comad.tendringdc.gov.uk/comaddocuments/decision/1677/1962%20The%20Hangings%20Dovercourt%20Appendix%20C.pdf However I would suggest referring to the plan actually forming part of the consultation:</p>

which TDC is supposed to serve.

This is not the first time that TDC has allowed a developer to take more land than they had a right to and in so doing to deplete community land. The same sort of thing happened with the development at Heron Way behind ASDA, also backing on to the Hangings.

From the documents provided on the TDC website it appears that the land offered in exchange for that unlawfully fenced off is of little use to the developers anyway and it is therefore unlikely that it would be built over. But in any case the land that has been taken should be returned in order for the Hangings to retain its proper width and atmosphere. Currently the development is too close to the path. Mature trees were also felled unlawfully by the developers since those trees were not within their permitted boundary. I urge TDC to address this issue at the same time as addressing the boundaries issue.

The felling of these trees caused land erosion to such a degree that it was necessary to fell further trees to attempt to stabilise the land. This is totally unacceptable and the developers should be fined for this inconsiderate and unlawful activity. The natural environment of the Hangings was formerly an important spec for birds, mammals and plants in this overdeveloped peninsula.

Thrushes are less visible along the Hangings since the two developments have eroded the open space and woodpeckers have disappeared from there since the felling of those mature trees.

This peninsula is one of the areas of Tendring with the least open space areas per capita, according to TDC's own Core Strategy documents. How can it therefore be deemed acceptable to allow our open areas to be further depleted by unlawful land grabbing and to suggest a compromise solution such as this proposal to gain some money and a smaller piece of land?

The law states that the LA must value the land in question so that the community does not lose. But this only ensures a monetary equivalent and does nothing to address the environmental or amenity loss; ie that valuation can only deal with balancing *quantities* but the effect on *quality* of this proposal is not dealt with.

Respondent D (04 January): The new position as outlined by the receiver and TDC may not reflect the accurate position of the boundaries and we the public are being asked to accept these boundaries by the same people that got the boundaries wrong last time. As there appears to be no independent surveyor there is no proof that another spurious boundary will not be used. As TDC has admitted to failing the public in 2007 they can hardly be relied upon to be the arbiter over this failure and therefore a public inquiry supported by an independent surveyors report is required to address this issue. It is noted that TDC were warned by objectors of this contentious boundary situation before this building company got planning permission. We and many of the people within the Tendring area are losing confidence in TDC ability to look after our interests.

It is also noted that TDC on their web-site claim that the only risk to this botched arrangement going forward is 'the public having an opportunity to put their point of view.' How disgraceful! We hope you do not intend to blame the cost of a public inquiry on the public as it is TDC incompetence and refusal to listen to the public that has yet again put the public in this position of extra financial burden.

The law states that the LA must value the land in question so that the community does not lose. We want to be assured that TDC will address the environmental and amenity loss not just the monetary

<http://www.tendringdc.gov.uk/NR/rdonlyres/F24CE298-CF06-4FC5-99AA-F2077253583A/0/DetailPlan.pdf>,

because it is more up to date.

On this latter plan:

- The red lines represent the boundaries of the dwellings as they have actually been erected,
- The Green line represents the real, current, legal position of the boundary,
- The pink shaded areas are areas that it is proposed to transfer to the developer,
- The lime green or yellowish shaded area is the area proposed to be transferred to the Council,
- The area hatched red within the latter will be subject to rights of way between the development and The Hangings.

The exact amounts of money involved are confidential at this stage, because they include the financial or business affairs of a third party. However I can assure you that our agents have negotiated a good deal, including all of the considerations that you list below.

The extents shown on the plans have been studied and agreed by the Council's agents. The situation has been brought to a head by the unwillingness of Her Majesty's Land Registry to register parts of the gardens to the householders that are already registered to the Council. Accordingly there is little benefit or opportunity for any remaining discrepancy in the plans. The reference to risk is to the report of July 2010. An independent public enquiry would add to costs and is unlikely to find any discrepancy in the facts.

<p>equivalent. TDC past performance gives us no confidence that they will do this without an independent public inquiry.</p> <p>We understand that you are on leave until 5th and the deadline for response advertised in the local paper was January 6th. However we are writing today as today's date is the deadline stated on the TDC website.</p> <p>We reserve the right to write again before the public announced deadline of Friday January 6th with further comments.</p> <p>We hope TDC take on board the need for an independent public inquiry as TDC are responsible for again depleting our open spaces and yet according to TDC own Core strategy documents our peninsula is one of the areas of Tendring with the least open space areas per capita.</p> <p>We and the public await to hear a public announcement that an independent public inquiry is to be instigated with all due haste.</p>	
<p>Respondent E (09 January): I am writing to object to the proposal to dispose of open space land at the Hangings.</p> <p>I object to the diminishing the community's open spaces. TDC should insist on retaining their land and enforcing the current legal boundary.</p> <p>The proposed arrangement will be of no benefit at all to the community, which TDC is supposed to serve. Some of the proposed land swap is public right of way! This is not the first time that TDC has allowed a developer to take more land than they had a right to. (I refer to the land in Dovercourt behind ASDA). The developer should be kept on a very tight leash not allowed to exploit and profiteer at the expense of ordinary people. Open spaces are there to enhance people's quality of life not line the pockets of speculators.</p> <p>It is evident that a slash and burn policy has taken place where mature trees were unlawfully felled by these developers.</p> <p>I urge TDC to address the issue of the unlawfully destroyed trees and the unlawfully moved boundary in a way that could be deemed to be reasonable and fair to the public.</p> <p>I demand that the current legal boundary be respected.</p> <p>This peninsula is one of the areas of Tendring with the least open space areas per capita, according to TDC'S own Core Strategy documents.</p> <p>I expect you TDC to take note of my strong objections and leave our open spaces alone.</p> <p>I require a response to this objection and answers to the points I have raised in this objection.</p>	<p>The extent of the exchange will not prevent the use of The Hangings as a walking route and is very minor in relation to the overall area.</p> <p>The potential to require a return to the original boundary position is considered in the report.</p>
<p>Respondent C (06 January): Further to my email of January 4th., I am writing again to object to the proposal to dispose of open space land at the Hangings in return for a smaller piece of land and some compensatory funds.</p> <p>Thank you for emailing the links to the pdf plans, which I could not find on the TDC website and for explaining the relevance of the colours on the plan that was available on the site, but which has no key.</p> <p>As stated earlier, I object to the principal of diminishing the community's open spaces for no reason other than that the developer has unlawfully enlarged his plot. There would appear to be 25 or 26 plots which</p>	

would be affected by slightly shorter gardens should TDC insists, as I believe they should, on retaining their land and enforcing the current legal boundary.

The proposed arrangement would benefit the developer but appears to be of no benefit at all to the community, which TDC is supposed to serve.

The land coloured yellow, which does not currently belong to TDC does not appear to be a good compensation at all. One section (cross hatched in red) would be subject to right of way and as such it will be subject to that whoever owns it. This means that the general public will have access over that part whether or not the developer is permitted to retain the unlawfully enclosed land; resulting in no benefit to the TDC council tax payers in general either way and no detriment to the developer either way.

Therefore, notwithstanding that I object to the proposed 'deal', this section should not form part of any 'deal' equation.

This is not the first time that TDC has allowed a developer to take more land than they had a right to, and in so doing to deplete community land. The same sort of thing happened with the development at Heron Way behind ASDA, also backing on to the Hangings.

What could have previously been regarded as misfortune now looks like sheer carelessness. If this sort of 'deal' is to become a habit, then the local council tax payers are not being properly served by the authority to which they must pay their local taxes.

In order for the Hangings to retain its proper width and atmosphere it is essential that this latest developer transgression is not permitted to stand and that the developer is forced to deal with the irregularities that have transpired through their fault, their error and their theft (whether inadvertently or not).

The developer should be fined, not bargained with. As the receivers are dealing with the mess that the bankrupt developer has created they will be in a position to settle any fine levied. That would be a solution to benefit the several thousands of people living in the Harwich part of the Tendring area.

Allowing the land to remain fenced off and accepting an undisclosed sum and a smaller piece of land, (a fair part of which is a right of way anyway), will only be a solution to benefit the transgressing developer (or the receivers acting on the developers behalf).

Mature trees were unlawfully felled by these developers. Those trees were not within their current legal boundary and that amounts to a considerable act of vandalism. The unlawful felling of these trees caused erosion, which led to further destruction of trees.

The trees should have been protected with TPOs and possibly were. Why does TDC think it is a reasonable proposition to stroke a deal with people who unlawfully fence off public open space land and unlawfully fell mature trees?

My dictionary defines the word 'reasonable' thus; adjective, based on good sense, sound judgment, fair, sensible and logical.

So it would appear not to be a 'reasonable' proposition of TDC's. It is not based on sound judgment but arises from an unlawful action by the party most likely to gain from the proposal. Thus it is neither fair nor logical either.

I urge TDC to address the issue of the unlawfully destroyed trees and the unlawfully, moved boundary in a way that could be deemed to be reasonable and fair to all the local council tax-payers.

<p>Insist on the current legal boundary being respected. Insist on replacement trees (not saplings) being planted and levy a fine on the transgressor for their indiscretions.</p> <p>If any local resident were to chop down a number of trees on public land and fence off areas of TDC's land without permission would they be told, they could keep the land in consideration for a compensatory sum and the matter of the trees be hushed up?</p> <p>I hope not. But if TDC so publicly treats developers this way what signals does it think it is giving to us residents? This could look like an open invitation to us all to fence off whatever we like and to chop down whatever we want to.</p> <p>The natural environment of the Hangings was formerly an important space for birds, mammals and plants in this over-developed peninsula.</p> <p>Thrushes are less visible along the Hangings since the two developments have eroded the open space and woodpeckers have disappeared from there those mature trees have gone.</p> <p>This peninsula is one of the areas of Tendring with the least open space areas per capita, according to TDC'S own Core Strategy documents. How can it therefore be deemed acceptable to allow our open areas to be further depleted by unlawful land grabbing?</p> <p>I trust you will make proper consideration of my strong objections and the possible ramifications of the proposed 'deal' when deciding how to act</p>	
<p>Respondent F (10 January)</p> <p>In consideration of the notice issued in accordance with Section 123 of the Local Government Act 1972 where Tendring District Council proposes to dispose of approximately 652 square metres of public space I hereby submit my objections to the proposal.</p> <p>1) Referring to the Detail Site Plan attached (FIG A) it is clear that the Developers have unlawfully robbed the local community of a valuable piece of public open space in the areas marked RED and that Tendring District Council intends to now make this legal by disposal of the land to the Developer. This is particularly acute at the eastern end of the housing development around Plots 91, 92, 93, 94 and 95. I fail to see that the local terrain would have made it difficult to establish the correct boundaries at the beginning. The effect of this encroachment of the boundaries to the Hangings has resulted in the destruction of many trees which provided a natural and unique enclosure that makes "The Hangings" walkway/Cycleway a valuable resource and has resulted in the visible intrusion of the housing development. The following pictures illustrate the point where large mature trees have been destroyed.</p>	





The last three photos show the Eastern Edge of the development next to The Hangings which compared to the historical photos from 2008 that follow illustrates the amount of unnecessary destruction caused to fit the plots onto the site.



ure has been lost and needs to be restored. It is unique feature and t in maintenance and nurturing eeded. The local community have used this amenity since 1882.



2) The unlawful destruction has had a detrimental affect on the local wildlife and environment on a visual amenity that is very important and much loved. It is an important part of the North Sea Cycle Route and the only significant public walkway between Harwich and Parkeston and should be protected at all costs. It provides an important visual backdrop to those viewing Dovercourt from the A120 and the River Stour.

3) The land taken marked in RED has caused significant erosion to the remaining trees that line the Hangings walkway/cycleway and I am concerned that due to the proximity of the boundaries will cause their lifespan to be shortened through erosion and damage to their root base.

4) I therefore **strongly object** to the disposal and request that the boundaries be restored to their correct position. I see this having a minimal effect on the gardens to the houses affected and actually the houses will benefit from a restored landscaped backdrop and increased privacy.

5) In addition as part of the penalty enforceable on the developer for encroaching onto valuable Public Space, the land marked in GREEN (271sqm) should be given as public

space as it is currently enjoyed and in addition trees should be replanted on the reclaimed Eastern Edge (381.5sqm) to restore the visual enclosure of trees that has been enjoyed since 1882.

It has been noted that the Harwich Peninsula is one of the areas of Tendring with the least amount of public open space areas per capita as identified in TDC's own Core Strategy documents. It is therefore totally unacceptable that the TDC is allow our open areas to be further depleted by making an unlawful encroachment of Public Open Space legal.

Restoring the original boundary would have no detrimental effect on the first three deliverables of "DELIVERING PRIORITIES" as part of PART 2 IMPLICATIONS OF THE DECISION

- **Promote sustainable economic growth**
- **Ensure all our residents live in high quality housing which meets local needs.**
- **Regenerate the district and improve deprived areas**

It does however have a serious impact on the last item.

- **Protect and enhance our environment, countryside, and coast**

This has been caused by the unlawful felling of trees and plants that support both the unique naturally enclosed tree lined vistas which support an abundance of wildlife and sustainable environment. It is materially important to the welfare of the local community, the promotion of the unique characteristics of Harwich and Dovercourt and sustainable tourism.

It is noted that Tendring District Council considered that advertising the Disposal of the Land to be a risk. Advertising any disposal of Land should be considered a fundamental function not a risk of the Council as part of its responsibilities to inform the community and ensure vital public amenities are protected and not eroded.

I see nowhere in the consultation document that other strategic organisations have been consulted such as The Harwich Society, Essex Wildlife, FOE etc.

In summary I totally oppose the disposal of land proposed (Marked in RED) on the DETAIL PLAN (FIG 1) and request that the Developers be penalised as documented in Item 5.

[identifying detail deleted - AW]

FIG 1 Detail Plan attached [plan is similar to Appendix B].

Respondent G (11 January): In consideration of the notice issued in accordance with Section 123 of the Local Government Act 1972 where Tendring District Council proposes to dispose of approximately 652 square metres of public space, I hereby submit my objections to the proposal.

1) Referring to the Detail Site Plan attached (FIG A) it is clear that the Developers have unlawfully robbed the local community of a valuable piece of public open space in the areas marked RED and that Tendring District Council intends to now make this legal by disposal of the land to the Developer. This is particularly acute at the eastern end of the housing development around Plots 91, 92, 93, 94 and 95. I fail to see that the local terrain would have made it difficult to establish the correct boundaries at the beginning. The effect of this encroachment of the boundaries to the Hangings has resulted in the

destruction of many trees which provided a natural and unique enclosure that makes "The Hangings" walkway/Cycleway a valuable resource and has resulted in the visible intrusion of the housing development.

This wonderful enclosed piece of nature has been lost and needs to be restored. It is unique feature and an area where further investment in maintenance and nurturing through proper tree management is needed. The local community have used this amenity since 1882.

2) The unlawful destruction has had a detrimental affect on the local wildlife and environment on a visual amenity that is very important and much loved. It is an important part of the North Sea Cycle Route and the only significant public walkway between Harwich and Parkeston and should be protected at all costs. It provides an important visual backdrop to those viewing Dovercourt from the A120 and the River Stour.

3) The land taken has caused significant erosion to the remaining trees that line the Hangings walkway/cycleway and I am concerned that due to the proximity of the boundaries will cause their lifespan to be shortened through erosion and damage to their root base.

4) I therefore strongly object to the disposal and request that the boundaries be restored to their correct position. I see this have minimal effect on the gardens to the houses affected.

5) In addition as part of the penalty enforceable on the developer for encroaching onto valuable Public Space (271sqm) should be given as public space as it is currently enjoyed and in addition trees should be replanted on the reclaimed Eastern Edge (381.5sqm) to restore the visual enclosure of trees that has been enjoyed since 1882.

It has been noted that the Harwich Peninsula is one of the areas of Tendring with the least amount of public open space areas per capita as identified in TDC's own Core Strategy documents. It is therefore totally unacceptable that the TDC is to allow our open areas to be further depleted by making an unlawful encroachment of Public Open Space legal.

Restoring the original boundary would have no detrimental effect on the first three deliverables of "DELIVERING PRIORITIES" as part of PART 2

IMPLICATIONS OF THE DECISION

- Promote sustainable economic growth
- Ensure all our residents live in high quality housing which meets local needs.
- Regenerate the district and improve deprived areas

It does however have a serious impact on the latter.

- Protect and enhance our environment, countryside, and coast

This has been caused by the unlawful felling of trees and plants that support both the unique naturally enclosed tree lined vistas which support an abundance of wildlife and sustainable environment. It is materially important to the welfare of the local community, the promotion of the unique characteristics of Harwich and Dovercourt and sustainable tourism.

It is noted that Tendring District Council considered that advertising the Disposal of the Land to be a risk. Advertising any disposal of Land should be considered a fundamental function not a risk of the Council as part of its responsibilities to inform the community and ensure vital public amenities are protected and not eroded.

<p>I see nowhere in the consultation document that other strategic organisations have been consulted such as The Harwich Society, Essex Wildlife, FOE etc. In summary I totally oppose the disposal of land proposed and request that the Developers penalised as documented in Item 5</p>	
<p>Respondent H (11 January): Text and photographs as submitted by respondent G above.</p>	
<p>Respondent I (11 January): Text and photographs as submitted by respondent F above.</p>	
<p>Respondent J (11 January): In consideration of the notice issued in accordance with Section 123 of the Local Government Act 1972 where Tendring District Council proposes to dispose of approximately 652 square metres of public space I hereby submit my objections to the proposal.</p> <p>1) Referring to the Detail Site Plan attached (FIG A) it is clear that the Developers have unlawfully robbed the local community of a valuable piece of public open space .and that Tendring District Council intends to now make this legal by disposal of the land to the Developer.</p> <p>2) I therefore strongly object to the disposal and request that the boundaries be restored to their correct position. I see this having a minimal effect on the gardens to the houses affected.</p> <p>3) It has been noted that the Harwich Peninsula is one of the areas of Tendring with the least amount of public open space areas per capita as identified in TDC's own Core Strategy documents. It is therefore totally acceptable that the TDC is to allow our open areas to be further depleted by making an unlawful encroachment of Public Open Space legal.</p>	
<p>Any further comments received after the print deadline to be reported at the meeting.</p>	