

**Appendix 8**

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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 RDC1.
2. I am a Director of Sowden Group Limited ("the Company") and have been a director of the Company for more than 20 years.
3. 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.
4. 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. However, those requirement were not met by the Council and the provisions in the S106 Agreement relating to the community building and public park were released.
5. In May 2014 I began to undertake ground works involving the re-levelling of the ground of the Site. I enclose at RDC2 a copy of a letter dated 2<sup>nd</sup> May 2014 where I advised the Council that work was about to commence. This was a requirement of the Section 106 Agreement
6. I enclose at RDC3 a photograph taken on 29<sup>th</sup> June 2015 showing work ongoing on the site with spoil from the demolition of the buildings being crushed and screened.
7. The ground levelling was ostensibly complete by November 2015
8. I enclose at RDC4 photographs of the Site at 3<sup>rd</sup> December 2015 showing the levelling works virtually completed.
9. In February 2017, I met with the Council to discuss the relevelling works undertaken at the Site. This meeting was attended by an Enforcement Officer from the Council. The Council has been aware since that date at the very latest that the relevelling works had been undertaken.

10. On 22nd November 2018, the Council wrote further to the Company advising that there had been complaints about the levels on the Site and the Council together with Officers from The Environment Agency subsequently undertook a site visit to assess the levels at the Site. It was agreed that a spoil heap that sat in the floodplain would be removed and at some point a security bund would be created.
11. I can confirm that since October 2017 no further releveling has been undertaken and the only ground works undertaken on Site related to the removal of the spoil heap and the provision of a bund.

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

.....

.....

Roy David Coley

**19A WILLESLEY ROAD, ASHBY DE LA ZOUCH, LE65 2QA**

At

**DECEMBER**

This **23** day of            2021

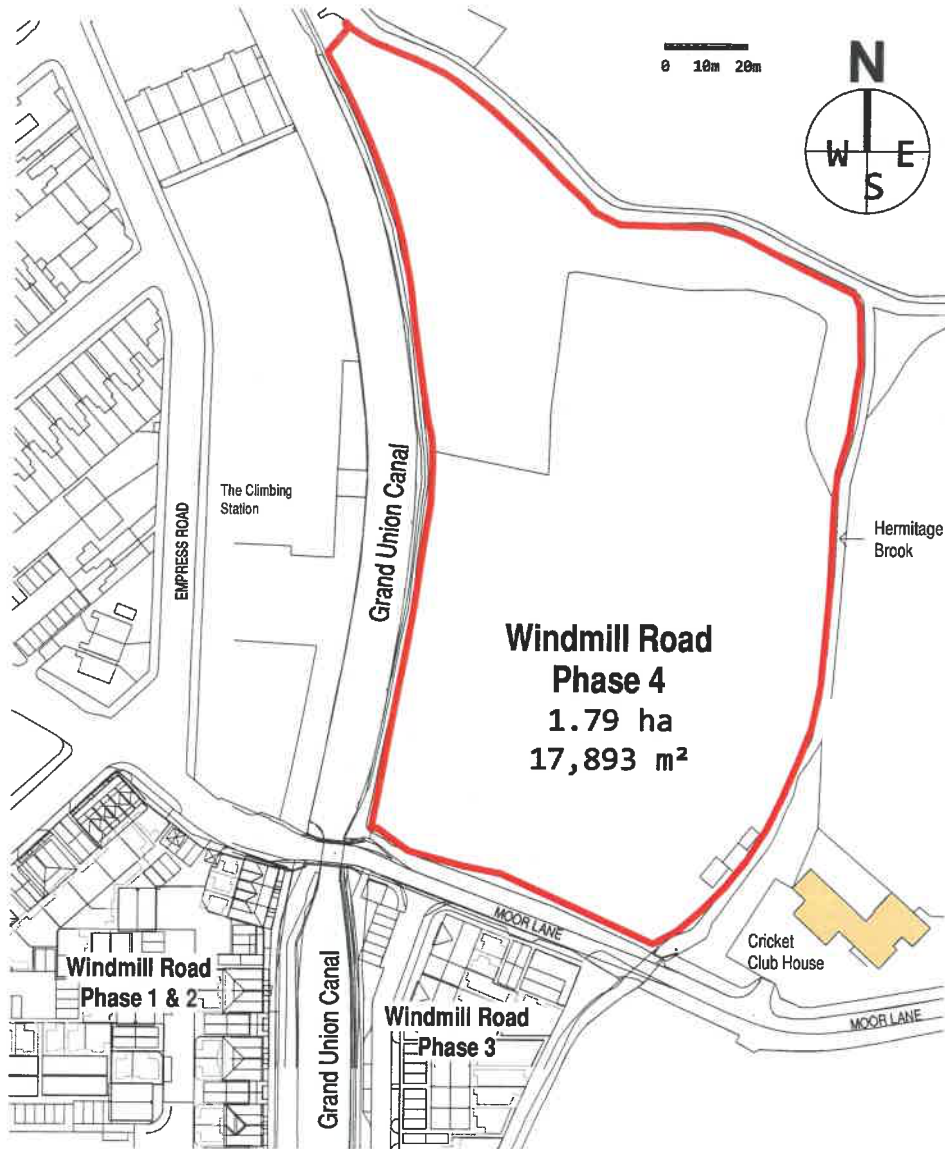
Before me: **THOMAS SHATTOCK**

Solicitor/~~Commissioner for Oaths~~

**23** **DECEMBER**

Exhibit **RDC1** referred to in the Statutory Declaration of Roy David Coley dated this day of 2021

RDC1: The Site



**1 Location Plan 1\_1250**  
1 : 1250

The red line boundary has been interpolated from Topographical and Ordnance Survey data, and may contain inaccuracies. The Client is responsible for verifying with their Solicitor the extent of legal ownership against the proposed red line boundary, and confirm ahead of making any formal applications.

Rev	Date	Description	Issuer	Checker	PROJECT NAME	PROJECT No.	VOL S1 Site 1						
P1	2018-09-23	Preliminary Issue P1	AMR	DRF	Windmill Road Phase 4	18-0046	Project Code	Originator Code	Volume /Zone	Level/ Location	Doc Type	Role /Dis	Number
P2	2021-02-16	Adjusted crop, add red note	LAT	DRF	CLIENT / USER NAME	SHEET	<b>WMR-FEA-S1-XX-DP-A-1200</b>						
					Sowden Group	A3 L	SCALE	STATUS			REVISION		
					SHEET NAME		1 : 1250	A3 Planning			P2		
					Location Plan								

Exhibit **RDC2** referred to in the Statutory Declaration of Roy David Coley dated this day of **DECEMBER** 2021

RDC2: Letter dated 2 May 2014

**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")**

Exhibit **RDC3** referred to in the Statutory Declaration of Roy David Coley dated this **23** day of **DECEMBER** 2021

RDC3: Photographs dated 29<sup>th</sup> June 2015





Exhibit **RDC4** referred to in the Statutory Declaration of Roy David Coley dated this **23** day of **December**, 2021

RDC4: Photographs dated 3<sup>rd</sup> December 2015



