

Maggie Horrill
Legal & Democratic Services
Bath & North East Somerset Council
Northgate House
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Our ref: VOF0012
12th January 2012

By email and by post: Maggie_Horrill@BATHNES.gov.uk

Dear Ms Horrill

Re: Recommendation of the Development Control Committee(DCC) – 5 January 2012

We understand that on the 5 January the DCC determined to defer its decision on whether to enforce against the Fuller's Earth site for up to a further 3 months in order to obtain more detailed information regarding current negotiations between the council and the landowner on a future application for a residual waste site.

At the meeting committee members requested certainty from the council as to when the statutory time period is likely to expire on the Fuller's Earth site under the 10 year rule. They were informed that the last date is likely to be January 31st 2013. The evidence for this appears to be based on the Inspector's report dated February 2003.

Considering the critical significance of this date it is of the utmost importance for the Committee to know, as a matter of urgency, whether this is a date with which the site owner concurs. In our view it is now incumbent upon the council to ask the landowner whether or not he agrees with your interpretation of the statutory time period, and if so, to request that he provides you with a statutory declaration to that effect. If he refuses to do so, we would consider that this must be reported back to the committee members without delay because otherwise the Council will be working on the assumption of a particular date and the landowner may subsequently assert and have evidence to prove an earlier date.

There is clear evidence of unauthorised uses on the Fullers Earth site. It is certain that unless the council enforces without delay those uses will become regularised. Any future plans for the site are separate to this issue. It is entirely consistent to enforce now against the site owner whilst also continuing to negotiate for the site's future allocated use. As the report to the Committee noted these unauthorised uses within the Green Belt will never be acceptable to the Council and in this respect the further delay of 3 months is unjustified .

Please confirm that you are willing to take the above steps.

Yours faithfully

Harrison Grant

