

TOWN AND COUNTRY PLANNING ACT 1990

**RE: LAND ADJACENT TO SHEDFIELD NURSERY AND EQUESTRIAN CENTRE,
BOTLEY ROAD, SHEDFIELD, HAMPSHIRE**

SECTION 191 APPLICATION BY:

CHRISTOPHER IAN COLLINS

STATUTORY DECLARATION OF CHRISTOPHER IAN COLLINS

CHRISTOPHER IAN COLLINS of Ivy Cottage, Wickham Road, Curdridge, Southampton, Hampshire hereby solemnly and sincerely declares as follows:-

1. The facts to which I refer in this Statutory Declaration are within my own knowledge except where I indicate otherwise. Where facts are within my own knowledge, I know they are true. Where I am informed of facts by others, I believe them to be true.

Introduction

2. I am the owner of the freehold title of the land and property at and known as Shedfield Nursery and Equestrian Centre, Botley Road, Shedfield, Hampshire shown edged red and blue on the annexed plan ("the Land") which plan is marked "CIC1" ("the Plan"). I purchased the Land by three separate transactions, the first parcel of land was purchased by a conveyance dated 7 August 1987; the second parcel of land by a transfer dated 27 June 1991; and the third parcel of land purchased by a transfer dated 9 June 1995. Access to the Land is from the public highway known as Botley Road.
3. My application for a Certificate of Lawful Use relates to that part of the Land edged red on the Plan ("the Site") which comprises of an access road and an area of land on which the commercial activities described below have been carried on since at least the last ten years.

The Site

4. Since the 1990s inert builders and demolition waste materials including concrete, bricks, brick rubble, tarmac, slates, tiles and soils have been imported to the Land for processing to produce recycled products and agricultural improvement.
5. In February 2003 an area of the Land was allocated for the carrying out of the recycling activities – this is the land edged red on the Plan being the Site. The operations on the Site were initially carried out by two south Hampshire companies namely J&W Group ("J&W") and Swanwick Civil Engineering ("SC").

Processing and screening of materials

6. Concrete, bricks, brick rubble, tarmac, slates, tiles and soils were delivered from construction and demolition sites by J&W and SC to the Site and more recently Shedfield Groundworks & Contracting Limited ("SGC") and Lockhams Construction Limited ("Lockhams").

7. In 2003 a concrete crusher and a screening machine was located on that part of my land used, namely the Site by J&W and SC. I located other machines on other parts of the Land. The imported lumps of concrete, bricks, brick rubble, slates and tiles would be loaded into the crusher which would produce concrete crushed to 75mm. This product is called crushed concrete and has a commercial value. It is used for access ways, tracks, hardstanding areas elsewhere.
8. The process of soil screening is to import to the Site inert soils which are put through a screening process. The soils are placed in the soil screener located on the Site which sifts and grades the material into different sizes. It takes out the stones for hardcore. The soils are processed and fall onto three belts and the end products are:
 - (i) screened soil;
 - (ii) 20mm clear stone;
 - (iii) larger stones being 100mm or greater.

The products are used for the following purposes:-

- (i) land raising, landscaping, soil improvement.
- (ii) small stones go through a crushing machine to crush the stones to Type 1 material which is used for base course for roads, footpaths and car parks.
- (iii) the larger stones are also crushed for processing to grade Type 1 material.

These products were taken off the Site for use in the ways described.

9. These activities are recycling activities making use of discarded materials by putting the materials through a process and creating materials which have been and are products which can be used as described above. These activities have been undertaken continuously on the Site since February 2003.

Hours of Operation

10. The commercial activities described in paragraphs 4 to 6 were and still are undertaken during the hours from 7.00 am to 6.00 pm each day.

Volume of Materials

11. The average annual volume of inert builders and demolition waste, soils and aggregates imported to the Site is 46,000 cubic metres.
12. With regards to the exportation from the Site of screened soils, crushed concrete, Type 1 material, 20mm aggregates, the average annual volume exported is 30,500 cubic metres.

Lorry/HGV Movements

13. The number of HGV lorry movements each day varies but the average number of lorries delivering materials to the Site on a daily basis would be 12 with around the same number leaving the Site exporting recycled materials, aggregates and crushed concrete.
14. The lorries would be a variety of size and capacity for example:-

<u>Description of lorry</u>	<u>Cubic Metre Capacity</u>
8-wheeler lorry HGV	15
6-wheeler lorry HGV	12
4-wheeler lorry HGV	8, 9 or 10
7.5 ton non-HGV	3 or 4
Transit van 1 ton	1

Equipment and Facilities on Site

15. The activities at the Site have involved the use of one concrete crusher, a soil screener and a Robo track separator.
16. The Site is defined and separated from the remainder of the Land on all sides as follows:-
 - (a) by a boundary fence along the points 'B' to 'C' shown on the Plan which is the boundary with the neighbouring landowner;
 - (b) between the points 'A' and 'B' originally a post and wire fence and now by a timber panel fence;
 - (c) between the points 'C' and 'D' is a ditch which again divides the Site from neighbours land and part of the Land; and
 - (d) the points between 'A' and 'D' was originally a post and wire fence which has now been replaced with a timber panel fence.
17. There is a water supply pipe to the Site installed in 2003. The water supply is for dust suppression equipment and rest room facilities.
18. An electricity supply was installed to the Site for lighting and rest room facilities.
19. In 2003 concrete slabs (six feet by six feet) were laid on the Site by SC. These concrete slabs had been removed from various sites including Southampton Docks and Hamble Boatyard and relocated and had been set into the ground of the Site. The slabs create a concrete base for the processing and recycling operations.

Third Party Letters

20. I have spoken with third parties with regards to the commercial activities undertaken at the Site and I enclose as Exhibit "CIC2" copies of letters from third parties with regards to the commercial activities at the Site:-

<u>Date of letter</u>	<u>Correspondent</u>
09.09.2013	Miss J Marsh
05.11.2012	T-Miniskips Ltd trading as Adams Waste
05.11.2012	KT & TW Heath Tipper Hire

21. These letters provide additional evidence with regards to the carrying out of the activities for at least ten years prior to September 2013.

Aerial Photographs

22. I produce as exhibit "CIC3" two aerial photographs of the Site taken from Google Earth. Photograph numbered 1 was taken on 1 January 2005 and photograph numbered 2 was taken on 21 April 2007. The photographs show the commercial activities being undertaken on the Site, for example, you can see in each photograph the screening plant and equipment.

Commercial Activities

23. I have arranged for various office records to be traced to provide documentary evidence of the commercial activities undertaken at the Site over several years. Usually a company or business will keep its records for up to six or seven years to comply with the relevant statutory requirements but thereafter papers are often destroyed or lost. Therefore it is not surprising that office records are not readily available for time periods prior to 2006.
24. I now produce true copies of the following records as separate exhibits which are explained:-
- (a) Exhibit "CIC4" – these are extracts from the day diary maintained by SC for the year 2006. Each page of the diary sets out the jobs to be undertaken by the lorry driver. For example, on Monday, 16 January 2006, the instruction to the driver was to collect materials from 94 Park Avenue, Portsmouth and deliver the material to the "Nursery" which is Shedfield Nursery namely the Site which is the subject of my application. A second example is 26 January 2006 whereby there is to be a collection from Exbury Homes and to be delivered to the "Nursery". Extracts have been taken from this diary to show that the activities delivering materials to Shedfield Nursery ("the Site") continued regularly throughout 2006.
 - (b) Exhibit "CIC5" – this provides extracts from the diary for 2007 for SC. It is the same type of diary for 2006 showing the same information. For example, on 11 January 2007 there was a collection from Hursley at 2.00 pm for delivery to the Nursery (i.e. the Site). Again, there is regular activity throughout 2007.
 - (c) Exhibit "CIC6" – SC began maintaining a transport sheet record recording the activity of each driver on each day. A selection of daily sheets has been extracted from the SC records for 2008. The information is similar to that provided in the diaries referred to above. For example, on 17 April 2008 the driver known as Karl collected from Goodwood Chichester Chalk and delivered it to "Yyrd" which is the yard at Shedfield Nursery namely the Site. Also Karl collected "crushed concrete from Nursery" (the Site) for delivery to Stockbridge Road, Winchester.

I refer to the worksheet dated 15 April 2008 which records that four loads were collected from Watercress Beds, Alresford and delivered to the Nursery (the Site) and then three loads of top soil were taken from Shedfield Nursery back to the site at Alresford.
 - (d) Exhibit "CIC7" – these are the same type of records from SC archives for the year 2009. Not many records were available that year. There are examples of deliveries to the Nursery - again meaning the Site. The entry for 12 March 2009 shows the delivery of three loads of crushed concrete from the Nursery to SC.

- (e) Exhibit "CIC8" – I have been unable to track down records for 2010. This does not mean that there were no activities but that the relevant records have been lost or cannot be traced. However, I enclose examples of drivers' daily worksheets prepared by SGC who have been operating the relevant activities for 2011. An example is 27 September 2011 where there are loads being delivered to Shedfield which is the Site.
- (f) Exhibit "CIC9" - finally I produce two drivers' daily worksheets from January and February 2012. In the column headed "Tip Site" there is reference to "SH". The reference to SH is Shedfield Nursery which is the Site.

Commercial activities

- 25. For more than ten years the processing, screening and crushing of waste materials for recycling has been taking place on the Site with such activities being undertaken by J&W and SC and more recently SGC and currently Lockhams Construction Limited and as an access shared with access to other parts from the Land.
- 26. My application for a Certificate of Lawfulness relates to the activities described in paragraphs 4 to 9 of this declaration which have been undertaken on the Site for more than ten years prior to the date of my application.
- 27. I make this statutory declaration in support of my application for a Certificate of Lawful Use pursuant to Section 191 Town and Country Planning Act 1990 for the said activities on the Site.
- 28. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1935.

