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Attn: Michael Joyce, case officer

Our ref. PS/Stowey Quarry
Your ref. APP/F0114/A/13/2195706

Also by e-mail. teamp16@pins.gsi.gov.uk

12 August 2013

Dear Sirs

**Appeal ref. APP/F0114/A/13/2195706, Stowey quarry
Inquiry - 3-5 September 2013**

Thank you for your email of 7 August 2013. As you may know the partner dealing with this matter, Paul Stookes, is out of the office until 22 August 2013 and so is unable to fully respond to the letters of the Appellant and Environment Agency (EA) forwarded by you. However, we have the following brief comments.

We and our client are of the view that there were a number of reasons why the application for permission should have been refused. We are aware also from the minutes of the Council meeting of 26th September 2012 refusing permission, that the Council members supported this view. These reasons for refusal are set out in the proofs of evidence filed and served on behalf of SSAG. In our view the EA's position does not consider the full extent of the concerns of this site. Other concerns include e.g. a lack of need, noise impacts, ecological impacts etc. We enclose correspondence from our client to the Council that further explains matters.

In the light of the above, we note the following summary comments:

1. as indicated above, there are a number of concerns about the proposals;
2. the Appellant's requested very late change to the proposal is material and significant and, in practical terms, the suggested amendment is a very different proposal than that subject to the appeal;
3. SSAG objects to any attempt by the Appellant to amend the application at this very late stage; and
4. in the light of the approach now taken, that the most appropriate way forward is to withdraw the appeal.

We look forward to hearing from you in due course.

Yours faithfully

Richard Buxton

Richard Buxton

cc (by-e.mail) Bath & North East Somerset Council (planning_appeals@bathnes.gov.uk)
Chris Herbert, SLR Consulting Ltd for B&NES
John Williams (john@oaktree-environmental.co.uk) for the appellant

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David Trigwell
Divisional Director
Planning Department
Bath and North East Somerset Council
Lewis House
Bath

9th August 2013

Dear Mr Trigwell

Stowey Quarry, Public Planning Inquiry

We understand there is to be an Officer's/Legal meeting on Monday August 12th 2013 to consider the Council's position following recent correspondence between the Appellant Oaktree Environmental and the Environment Agency.

The Council should not consider supporting the proposed change to the Planning Application, namely to that of Inert waste and asbestos, for the following reasons:

- Critically, the Environment Agency letter to Oaktree Environmental of 6th August 2013 makes no reference to STABLE NON REACTIVE HAZARDOUS WASTE (SNRHW). If the Environment Agency believes that the simple omission of that proportion of the waste stream would overcome all technical obstacles, they would have said so. This site is so sensitive that any component which could generate poor quality leachate must never be placed in this Landfill. This includes asbestos fibres and anything other than a) 'single stream waste of a single waste type'....with 'no suspicion of contamination' (EA Waste Acceptance at Landfill's Guidance 2010). We refer you to the letter from the EA to BANES Council (19th April 2011) in which they state 'the operator will also need to consider....leachate at the site which will be contaminated with asbestos fibres'. Clearly the EA considers the asbestos also to be a component which could generate poor quality leachate.
- We are advised by our Environmental Lawyer that the proposed change by the Appellant is material and significant and is in practical and technical terms an entirely different proposal to that set out in the Application Ref10/05199/EFUL
- There is potential for leachate from any and all inert waste. There is a presumption by the Appellant of a suitably impermeable clay liner. The Appellant has not tested the clay in respect of impermeability. Furthermore the Appellant is proposing to obtain this clay by excavating beneath the limestone and further into the quarry, which would require excavation below that

of the current depth permitted in previous planning approvals. Even if the Appellant uses a man made liner this cannot be 100% guaranteed to contain inert and asbestos waste therefore there remains a risk to water courses and the Chew Valley lake reservoir. This has been recognised in ALL of the expert reports, including that from the Appellant, presented to the Planning Inspector.

- It is our view that the difficulties being encountered by the Council and local residents about the Planning process in relation to Stowey Quarry emanate from mistakes made in 2007/2008 when delegated decision granted permission – without either public debate and/or the knowledge and expertise now so clearly detailed in all the expert reports - and did not understand or take full account of all the environmental and risk issues which were then pointed out, ignored but now validated by every expert report. The Council must not agree to the changed proposal because to do so would further perpetuate these original mistaken decisions.
- The Development Control Committee decision on September 26th 2012 was unanimous in refusing planning permission. Whilst the report of the SLR/Council Case officer and ecology expert both identically referenced the reason for the planning refusal, neither referred to the fact that Committee members strongly wanted other primary concerns minuted as reasons for refusal. The Chair, guided by legal advice, insisted on recording the one reason for refusal however all the other reasons were all minuted in recognition of the importance that all Councillors placed on the evidential concerns. To ignore those additional minuted reasons is denying the voice of all those Committee members representing Bath and North East Somerset residents.
- The Council is well aware of the strength of feeling about the proposed use of the quarry for asbestos as evidenced by the 650 (approx) objections on the BANES web site and the petition with 4,000 signatures. The weight of the current application is with SNRHW and the Council would be wrong to capitulate to the proposed change and deny the opportunity for an independent and proper evaluation of this planning application 'restoration of Stowey Quarry by land filling of STABLE NON-REACTIVE HAZARDOUS WASTE (SNRHW) including asbestos and inert wastes'.

Yours sincerely

Sally Monkhouse, Chair Stowey Sutton Action Group
Heather Clewett

Cc Chris Herbert Case officer
Andrew Ryall, Team Manager
Louise Fradd, Strategic Director for Place
Jo Farrar, Chief Executive