



Tony Evans
 Saltersley Common Preservation Society
 Oakleigh
 Newgate
 Wilmslow
 SK9 5LN

Date 02 May 2003

Our Ref
 Dc/anf/5/97/0758P

Your Ref

Dear Mr Evans

REVIEW OF MINERAL PLANNING PERMISSIONS AT LINDOW MOSS, WILMSLOW

I refer to your letter of 28 April 2003 and would answer the points that you raised as follows.

Enforcement of planning conditions

Once the conditions become valid the County Council will be seeking to rigorously enforce compliance with the new conditions. This will be done by monitoring the site and / or responding to complaints from interested parties. The enforcement of planning conditions was simplified in 1991 by the introduction of a new power to planning authorities – the breach of condition notice.

There is no appeal against the service of a breach of condition notice. The only defences are that they are complying with it; that the condition was invalid in the first place or that they took all reasonable steps to ensure compliance. As Terraqueous proposed most of the conditions, the second line of defence would be unlikely to succeed.

A notice takes at least 28 days to come into effect and states a period for compliance. Whilst the level of fine is only in the region of £1000, each day of non-compliance represents another occasion upon which a fine can be levied, as long as the prosecuting authority can provide evidence that compliance hasn't been achieved.

Non-agreement to the conditions

An Environment Act Review allows the applicant to appeal against any conditions that they consider unreasonable. The time period to lodge an appeal is 6 months from the

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Hopefully, when the conditions are in force we will begin to remove some monitoring data on which to further assess the implications of the peat workings on the surrounding area.

Liaison Committee

We also spoke about the need for an inaugural meeting of the liaison committee. If you could keep the 11th and 18th of September free, I'd be obliged. I will send you full arrangements at a later date when I have sorted the list of invitees out with the applicants. I suspect that County Councillor Steve Wilkinson will chair the meetings.

I will speak to you again soon to draw up an agenda.

Should you wish to discuss this matter please do not hesitate to contact me.

Yours faithfully



Andrew Farrow
Team Leader
Planning Control

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