

## APPENDIX 2

### Summary History and Chronology of regulation since 2 July

1997

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**HO** Hinton Organics  
**WML** Waste Management Licence  
**B&NES** Bath & North East Somerset Council  
**WP** Working Plan

- Various **Agency officers** are referred to by their initials, the identity of the officer concerned being apparent from a closely preceding entry.

**EPA 1990** Environmental Protection Act 1990

#### Summary

Hinton Organics (HO) is a composting company in a semi-rural location near Bristol. We issued a waste management licence for the site in January 2001. This licence was modified in May 2003 and currently permits the storage, shredding and composting of up to 800 tonnes of green waste and cardboard.

The site is close to a residential road and at times since the waste management licence was issued the Agency and Bath & North East Somerset (BANES) Council have received numerous and regular complaints about the site. The majority of complaints have been about odour, although noise and water pollution complaints have also been made on occasion.

The Agency works closely with BANES in monitoring and responding to odour complaints.

The Agency has also worked closely with the site operator to ensure he is aware of the constraints and requirements of his licence. This has included several formal meetings with senior Environment Agency staff.

The Agency responds to incidents from the site as far as resources allow, and inspects the site regularly. In particular, when the Agency has substantiated odour complaints they have taken the enforcement action considered appropriate, by reference to the Agency's published policy on enforcement and prosecution [DB, p.40.]. To date the Agency has issued HO with 3 formal warning letters, 1 formal caution and prosecuted the company once. The Agency had to drop a further prosecution due to the moratorium on odour condition enforcement during the *Biffa* appeal. The Agency has also served 7 compliance notices.

### Chronology

<b>1997</b>	
2 July 1997	Planning Application by HO for composting site received by B&NES Council (Ref: 97/02620/MINW).
23 July 1997	<b>Draft WML Application &amp; Working Plan received from HO</b>
21 Sept 1997	Planning Application (Ref: 97/02620/MINW) granted by B&NES Council.
<b>1998</b>	
27 April 1998	Draft Schedule 3: Conditions relating to this licence
30 June 1998	Agency letter to HO with Questions.
1998	<b>Working Plan Up-date 1998 received from HO</b>
<b>1999</b>	
<b>2000</b>	
9 Aug 2000	Letter from Jim Dadd to HO – WML re-draft in Agency latest format.
25 Aug 2000	JD sent HO copy of WML.
<b>2001</b>	
19 Jan 2001	WML signed/issued to HO - includes Condition 5.1.1 & Section 2.12(d) of WP "Monitoring of Dusts, Fibres & Particulates".
30 July 2001	EPA 1990 Section 42(5)(a) compliance notice served.
<b>1 Sept 2001</b>	<b>Report received from SLR "Retrospective Review for Queen Charlton Compost Facility" (SLR Ref: 4B/424/001) – produced in response to Notice.</b>
15 Nov 2001	Formal Warning Letter to HO for contravention of Site Security WML Conditions.
<b>2002</b>	

21 Jan 2002	WML Modification "Letter of Intent" sent to JD by HO.
25 June 2002	WML Modification issued to HO (to amend wording of acceptable wastes to "Degradable waste", to delete the word "organic" and amend a date).
<b>2003</b>	
13 Feb 2003	Application for WML Modification & WP received from HO/RT – Waste Guidance.
22 May 2003	WML Modification issued to HO, including increase of permitted quantities to 800 tonnes
15/17 Dec 2003	Agency initiated WML Modification issued for Financial Provision changes.
<b>2004</b>	
3 Mar 2004	EPA 1990 Section 42(5)(a) compliance notice served – Storage of compost waste not on impermeable pavement.
19 Mar 2004	EPA 90 Section 42(5)(b), (6)(c) and (7) Suspension Notice served on HO suspending the acceptance of controlled waste at the site.
27 May 2004	EPA 90 Section 42(5)(a) Compliance Notice served on HO for breaches of odour conditions.
16 Sept 2004	EPA 90 Section 42(5)(a) Compliance Notice served on HO for breaches of waste quantity and odour conditions.
29 October 2004	EPA 90 Section 52(5)(b), (6)(c) and (7) Suspension Notice served on HO suspending the acceptance of controlled waste at the site.
<b>2005</b>	
18 Jan 2005	Prosecution of HO by us for 7 offences under EPA 90 Section 33(6) (Fined: £4,000; Costs £1,200).
28 Feb 2005	Planning Application by HO for variation to allow permanent recycling of cardboard waste received by B&NES Council (Ref: 05/00723/VAR).
20 May 2005	EPA 90 Section 42(5)(a) compliance notice served on HO for contraventions of WML conditions (including Waste Quantities, Waste Storage, Non-permitted Waste & Odour).
16 June 2005	Planning Application by HO for increase in size of concrete storage area and variation to accept wood waste received by B&NES Council (Ref: 05/01993/FUL).
21 June 2005	Planning Application by HO for variation to allow importation of waste received by B&NES Council (Ref: 05/02121/VAR).
28 July 2005	Agency response to Planning Application (Ref: 05/02121/VAR)
16 Aug 2005	Planning Application (Ref: 05/02121/VAR) refused by B&NES Council (Note: Upheld at Appeal on 5 May 2006).
2 Sept 2005	Planning Application by HO for variation to allow importation of waste received by B&NES Council (Ref: 05/02984/VAR).
12 Oct 2005	Agency response to Planning Application (Ref: 05/02984/VAR) – No further comments.
<b>2006</b>	
15 Aug 2006	Formal Caution signed by HO - EPA 90 Section 33(6) offences on 19 May 2005 & 12 July 2005 for contraventions of WML conditions relating to Site Records & Storage of Waste.
12 Sept 2006	Agency response to Planning Application (Ref: 05/01993/FUL) – Summary of Responses.
8 Nov 2006	Planning Applications (Ref: 05/00723/VAR) and (Ref: 05/01993/FUL)

	granted by B&NES Council.
28 Nov 2006	Formal Warning Letter sent to HO for contravention of WML conditions relating to Waste Quantities.
<b>2007</b>	
20 March 2007	HO: Application for Registration of exempt activity: Reclamation, restoration or improvement of land – registered c. 23 March 2007
21 June 2007	EPA 90 Section 42(6)(c) partial suspension notice served on HO.
29 June 2007	Partial suspension notice lifted.
4 July 2007	Planning Application (Ref: 05/02984/VAR) granted by B&NES Council.
24 July 2007	EPA 90 Section 42(5)(a) compliance notice served on HO for contraventions of WML conditions relating to odour.
<b>14 Feb 2008</b>	<b>HO Notification of Exempt activity - renewal</b>
14 Feb 2008	Formal warning letter sent for EPA S.33 for odour offences.
4 March 2008	EPA S.42(5)a notice served on HO to comply with WML conditions for waste volumes and storage of compost.
16 Apr 2008	EPA S.42 (6) c notice served on HO partially suspending the WML (no waste allowed onto site until they were compliant with the maximum storage limits).
21 Apr 2008	Above notice withdrawn as site was compliant.
14 May 2008	Pre action protocol letter from Richard Buxton Solicitors.
20 May 2008	Registration of Exempt activity (renewal)
24 June 2008	Revised working plan submitted from HO.

**Key:**

Planning Applications
<b>EA Correspondence</b>
EA Enforcement Action (Notices, Formal Warning Letters, Formal Cautions's & Prosecution)
EA WML (New & Modificationss)
"Warning Markers"

**Chris Francis**

**30 June 2008**