

17 November 2015

Re: P/15/088 Application for Cert. of Lawful Use by Mulciber Ltd.

In the light of the batches of invoices submitted by the applicant as evidence of his "continued use" of the quarry and the 'History of the quarry since 2003 Reference 1' we make the following observations:

In a report by the CTO to the Council's Policy and Resources Cttee. held on 20/9/12, he states **"....it is a fair observation to say that there have been few building projects anywhere on St. Mary's that have taken place since the 1990's that have not included material sourced from Moorwell recycling initiatives. The building demolition materials are collected and have always been stored separately on a section of the site that is set apart from any activities that include material disposed of through incineration or recovered post incineration."**

This means that demolition material was available from the Moorwell site from 2005 (the first year in contention) and could have been used by Mulciber for his contract work across the islands. Mulciber could also have been crushing material at Moorwell with his mobile crusher renovated and converted in 2004 rather than as he claims, at Pendrathen quarry. Our neighbours have no recollection of the noise of crushing or transportation of demolition material etc. into and out of Pendrathen quarry before the beginning of 2012. It wasn't until 2011 that the applicant obtained his lease from the DoC which corresponds with the intense activity to, from and within the quarry commencing Feb 2012. We would question how Mulciber could have operated the quarry in the way he claims without a DoC lease.

Furthermore, the batches of Invoices submitted as part of his application from 2007 (not 2005) give no indication as to where the aggregate came from or that the recycling was being carried out within Pendrathen Quarry. The 13 pages of 'History of the quarry since 2003' also submitted by the applicant states this is: "a table of activities based principally on issued and paid invoices. For every sale or recycled aggregates and minerals from Pendrathen quarry, there will also be extensive processing works on-going throughout to produce the material."

As this appears to be a recently compiled document, we question the insertion of "from Pendrathen Quarry" on most of the entries within the 13 pages of tables because there is no indication on the invoices as to where the operations were based or where the aggregates came from. The constant references to "from Pendrathen Quarry" are not replicated on the invoices and therefore these do not provide evidence the operations were based at Pendrathen. In fact it is our opinion that there would not have been enough material from inside the quarry itself to service the contracts as claimed, and for the reason given above that there was no noticeable importation into the quarry of demolition material etc. by residents during the period 2005 – end 2011.

It is quite possible that Mulciber was using the various types of building demolition materials stored at Moorwell for his various contracts which clearly would have been more cost effective. Furthermore, Mulciber could have been storing material elsewhere on the island along with his machinery. A large number of the invoices are for the hiring of machinery and labour and these, of course, do not state where the machinery was located. **For example, between November 2009 and October 2011 with only two exceptions, invoices are for the hiring of machinery and labour which proves there were no operations within the quarry between those dates. The two exceptions were a small quantity of ram delivered plus garden waste collected from Jedi in McFarlands Down. Therefore the invoices submitted are not proof of continuous use of the quarry during the past 10 years.**

From 2005 to 2011 when the applicant acquired a Duchy lease for the quarry, we believe Mulciber was operating (to a large extent) from elsewhere, possibly from his registered address at Lunnon Farm. This would confirm the statements of ourselves and other local residents that there were considerable periods during which the quarry was dormant from 2005 and prior to 2012 and other periods during which there was only very occasional commercial traffic along McFarlands Down.

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