

**PROPOSAL:**            **Revocation of Certificate of Existing Lawful Use for the parking and storage of vehicles, machinery and equipment**

**LOCATION:**            **White Moss Quarry, Barthomley**

### **APPLICANTS SUBMISSION**

The applicant's agent has made the following comments in response to the committee report

Given the legal implications I am pleased to see that you have incorporated my comments into your report, however my preference would be that my letter of 7<sup>th</sup> August be attached in full to the report to members on this decision as by necessity in the way you have reported it some paraphrasing has been used.

I note that at paragraph 5.3 you indicate "While it could be acknowledged that it is not part of the working quarry it clearly has a relationship to the quarry." The reference to the word "could" is not appropriate. When the council considered the certificate and issued it they clearly indicated at Schedule 2 (see para 3.3 of your report) that the land is "*Land Known as Triangular Field adjacent to White Moss Quarry, Butterson Lane, Barthomley, Crewe.*". It is not appropriate for the report to say that the officer advice is that the land "could" be considered as not being part of the quarry and in the notice clearly state that it is adjacent to the quarry. If the land is as you have indicated adjacent to the quarry then it is clearly not part of the quarry and so the use of the word "could" at para 5.3 is incorrect. You will appreciate that central to any legal argument is our view that your assertion that information has been withheld is that the withholding of information is directly related and predicated on the fact that you believe the land to be part of the quarry. This is based on the question you posed "*Given that the site is working quarry it is considered that the following material information must be available and has therefore been withheld under the terms of Section 193 and provides sufficient scope to revoke the decision made.*" The phrase "given that the site is a working quarry" is key in this respect as the alleged withholding of information is based on this assumption by the use of the word "therefore" later in the sentence.

It is not therefore appropriate for the report to give potentially misleading advice in an area that is fundamental to our position. I would be grateful if you could amend the report to remove the ambiguity of the statement at para 3.3 and the statement at para 5.3.

### **OFFICER COMMENT**

The agents refer to the previously issued Certificate identifying the land as being 'and therefore it is flawed to ask questions based upon the site being a 'working quarry'. As a matter of fact and for clarification the original decision notice did refer to the site as '*adjacent to White Moss Quarry*'.

While this point is noted, paragraph 5.3 of the main report confirms that the Certificate site clearly has a relationship to the quarry as it is used for operatives and visitor parking and therefore it is appropriate to ask the questions as they have been proposed as part of the revocation and it is not flawed.

