

Statement to DCC on Fullers Earth

[My name is Emma Lawrence and I am Conservation Officer at Bath Preservation Trust.]

Having had sight of Mr Kendrick's circular to members, Bath Preservation Trust wanted to make the following points:

- 1) In the absence of a formal written update paper from your officers, backed with Counsel's legal advice and available to third parties, it is difficult to see that this is an appropriate time to make any decisions about the enforcement processes currently awaiting their next stage.
- 2) This time last year you were threatened by Mr Kendrick that if enforcement proceedings took place, Gazelle would cease to develop plans for a Residual Waste facility as it would be focusing on the enforcement. Yet the statement he has sent to you says that consultations have carried on and that plans are well enough developed to consider a planning application in October. Which statement was true? Should not this committee be receiving updates on such consultations and reassurance that they do not affect the enforcement proceedings?
- 3) He refers to the proposed waste facility being placed on area E, yet surely the appropriate place for it is through a redevelopment of the buildings and hardstanding in Area A, where there is no dispute as to the land use. We will certainly be arguing so in any planning application that comes forward.
- 4) In any case, The **Joint Waste Core Strategy** although allocating the former Fullers Earth works site as a potential location for Residual Waste Treatment makes clear that the inclusion of a site does not prejudice the determination of proposals by the local planning authority (para 6.8.14) and specifically refers to the fact that permission will not be granted for waste proposals which harm Green Belt, AONBs or World Heritage Sites and their setting in Policy 11. A development on Area E would clearly do this.
- 5) Mr Kendrick is very complacent that planning permission will be **granted** for a facility on Area E. Let us be clear that you are the LPA and are able to accept or reject such an application dependent on its compliance with policy.
- 6) Finally, reference is made to the recent Certificate of Lawful Existing Use (CLEU) application for what is described as Area A, for B2 use. We would question the appropriateness of determining this while active enforcement proceedings are underway. We think it would have been useful for a CLEU to be submitted for the area which constituted buildings and hardstanding in 2002 – about which there is no dispute – but the area for which this B2 use is submitted is greater than this and therefore we have objected to it. We would withdraw this objection if the CLEU area were confined to the buildings and hard standing area of 2002.