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Sent by email only

Nicola Davidson The Planning Inspectorate 3/26 Wing Temple Quay House 2 The Square Bristol BS1 6PN

> Our Ref: 214/A3/MJK BANES Ref: 14/00839/EMINW PINs Ref: APP/F0114/C/13/2195018

> > 11th March 2015

Dear Ms Davidson

<u>URGENT - RESIDUAL WASTE FACILITY AND SECOND BITE ENFORCEMENT ACTION, LAND AT OLD FULLERS EARTH, ODD DOWN, BATH</u>

We have now received written confirmation that the judicial review proceedings of Protect Bath have been dismissed.

We had outlined at the Pre-Inquiry meeting held on the 23rd September 2015 that in this instance we would withdraw the appeals. Unfortunately circumstances dictate that we are unable to do this. The reason for this relates to the fact that it has taken significantly longer than anticipated to agree a formal route to compliance with the Council. A report on the matter was due to be presented to committee today but this has now been delayed until the 8th April in order to provide members with a full update of the outcome of the JR proceedings.

Although we are confident that the officers report and recommendation will set out a route to compliance which has been agreed between the parties after extensive discussion and fact gathering it is not certain that members will endorse this and accordingly we cannot withdraw the appeals until this confirmation is received. I'm sure that you will be able to appreciate this position.

Therefore we request that the appeals continue to be held in abeyance until the 9th April to allow members to make a decision on this matter. If they resolve to support the officer's recommendation to agree the following key issues we will withdraw the appeals:

- That in respect to Area E no action is required subject to any reserved matters permission being implemented within 18 months of a decision being issued;
- That Concrete Production within use class B2 is acceptable in Area A;
- That the current stonemasonry activities being undertaken in Area A are a B2 use and are therefore acceptable;

- That the skip hire associated with the waste processing uses being undertaken within Area A (by Waste Recycling at Bath) are ancillary to the B2 operations being undertaken in this area; and
- That hard standings be removed from Area D (apart from those associated with the residential use of the cottages known as the Firs).

If members do not support this recommendation unfortunately we will not be able to withdraw the appeals.

If they do endorse the recommendation the key to achieving compliance is the delivery of the residual waste facility granted permission under application 14/00839/EMINW. Although the JR proceedings created uncertainty and delayed the implementation of this permission a reserved matters application has now been submitted to the council and is validated. This application was prepared at risk in light of the JR and is clear evidence of our intention to continue to work proactively with the council to avoid unnecessary appeal proceedings. We hope that the grant of abeyance for a further month will assist in keeping this process on track to avoid unnecessary expense for all parties.

We look forward to your urgent response to this matter and hope that the principles of expediency will allow you to grant this request. If the request cannot be accommodated we will proceed to prepare for a reconvened Inquiry.

Yours sincerely

MATTHEW KENDRICK

Director

cc - Richard Stott, BANES

Christopher Herbert, SLR Consulting