
**STATUTORY DECLARATION OF
TIMOTHY ANDREW SHATTOCK**

Relating to

Land off Moor Lane, Loughborough

I, TIMOTHY ANDREW SHATTOCK of APB (Leicester) LLP, Blaby Hall, Church Street, Blaby, Leicester LE8 4FA 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 shown edged red on the Plan attached to this Statutory Declaration at Exhibit TS1.
2. I am a Chartered Surveyor of almost 40 years' experience and a partner in APB, which is practice of Chartered Surveyors. I have been involved with the Site and the surrounding areas since Sowden Group, for whom I act and have acted for 35 years, first acquired its interest in the adjoining land in 2003. Since that time I have been involved in detail in all discussions with the local planning authority including the submission of a number of planning applications for a variety of uses
3. A short while after Sowden purchased its land, as the development was intended to cover a wider area, I instructed Greenhatch to carry out a topographical survey of the Site and adjoining areas owned by Sowden. This was dated 6th April 2004 and a copy of that survey is attached as Exhibit TS2. Although the Site was still being used as an operating waste transfer station it is this topographical survey that was used for the BWB Flood Risk Assessment that was submitted as part of 2012 application. I see in the Council's case that this is referred to as a 2013 survey – it is not.
4. It can be seen from an extract from Google Earth in 2011 that the waste transfer operation had expanded rapidly and by that point was using almost 50% of the Site. See attached Exhibit TS3. I note in the Council's Enforcement Notice they seem to be suggesting that this particular image is from 2018. This is simply incorrect as Google Earth images from 2016 show. See attached Exhibit TS3.
5. On 20 December 2013 planning permission ("the Permission") was 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 related to the Site and other land. In so far as relevant to the Site, the Permission authorised the use of the Site for a community building and public park.
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

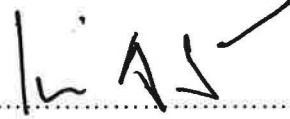
Joseph Gallagher and Linda Gallagher ("the S106 Agreement"). The S106 provided for the Site to be cleared, levelled and fenced and also for the provision of the community building and public park on the Site subject to certain requirements and procedures. Extensive discussions were held with the Council in this regard, however I was told that due to a lack of funding on the Council's part, the requirements were subsequently not met by the Council and the provisions in the S106 Agreement relating to the community building and public park were released.

7. Sowden commenced development of its land in May 2014 and this involved a large cut and fill exercise on Phases 1&2 to avoid retaining walls and a large cart away of material. This was overseen by its engineers BWB. The first property was sold on 17th June 2016. This phase of the site was completed construction wise in 2018 with the last few sales dragging over into 2019.
8. Part of the planning involved the clearing and levelling of the Site and this was carried out in the latter stages of 2014 and certainly by the end of 2015 was virtually completed. See Google Earth images showing works, exhibit TS4
9. It was around this time that discussions were opened with Charnwood Borough Council about the Community Building. Architects Franklin Ellis were appointed to design the building and they produced some drafts. However Council planners said that there was no funding for such a building (it was a time of government cuts), no-one to run it and no-one to give instructions as to how it should operate or be designed
10. As Phases 1 and 2 of the main consented scheme were proving reasonably successful Sowden proposed a joint venture to the Gallaghers to build out the properties on part of their land (Phase 3). This started in April 2018 and took just over a year to complete. This site was built completely on piled foundations to avoid any excess material being created
11. Discussions had been ongoing for some time at this point with CBC planners and the Carillion Cricket Club (who needed a better facility themselves) to establish whether, if we got some enabling development on the Site (or the area that was earmarked for the Community Building ie out of the floodplain) then we could probably extend the cricket club to include a community building which was clearly much needed by the Community. We must have had a dozen meetings with the cricket club/ Council/Local Community on this.
12. As there had been no levels survey since 2004 (ie 14 years) and as the site had been an operational Waste Transfer for at least 10 of those years – even the planners accepted that with the operation ongoing they could not keep a track on the levels - I appointed

BWB to carry out a topographical survey. This was carried out on 26th July 2018 and is attached Exhibit TS5.

13. If you compare the 2004 survey and the 2018 survey the difference between them can easily be explained by the levelling of what was on there and also the disturbance of the ground which, of course, increases its volume of soil in the short to medium term.
14. Early in 2019 we became aware of fly tipping on the Site following a call from the Council. It was just after the time that the Environment Agency was removing trees from the brook next to the cricket club.
15. It was therefore agreed that a security bund be provided at the edge of the road and this was done as a completely separate operation in June/ July that year. At a similar time the spoil bund was removed from the Site.
16. A planning application for the enabling development including the extension of the cricket club was submitted in March 2021 – it was refused with one of the main reason being levels. When I spoke with the Environment Agency they didn't seem to have an issue with it. We knew that other than a security bund and the removal of the spoil heap the levels hadn't changed since July 2018.
17. I carried out a topographical survey myself for the previous application. I wasn't that confident in its accuracy as the stations were some distance away and many obstructions in the way. As such, I undertook this Topographical survey again in September 2022 and asked Staniforth Architects to overlay that survey data on to the 2018 survey data. A copy of the survey plan is attached at Exhibit TS6 with the red points showing the 2022 levels and the black points showing the 2018 levels
18. I can confirm that the levelling works were all undertaken and completed before the end of 2015 and certainly by July 2018 as evidenced by the 2018 survey with the only other engineering works undertaken on site after that date being the creation of the security bund and the removal of the spoil heap. Any change in site levels after 2018 were the result of works associated with the security bund and removal of spoil heap or due to the general changes inherent with disturbed land such as that caused by taking machinery over it, weather, especially rain and settlement of the soil.

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



Timothy Andrew Shattock

At

This 2nd day of August 2023

Before me:



Solicitor/Commissioner for Oaths

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

HAYDEN BALL

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

02.08.23

HAYDEN BALL


Solicitor



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1 Smith Way
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02.08.23

HAYDEN BAW

A handwritten signature in cursive script that reads "Hayden Baw". The signature is written in black ink and is positioned above the printed name "Hayden Baw".

Solicitor



05.12.2005 Additional MH and Main Sewer Add

CLIENT	BWB CONSULTING
PROJECT	WINDMILL ROAD LOUGHBOROUGH
TITLE	DETAIL SURVEY
SCALE	1:500
DATE	08/05/04
DRAWN BY	CM AB
CHECKED BY	AB
DATE	2006
UNITS	SI
PROJECT NO.	500.1
DATE	08/05/04
SCALE	1:500
DRAWN BY	CM AB
CHECKED BY	AB
DATE	2006

This plan and digital data should only be used for the original proposed project.

It is for the sole use of the party to whom it has been submitted and is not to be used for any other purpose without the written consent of the client. This survey was carried out on the basis of a contract and the liability for the accuracy of the survey is limited to the contract terms. The client is responsible for the accuracy of the data provided to the surveyor and for the accuracy of the data provided to the surveyor.

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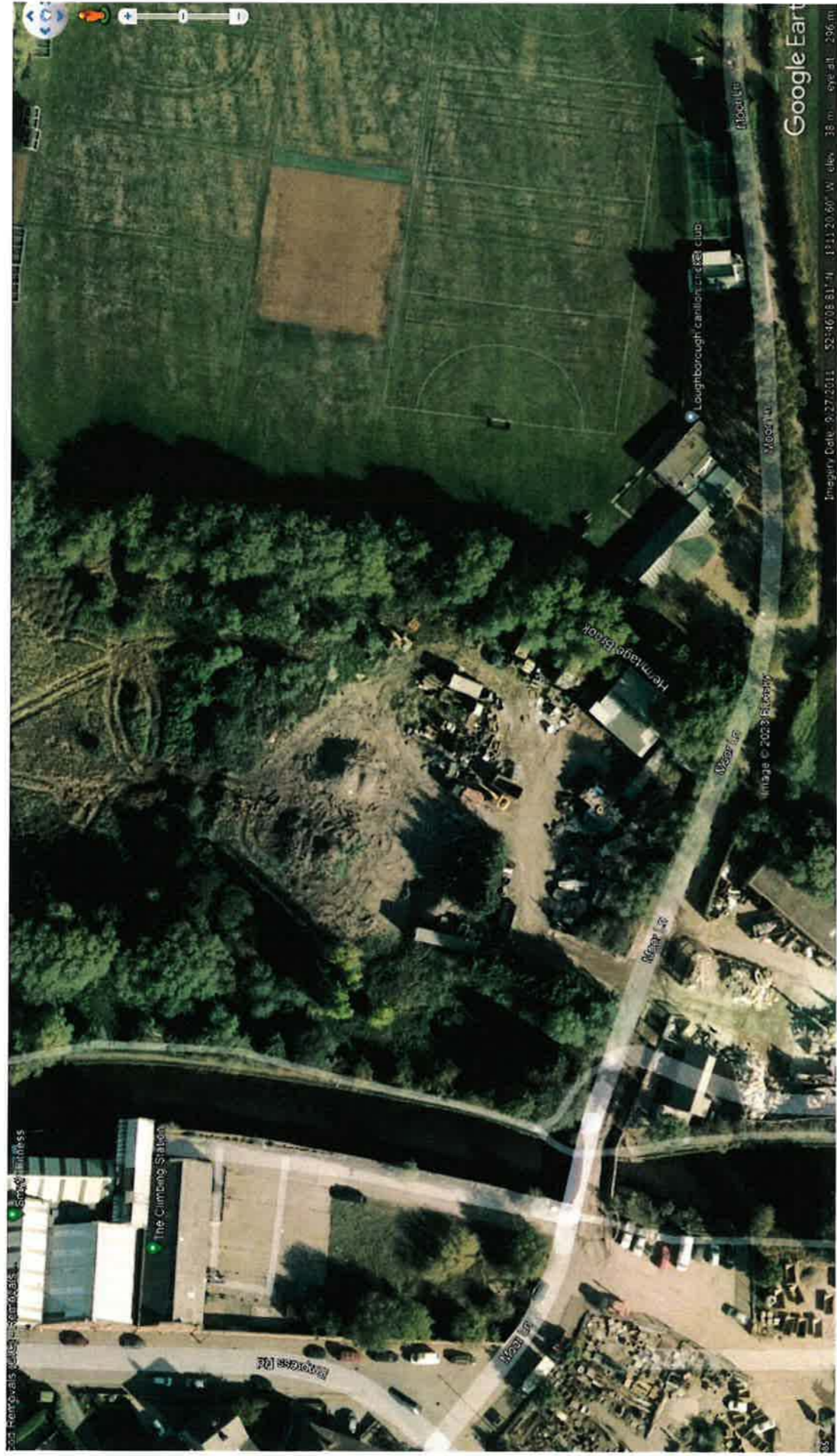
BHW Solicitors Limited
1 Smith Way
Grove Park, Enderby
Leicester, LE19 1SX

02.08.23

HAYDEN BAW

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

Solicitor



Google Earth

Image © 2023 Earthstar
Imagery Date: 0-27-2011 52°40'08.81"N 1°11'20.60"W elev. 38 m eye alt. 296 m

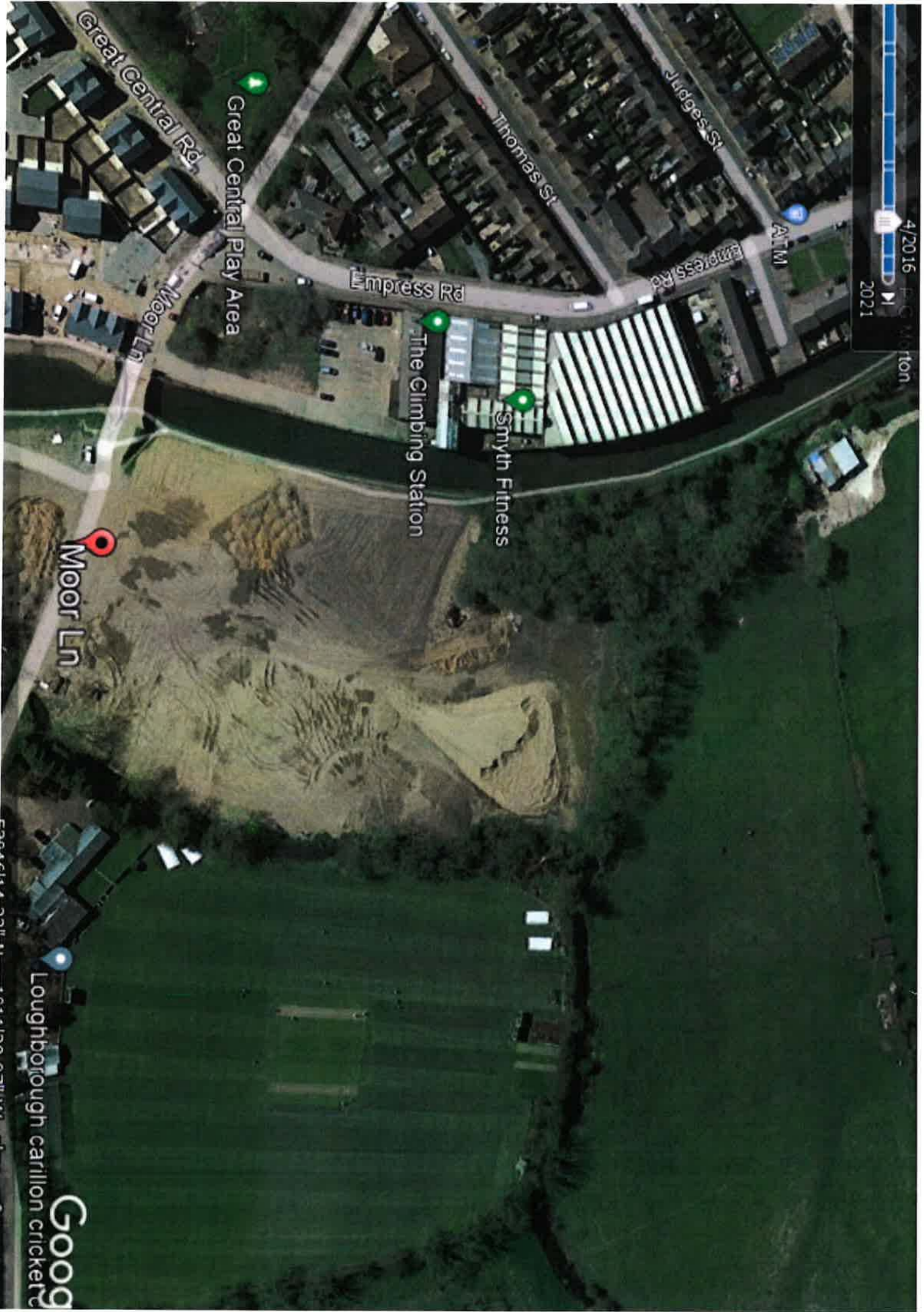
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Leicester, LE19 1SX

02.08.23

HAYDEN BAKER

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

Solicitor



4/2016 2021

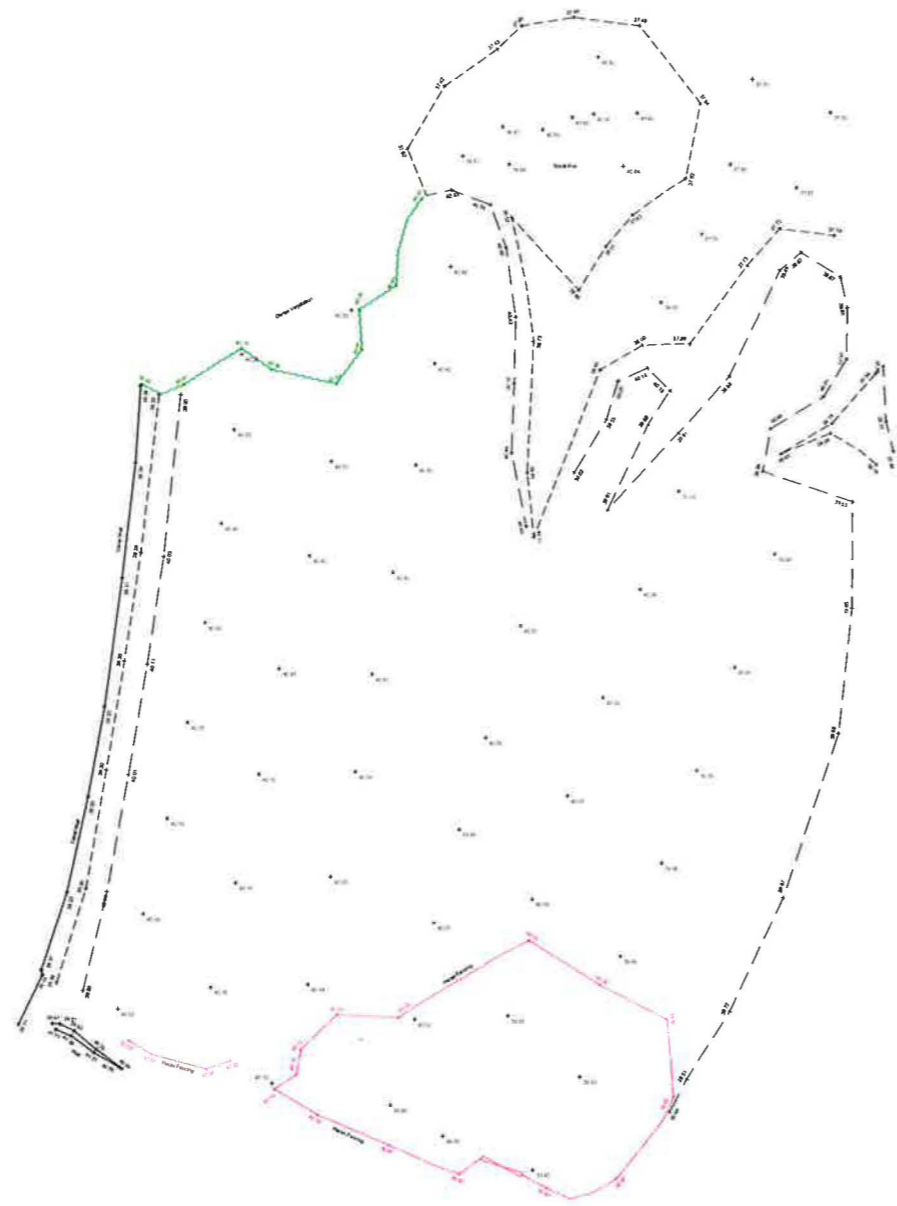
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02.08.23

HAIDEN BARK

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

Solicitor



- Notes**
1. Do not scale this drawing. All dimensions must be checked/verified on site. If in doubt ask.
 2. This drawing is to be read in conjunction with all relevant architect, engineers and specialist drawings and specifications.
 3. All dimensions in metres unless noted otherwise. All levels in metres unless noted otherwise.
 4. Any discrepancies noted on site are to be reported to the engineer immediately.
 5. No scale factor has been applied to this survey, therefore the coordinates are to be treated as arbitrary. Please refer to survey station information below for on site control establishment.
 6. All coordinates and height data relate to OSGB36(15). Control stations are coordinated by means of GPS receiving real time corrections via OS smart net.
 7. All manhole data is collected from ground level therefore discrepancies may occur. More accurate data is only achievable via confined space entry.
 8. OS license number: 100022432

Legend

OS Buildings	Contour Lines
Surveyed Buildings	Inspection Chamber
Building	Flow direction and pipe diameter
Wall	Station and Name
Kerb Channel Line	BH 1
Top of Kerb	Monitoring Borehole
Edge of Surface	Tree / Bush / Sapling
Bottom of Bank	Area of Vegetation/ Extent of Tree Canopy
Canopy / Overhang	Hedge
Line Marking	Body of Water
Centre Line	Body of Water from OS
Watercourse	Spot Level
Centre Line	Assumed Surface
Barrier	Water Drainage Line
Fence	Surface Water Drainage Line
Overhead Powerline	
Overhead Utilities	

AP	Anchor Point	FBW	Fence Barbed Wire	LB	Litter Bin
BG	Back Gully	FCB	Fence Chain Board	LP	Lamp Post
BO	Bollard	FCL	Fence Chain Link	MH	Manhole
BS	Bus Stop	FEL	Fence Electric	Mkr	Service Marker
BT	British Telecom	FMP	Fence Metal Panel	PB	Post Box
C	Crest	FMR	Fence Metal Railing	PT	Post
CL	Cover Level	FOB	Fence Open Board	RE	Rodding Eye
CMP	Cable Marker	FPW	Fence Post & Wire	SP	Sign Post
Post		FSP	Fence Steel Palisade	ST	Stop Tap
CCTV	Security Camera	FWM	Fence Wire Mesh	SV	Stop Valve
CTV	Cable TV	FFL	Firehose Floor Level	TCB	Telephone Call Box
DC	Drainage Channel	FP	Flagpole	THL	Threshold Level
DK	Drop Kerb	Gas	Gas	TL	Traffic Light
DP	Down Pipe	GV	Gas Valve	TP	Telegraph Post
Elec	Electric	GY	Gully	TS	Traffic Signal
EP	Electricity Post	Ht	Height	UTS	Unable to Survey
ER	Earth Rod	IC	Inspection Chamber	WL	Water Level
FH	Fire Hydrant	IPL	Internal Floor Level	WM	Water Meter
FL	Floodlight	IL	Invert Level (as a reduced level)	WO	Wash Out

P1	26.07.18	First Issue	DG	SS
Rev	Date	Details of issue / revision	Drw	Rev

Issues & Revisions

Birmingham | 0121 233 3322
 Leeds | 0113 233 8000
 London | 020 7407 3879
 Manchester | 0161 233 4260
 Nottingham | 0115 924 1100
 www.bwbconsulting.com

Client
Windmill Road Developments Ltd

Project Title
Windmill Road, Loughborough, Phase 3

Drawing Title
Existing Site Plan Sheet 1 of 1

Drawn:	D. Gibbons	Reviewed:	S. Shreeves
BWB Ref:	NTH2180	Date:	26.07.18
Scale@A1:	1:500		

Information

Project - Originator - Zone - Level - Type - Role - Number	Status	Rev
WRL-BWB-00-01-DR-G-0001	S2	P1

Exhibit TS6 – 2022 Survey

BHW Solicitors Limited
1 Smith Way
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Leicester, LE19 1SX

02.08.23

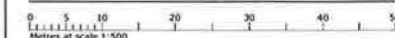
HAYDEN BALL

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

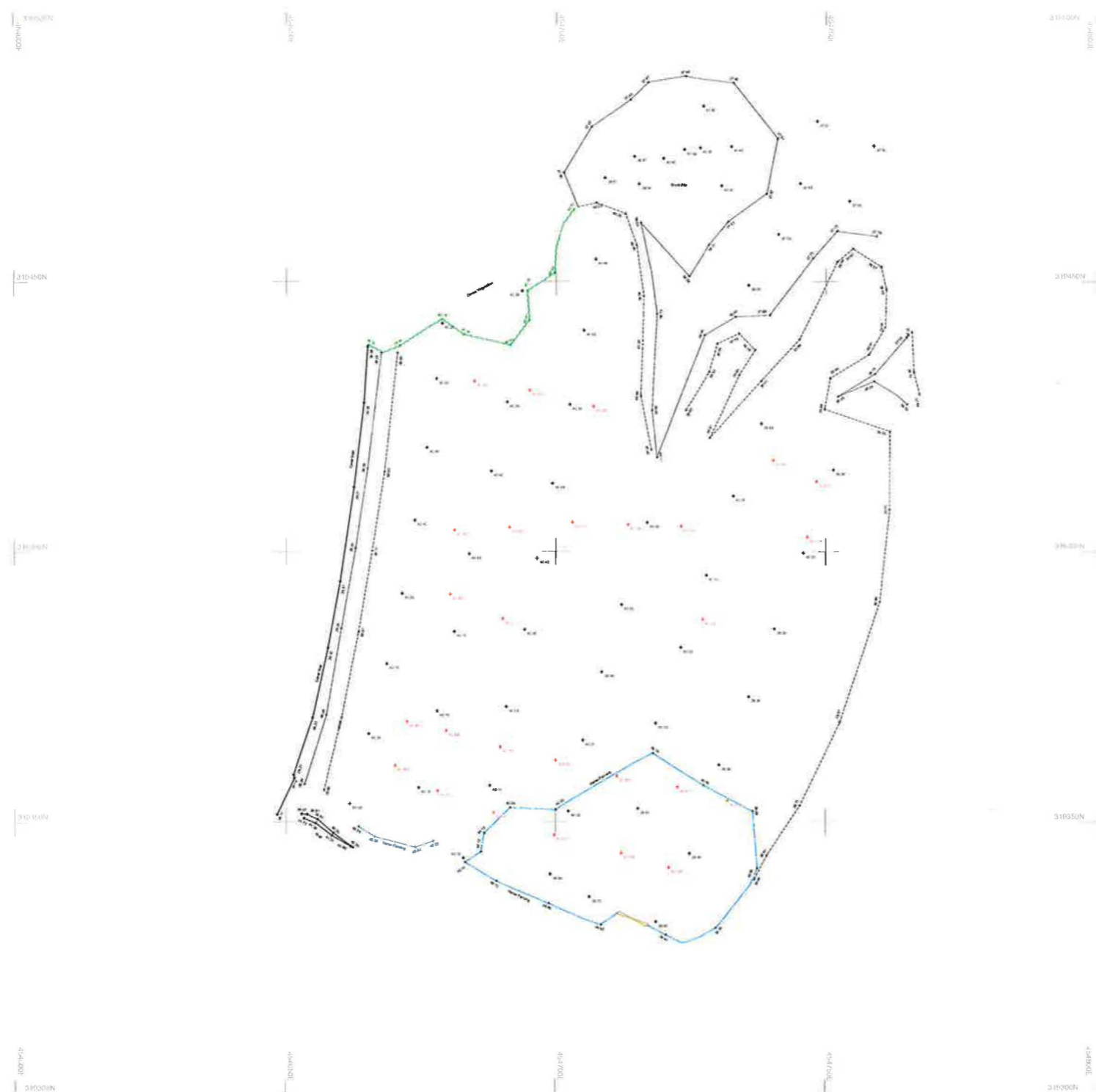
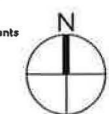
Solicitor

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions / contaminants, drainage, design & planning/conservation requirements. Sketch proposals may be based upon arrangements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDH Regulations. This drawing and the building works depicted are the copyright of Staniforth Architects Ltd and may not be reproduced or amended except by written permission. No liability will be accepted for amendments made by other persons.

PRELIMINARY



Revision	Date	Initials	Notes
A	29.09.22	DT	Minor amendments



STANIFORTH ARCHITECTS

Site coordinates

The Warehouse 7A Staniford Street Leicester LE1 6NL 0116 2853775 www.staniforth.co.uk	Drawing Status: Cad Reference: Drawn: Checked: Date: Scale:	E2391-P001 DT DT 27-09-2022 1:500@A1
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Project No. Drawing No. Revision
Windmill Road Loughborough E2391 P001 A