

26 March 2010

Please find enclosed 20 separate complaints.

Complaint 1. Application 80931/08

That the officers of Bolton Council issued an officers' report, to the general public and the elected councillors of Horwich and the Bolton Planning Committee, which was factually incorrect and misleading as identified in our letter 27 October 2009.

Complaint 2 Application 80931/08

That officers of Bolton Council failed to take adequate verification of application 80931/08, as identified in our letter of 27 October 2009.

In addition the accompanying document (Appendix A) highlights factually incorrect statements, misleading statements and contradictory statements made by the applicant in applications 80931/08 and 83299/09.

Complaint 3 Application 80931/08

In addition to factually incorrect and misleading statements made in the application, additionally an officer of Bolton Council made further factually incorrect and misleading statements as identified in our letter of 27 October 2009 (para. 31) and also the officers' report regarding Environment Agency concerns. (They were still objecting at the time the report was written)

Complaint 4 Application 80931/08

That officers of Bolton Council failed to take proper legal advice when considering the current position regarding the end date of application 61530/02 and other legal issues as identified in our letter of 27 October 2009

Complaint 5 Application 83299/09

That the officers of Bolton Council, issued a statement to Horwich Council, which was misleading as permission 61530/02 is not a ROMP permission and therefore there is no lawful reason to change the end date- as per our letter of 27 October 2009. Prior to the officer's statement being presented, we supplied documents detailing this point to Bolton Council in good time.

Complaint 6 Application 83299/09

That officers of Bolton Council failed to take adequate verification of application 83299/09, which identifies else otherwise implies permission 61530/02 as a ROMP permission, in that it makes factually inaccurate and misleading statements.

Complaint 7 Application 83299/09

That officers of Bolton Council failed to take proper legal advice when considering the current position regarding the end date of application 61530/02 and when considering application 83299/09 as described in question 2 of our letter 24 February 2010.

Complaint 8 application 80931/08

Documentation necessary to have an informed public consultation was withheld from the online portal, as demonstrated in correspondence from the Environment Agency, 10 September, 2009 in application 80931/08. The officer was made aware of this situation but it was not rectified.

Complaint 9 – Green Waste

The council was aware of the storage of green waste at Pilkington Quarry at least from July 07, and despite numerous complaints nothing has been done to date.

Complaint 10 – Contaminated material

That officers of Bolton Council failed to take appropriate action when they were informed by the Environment Agency in Oct 2007 of possible contamination in Pilkington Quarry's buttress.

Complaint 11 application 78560/07

Warnings from the GMGU regarding application 78560/07 and the intention to use "landfill" taken from Pilkington Quarry to fill land at Horwich Moor were ignored. The Environment Agency has confirmed that the waste used to fill the "land at Horwich Moor" is contaminated.

Complaint 12 - correspondence

The officers of Bolton Council failed to follow their own guidelines in responding to our letters of 15 November 2009 and 26 November 2009 and subsequent reminders.

Complaint 13 - correspondence

The officers of Bolton Council have yet to respond to questions we first raised regarding application 83299/08 in our letter of 26 November 2009 (3a, 5 a-e, 6 a-d).

Complaint 14 – Quarry Status

That officers of Bolton council consider the quarry to be active, even though all quarrying equipment was removed by the end of 2005, the quarrying procedures were rescinded at the end of 2005, and the quarry has worked all the available materials within its planning area.

It is a condition of The Town and Country Planning (General Permitted Development) Order 1995 part A that *"before the end of the period of 24 months from the date when the mining operations have permanently ceased - all buildings, plant and machinery permitted by Class A shall be removed from the land unless the mineral planning authority have otherwise agreed in writing"*

Complaint 15 – Quarry Status

That officers of Bolton council were aware and chose not to act when a new building was erected in accordance with The Town and Country Planning (General Permitted Development) Order 1995 part A, at the quarry. The building was built after the quarry was in fact worked out.

Complaint 16 – Quarry Enforcement

That officers of Bolton council did not provide appropriate monitoring and enforcement of the quarry activities subsequent to application 61530/02. They did not ensure that the quarry was in filled to agreed levels. Waste has been imported into the quarry and has been incorporated into the quarry floor. This has raised the floor level by about 10-15 meters as compared to the topographic survey (close to survey point 300 - 271.051) offered in support of application 80931/08 (Bolton planning document 50416_7.pdf).

Complaint 17 – Quarry Enforcement

That officers of Bolton council did not provide appropriate enforcement of the quarry activities subsequent to end of quarrying at the end of 2005. A fleet of 20 vehicles, and the tipping of waste has been carried out at the quarry since this time and in spite of numerous complaints appropriate enforcement has not been undertaken.

Complaint 18 - Planning Application

That officers of Bolton council after being made aware of potential contamination in the butress accepted a planning application (80931/08) without requiring the applicant to submit a risk assessment prior to the application being considered. This is in contravention of part IIA of the Environmental Protection Act 1990.

Complaint 19 - Planning Application

That officers of Bolton council after being made aware of potential contamination in the butress did not consider it as a material planning consideration (planning application 80931/08) in contravention of PPS 23.

Complaint 20 - Planning Control

That officers of Bolton Council after being made aware of potential contamination in the butress have not implemented a strategy to address the potential contamination in accordance with their duties under part IIA of the Environmental Protection Act 1990.

Further Action

With respect to the above complaints we expect you to respond within the agreed timescale of your complaints procedure.

AS our letter of 27 October 2009 has already put you on notice as to the legality of the operations at Pilkington Quarry and the current application 83299/09. In order to prevent further injustice and harm, we request the following.

1. That your position regarding application 83299/09 is clarified as a matter of urgency, by issuing the officers' report, assuming you agree to recommend refusal, in accordance with legal advice. If you do not agree with this position we request that the application is deferred until such time as our complaints have been fully investigated.
2. As it is clear that no active planning permission else lawful activity exists within the quarry that all operations are ceased until such time as our complaints are fully investigated. This should include movements of vehicles to and from the quarry and is in accordance with the 1968 planning permission, as the terms of this condition are concurrent with 50252/97. Evidently this should not impact health and safety at the quarry.

Yours faithfully

Blackrod and Horwich Environmental Action Group
Horwich Moor Residents Association
Montcliffe Residents Association
Arcon Village Residents Group

Please reply to BHEAG@Hotmail.com