

Mrs Cathy Baker
Cleracres
25 Woollard Lane
Bristol BS14 0QT

Alan Bratt
Environmental Protections
Bath & North East Somerset Council
9-10 Bath Street
Bath BA1 1SN

10th October 2007

Dear Mr Bratt

Hinton Organics Ltd

We have been suffering horrendous levels of odours from Hinton Organics over the last 2 and a half weeks and are continuing to do so.

I have contacted the Environment Agency about this on a number of occasions and they have visited my home to assess the situation. I understand that other residents have complained to both the Environment Agency and the Council about this, but nothing is being done by anyone and the problems persist. The incidents of odours were particularly bad on:

THURSDAY 6TH SEPTEMBER 2007 - 11:15 – 12:15 SMELL REALLY BAD SPOKE TO JAMES WIGMORE. SMELL BACK AGAIN 2:55 – 5:00PM RANG HOTLINE AND REPORTED.

FRIDAY 7TH SEPTEMBER 2007 – 5:55 PM SMELL REALLY BAD REPORTED TO HOTLINE. A LOVELY SUMMERS' EVENING AND I WAS FORCED TO SHUT ALL WINDOWS AND DOORS AND SIT INSIDE. A LADY FROM THE ENVIRONMENT AGENCY RETURNED MY CALL THAT EVENING AND NOTED MY DISTRESS AT BEING A PRISONER IN MY OWN HOME!

FRIDAY 5TH OCTOBER 2007 - 8:00AM – 11:00 AM BACK AGAIN REALLY BAD. JAMES WIGMORE AND PAUL RADFORD CAME TO VISIT AT 11:45 AM BUT SMELL HAD GONE. 2:00 PM – 3:00 PM BACK AGAIN CAUSING MY STAFF TO COMPLAIN. SMELL WAS BACK AGAIN BETWEEN 4PM – 11PM. ALL THIS WAS REPORTED TO THE HOTLINE.

SATURDAY 6TH OCTOBER 2007 – 1:30PM SMELL AGAIN ON AND OFF ALL AFTERNOON. REPORTED TO HOTLINE.

SUNDAY 7TH OCTOBER 2007 – I WAS SEEING TO THE CATS FROM 5:00PM AND AT 5:45 PM THE SMELL LITERALLY DESCENDED. I REPORTED TO HOTLINE.

WEDNESDAY 10TH OCTOBER 2007 – 2PM SMELL REALLY BAD ON AND OFF ALL AFTERNOON. 7:45PM STILL BAD. I RANG AGENCY TO SPEAK TO EITHER JAMES WIGMORE OR PAUL RADFORD BUT NEITHER WERE IN. I LEFT A MESSAGE WITH THE GIRL WHO TOOK THE CALL AND THEN REPORTED IT TO THE HOTLINE.

In June, I gave a statement to the Council so that it could commence legal proceedings for breach of the abatement notice issued against Hinton Organics and I have heard nothing since. Please can you advise what is happening and when Hinton Organics will be taken to court about the earlier breaches.

The situation is quite unacceptable and I would like to know what the Council is going to do about it.

Please note that I am copying this letter to the Chief Executive and to my solicitors. You may be aware that there are currently legal proceedings against BANES about the management of Hinton Organics. In my view this is simply another example of the council failing to meet its obligations to protect our local community against nuisances.

Yours sincerely

Mrs Cathy Baker

cc Richard Buxtons



Environmental Services

9-10 Bath Street, Bath BA1 1SN

Telephone: 01225 477000

(main switchboard)

www.bathnes.gov.uk

Ref: ASB/09723/07

Direct Line: (01225) 396635

Fax: (01225) 477596

E Mail: alan_bratt@bathnes.gov.uk

Date: 31st October 2007

Mr. C. Baker
Cleracres Cattery
25 Woollard Lane
Publow
Bristol
BS14 0QT

Dear Mrs. Baker

Hinton Organics (Western) Ltd. Charlton Fields Lane, Queen Charlton

Thank you for your letter of 10th October 2007 concerning the above. I apologise for the delay in replying.

In relation to the matters you have raised I can advise you as follows: Steve Hill visited the odour monitoring sites on 5th October 2007 between 13.40 and 14.15 hours and reported very slight odour at just beyond 13 Woollard Lane which is approximately 550 metres to the north-west of your house. He did not determine the odour as offensive nor was it a nuisance. No odour was detectable at any other location on the monitoring circuit. I was aware that Environment Agency officers were attending the site on 5th October, having spoken to them earlier in the week. .

In respect of enforcement action, I took written statements from you and other residents after observing foul and offensive odour myself on 6th June 2007. In my view a statutory nuisance had recurred, in contravention of the abatement notice dated 1st July 2005. I visited again with Environment Agency Officers on 19th June 2007 when very strong offensive odour was observed at another residents' house and at the head of the By Way next to the junction of Charlton Road and Charlton Fields Lane on the monitoring circuit. Again my view was that the notice had been contravened.

The papers were passed to the Council's Solicitor with a request that the evidence be reviewed and if satisfactory, information's should be laid and a summons issued against Hinton Organics Western Ltd for contraventions of the notice.

After studying the papers the Council's Solicitor advised that there was a defect in the notice which in their opinion would upset any realistic chance of conviction, notwithstanding that the notice had not been appealed. After discussing the matter in some depth it was decided that we would not proceed with the case.

Nevertheless we are still supporting enforcement action which the EA are following through, for breaches of the Waste Management Licence and I shall be providing a statement in respect of my visit with their officers on 19th June 2007.

In response to complaint, two officers had visited the site on 7th September 2007. They observed some smell on site but nothing at any of the odour monitoring points or anywhere else off site.

I visited the site and carried out odour monitoring with a colleague on 2nd October 2007. No odour was detected off site. On the Hinton's site there was slight pine odour about 50 yards away from the shredding operation, which was at the southern end of the site, which was not offensive.

An officer responded to a complaint made to the Council's out of hours number on 8th October at 21.00 hours. He could not detect any odour off site near to any residential premises but observed a smell from the site at the head of the Bye way next to the site. He reported that it was not offensive. The Site itself was closed at the time of the visit.

The abatement notice has been re-served but solicitors acting for Hinton Organics have pointed out an ambiguity in the notice which is being addressed.

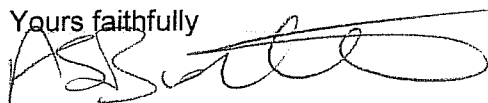
Council has sought to protect the public against nuisance by undertaking monitoring and with a view to enforcement action. It is regrettable that the defect in the notice has prevented this from proceeding.

As we have tried to explain on many occasions there will be times when very transient odour which could not be described in any way as offensive has arisen, does arise and will arise, which does not amount to a nuisance even when considered over a longer period of time.

Our experience is, when we have undertaken monitoring, that with a few exceptions the odour does not linger, is very narrowly vectored depending on the wind direction and that, generally, wind direction on the ridge is very variable because of local topographical conditions.

You will be aware from your more recent discussions with Steve Hill during his visit to you on 24th October 2007 that we continue to monitor the site and surrounding area when wind and weather conditions may give rise to complaints of nuisance.

Yours faithfully



A.S. Bratt

Senior Environmental Health Officer

Paul Stookes

From: "Radford, Phil" <phil.radford@environment-agency.gov.uk>
To: <pas@richardbuxton.co.uk>
Sent: 07 November 2007 10:37
Attach: Response to Paul Stookes.doc
Subject: Environment Agency Response
F.A.O Paul Stookes,

Enclosed response to your query regarding recent inspections.

Regards

Phil Radford
Environment Officer
Lower Avon Team

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else.

We have checked this email and its attachments for viruses. But you should still check any attachment before opening it.

We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

If we have sent you information and you wish to use it please read our terms and conditions which you can get by calling us on 08708 506 506. Find out more about the Environment Agency at www.environment-agency.gov.uk

Response to Paul Stookes (Richard Buxton Solicitors)

Waste Management licence at Hinton Organics

Hinton Organics holds a Waste Management Licence with the Environment Agency. This allows them to compost green waste and cardboard subject to certain conditions. For your information, our Officers regularly inspect this site for compliance against the licence conditions. These inspections are comprehensive and include checking the volumes of waste on site and that leachate collection and drainage systems are properly maintained.

Enforcement policy

The Environment Agency is a firm but fair regulator. Our enforcement actions ensure that we protect the environment and secure compliance with the regulatory system. The enforcement action we take is proportional to the environmental effect caused and the seriousness of the breach of the law. A serious breach of licence conditions usually results in a prosecution in court.

In summary I can confirm that from recent site inspection reports on the public register, there have been no breaches against waste volumes on site since the 21st June 2007. However in relation to odours being detected beyond the site boundary the Agency did serve a Section 42(5)(a) Notice on Hinton Organics to take specified steps in relation to a breach of licence conditions dated 24th July 2007. This required the operator to both control and monitor odour from the site. Currently the Environment Agency is reviewing its enforcement position and what further action to take, if any.

creating a better place


**Environment
Agency**

WARNING LETTER

The Company Secretary
Hinton Organics (Wessex) Ltd
Charlton Field Lane
Nr Keynsham
Bristol
BS31 2TN

Our ref: **SW/NW/EM/08/007**

Your ref:

Date: **14th February 2008**

Dear Company Secretary,

EAWML/26025: HINTON ORGANICS (WESSEX) LTD: LICENCED COMPOST SITE AT CHARLTON FIELD LANE, NR KEYNSHAM.

We believe that you have committed the following offences on the following dates:

Date: 19th June 2007, 19th July 2007, 5th October 2007, 7th October 2007, 8th October 2007, 23rd October 2007, 12th December 2007 and 3rd January 2008.

Offence: Section 33 of the Environmental Protection Act 1990, pollution to the environment by the release of odours from the keeping and treating of controlled waste at the above site.

We do not intend to prosecute you for the above offences on this occasion, however, our decision could change if any further relevant information comes to light, including, but not restricted to, information that:

- you have committed earlier offences
- the environmental impacts of these offences are greater than we presently understand them
- the offences are continuing or have been repeated
- you have committed other offences of which we are presently unaware.

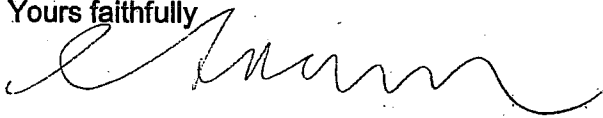
You are **warned** that we will take these offences into account if we consider you are involved in any future breaches.

Our current decision not to prosecute you does not:

- prevent any other prosecuting authority taking action against you or
- affect our right to issue enforcement, clear-up or remediation notices; or seek recovery of costs or damages according to law



Yours faithfully



Chris Francis

Team Leader Environment Management, Lower Avon Team

Direct dial 01278 484409

Direct fax 01249 444921

Direct e-mail chris.francis@environment-agency.gov.uk