

Town and Country Planning Act 1990

In the matter of an appeal by Mr Larry Edmunds

To be heard at an inquiry

For the Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes

Appeal No. APP/F0114/A/13/2195706

Application no. 10/05199/EFUL

PROOF OF EVIDENCE OF DR PHIL HAMMOND

1. My name is Dr Phil Hammond of Vine House, Top Sutton, Bishop Sutton. I have been a doctor for 26 years and was recently named as one of the top 100 clinical leaders in the NHS. I have also been an investigative journalist and broadcaster for over twenty years. I have lived at the above address for 5 years. It is around 1 km from the proposed waste site.

2. I wrote to the Council highlighting my concerns in April 2012. I also made representations to the Council's planning committee meeting on 26.9.12, a copy of my e-mail and my speaking note are appended to this proof (Appendix PH2). I consider that my comments to the Council remain relevant and ask the Inspector to take these into account. I would also like to add the points below.

3. My expertise is in patient safety in healthcare settings, rather than environmental safety. However, the accepted concept of Zero Avoidable Harm is pertinent to both. This does not mean that we must become completely risk averse, rather that we assess the risks of harm thoroughly prior to allowing or denying any action, so proper informed consent can be shown to have occurred. Given the potential for significant avoidable harm from the deposition of large amounts of asbestos and other hazardous waste in an isolated, relatively inaccessible, porous limestone quarry on a windy escarpment above a drinking water reservoir and overlooking rapidly expanding villages, a thorough and proper environmental impact assessment, taking a long term view, is mandatory and has not been

undertaken by the developer. To proceed without one would, in my view, be negligent. One avoidable death from asbestos is one too many.

4. In addition to the current lack of environmental, health and safety evidence presented by the developer, there is no evidence of need and economic benefit to the locality. As far as I am aware, more suitable sites are available that can easily accommodate the requirements of this region.

5.8.13

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**APPENDICES TO THE
PROOF OF DR PHIL HAMMOND**

1. E-mail to Council of 1.4.12
2. Submissions to the Council's Planning Committee of 26.9.12.

Sara Scorey

From: Development Control
Sent: 01 April 2012 16:00
To: 
Subject: "Application Comments"

Dr Phil Hammond, you have been sent this email because you or somebody else has submitted a comment on a Planning Application to Bath and North East Somerset Council using your email address.

A summary of your comments is provided below.

Comments were submitted at 01/04/2012 15:40:54

Application Summary

Application Number:
10/05199/EFUL

Address:
Stowey Quarry, Stowey Road, Stowey, Bristol, Bath And North East Somerset, BS39 5UJ

Proposal:
Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement

Case Officer:
Chris Herbert

Customer Details

Name:
Dr Phil Hammond

Address:
Vine House
Top Sutton
Bishop Sutton
BANES

PostCode:
BS39 5UW



Comments

Submission Type:
O - Objection

Comments:

I live within half a mile of the quarry. As with the previous application, I have received no prior warning that this application has taken place. Neither BANES nor the applicant has made any attempt to contact me. I have seen no notices in the local press.

All residents of the Chew Valley - an area of outstanding natural beauty - will be affected by these plans to dispose of 645,000 tonnes of asbestos and other hazardous waste on top of a windy escarpment over watercourses that feed into the region's drinking water reservoir. The health risks of noise and air pollution from fifty lorries a day for ten years, plus the traffic congestion, accident and spillage risks in narrow country lanes are obvious. The most recent application is for 150,000 tonnes a year to be dumped in the quarry which presumably could mean up to 150 lorry trips a day.

Bath and North East Somerset (BANES) only reclaims a thousand tonnes of asbestos a year, so allowing 150,000 tonnes a year would necessitate importing asbestos from all over the UK and possibly abroad. This is in direct contradiction of the localism policy for waste disposal and the long term risks are hard to quantify. The asbestos would be dumped in a shallow quarry, raised up into a mound and covered in topsoil. At much smaller dumps in Somerset and Derbyshire, shoddy disposal has allowed asbestos fibres to escape into the air. As mesothelioma, the lung cancer caused by asbestos, takes up to 40 years to develop the consequences cannot be known.

Bristol Water strongly opposed an initial successful application, because of the risk of soluble hazardous waste reaching the reservoir, but the planning application was overturned due to a failure by BANES council to advertise it properly. The reapplication was sprung on residents on March 28, with just 21 calendar days to mount objections and with no legal or expert support from BANES. The applicant, Larry Edmunds, has no evident expertise in the disposal of hazardous waste and has once again failed to consult with local residents prior to application. He is, however, under intense pressure from Barclays Bank, who have lent him £1.6 million and are doubtless petrified they won't get their money back. Barclays Bank's 'Sustainability Team' has thus far failed to reply to a December 6 letter asking why the bank has loaned money to a venture that could be so hazardous to the health of Chew Valley residents.

It would be hard to imagine a more inappropriate site for a hazardous waste dump. To approve this application would devastate the well-being of valley residents with noise and exhaust pollution, and traffic congestion - and the risk from such a large asbestos dump would play Russian roulette with residents health for many years to come.

Appendix PH2

Proposed Landfilling, Stowey Quarry
Statement to Bath & Northeast Somerset Council
Planning Committee, 26th September 2012

I am Phil Hammond, I've been a doctor for 25 years and have witnessed the devastation that asbestos exposure can cause. I've also been an investigative journalist and broadcaster for twenty years, specialising in exposing unacceptable risk and avoidable harm, most notably with the Bristol heart surgery scandal, which led to what was then the largest public inquiry in British history.

The word 'inadequate' permeates all of the scandals I have exposed, and to prevent Stowey Quarry becoming a scandal we must consider the adequacy of the evidence thus far. The environmental assessment submitted by the applicant when planning permission was granted in August 2011 was described both by the environmental lawyer Paul Stookes and by the professional chartered geologist Gareth Thomas as one of the most inadequate and incomplete submissions they had ever read. Quite how planning permission was granted on that basis remains something of a mystery.

In the absence of adequate scientific assessment, we, the Stowey Sutton Action Group, have been obliged to seek independent advice. Our consultants have outlined and circulated fifteen relevant objections, strictly tailored to technical material planning considerations. These have been shared with the applicant, with requests for further environmental impact evidence. At each stage the applicant's response has been insufficient and inadequate for a plan of this magnitude and importance, and with this level of public concern. Put simply, he has been unable to produce the necessary evidence to support the application. Until he does so, it simply cannot pass.

Hence, it is not only us, the BANES development manager, the BANES ecologist and the Environment Agency that is asking for refusal, but Bristol Water, Bristol City Council, four MPs, 9 parish councils, Avon Wildlife Trust, BANES Local Improvement Network and over 4000 concerned local residents. We all suspect the application is not going to be passed this time. However, the temptation to reject it swiftly based on the Environment Agency's holding objection must be resisted. Given the many thousands of hours local people have dedicated to investigating and discussing this issue, we expect an adequate, minuted, debate now, that includes not just the EA's holding objection but the material planning considerations we have documented in great detail, including the lack of need, threat to major water supply, land stability, traffic, threat of asbestos inhalation, ecology, noise pollution and previous breaches of planning applications by the applicant, when no enforcement action has been taken.

Given the inadequate scrutiny of the application in 2011, we are understandably sceptical about previous judgements on these material planning considerations and demand that they be debated and reconsidered now. All our evidence has been in the public domain, available for public scrutiny from the outset and will remain so. We will continue to use the considerable intellect and resources at our disposal to ensure that any future decision on Stowey Quarry is based on adequate scientific evidence. Some risks are unknowable, but I for one would not walk on any of the footpaths that lead up to the quarry on a windy day if asbestos were to be dumped there, and I would expect BANES to warn walkers accordingly.

But well before that, I would expect the planning committee to give these fifteen material planning considerations the attention they deserve. I would struggle to invent a more inappropriate site for landfill than an isolated, inaccessible limestone quarry on top of a windy escarpment above a major drinking water reservoir with groundwater and land stability risks. Asbestos comes from the ground and should rightly go back into the ground, but not on an exposed, windy escarpment where fibre escape would be all too easy. The latency period for asbestos related lung disease and cancer is many years, but we know the smallest inhalation can have devastating results. We owe it to present and future generations to ensure the many material considerations for refusing this application are properly debated and minuted now, and that the correct decision is made both now and in the future.