

Bath and North East Somerset Council  
Legal & Democratic Services  
Northgate House  
Upper Borough Walls  
Bath BA1 1RG

Attn: Francesca Smith

Your ref. FS/PEV 2268

Our ref. PS/BAK-1

11<sup>th</sup> November 2008

Dear Sirs

**Charlton Field Lane waste composting site**

We have been advised that waste operations at the above site continue to be carried out far in excess of the planning permission for the site, that there has been unlawful development of high mounds around the site and that there have been considerable waste operations beyond the site boundary and into the area designated as a site of nature conservation interest.

This is contrary to any planning permission granted for the site and contrary to the use of the land beyond the site boundary. In effect, the waste operator is developing what amounts to a hazardous waste landfill/landraise site within a green belt area and within 200 metres from homes. Certainly that is the impression one gets from a visual inspection of the site.

We have explained before that as these operations fall within the EIA regime and that in failing to taken effective planning enforcement action the Council is in breach of its EU obligations and is acting unlawfully, see *Commission v Ireland* [2008] C-215/06.

We are aware that the Council has issued planning contravention notices but that it does not consider that these constitute enforcement action. We would be grateful if you could confirm, by return, what effective enforcement action the Council is taking to stop the unlawful dumping of waste and breach of planning laws.

The waste operator is being allowed to operate without any regulation by either the Council or the Environment Agency; the Council's failure in relation to EIA being the same as that before the Court in the current judicial review proceedings. We will therefore be referring this continuing failure to enforce to the Court.

Yours faithfully

Richard Buxton

cc Environment Agency, Legal Dept.