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Mr Thomas McPhie Holmes & Hills LLP Bocking End Braintree Essex CM7 9AJ	Your Ref: Our Ref: APP/Z1585/W/15/3053088 Date: 13 November 2015
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Dear Mr McPhie,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 ('THE EIA REGULATIONS')

Appeal by Gent Fairhead & Co. Ltd

Site at Riverhall Airfield, Nr Kelvedon, Essex CM8 3PJ

We refer to the above appeal which commenced on 27 July 2015. The development proposed consists of an Integrated Waste Management Facility comprising: Anaerobic Digestion Plant; Materials Recovery Facility; Mechanical Biological Treatment Facility; De-inking and Pulping Paper Recycling Facility; Combined Heat and Power Plant; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking and associated engineering works and storage tanks. By virtue of Regulation 4 of the EIA Regulations the development proposed is EIA development.

The content of the Environmental Statement (ES) accompanying the planning application that is the subject of the above appeal has been considered, having regard to Regulation 2(1) and Schedule 4 of the EIA Regulations.

The Addendum to the ES (dated September 2009) states that the ES (as updated) consists of:

- The ES dated August 2008 (volumes 1-4) used to support the granted planning permission for the proposed development (APP/Z1585/V/09/2104808) with a Non-Technical Summary (dated August 2008);
- Information provided following a Regulation 19 request dated 24 November 2008 issued by Essex County Council (dated December 2008);
- Addendum to the ES dated September 2009; and
- The Non-Technical Summary (NTS) (dated September 2009), which accompanies the Addendum to the ES and replaces the NTS dated August 2008.

Following examination of the ES (as updated), the Secretary of State notifies you by this letter, pursuant to Regulation 22 of the EIA Regulations, that, to comply with Schedule 4 of the EIA Regulations (information for inclusion in environmental statements) the appellant is required to supply the following further information:



- The data required to identify and assess the main effects which the development is likely to have on the environment, particularly:
 - An up to date and comprehensive assessment of the environmental baseline applicable to the entirety of the proposed development site. The updated environmental baseline should compile the relevant information into an easily accessible document(s). The update to the environmental baseline is necessary in order to provide confidence that the environmental effects as assessed within the ES (as updated) remain applicable to the appeal proposals. The environmental baseline information included within the ES (as updated) is now several years old and dates from 2005/2006, with some updated survey information collected in 2007/2008/2009. We note that other environmental information has been provided through the reviews of the adequacy of the EIA undertaken by Honace Limited and Golder Associates (dated 4 and 5 August 2014 and July 2015). However, not all of these reviews relate to this application and some of the referenced information has not been provided;
 - A Cumulative Impact Assessment (CIA) that identifies any likely significant effects occurring as a result of the proposed development with other reasonably foreseeable developments. The ES (as updated) does not currently include any consideration of CIA. The appellant should consult the local planning authority to identify which reasonably foreseeable developments need to be considered in the CIA. However, the Blackwater Aggregates mineral extraction planning applications (referred to as Sites A2, A3 and A4 in the EIA adequacy reviews) and the potential connection option for the proposed development to the national grid by the distribution network operator (EDF Energy) should be included, unless they already form part of the updated baseline; and
- A revised non-technical summary (NTS) incorporating all of the elements above.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Regulation 22 of the EIA Regulations at the following direct link: <http://www.legislation.gov.uk/ukxi/2011/1824/regulation/22/made>

With regard to the publicity/consultation requirements, the Regulations specify that publication/consultation is the responsibility of the recipient of such information. However, appellants are usually willing to undertake the publicity/consultation requirements as they already have the information required. Your co-operation in this respect would be appreciated.

Assuming this is acceptable, the Planning Inspectorate would be grateful if you could confirm that for completeness, the ES (as updated) and the further information requested in this Regulation 22 notification, will be advertised in a newspaper circulated in the locality and that copies will be distributed, in accordance with the publicity requirements in Regulation 22 of the EIA Regulations. Please provide the Planning Inspectorate with a list of those to whom the further information will be sent including an explanation of how they have been identified and confirmation that this list includes all the parties required in the Regulations. Please send copies of the advertisement and covering letter to the Planning Inspectorate, ensuring that the advertisement contains all the information required by Regulation 22(3). For your information and in accordance with the Regulations, the notice should advise that the information can be inspected at an address in the locality in which

the land is situated and that any representations should be sent to the Environmental Services Team at the Planning Inspectorate either by email using the following address: environmentalservices@pins.gsi.gov.uk or by post.

We would be grateful if you could inform us, within **2 weeks** of the date of this letter, how long you anticipate it will take to prepare this further information, so that an expected submission date can be identified. Please send your response electronically to the Environmental Services Team at the Planning Inspectorate using the following address: environmentalservices@pins.gsi.gov.uk.

Depending upon the timing of the receipt of the requested further information, it may be necessary to delay the appeal timetable as the appeal is suspended until either 14 days after the date on which the further information is sent to all persons to whom the ES was sent, or 21 days after the date on which the notice is published in the local newspaper, whichever is the latter.

A copy of this letter has been sent to Essex County Council.

Yours sincerely,

David Price

Signed with the authority of the Secretary of State

cc Essex County Council

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<https://acp.planninginspectorate.gov.uk/>

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