

# STATES OF JERSEY

## Committee of Inquiry: Reg's Skips Limited – Planning Applications

**FRIDAY, 19th FEBRUARY 2010**

**Members:**

Mr. J. Mills, C.B.E. (Chairman)  
Mr. E. Trevor, M.B.E, F.R.I.C.S.  
Mr. R. Huson

**Witness:**

Mr. C. Taylor, Heatherbrae Farm

**In attendance:**

Mr. I. Clarkson, States Greffe (Clerk)

[15:42]

**Mr. J. Mills:**

If you could just say “I do” in response to the oath. Do you swear that you will declare the truth, the whole truth and nothing but the truth in the present proceedings before this Committee of Inquiry, which you will do without favour, hatred, or partiality, as you will answer to Almighty God at your peril?

**Mr. C. Taylor, Heatherbrae Farm, St. John:**

I do.

**Mr. J. Mills:**

Thank you very much. Thank you for coming, Mr. Taylor. This is your second visit to us as we take our examination forward and I think you know my colleagues, Mr. Trevor, and Mr. Huson and myself. What we would like you to do for us today really is to take your view of events forward. When you came to us the first time we took events really up to the granting of the application in 2005 at Heatherbrae Farm and we stopped at that point.

**Mr. C. Taylor:**

That is right.

**Mr. J. Mills:**

Although I think we have learned some more about the circumstances and you managed to comment on those, I think what would be helpful to us if you would, from your key perspective, outline to us the course of events that followed the granting of the application in 2005 and your thoughts thereon. I think we will try and take some questions about those. If we are looking at break points I think the next natural break point is the point at which the enforcement notice was withdrawn. That is the next natural break point and then events take another slightly different turn.

**Mr. C. Taylor:**

Another step after that.

**Mr. J. Mills:**

So, if we can concentrate in the first instance on the 2005 application having been granted up to and including the enforcement notice process. That would be very helpful. Thank you for the extra note that you sent to us which we have all had a chance to look at beforehand.

**Mr. C. Taylor:**

Well really nothing happened from July 2005 when Reg's Skips moved in until the first week of May 2006. So, it was 10 months after Reg had moved in. Mike Porter, the Enforcement Officer came up, asked to meet myself and Mr. Pinel and he said that he had had a complaint about the noise. So, obviously we wanted to know greater detail and at the time he was very cagey. He would not say who the complainant was and would not give us a lot of detail, but we did examine the situation and I think it was after his second or third visit when we had been consulting him and trying to monitor the situation that we called in Mr. Binet from the Environmental Health Department and he came up and he was surprised to find Reg's Skips at Heatherbrae Farm because, as he said to me: "I have not been consulted."

[15:45]

Whether it is a statutory requirement or not of Planning to consult Environmental Health on the change of use issue, I do not know, and I know the question has been asked here and some answers have been given. So, working with him there were a few things we did more or less straight away. For example, we got some old rubber irrigation hose and put it on the chains on the lorries so they did not clank. He took some noise readings and he explained to me how noise readings worked and so on. The first thing was that you took a background noise reading and what constituted a noise was a large amount of noises more than 10 decibels above background noise. One bang would not count; 2 bangs would not count; 3 or 4 bangs and you might raise an eyebrow, and a few more bangs during the day and, yes, you can start to feel that there is a nuisance. So, we asked him to take some readings. He took some readings, and these were taken right in front of the silage clamp at the noisiest possible position and he was getting readings of, I believe, 54 and 58 decibels. The background noise reading was 40 and 42. Now, these were purely on an advisory basis and he stressed that point. He said: "Do not think that we are taking readings to go to court with; these are purely advisory readings. They are not to the whatever B.S. (British Standard) you have to go to. So, whatever readings I take they cannot be used in court." The fact, they were used in court is a fact I would like answered by the courts, but obviously not here. Working with Mr. Binet I also involved another firm called A.F.M., who operate at Springside. They had a Mr. Richardson, who is not a qualified acoustic engineer, but it was one of the modules he had done in his degree of whatever degree he took. It was most helpful and he pointed out that what was happening was that the noise was being channelled down behind the building and the hedge in a northerly direction towards Les Ormes and what we needed to do was to put a wall across the silage clamp to channel the noise elsewhere. He then went on and he said that another possibility would be to raise the height of the silage clamp by something like 3 or 4 metres; what is known as the rifling effect. In other words, the noise is all going straight up, instead of outwards. That one I ruled out straight away because of health and safety consequences. You cannot just build tall walls because people might try and climb up them or whatever. So, the third possibility was to roof over the area and at that time I dismissed that purely because of expense. On the basis of putting a wall in the front in discussion with him the easiest and quickest way to put a temporary barrier across the front was to use some of these high density straw bales. They are about 4 foot wide and I think we had 6 of them, so we went up the full height of 10 feet and they went roughly 16 feet across the face of the clamp. So, it gave a pretty good barrier in front. This obviously was done in consultation with Environmental Health who came

back the next day to take more noise readings and also informed Planning that this was what we were doing because there was no point making a planning application to build a wall if it was not going to work. Within half an hour Planning had a complaint from Mr. Yates that a wall had been built and it was illegal and what was going on. We then, throughout the summer, monitored the situation. We were trying to do whatever we could do. As I said we put rubber hoses on the chains on the lorries. One or 2 of the pins and bushes on the small mechanical sorting digger were renewed so that there was not so much play and the jaws would work more precisely with less clanking noise. Then there was an appeal advertised in the *J.E.P. (Jersey Evening Post)* - that there had been an appeal to vary the conditions of the permit. I have never requested, and I have certainly never signed an appeal and, as I understand it under the Planning Law, any application or appeal has to be signed by the landowner, and I have certainly never made any such application. Planning went through the process of an appeal on the conditions of the permit, but no such appeal was ever made; certainly not by me. We then managed to arrange a meeting with the Minister for Planning, who came up and visited the farm on 21st September and Senator Cohen's, when he turned up, first words to me were: "We have got a moaner" with reference to my neighbour. He received reports from the Planning Officer, who was Mrs. Elizabeth Ashworth. I believe Mr. Binet was there, and I am not sure who else. It was another person from the Environmental Health Office. It may have been Mr. Smith, but I am not sure. It was discussed what actions we had so far taken and discussed what actions could be taken and towards the end of the meeting Senator Cohen said to me: "Right, you will just have to roof it over." Well, I do not mind saying I was really quite angry by that comment because Planning had brought Reg's Skips to my farm and I was being asked, or told by the Minister for Planning, to spend between £150,000 and £200,000 roofing over the area to cure the noise problem that his department brought to me. I am not as wealthy as Senator Cohen and I certainly do not have those sums of money to spend roofing over an area and curing a problem that his department had caused. So, I tackled him on that both as to who was going to pay for it and, secondly, I was not going to bother hiring an architect, going through all the expenses of acoustic engineers, architects and so on if, at the end of the day, it was not going to happen. Senator Cohen made it quite clear. He said: "I am telling you to roof it over. That is what my instructions are." With that assurance I got on and made the necessary planning application and so on. It was not until 4th December, I think it was, that I received the report that Mrs. Ashworth had done for that meeting on 21st September. I know I had a copy of that report here somewhere. The report of 11th September. On the second page in the boxed-in area it says: "R.S.L. (Reg's Skips Limited) has been a victim of its own success and has drastically increased ..." I am reading upside down here.

**Mr. J. Mills:**

Let me help you, Mr. Taylor. The box says as follows: "Whilst the original approval was acceptable R.S.L. has been a victim of their own success and has significantly increased their workload to include mechanical sorting of skips. Following investigations by Environmental Health it has been proven that both hand sorting and mechanical sorting of skips results in an unacceptable noise nuisance. The use in its entirety shall cease [this is a recommendation in the report] as it is unlikely that the operation can be made to comply with acceptable noise levels that would not cause a nuisance to neighbouring residential occupiers."

**Mr. C. Taylor:**

The first sentence which says that Reg's Skips Limited has substantially increased, it is just simply not true. They were still operating the same number of lorries; they had the same number of drivers ... actually, no, they did have an additional lorry as a spare lorry but they had 4 drivers, 4 lorries on the road. There had been no drastic increase and the evidence was quite clear that that was a completely false report. I wrote to Mrs. Ashworth in December, on receiving a copy of that report, which ironically I received through Mrs. Pinel and through Mr. Yates' lawyers. I asked her to rescind it and she said no, that she stood by it, even though that statement is just totally untrue. Reg's Skips has always sorted a similar number of loads (around 6 to 8 mixed loads a day) and that has not altered from the year before

he came to Heatherbrae to that time, a year later, at Heatherbrae. By the middle of December I had the necessary architect's drawings and I made the application to roof over the area, however, Environmental Health took a preliminary look at the drawings and they made one recommendation, which was to change the entrance into the building, and so I had the drawings redone and they were resubmitted again in January. So, what I was doing was to try and roof over. It was shortly after that that I was called up to Planning with Mr. and Mrs. Pinel, who brought their lawyer, Adam Clarke, with them and the Enforcement Notice was issued. I was absolutely flabbergasted that that was the action Planning were taking. There had been no mention of an Enforcement Order up until that time and it took us by complete surprise. I knew absolutely nothing about it. We had been working at all times with both Planning and Environmental Health. I was the one who invited Environmental Health on to the farm. I was the one who was taking active measures to try and resolve the problems and unfortunately virtually everything I tried to do was opposed. When we put the wall across the front of the silage clamp Mr. Yates complained. When I put in my application to roof over Mr. Yates complained. He is entitled to, but if he wanted the noise stopped, why was he not supporting and encouraging whatever steps we took to try and stop the noise? So, that takes us up to what you, Mr. Chairman, suggested is the first stopping point, which is the Enforcement Order.

**Mr. J. Mills:**

Okay. Well, shall we just pause at that point and we might then go a bit further forward. Thank you very much indeed. I think you have raised a number of quite interesting questions there and I am just trying to get my bearings on them. Can I just try and be clear, and perhaps Mr. Clarkson, you might be able to help us here. This point about a so-called appeal which you referred to and you said you yourself made no appeal.

[16:00]

**Mr. C. Taylor:**

No.

**Mr. J. Mills:**

Can we just try and be clear what was meant by this? I am turning now to our Clerk.

**Mr. I. Clarkson (States Greffe):**

I am not in a position to advise you from the paperwork that Planning have given us, but what I can say is that there is no substantive paperwork that I have seen on the file that would suggest a proactive approach to Planning for a review of the conditions on the 2005 permit and I believe that is the planning issue that Mr. Taylor is referring to.

**Mr. J. Mills:**

So, what you are saying is that this process that led up to the September report, that you referred to, was initiated by Planning?

**Mr. I. Clarkson:**

I cannot tell from the paperwork who initiated the process. That is what I would say, Chairman.

**Mr. J. Mills:**

But you are saying that you did not?

**Mr. C. Taylor:**

I did not, no.

**Mr. R. Huson:**

Is this the change in conditions you are talking about?

**Mr. C. Taylor:**

Yes.

**Mr. R. Huson:**

I cannot quite get my head around that. How does somebody else put in change of conditions for you?

**Mr. C. Taylor:**

That is what I would like to know. I did not ask for change of conditions and as the landlord I would have been the one who signed it, and I certainly did not.

**Mr. J. Mills:**

Well, where is that piece of paper then?

**Mr. C. Taylor:**

Well, it was advertised in the *J.E.P.*

**Mr. J. Mills:**

There has to be a piece of paper to substantiate that, has there not? There is a form to fill in.

**Mr. C. Taylor:**

Yes. I have various letters from Planning here. Sorry, I had not isolated them to pull them out, but ...

**Mr. J. Mills:**

Well, it does not matter now. We might just do a double-check that we have those papers.

**Mr. I. Clarkson:**

Yes. What I can say is that there are papers in here that indicate a request for reconsideration had been requested by Reg's Skips Limited and I am referring there to correspondence in the Planning file that was dated 27th June 2006, but it is perhaps a matter the Committee might wish to direct to Planning.

**Mr. J. Mills:**

I think if we could ask you, on our behalf, to ask Planning for a specific note on that point so that we are crystal clear what the process was. Thank you. Can I also ask a little bit about the site meeting. This was on 21st September 2006. You were given notice of this presumably?

**Mr. C. Taylor:**

Yes.

**Mr. J. Mills:**

They turned up and you said it was the Minister, plus the Planner, Mrs. Ashworth, plus Mr. Binet and another who you think was another Environmental Health ...

**Mr. C. Taylor:**

He was an Environmental Health Officer. It was Mr. Binet's boss.

**Mr. J. Mills:**

Okay. Who I think we ...

**Mr. R. Huson:**

It might have been the guy we spoke to the other day, was it?

**Mr. J. Mills:**

It might have been the one who was not here because he was ill. It does not matter.

**Mr. C. Taylor:**

I think you are right.

**Mr. J. Mills:**

Can you just describe a little more fully perhaps, if you can recollect how the site visit proceeded so that we are quite clear about the sequence of that.

**Mr. C. Taylor:**

Yes. If my memory is right, it was for 9.00 a.m., or a certain hour in the morning, and the Minister turned up about a quarter of an hour late.

**Mr. J. Mills:**

So, the others were there already?

**Mr. C. Taylor:**

We were there already. He could not find his way. Forgotten where he was. When he found us he came down. As he approached his words to me were: "We have a moaner next door." He then asked ...

**Mr. J. Mills:**

So, he used the words "next door," did he?

**Mr. C. Taylor:**

Definitely "moaner" that was the one I remember.

**Mr. J. Mills:**

All right. Okay.

**Mr. C. Taylor:**

He asked his Officer to read out some application. I cannot remember what it was, but it was some bit of history and I think it referred to the original planning permit. He then asked myself and Mr. Pinel what actions we were taking, what we had done, how we were trying to reduce the noise. We had a system where the lorries came down the driveway, they came down between the 2 buildings to the silage clamp, and when they left they then went out around the building again. So, we had a one-way traffic system around the buildings. This stopped so that we were not driving right in front of Mr. Yates' property any longer. Instead all the traffic came down between the 2 buildings. So, that was one of the first measures. I have already said about the rubber hosing on the pipes. A few adjustments on the mechanical sorting digger and obviously a little more care and attention when tipping loads, or when things were happening. The driveway at this time was not surfaced, so lorries were driving more slowly. I did get a load of hoggin and fill in the potholes to stop the lorries clanking. So, those are the actions we had taken. I also showed him what we had done with the straw wall. Mr. Binet informed him of the acoustic results that he had taken and so on. I had done quite lot of measurements myself. I went to the extent of buying myself a noise reader so I can take noise readings whenever I want, which I have done over the years and I certainly never encountered any major problems as regards noise.

**Mr. J. Mills:**

Sorry, I am going to stop you at that point. You said that when Mr. Binet first came to see you and started taking some readings he emphasised to you they were purely advisory.

**Mr. C. Taylor:**

Yes.

**Mr. J. Mills:**

So, those are the readings that you are talking about in the context of the site visit?

**Mr. C. Taylor:**

Yes.

**Mr. J. Mills:**

Thank you. Sorry.

**Mr. C. Taylor:**

So, yes, the Minister then examined the site and came up and said: "Right. The answer is to roof it over." He gave us 3 months and said: "Right, I want something to happen and the timescale is 3 months" and gave me the instruction that I was to roof it over. It was a definite instruction, because I remember just thinking: "Well, there is the Minister telling me, and where has the money come from? This is not my problem, it is his problem." It had always been his problem, as far as I was concerned.

**Mr. J. Mills:**

You said that to him?

**Mr. C. Taylor:**

I did ask him where the money was coming from, and he just brushed it aside.

**Mr. J. Mills:**

Thank you.

**Mr. E. Trevor:**

Yes, right at the beginning of this afternoon, you said that the problem was Planning's problem, not your problem, referring in particular to the roofing and so on and so forth. Mr. and Mrs. Pinel have told us in the past, when they were here under oath, that it was not in fact Planning who suggested the site to them, it was in fact somebody else, and they - or someone - mentioned it to Planning to see if it was in order, so can one say it was Planning's problem?

**Mr. C. Taylor:**

As far as I was concerned, it was Planning's problem and Planning came to me. That was the first I knew of it. Who put Planning up to coming to see me, that I do not know. I could not answer that; you would have to ask Planning.

**Mr. E. Trevor:**

But Planning did not recommend Heatherbrae Farm to Reg's Skips or to Mr. and Mrs. Pinel, someone else recommended it to them. That is the evidence we have had already.

**Mr. R. Huson:**

It was a third party who told Mr. Pinel that there was a possibility that it could be a good place to go for Reg's Skips, and that is how the ball starting rolling, is it not?

**Mr. C. Taylor:**

Possibly. I cannot comment on what somebody else said to somebody else. I know what was said to me: Planning came to me, and they said “would I take Reg’s Skips?” I mean, it was clear that, as I said - I believe at my first appearance - I would be doing Planning a good turn if I had done ...

**Mr. R. Huson:**

That was Emma Baxter?

**Mr. C. Taylor:**

That was Emma Baxter, yes. As far as I was concerned, they had come to me, so yes.

**Mr. R. Huson:**

Okay, thank you.

**Mr. J. Mills:**

That is helpful. Can I just jump ahead a bit, Mr. Taylor? What eventually happened after all the next business? Did your Planning application to roof over fall into abeyance, because by that time the company had moved on?

**Mr. C. Taylor:**

No, no.

**Mr. J. Mills:**

Or was it passed or refused?

**Mr. C. Taylor:**

The application was refused in a very quick period of time. The first point on it was that an objection came from Mr. Yates to the roofing over. Environmental Health had reservedly supported the application to roof over, saying that it would at least improve the present situation. There was a very long report from Mr. Yates objecting on all sorts of grounds as to roofing over. This application was subsequently, as I learnt here 10 days ago, turned down by the 2 officers, Elizabeth Ashworth and Peter Le Gresley. I have since gone through the emails that were going between the department and Mr. Yates at the time, and this application was turned down without a report being made, because the email to Mr. Yates said: “If you are still contemplating legal action, please let us know as we will then have to produce a report.” There was no report at that stage. So the 2 officers turned down my application which I had made at great expense at the specific instruction of the Minister. It was turned down by 2 officers without reference back to the Minister.

**Mr. J. Mills:**

Can you just clarify the dates of these actions for us, please? You said you submitted the roofing planning application in January.

**Mr. C. Taylor:**

Yes, I submitted it ...

**Mr. J. Mills:**

After the slight amendment from Environmental Health.

**Mr. C. Taylor:**

Yes. It was originally submitted, I think it was ...



**Mr. J. Mills:**

You said December 2006, and then following advice from Environmental Health, the revised drawings were submitted in early January 2007.

**Mr. C. Taylor:**

Yes, that is correct.

**Mr. J. Mills:**

Yes. Could you just give us the chronology of that, please?

**Mr. C. Taylor:**

It then appeared obviously in the *Jersey Gazette*, the application to roof over. I had the statutory sign to put up at the end of the driveway for 21 days. I think I researched it, because I wrote down the figures here. Yes, when Planning advertised a planning application in the *Gazette*, they give a certain number of days for the planning application, for anybody to respond to it; 17 days after the deadline, Mr. Yates submitted a very long objection to that. On reading it through - which I did at the time and I have subsequently done - there were quite a few errors in the report, which showed clearly if he had bothered to come and see me to discuss it, these errors need not have occurred, and it was very shortly after that report that it was turned down. So I seem to remember it was about 7 or 8 weeks after the application we are talking it was turned down, quite literally, I suppose, the first, second week of March.

**Mr. J. Mills:**

Can you help us on that?

**Mr. I. Clarkson:**

Chairman, if I can just help, my research indicated the delegated decision to refuse that application, i.e. the one taken by the officers, that decision was made on 24th April 2007, and it was the planner, Elizabeth Ashworth, that had signed the refusal notice.

**Mr. J. Mills:**

24th April. Okay, that just gives us some context. Thank you very much. Can you just describe to us, please, what your reaction was in terms of the enforcement notice now? You have already said that you were flabbergasted when you and Mr. and Mrs. Pinel and Mr. Clarke were at the offices where this thing ... was it physically given?

[16:15]

**Mr. C. Taylor:**

Yes, it was physically given.

**Mr. J. Mills:**

To you or to Mr. Pinel?

**Mr. C. Taylor:**

No, to Mr. and Mrs. Pinel with a copy to me.

**Mr. J. Mills:**

With a copy to you, right. Can you remember who was present when that was done?

**Mr. C. Taylor:**

Yes, it was Mr. and Mrs. Pinel, myself, Adam Clarke, the advocate, Mrs. Ashworth and Mike Porter.

**Mr. J. Mills:**

Ashworth and Porter, thank you.

**Mr. C. Taylor:**

There was quite a lot of concern by the 2 planning officers when they saw Mr. Adam Clarke turn up, because they were not expecting us to bring legal counsel, or they were not expecting Reg to bring in legal counsel. Mr. Porter chaired the meeting and he went through how he claimed the business had drastically expanded, which of course was complete nonsense, and issued the Enforcement Notice. I was just gutted at the time, and I was very, very pleased to hear what Mr. Webster was saying here this afternoon, because that certainly reinforced my opinions, and I could not quite see what was going on and why an Enforcement Notice was being given.

**Mr. J. Mills:**

Did Mr. Porter refer in an explicit way to the views of the Minister and / or the senior officials in the department? It was issued in the Minister's name.

**Mr. C. Taylor:**

It was issued in the Minister's name. Whether he had referred it to the Minister or not, I do not know. I could not comment on that.

**Mr. J. Mills:**

What did you do then?

**Mr. C. Taylor:**

Well, I had a very curious meeting with Mr. Porter after that.

**Mr. J. Mills:**

Immediately after?

**Mr. C. Taylor:**

No, it was his next visit. Mr. Porter was visiting the farm; I suppose at least I would catch him coming up to the farm and parking his car discreetly somewhere, but I hope I can be reasonably sure in saying not a lot goes on without me knowing about it on my property. I would say certainly every 5 or 6 weeks I would find him up there, sat discreetly taking notes, and on the first occasion after the enforcement notice, he gave me the story that we should not appeal it, because as long as the enforcement notice was in place, Mr. Yates could not take legal action against us for noise, which I thought was an odd comment to make, and certainly from what I have since found out, it just is not true. So what he was trying to tell me was that this was Planning taking action, which has to be seen through before somebody else can take action, but it did not ring true to me, and the decision to appeal the notice was entirely Mr. and Mrs. Pinel's. I did not want to interfere on that.

**Mr. J. Mills:**

You do not have a date for that meeting, have you?

**Mr. C. Taylor:**

No.

**Mr. J. Mills:**

A week or 2 or thereabouts, perhaps?

**Mr. C. Taylor:**

It would have been I imagine within a week, within a week, and I am not sure whether he had arranged to meet me and talk to me or whether he asked for me when he arrived there or whatever, but I met him on site, and I do remember that conversation.

**Mr. J. Mills:**

Okay. Did you have any further contact with the Planning Department on this before you learnt in early March that the order had been withdrawn?

**Mr. C. Taylor:**

No. No, I do not think I had any contact. I do not remember writing any letters, and from my files, I do not have copies, so I do not believe I took any action on that.

**Mr. J. Mills:**

Okay. Once you had had the refusal on the roofing over application, the end of April I think was the date - the rough date we have been told - what happened? Did you think about appealing it?

**Mr. C. Taylor:**

No.

**Mr. J. Mills:**

Or did you just put the papers away?

**Mr. C. Taylor:**

I put the papers away. I had no intention of appealing it. As I said, it was Planning's mess, as far as I was concerned. I had already spent, with my time, architect's fees, acoustic reports et cetera the wrong side of £20,000 anyway. So it was quite a sizeable sum and I just thought: "Well, I know that a large of appeals never get successful with Planning" and so I had no intention of appealing that. Again, it was Mike Porter who I met in June - I believe it was June - and he said: "Chris, you really should appeal." I said: "Well, there is no point. It has been turned down." He said: "I think you should appeal. The reason it was turned down was that they were not entirely satisfied that the noise would be brought down below that 10 decibels above background noise" in other words, 50 decibels, a figure of that region, and if I could get an acoustic report that clearly showed that, then Planning would accept it. I then thought about it and I thought: "Well, all right. We will appeal it and see what happens." I contacted Southdowns, an acoustic engineering company in England. They produced a report which showed that the building, in its most basic of forms, would reduce the noise down below the 50 decibel threshold, but they also went on to say there were other actions. You can get this sound-absorbing material to put inside the building, but this material has to be kept dry, so it has to be inside a building and not outside. So there were additional things you could do once you had the building, but in its most basic form, the building was going to be effective in bringing the noise down below that threshold. I obtained the acoustic report, I submitted it, along with the appeal, and again it was just turned down. There was a meeting which was to take place in August, I think it was, of 2007, but because the paperwork was not in order, the Minister decided not to go ahead with that meeting. I cannot remember exactly the precise detail, but there was something that was not in order, which was why the appeal meeting, which is a public meeting held at Pier Road, it did not go ahead. Then following that meeting, Mr. Yates wrote to Mrs. Ashworth to object to the Minister, claiming that the Minister was conflicted, because my children went to the same school as the Minister's children. Yes, they did, but I can say that my son, as far as I know, never went to the Minister's son's birthday parties and he never came to my son's birthday parties, so although they attended the same school and were in the same year, they certainly were not close friends or within each other's social circles within the school. So why that

should be a conflict, I just do not know. But what I should draw your attention to is that in Mr. Yates' letter, he says: "As to the alleged boundary dispute, as I have earlier indicated, there is no such dispute." That is categorically untrue. There is a boundary dispute. He is currently threatening to take me to court, and I have the letters with me if you want to see them. He goes on to say: "In addition, there is the offer to meet onsite, as I have explained [somewhere here]. To date, Mr. Taylor has refused to take advantage of my invitation." That is to visit the site. I have gone through his letters. At no time has he asked me to meet him, but I have regularly asked, in writing, to meet onsite. He has erected a fence. It is on my property. All we have to do is agree the boundary. That is all I am asking. I have not asked him to take the fence down; I am not going to do so, just simply and straightforwardly agree the boundary and the fence can stay. I do not see it as a major issue, but I have had to write to him over 17 times and I think there are 23 correspondences from him to me over the boundary dispute. So what he has said in his letter just simply is not true at all.

**Mr. J. Mills:**

Well, we note that, thank you very much, and we will have an opportunity perhaps to get any other contrary views about that. Can I ask a more general question now, perhaps before I close it - it has been very helpful, what you have said to us - you have used some quite strong words about the Planning Department and the department's decision and so forth. What is your overview of this? I mean, do you think that you were just, in a sense - what is the word - pushed around, or do you think you were just overridden or trodden on? Do you have a sort of general thought that will help us in forming our views about all this, about the process which you became deeply involved in?

**Mr. C. Taylor:**

I think initially, going right back to the planning application stage, Planning did have their back to the wall and they were trying to find somewhere for Reg's Skips to move, and I think they were genuine in trying to help find a permanent address for Reg's Skips. I was happy to help and to take Reg's Skips. I was certainly not aware that there might be any problems concerning noise. There has never been a problem, as I far know, on dust. We have nice green hedges everywhere and the hedges have never been covered in dust, so dust, litter and so on has never been an issue. I have other tenants who are an issue with litter, but not Reg's Skips, and I think initially what Planning did was correct. I think the problem then arose was that Mr. Yates complained. I think from the number of emails, which I imagine you have seen, between Mr. Yates and the Planning Department shows a liaison between Mr. Yates and the Planning Department that over a period of time built up very much against us. I think when the planning officers, Mrs. Ashworth and Mr. Le Gresley, took the decision in April 2007 to turn down the roofing over, I would say without any hesitation they were conflicted because of their letters and correspondence with Mr. Yates, and I do not think that is a decision they could take without some degree of contradiction. I feel that perhaps the mistake by Planning was to not stick to their guns and say: "We have made this decision. It is a good decision and that is how we see it, and we are going to support and maintain our decision to move Reg's Skips to Heatherbrae Farm." I think that that was their error, that Planning did not stick to their decision that they originally made. They brought up this excuse of intensification, which we know is not true. I have a graph here somewhere which shows the number of skip movements in and out by Reg's Skips for a year before they came to Heatherbrae and a year after they came to Heatherbrae, and yes, there is the monthly variations, but if you take the mean average, the number of mixed skip loads was consistent throughout that 2-year period, so there was no intensification by Reg's Skips.

[16:30]

There was an initial misunderstanding on the hours, and I think perhaps Mr. and Mrs. Pinel should answer this, but most building firms start at 8.00 a.m. in the morning and they want the skip there at 8.00 a.m. when they start work, which means the skip companies need to start at 7.30 a.m., 7.45 a.m. This

was how he operated from La Prairie in St. Peter, and so naturally he was operating the same way as he had been before. It is probably my fault as the landlord for not pointing out that he had to operate within the hours of 8.00 a.m. in the morning until 6.00 p.m. at night. But that was the only minor infringement as far as I was concerned and that was dealt with straight away. I think there has clearly been collaboration between Planning and Mr. Yates. That document that Mrs. Ashworth produced for the meeting, of 11th September, found its way into the court bundles. We know the document is untrue. What was it doing in the court bundles? When you go through the evidence given in court, there is a lot of evidence from the Planning Department that was inadmissible. The acoustic engineer's report of Mr. Binet, which was purely an advisory report and was not done to the necessary B.S. specifications, through Planning found its way in the court bundles, and this clearly is not the way for a Planning Department to behave.

**Mr. J. Mills:**

Thank you very much, Mr. Taylor.

**Mr. C. Taylor:**

Thank you. If you want to play this machine so you have some idea of what the noises are, you are more than welcome to it.

**Mr. J. Mills:**

I am going to resist the temptation.

**Mr. C. Taylor:**

But it is there anyway.

**Mr. J. Mills:**

Thank you very much.

[16:32]