

## Competence

Although not a material planning consideration, Provectus Remediation Ltd have made assertions in their application about the work they carried out on the former Biwater site.

Planning Statement (page 7):

*1.6.3 The Biwater scheme was successfully completed Summer 2011 by Provectus with minimal disturbance to the local community. The site has been restored to a condition that facilitates the proposed business and housing development in accordance with the terms of the planning permission.*

Hilltop Non Technical Summary for Public Publication:

*By way of background to the application, the Applicant was recently involved in the successful completion of a surface coal mining scheme at the former Biwater Works site, off Market Street, Clay Cross, [known as the 'Biwater Scheme']*

However, local residents know that these statements are somewhat economical with the truth and the record needs setting straight.

Provectus Remediation Ltd left the site in a parlous state and failed to carry out their Section 106 obligations before abandoning the site and placing the responsible companies into voluntary administration.

This is confirmed by St Modwen (the current developers of the Biwater site) in their letter of objection to the Hilltop Scheme (dated 17 March 2015).

Furthermore, the applicant and its predecessor companies involved with the Biwater site have shown a cavalier attitude to planning and regulatory matters.

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## Test Drilling

Provectus Remediation Ltd drilled test bore holes on the Hilltop Site in October 2011 without obtaining the required Exploration Licence from the Coal Authority.

The Coal Authority's website states:

*Any activity which intersects, disturbs or enters any of the Authority's coal interests requires our prior written authorisation. The following activities require a Licence or Agreement, and are dealt with by the Authority's Licensing department:*

- *The mining of coal*
- *Exploration for coal or deep drilling through coal for other purposes (e.g. water abstraction)*
- *Underground coal gasification*
- *Digging and carrying away of coal during non-coal mining related activities (incidental coal)*
- *Exploration and exploitation of coal methane*

When Provectus Remediation Ltd made their submission to Derbyshire County Council, in January 2012, requesting a Scoping Opinion they stated:

*“In terms of the current proposal, Provectus has land holding interest on land to the north of Clay Cross, immediately west of the A61. PROVECTUS has been considering potential options of developing a surface coal mining scheme at this site. To assist the evaluation process, drilling works have been undertaken between 17th October and 1st November 2011 in accordance with a Coal Authority Licence. Provectus are now considering submitting a planning application seeking planning permission for a surface coal mining operation on the site.”*

They made an application on 26 October 2011 (after commencement of drilling) but failed to follow it through or pay the appropriate fees. The Coal Authority were not aware that exploration work had been carried out until informed by a member of the public in September 2012.

We understand that Provectus Remediation Ltd were contacted by the Coal Authority in September 2012 and the appropriate legal documents were completed and fees paid. Provectus Remediation Ltd are now bound by the provisions of the Exploration Licence with the Authority.

**The fact that Provectus Remediation Ltd were prepared to carry out exploration without obtaining the necessary licence and to make a false statement in their submission to the Mineral Planning Authority must call into question their competence and suitability to be granted a Surface Mining Operating Licence.**

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## Planning

In April 2005, Cavendish Estates (London) Ltd (Director: Mr Bryn Hopkinson) were the owners of the Biwater site and made a planning application to North East Derbyshire District Council to operate Sunday Markets on the site (05/00482/TP). Temporary planning permission was granted on 30 June 2005 with the condition that the Sunday Markets should cease on or before 30 July 2006.

*(The Decision Notice is available at [http://planapps-online.ne-derbyshire.gov.uk/online-applications/files/F4319BFCFAE4E322FBC20DDC568CA20F/pdf/05\\_00482\\_TP-DECISION\\_NOTICE-33259.pdf](http://planapps-online.ne-derbyshire.gov.uk/online-applications/files/F4319BFCFAE4E322FBC20DDC568CA20F/pdf/05_00482_TP-DECISION_NOTICE-33259.pdf))*

On 2 April 2007 North East Derbyshire District Council issued a Breach of Condition Notice to Cavendish Estates (London) Ltd as they were still running Sunday Markets some 8 months after the expiry of the temporary planning permission.

*(The Breach of Condition Notice is available at [http://planapps-online.ne-derbyshire.gov.uk/online-applications/files/D66BC5AEE1CC8524E8160AE2EF4E46F2/pdf/05\\_00482\\_TP-BREACH\\_OF\\_CONDITION-81661.pdf](http://planapps-online.ne-derbyshire.gov.uk/online-applications/files/D66BC5AEE1CC8524E8160AE2EF4E46F2/pdf/05_00482_TP-BREACH_OF_CONDITION-81661.pdf))*

**Given this record, Hilltop Action Group has no confidence that the applicant would adhere to any planning conditions imposed.**

**Would any member of the council really want to risk the council's or their own reputations by proceeding with this applicant/application?**

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Hilltop Action Group

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