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**STATUTORY DECLARATION OF**  
**ROY DAVID COLEY**

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**Relating to**

Land off Moor Lane, Loughborough

I, ROY DAVID COLEY of 1 Main Street, Swithland, Loughborough LE12 8TG make this Statutory Declaration and I do solemnly and sincerely declare as follows:

1. I make this Statutory Declaration concerning Land off Moor Lane, Loughborough ("the Site"). The Site is show edged red on the Plan attached to this Statutory Declaration at Exhibit RC1.
2. I am Chairman and Managing Director of the Sowden Group of Companies. I have held that position for 40 years.
3. In 2003 the company bought a site in Windmill Road Loughborough, in part because friends of mine, Hugh and Linda Gallagher owned 2 sections of adjoining land, one of which is the Site. A joint planning application submitted, it being agreed with them that if I secured planning permission on my land for residential development then they would relocate their business elsewhere funded in part by the development.
4. Between then and 2012 we tried to secure planning permission for variety of proposals and either they didn't find favour with Charnwood Council or the Gallaghers couldn't find a suitable relocation. The Gallaghers continued to operate their business as normal from both the Site and its other land during this period.
5. However on 20 December 2013 planning permission ("the Permission") was finally granted by Charnwood Borough Council ("the Council") for the erection of 38 dwellings to phase 1 and outline application for residential development and community building pursuant to application reference P/12/2130/2 made by the Company. The Permission included the Site.
6. Pursuant to the Permission, on 16 December 2013, a Section 106 Agreement was completed between (1) the Council, (2) the Company, (3) F S Protector Limited, (4) Hugh Joseph Gallagher and Linda Gallagher ("the S106 Agreement"). The S106 provided for the provision of the community building and public park on the Site subject to certain requirements and procedures.
7. At around that time the Gallaghers received an acceptable offer for their business, which included a relocation so we were ready to progress
8. In May 2014 we began to undertake ground works involving the re-levelling of the ground of the Site and also ground works on the Sowden land. I enclose at RC2 a copy of a letter dated 2nd May 2014 where I advised the Council that work was about to commence. This was a requirement of the Section 106 Agreement. The levelling included the demolition of buildings the removal of concrete surfaces and the levelling of surplus inert material

9. The first operations on the Sowden land had commenced during this period with a large cut and fill operation. There was a large drop in levels over the site and by building up levels on the canalside we were able to lose any arisings without the need for cart away. We did however have to pile the properties on the canalside due to the fill at this side of the site
10. I enclose at Exhibit RC 3 photographs taken on 29th June 2015 showing work ongoing on the Site with spoil from the demolition of the buildings being crushed and screened. The ground levelling was ostensibly complete by November 2015. Mr Gallagher had some of the surplus taken to a local tip. Invoices attached as Exhibit RC4
11. I enclose at Exhibit RC5 photographs of the Site at 3<sup>rd</sup> December 2015 showing the levelling works virtually completed. The video shows the position very clearly, the hawthorn hedge on the canalside has been removed and the trees on the Moor Lane frontage. This is backed up by Google Earth images in 2016.
12. I note in the Councils Enforcement Report they discuss open countryside, loss of natural habitat and also the loss of an area of woodland edged red. Although they acknowledge if to be a lawful waste transfer station I would remind them that as a working transfer station covering some 2 acres of land with skip lorries in and out of there every few minutes crushing and screening taking place with large machinery this was no place for biodiversity. At Exhibit RC6 I attach a series of photographs showing the metal fencing at the front of the site and at Exhibit RC 7 a Google Earth Image from 2011 showing the extent of the operation. This land was far from open countryside and as far as I am aware the council had taken no steps to prevent it. Despite in its Enforcement Report the Council saying that the trees shown in the area edged red have been removed I believe that they are almost all still there as is evidenced in a photograph taken recently at Exhibit RC 8
13. I also note in the Councils Enforcement Report photographs dated 23<sup>rd</sup> November 2018 but they are of such poor quality it difficult to understand their relevance. It doesn't seem that anything is happening there it is just the spoil heap, also shown on the 2018 topographical survey that has since been removed
14. After the levelling was complete there was a period of relative quiet but in 2019 fly tipping was taking place which Charnwood Council themselves had called these offices to complain about. The EA had been on the Site only a few months earlier with CBC planners looking at levels seemed very happy for us to push material that was already on site up towards the road to form a security bund

15. This work was carried out in June / July 2019 and I attach copies of invoices from May and July 2019 at Exhibit RC9 showing the Cat D6 being taken from Melton to Loughborough on 11<sup>th</sup> March and away again on 24<sup>th</sup> July
16. On the 6<sup>th</sup> September 2019 I was asked to attend a meeting with Enforcement Officers at Charnwood Borough Council discuss "Public Park land/Community Project". A copy of the Agenda for that meeting is attached at Exhibit RC10. It can be seen that there was no mention of levels. The only thing they were concerned with was the Council taking over the land. By this time they were out of time and that seemed to surprise them.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835

  
.....

Roy David Coley

At

This 2<sup>nd</sup> day of August 2023

Before me:

Solicitor/Commissioner for Oaths

BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

  
HAUDEN BALL

BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HAYDEN BALL

A handwritten signature in cursive script that reads "Hayden Ball".

Solicitor



BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HAUDEN BAC

A handwritten signature in black ink, appearing to read 'Hauden Bac', written in a cursive style.

Solicitor

**SOWDEN INVESTMENTS LTD**

5-6 Westbridge Close  
Leicester  
LE3 5LW

Head of Strategic Support  
Charnwood Borough Council  
Southfields  
Loughborough  
LE11 2TX

2<sup>nd</sup> May 2014

Dear Sirs

**LAND AT WINDMILL ROAD & MOOR LANE  
AGREEMENT PURSUANT TO SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990  
DATED 16TH DECEMBER 2013**

Further Clause 6.1 of the above, we hereby write to advise that "Commencement of Development" has occurred

All demolitions etc are complete and the next phase of work will be site preparation ie earthworks/ cut and fill

Should you have any queries please advise

Yours faithfully



**Roy Coley**  
on behalf of Sowden Investments Limited ("The First Owner")



BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HANDEN BAW

A handwritten signature in cursive script, appearing to read "Hayden Baw".

Solicitor







Exhibit RC4 – Invoices

BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HAUSDEN BAU

A handwritten signature in black ink, appearing to read 'Hayden Bau', written in a cursive style.

Solicitor

P002072

# INVOICE

## ERIC ELLIOTT (TRANSPORT) LTD. ROAD HAULAGE CONTRACTOR

SPECIALIST SUGAR BEET HAULIERS - SUPPLIERS OF ALL AGGREGATES  
TOP SOIL AND HARD CORE - 8 WH TIPPER LORRIES FOR HIRE

TBD MORRIS ENVIRONMENTAL LTD  
INGLEBERRY ROAD  
SHEPSHED  
LE12 9DE

*checked  
by Anna  
all OK  
25/5/15  
8 LOADS  
18 TONS  
144 TONS*

HILL ROAD  
GOTHAM  
NOTTINGHAM  
NG11 0LD  
Tel : (0115) 9830095  
Fax : (0115) 9830029

Vat no: GB 116 7064 82

Date : May 2015  
Invoice No: 134340

Day	TICKET No	Weight/load	Rate	Total
DAYWORK AT LOUGHBOROUGH				
18-May	22354/22351/22353			
	22352	1.00	550.00	550.00
	22852/22853/22854			
	22851	1.00	550.00	550.00

<b>SUB TOTAL</b>		£1,100.00
<b>SURCHARGE</b>		
<b>SUB TOTAL</b>		£1,100.00
<b>VAT</b>		£220.00
<b>TOTAL</b>		£1,320.00

TOTAL  
864 TONS

ERIC ELLIOTT

11,880.00

PAY INVOICES

134349  
134363  
134340 ✓

P002070

# INVOICE

## ERIC ELLIOTT (TRANSPORT) LTD.

### ROAD HAULAGE CONTRACTOR

SPECIALIST SUGAR BEET HAULIERS - SUPPLIERS OF ALL AGGREGATES  
TOP SOIL AND HARD CORE - 8 WH TIPPER LORRIES FOR HIRE

TBD MORRIS ENVIRONMENTAL LTD  
LTD  
INGLEBERRY ROAD  
SHEPSHED  
LE12 9DE



THIS IS  
ENVIRONMENTAL  
12 LOADS  
X 18 TONS  
= 216 TONS

HILL ROAD  
GOTHAM  
NOTTINGHAM  
NG11 0LD  
Tel : (0115) 9830095  
Fax : (0115) 9830029  
Vat no: GB 116 7064 82

Date : May 2015

Invoice No: 134349

Day	TICKET No	Weight/load	Rate	Total
DAYWORK AT LOUGHBOROUGH				
19-May	5531/6203	2.00		
20-May	6205/5532	2.00		
21-May	6206/5533	2.00		
22-May	5534/6207	2.00		
	22369/22370/22371	1.00		
	22368			
	TOTAL	9.00	550.00	4950.00

SUB TOTAL		£4,950.00
SURCHARGE		
SUB TOTAL		£4,950.00
VAT		£990.00
TOTAL		£5,940.00

P002071

# INVOICE

## ERIC ELLIOTT (TRANSPORT) LTD.

### ROAD HAULAGE CONTRACTOR

SPECIALIST SUGAR BEET HAULIERS - SUPPLIERS OF ALL AGGREGATES  
TOP SOIL AND HARD CORE - 8 WH TIPPER LORRIES FOR HIRE

T B D MORRIS ENVIRONMENTAL  
INGLEBERRY ROAD  
SHEPSHED  
LE12 9DE

*HUGHIE*

HILL ROAD  
GOTHAM  
NOTTINGHAM  
NG11 0LD  
Tel : (0115) 9830095  
Fax : (0115) 9830029

Vat no: GB 116 7064 82

*28 LOADS  
x 18 TON  
= 504 TONS*

Date : May 2015  
Invoice No: 134363

*all checked 08/06/15  
AUC*

Day	TICKET No	Weight/load	Rate	Total
DAY WORK AT LOUGHBOROUGH				
18-May	22251/22252/22253 22254	1.00	550.00	550.00
	22304/22303/22302 22301	1.00	550.00	550.00
19-May	22305/22306/22307 22308	1.00	550.00	550.00
20-May	22259/22260/22261 22262	1.00	550.00	550.00
19-May	22255/22256/22257 22258	1.00	550.00	550.00
20-May	22310/22311/22312 22309	1.00	550.00	550.00
21-May	22313/22314/22315 22316	1.00	550.00	550.00

<b>SUB TOTAL</b>		<b>£3,850.00</b>
<b>SURCHARGE</b>		
<b>SUB TOTAL</b>		<b>£3,850.00</b>
<b>VAT</b>		<b>£770.00</b>
<b>TOTAL</b>		<b>£4,620.00</b>



BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HARDEN BAN

*Haydzaal*

Solicitor





Exhibit RC6 – photographs of site frontage

BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HAYDEN BALL

A handwritten signature in black ink, appearing to read 'Hayden Ball', written in a cursive style.

Solicitor





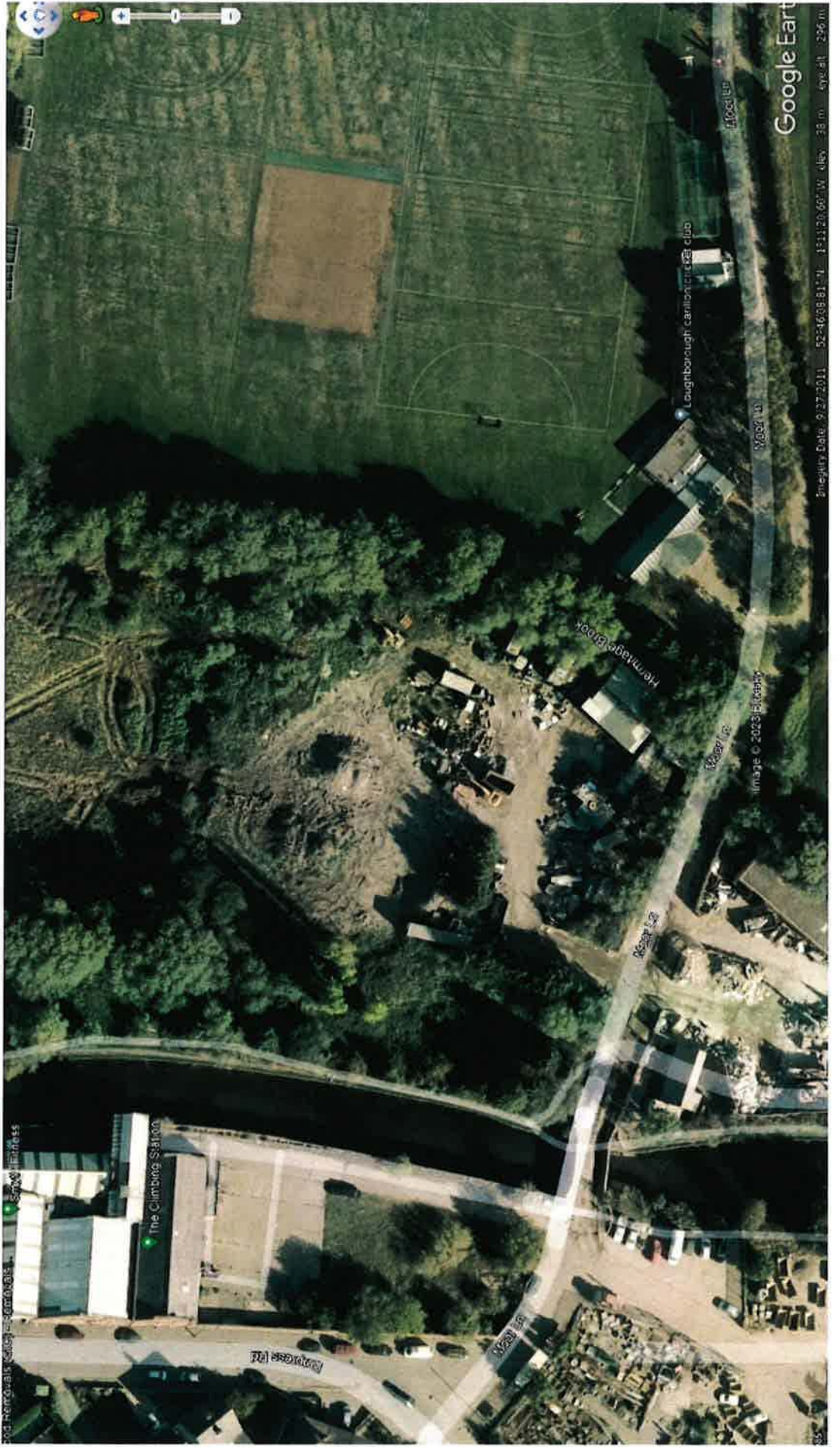
BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

02.08.23

HAYDEN BAW

Hayden Baw

Solicitor



Google Earth

Imagery Date: 9/27/2011 52°46'55.81"N 1°12'0.60"W elev: 38 m eye alt: 296 m



Wood Removal, Site Remediation, Site Clearance

The Climbing Station

Longcross Rd

M52

M52

M52

Image © 2023 15 October

Heritage Block

Loughborough carillon tower club

11004159



Exhibit RC8 – recent photograph

BHW Solicitors Limited  
1 Smith Way  
Grove Park, Enderby  
Leicester, LE19 1SX

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Leicester, LE19 1SX

02.08.23

HAYDEN BALL

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Solicitor

**Frank McCusker T/A  
MB Heavy Haulage  
Coles Lodge Farm  
Pasture Lane North  
Gaddesby  
Leicester  
LE7 4XJ**

Sowden Ltd  
Westbridge Court  
5-6 Westbridge Close  
Leicester  
LE3 5DR

*Handwritten:*  
94231  
20/06/2019

**Invoice No:** MC/0095  
**E-Mail:** [franckmcusker@hotmail.co.uk](mailto:franckmcusker@hotmail.co.uk)  
**Mobile Tel:** 07961 513217  
**Date:** 31-May-19

<b>DATE</b>	<b>Description</b>	<b>Amount</b>
11.3.19	Cat D6R from Melton to Windmill Road Loughborough	260.00
	JS220 From Melton to Windmill Road Loughborough	260.00

<b>Bank Details:</b> HSBC	<b>Sub-total</b>	<b>520.00</b>
<b>Account No:</b> 11385917	<b>VAT</b>	<b>104.00</b>
<b>Sort Code:</b> 40-43-39	<b>Total</b>	<b>£624.00</b>

**Settlement strictly 30 days from invoice date**

VAT Registration Number: 240 232 851

Frank McCusker T/A  
MB Heavy Haulage  
Coles Lodge Farm  
Pasture Lane North  
Gaddesby  
Leicester  
LE7 4XJ

Sowden Ltd  
Blaby Hall  
Church Street  
Blaby Hall  
Leicester  
LE8 4FA

*PD cheque to  
C999 9550  
21/08/2019 AUG 2019*

Invoice No: MC/0101  
E-Mail: [frankmccusker@hotmail.co.uk](mailto:frankmccusker@hotmail.co.uk)  
Mobile Tel: 07961 513217  
Date: 31-Jul-19

DATE	Description	Amount
24.7.19	Cat D6R from Loughborough to Melton Mowbray	300.00
29.7.19	Cat D6R from Melton Mowbray to Holt Lane Ashby Magna	300.00

Bank Details:	HSBC	Sub-total	600.00
Account No:	11385917	VAT	120.00
Sort Code:	40-43-39	<b>Total</b>	<b>£720.00</b>

Settlement strictly 30 days from invoice date

VAT Registration Number: 240 232 851

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<b>MEETING</b>	To discuss North-eastern quadrant attached to P/12/2130/2		
<b>DATE</b>	2pm on 6 September 2019	<b>LOCATION</b>	Meeting room 12, Charnwood Borough Council Offices

<b>Invited</b>		<b>Apologies</b>	
Helen Robinson	Julie Robinson	None	
Matthew Bradford	Kathryn Harrison		
Tim Shattock	Roy Coley		
Mr Hugh Gallagher			

<b>Agenda</b>
<p>Agree date of commencement of development</p> <p>To discuss the adoption of the Community Building &amp; Public Park and the Remainder Land</p>
<b>Future Agenda Items</b>