

**Date:** 13<sup>th</sup> August 2013  
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Michael Joyce  
Room 3/10b Kite Wing  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Dear Mr Joyce,

**Town and Country Planning Act 1990  
Stowey Quarry, Stowey Road, Stowey  
Appeal Reference: APP/F0114/A/13/2195706.**

Thank you for your e-mail of 7<sup>th</sup> August and I would like to make the following comments in relation to the letters attached to your e-mail.

The Council's reason for refusing planning permission for the scheme as submitted was:

"It has not been demonstrated that this is an appropriate location for the disposal of the non-asbestos stable non-reactive hazardous waste stream because there is insufficient information on the leachate generation potential of the proposed waste streams, the extent of the unsaturated zone below the quarry floor and the contribution to the flow regime and potential pathways for groundwater discharge from the landfill to determine the likelihood of significant adverse effects on the water and ecology interests of the Chew Valley Reservoir Special Protection Area. The proposed development is therefore contrary to policies 8, 11 and 12 of the West of England Joint Waste Core Strategy and policies NE 10 and NE 13 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007"

The Council's reason for refusal rested on the fact that when the Council's Development Control Committee considered the planning application, the Environment Agency ('EA') had made a holding objection and were seeking further information on the risk the site posed to ground and surface water. Specifically, the EA was concerned that the application included stable non-reactive hazardous waste other than asbestos ("SNRHW") which could pose a risk to the water environment. The Council therefore refused the application on the basis of the EA's unresolved objection; and due to the fact that given the position of the EA, the Council was unable to conclude that the proposal did not present a risk to the water quality of Chew Valley Reservoir and

therefore the risk of a “likely significant effect” on the Special Protection Area could not be excluded.

The appellant has since submitted a Hydrogeological Risk Assessment (“HRA”) and the EA has confirmed to the appellant that it agrees with the approach and results of the HRA, on the basis of which it considers that the proposal represents an unacceptable long-term groundwater pollution risk.

The appellant has now requested to remove the SNRHW element from the proposed development and is prepared to progress on the basis that the restoration of the quarry is undertaken through the landfilling of inert and asbestos wastes only. In its letter to the appellant dated 6 August, the EA confirmed that in that event it would have no grounds to object to the revised planning application as there would be no potential source of groundwater pollution from the proposed lined landfill.

With regard to this request by the appellant to amend the appeal scheme, the Inspector will no doubt be aware of his duty, following Wheatcroft, to consider whether the granting of the request to amend the scheme would deprive interested parties of their opportunity to be consulted. The Council’s position is that, if the Inspector were, before 22 August, to allow the appellant’s request to amend the scheme as set out above, this would address the Council’s reason for refusal and, as such, the Council would not present any evidence to the Inquiry and would not be represented (although Bristol Water may still wish to make representations in its own right). The Council would, however, attend the session on planning conditions. Until the Inspector makes a ruling on the proposed amendment, the Council will proceed on the basis that the appeal will proceed with the scheme as originally submitted.

Finally, with regard to costs, the appellant failed to provide evidence to satisfy the EA at the application stage that the scheme would not pose an unacceptable pollution risk and instead appealed. Based on the findings of the appellant’s own HRA it is evident that the appeal was misconceived and bound to fail. The appellant has been unable to produce substantive evidence to support its appeal on the key point. Therefore a full costs application will be made whether or not the amendment is allowed.

Yours sincerely,



Andrew Ryall  
Team Leader, Development Management