

APPENDIX 4

COMMONS ACT 2006, Section 15

Registration Authority: ESSEX COUNTY COUNCIL

**RE: LAND AT MISTLEY QUAY,
MISTLEY, ESSEX**

**SECOND ADDENDUM TO
REPORT OF THE INSPECTOR**

1. After the production the first Addendum to my Report, further comments and representations came in from other parties to the Inquiry. This Second Addendum considers two of them, namely a letter (with enclosures) dated 23rd December 2013 from Messrs Cripps Harries Hall on behalf of the Second Objector Gladedale (South East) Limited, and one from Messrs Howes Percival, dated 20th December 2013, on behalf of the Third Objector Anglia Maltings (Holdings) Limited.
2. The letter from Cripps Harries Hall is largely a revisiting of points taken at the Inquiry itself, and fully dealt with in my main Report – although it would be fair to note that the Second Objector played a comparatively lesser active part in the Inquiry, in comparison with the other three main parties.
3. Insofar as it now seems to be suggested by Cripps Harries Hall that my Report should have considered the land belonging to the Second Objector ‘in isolation’ from the rest of the application site (although this was not an argument actively pursued on behalf of the Second Objector at all at the Inquiry itself, as it seemed to me), I would point out that I did in fact consider this issue with some care in my Report, notably at paragraphs 16.169 to 16.174 inclusive.
4. I would also mention in passing that the witness for the Second Objector, Mr Brodie, had at least acknowledged in his evidence that he might have seen

people walking across the land belonging to Gladedale to get to the edge of the quay (as I noted in paragraph 12.13 of the Report), in a context where it was clear that it was use of the quayside for leisure (sports and pastimes) purposes that was under discussion.

5. The letter from Howes Percival (for the Third Objector) again seeks to revisit issues (especially to do with ‘deference’, interruptions to use, and the **Redcar** case) which were fully argued at the Inquiry and covered in my Report, but also again (like the Cripps Harries letter) suggests that the Report should have given more distinct consideration to the evidential position specifically on the land belonging to the *Second* Objector.
6. This letter now calls that land the ‘Disputed Land’, although it was not at all a main thrust of the case presented for the Third Objector at the Inquiry to make such a distinction. The Howes Percival letter suggests that there is some inconsistency between what I said in paragraph 16.172 and my recording in paragraph 15.51 of a particular aspect of the submissions that had been made for the Third Objector, the suggestion being that the concluding section (16) of the Report had failed to consider that aspect.
7. However in fact that point is considered and addressed in paragraph 16.174, as part of the overall consideration of this sub-issue in that and the preceding paragraphs.
8. In summary then, nothing in the letters received on behalf of the Second or Third Objectors causes me to feel that my Report or recommendations need to be altered in any respect. [I have however, in reviewing the adjacent paragraphs of the report, noticed that the reference in paragraph 16.176 to September 1988 should of course read September 2008 – the end rather than the beginning of the ‘relevant period’].

ALUN ALESBURY

31st January 2014

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