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**Your Ref:** PK08/0458/F  
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Dear Mr Ford

**Composting of Green Waste**  
**Field Numbers 67542/60041, Southcroft Farm,**  
**Old Sodbury, Bristol**

I have been instructed to act on behalf of Mrs Julia Coulthard in connection with the application for change of use in connection with the above mentioned site.

Its appears from my instructions that the application is for a temporary planning consent.

I observe, with no surprise, that the Environment Agency has written indicating that it has no objection, in principle, to the proposed development, subject to certain specified conditions. It is clear that the Environment Agency is rapidly retreating from its role of protecting the environment, wherever risk issues arise, behind the Waste Management Licensing Regulations 1994 and adopting the policy of policing waste management through those regulations. The result, it seems to me, is that the Environment Agency now leaves a much higher onus or duty upon the Planning Authority to protect the environment and some Planning Authorities may not be aware of this policy change which is relatively recent.

Indeed, until the Environment Agency changed its policy on the potential detrimental effects from bioaerosols in late October 2007, the internal policy of the Environment Agency was to

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**object to any planning application** for any new composting process (or modification to an existing process) where (as in this case) the boundary of the facility is within 250 metres of a work place or the boundary of a dwelling unless the application is accompanied by a site specific risk assessment based on clear independent scientific evidence which shows that the bioaerosol levels are and can be maintained at appropriate levels at the dwelling or work place<sup>1</sup>. The Agency's position at that time (and still does now) specifically included consideration of risks to:-

- (a) Water, air, soil, plants or animals; or
- (b) Causing nuisance through noise or odours; or
- (c) Adversely affecting the countryside or places of special interest.

The policy specifically noted the cause for concern which arises from the thermo-tolerant fungus known as *aspergillus fumigatus* which is a Class 2 pathogen which is known to be disseminated by composting.

I have seen the bioaerosol assessment prepared by Ahlim Hashm and respectfully agree with the contents of that report.

I would wish, however, to point out the increased vigilance with which the Planning Authority must now consider such applications given the increased responsibility placed upon the Planning Authority by reason of the change in policy of the Environment Agency itself.

If the applicant intends to carry out an exempt composting facility (for example, because of its size) the onus on the Planning Authority is increased as it is clear that the Environment Agency will play no active role in policing the composting activity in those circumstances.

I believe that it is as a result of another case in which I acted for an objector in a case which involved an operator under an Exempt Licence, that the Environment Agency has 'clarified' its internal guidelines. However, the new guidelines do not, in my view, carry out the objectives of the European Legislation since this refers to risk to the environment and animals as well as to human health whereas the Environment Agency policy is focused upon risk to human health. In that case evidence was produced to demonstrate the risk that *aspergillus fumigatus* poses to humans and to animals, specifically cattle where veterinary evidence demonstrated the risk of disease in cattle and the principal syndrome of abortion in late pregnant cattle. I have made arrangements for the Veterinary surgeon and Bio-chemist concerned in that case to produce a report for use in this case as soon as possible and in any event in good time for consideration before any decision is made on the planning application.

Even in the circumstances of this policy change, it is highly surprising that the Environment Agency should so palpably fail to meet even its current inadequate policy where, I am instructed, there are dwellings and a school playground within 250 metres of the site and cows and sheep in fields just metres away from the composting site in question in this application.

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<sup>1</sup> Agency Position on Composting and Health Effects, 13 August 2001

In the circumstances, Mrs Coulthard and the other objectors strongly urge you to refuse the planning application altogether even on a temporary basis.

The evidence of the vet and bio-chemist will be provided to you as soon as possible and I look forward to hearing a satisfactory outcome in due course.

Yours sincerely

A handwritten signature in cursive script that reads "Alex Megaw".

**ALEX MEGAW**  
For and on behalf of  
**PANNONE LLP**