

Environmental Statutory Appeals 2010-2013

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1. This report contains a summary of 57 statutory environmental appeals heard by the Planning Inspectorate (PINS) between 2010 and 2013. It is based on the decision letters kindly supplied by PINS. As more environmental appeals are transferred to the First-Tier Tribunal (Environment) the aim of this report is to assist the Ministry of Justice in better identifying the sorts of issues that have arisen in recent appeals, and the type of skill sets likely to be needed in Tribunal Members. It is, of course, impossible to predict with any certainty that what has occurred in the recent past will be replicated in the future – the very fact that an appeal will be heard by a Tribunal rather than the Planning Inspectorate may change the types of issues raised in appeal. Nevertheless, the information provided here provides a useful starting point and has not been collated in this way before.

2. Subject matter of appeals

The vast majority of appeals were against decisions of the Environment Agency. Only six involved processes regulated by local authorities.

The majority of Agency appeals concerned waste – 7 involved appeals against refusal or revocation of registration as a waste carrier, usually on the basis of previous convictions and an inadequate post-conviction plan. 28 appeals concerns waste facilities of various types, and covered refusal of permits, challenges to conditions, revocation and appeals against enforcement notices. One appeal concerned the refusal by the Agency to accept a surrender of a waste permit.

4 appeals involved other facilities regulated by the Agency, two of these being appeals against the Agency to refuse an application to withhold data for public pollution inventories on grounds of commercial confidentiality.

Water was the other main category of appeals involving the Agency. 2 concerned discharge consents. 5 appeals concerning impounding licences involved in hydropower schemes. 3 were appeals against anti-pollution works notices.

3 decisions concerned applications by the Environment Agency for wasted costs.

3. Form of appeal and legal representation

The majority of appeals were heard without a hearing by written representation, although in nearly every case the Inspector made a site visit. In 18 cases (just over 30%) there was a hearing or public inquiry, most lasting not more than a day and often

involving a site visit on the same day. The one exception was a 4 day inquiry concerning pollution control equipment required by a local authority on a rendering process.

The four day public inquiry involved barristers for both sides. In the other 17 cases of hearings involving the Agency, only in five were the appellants recorded as being represented by lawyers (in four cases a solicitor, and in one case a barrister). In two cases, where the appellant represented themselves, the Agency was represented by barristers, and in another five such cases, the Agency was represented by in-house lawyers. In other cases, the Agency technical staff were involved, rather than lawyers.

4. Decisions and Issues raised

Most decision letters were reasonably succinct (4-5 pages) and often followed a standard format, identifying early on the key questions at issue. In many cases decision letters were issued within a reasonably short period following a site visit (often less than a month). The professional qualifications of the Inspectors is provided, and as can be seen the vast majority had no legal qualification but either a planning qualification or engineering/scientific qualification, or both.

Many of the cases involving a judgment as to evidence and predictions of potential environmental harm, though in a few appeals some fairly complex legal issues arose (interpretation of regulations, planning histories, etc.). Only in one case were the legal uncertainties raised sufficiently strong that the Inspector felt it preferable to quash the notice, and let the parties try to first resolve the legal issues - *"This will then allow the parties time to re-address the issues between them which are essentially matters of law and interpretation of the regulations rather than technical matters relating to the operation of the site."*

The number of successful appeals was very small. Only in 7 of appeals (just under 14%) against Agency decisions were appeals upheld, and in 5 of these this was with the agreement of the Agency. In the local authority appeals, there were two appeals successful in part.

ENVIRONMENT AGENCY

WASTE

Waste Carrier Registration

Revocation of waste carrier registration. Decision 7/10/2012 Site visit 2/10/12 Inspector BSC DipTP MRTPI 4 page decision letter

History of non-compliance including convictions. Appellant wants to delay revocation until site cleared but not a good ground – he could pay other registered carriers to do it. No post conviction plan. Appeal dismissed.

Appeal against refusal to register as carrier. Decision 2/4/13 Inspector MPhil MRTPI 4 page decision letter. Previous conviction of carrying out waste operation without permit. Post conviction plan considered inadequate. Appellant had many opportunities to get to grips with his operations. The fact that his application suggests smaller operations than in past doesn't mean likelihood of offending reduced. Appeal dismissed.

Appeal against refusal to register as waste carrier. Decision 5/2/13 Hearing with solicitors for both sides and site visit 9/1/13 Inspector MPhil, MRTPI 4 page decision letter. Appellant recently worked within family waste transfer facility where history of non-compliance. Conviction of waste offences. Post conviction plan considered inadequate. Evidence that appellant wishes to put past behind him. Agency action in refusing registration albeit for smaller business not disproportionate. Appeal dismissed.

Appeal against refusal to register as waste carrier. Decision 25/10/12 No qualifications given for Inspector. 3 page decision letter. Inspector – no qualification given. Convictions for failure to comply with duty of care. Post Conviction plan considered inadequate. Agency PCP forms explain clearly what is need. Appeal dismissed.

Appeal against revocation of waste carrier licence. Decision 24/8/10 Site visit 3/8/10 Hearing 4/8/10 Inspector C.Chem MRSC MCIWEM 4 page decision letter. Previous conviction 2 years ago of unauthorized waste disposal. Post conviction plan refers only to construction of office and not about changing practices. Unlikely that his competence will improve. Don't question appellant's honesty, a farmer trying to diversify. Appeal dismissed.

Appeal against refusal to register as waste carrier. Decision 25/9/13 Site visit 20/8/13 Inspector MPhil MRTPI 6 page decision letter.

Reference to Waste Framework Directive overall goals. Agency entitled to take into account convictions of 'relevant persons' (directors etc.). Sole director of appellant company has been director of previous companies with convictions. Director had resigned before appeal but not clear whether would still exercise influence, but indicated that he would operate at senior level. Still a relevant person and convictions of companies relevant. Offences were deliberate with burning at night. Post conviction plan delayed and not convincing. Insufficient evidence that with change of directors, company now competent. Appeal dismissed.

Appeal against revocation of registration as waste carrier. 4 page decision letter 25/8/10 Site visit 3/8/10 Hearing 4/8/10 Barrister for appellants Solicitor for Agency

Convictions of waste deposit without licence. Accept that appellant unaware that he had committed offences. Post conviction plan not convincing. No evidence of plans to improve training and competence. Appeal dismissed.

Waste facilities

Appeal against enforcement notice relating to waste site EPR Regs. Decision 14/10/13 Hearing and site visit 25/9/13 Inspector LLB, BSc, CEng MICE 6 page decision letter.
Are enforcement notice and steps within it reasonable and necessary to ensure compliance with permit conditions? Formerly exempt types of waste under EPR 2010 require registration. Unauthorized waste types still being brought into site in 2012. Enforcement notice served in March 2013 reasonable and correct. Timescale for removal reasonable and appellant not complied with. Appellant failed to comply with advice and warnings of Agency. But no evidence of serious pollution, and time scale for compliance extended by 6 months. Appeal dismissed but timescale for compliance extended.

Appeal against refusal of permit for waste transfer station. EP Regs. Decision 2/8/13 Site visit 20/6/13 Inspector BSc CEng MICE MCIWEM 4 page decision letter.
Procedural issue concerning modification of permit application. Previous waste permit on site held by current owner revoked from history of non-compliance. Appellant runs skips business. Owner indicated he would be in day to day charge. Inspector concludes that unlikely appellant will be operator of site according to reg 7 definition EPR 2010. Appeal dismissed.

Appeal against conditions in Enforcement Notice in respect of compost spreading. Decision 16/8/13 Site visit 23/7/13 Inspector B Soc Sci Dip TP, MRTPI 4 page decision letter.
Argument over definition of waste and its category under European Waste Catalogue. Where material has been composting to BSI PAS 100 standards, it ceases to be waste. Otherwise waste permit required. Stockpile and site visit indicated that waste contains a fair amount of other materials such as plastics and that its categorization correct. Exemptions under regulations not applicable here. Permit conditions breached. Dates for compliance changed because of appeal. Appeal dismissed.

Appeal against refusal to vary bespoke mobile waste plant permit to add new wastes. EPR 2010. 4 page Decision letter 15/11/12 Hearing 8/11/12 Solicitor representing Agency Inspector BSc CEng CEnv CWEM MICE MCIWEM MCMIM
Spreading of drilling muds from pipeline project. Agency has 3 categories of permit – standard, standard with bespoke conditions, and fully bespoke site based. Company wished to add various types of spent drilling mud by converting standard permit to bespoke standard. Agency says insufficient information on risks and site based bespoke needed.
Deep drilling muds can contain contaminants. A full site permit can take 90 days so delay in removing muds from sites. Despite this, full site permit justified. Appeal dismissed.

Appeal against conditions in permit. 5 page Decision letter 3/5/13 Site visit 19/2/13 Inspector BSc MRTPI
Recycling operation in industrial estate. Condition referring to waste hierarchy in Waste Framework Directive. Duty also imposed in regulations so is there a risk of double jeopardy? Condition doesn't contain caveats contained in legislation but Inspector considers this would be

taken into account in any enforcement decision. Principle of double jeopardy dealt with under s 18 Interpretation Act. Second issue concerned whether additional codes for waste relating to organic substances should have been included. Inspector satisfied that absence of condition won't constrain dismantling of cars for recovery. Appeal dismissed.

Appeal against refusal to transfer permits. EP Regs 2010. 7 page decision letter 14/11/2012 Reference to provisions in Landfill Directive. Can transfer be justified in relation of matters concerning financial provision? At time of decision appellant hadn't sufficient financial bonds in place but since then provision made. Appeal should therefore be allowed.

Appeal against revocation of requirement to take steps in respect of transfer station and waste carrier. 7 page decision letter 20/11/12 Site visit 10/9/12 Reference to Government Guidance that revocation may be necessary where all other routes failed. Night fires on site and convictions. many issues of competence Revocation serious but justified. Appeal dismissed. Post Conviction Plan lacks detail. Failed to rectify problems despite warnings.

Appeal against refusal of permit for waste transfer station. 3 page decision letter 2/1/13 Site visit 30/10/12 Inspector BSc CEng MICE MCIWEM Will appellant be operator and ensure operation in accordance with permit? Definition of operator in Regs. Evidence suggests that appellant will not exercise full control over the site. Application funded by others and landowner a major interest. If he was in control no reason to think he would not operate in compliance. Appeal dismissed.

Appeal against refusal to surrender waste permit. 5 page decision letter 17/8/12 Site visit 24/7/12 Inspector MPhil MRTPI End of site and boreholes dug. Was sufficient information available to Agency to judge condition? Boreholes in small proportion of site. Insufficient information re gas and threat to groundwater. Appeal dismissed.

Appeal against revocation notice re waste transfer site. 6 page decision letter 20/8/12 Site visit 9/8/12. Hearing opening 1/8/12 but appellant did not show up. Inspector MPhil MRTPI Breaches of permit formally logged,. Revocation following failure to comply with 3 enforcement notices. Fire on sit and nothing suggests changes in management practice to prevent. Agency applied full range of enforcement tools over 3 years. Compliance achieved only short term. Appeal dismissed.

Waste costs at hearing. Decision 7/11/12 Reference to Circular 03/2009/. No explanation for failure to appear and costs awarded.

Appeal against enforcement notice in respect of waste disposal site. 10 page decision 7/6/12 Hearing and site visit 20/3/12 Barrister for Env Agency. Inspector DipTp MRTPI Are steps necessary and reasonable to minimize pests and odours in surrounding area. Problems first identified by Agency in 2010. Appellant made no response to Agency concerns. Steps require in notice upheld.

Appeal against revocation of waste management licence and service of enforcement notice. 10 page decision 27/2/12 Site visit 23/1/12 Inspector DipTp MRTPI

Convictions for various waste offences and suspended sentence 2011. Appellant made some effort to reduce stockpile. But very poor competence overall. Too little too late. Appeal dismissed.

Appeal against enforcement notice in respect of waste management site. 3 page decision 23/11/11 Site visit 12/10/11 Inspector DipTP MRTPI RICS Continued presence of shredder when a power screen trommel required. Interpretation of conditions do not reasonably permit shredder. Not the place to consider the conditions. Appeal dismissed.

Appeal against refusal of Agency to grant permit for waste site. 4 page decision. 8/11/11 Site visit 16/8/11 Inspector DipTP MRTPI Dip PollCon Grounds for refusal neighbourhood noise and traffic but 2011 amendments to EPR 2010 no longer allow this as a ground because of duplication of controls. *Appeal allowed.*

Appeal against variation notice on waste site. 4 page decision letter 12/9/11 Site visit 16/8/11 Inspector BSC MRSC MCIWEM Notice requires biodegradable waste to be stored indoors. Reasonable requirement in light of locality. Some alteration of wording to improve precision. *Appeal allowed in respect of rewording.*

Appeal against refusal by agency for waste permit EPR 2010. 5 page decision 31/10/11 Site visit 12/7/11 Inspector CEng MICE MCIWEM
Key question whether planning permissions in force. Not been demonstrated that they are in respect of areas proposed for disposal. Appeals dismissed.

Appeal against suspension notice in relation to waste transfer station. 6 page decision letter 18/5/11 Site visit 30/3/11 Inspector DipTP MRTPI DipPollCon
Could Agency have been satisfied that condition of land unlikely to cause environmental pollution? Documentation in respect of site inadequate. Complex history of waste acceptances and whether standard licence covered increases of waste. Agency justified. Appeal dismissed.

Appeal against variation of waste disposal permit EPR 2010. 3 page letter 22/2/11 Site visit 17/1/2011 Agency wishes to reduce throughput of asbestos waste by 1/3. Reference to definitions of storage and site capacity. Variation justified. Appeal dismissed.

Appeal against refusal to vary conditions on hazardous waste transfer and treatment site. 5 page decision letter 7/3/11 Site visit 8/2/11 Inspector JP, BA, MRTPI
History of site including transfers. Some doubt about legality of previous variation notice but that is matter for courts. In the light of legal uncertainties, unsafe to affirm variation notice. Notice quashed. *"This will then allow the parties time to re-address the issues between them which are essentially matters of law and interpretation of the regulations rather than technical matters relating to the operation of the site."*

Appeal against variation notice in respect of waste site. 5 page decision letter 17/6/11 Site visit 23/3/11 Inspector DipTP CEng MICE MCIHT MRTPI
Complex discussion of regulations, variations and rights of appeal. Is limit of tyres on site necessary? Yes. Condition relating to retention of records. Duplication of statutory requirements and for longer period. Longer period than statute ok. if sound reasons. But wording needed amendment. Appeal dismissed.

Appeal against enforcement notice in respect of metal recycling site. 5 page decision letter 17/2/11 Hearing and site visit 8/2/11 Solicitor for Environment Agency. Inspector DipTP DipPBM MRTPI

Lengthy regulatory history and question whether certain categories of waste can be accepted for transfer. Enforcement notice upheld but time for compliance extended. Appeal dismissed.

Appeal against Enforcement Notice concerning waste site. 9 page decision letter 15/12/10 Site visit 9/11/10

Reference to waste framework directive, especially Art 4. Agency considers three conditions being contravened - acceptance and litter control. Arguments over definition of 'biodegradable' and requirement to store inside. – Inspector uses definition in EU Directive. Enforcement notice justified to protect against fire. Appeal dismissed.

Appeal against revocation of waste disposal permit. EP Reg 2010. 6 page decision letter 14/12/10 Hearing 9/11/10 Solicitor represents Agency. Convictions in 2009. Post Conviction _Plan provides no assurance that offences won't be repeated. Appellant says not possible to run site in accordance with permit but that is a matter for varying permit. Appellant not competent. Appeal dismissed.

Appeal against conditions on organic composting waste site. 9 page decision letter 17/2/11. Hearing and site visit 25/1/11 QC for Agency, Interested parties represented by solicitor. Updating and regularizing permits but appellant says new unfair conditions imposed. Detailed examination of various conditions. All conditions found to be reasonable and necessary. Appeal dismissed.

Costs decision: Partial application. Hearing delayed and late postponement. Key witness had to deal with family medical matters. Wasted expenditure not due to unreasonable behaviour of appellant. Costs application dismissed.

Appeal against revocation of waste permit and waste carrier registration. 11 page decision letter 13/8/10 Hearing and site visit 20/5/10 Inspector BSc DipTP MRTPI

Reference to Art 4 Waste Framework Directive. Convictions. Post Conviction plans seriously deficient. Site visit showed dangerous waste piles. No suitable accredited person in charge despite 2 years grace. Appeals dismissed.

Costs decision: No suitable explanation for non-attendance. Costs awarded.

Appeal against refusal to grant application for permit in respect of waste transfer/treatment facility. 6 page decision letter 26/5/10 Hearing 11/5/10 Solicitor for Agency.

Key issue is whether planning permission in force for the site. Discussion as to whether a waste transfer station. Concludes it is. Reference to planning permission for construction of ponds, and reference to Court of Appeal decision that one must look at approved plans and documents as well as permission itself. Local authority (District Council) did not consider large imports of waste would be involved. Therefore waste facility not within the scope of the permission. Permit cannot be granted and appeal dismissed.

Other facilities

Appeal against revocation notice in respect intensive pig unit. EPREgs 2010. Decision 22/7/13 Hearing 23/4/13 Solicitors representing both parties. Inspector MRTPI 7 page decision letter. Convictions in 2011 relating to smells and post conviction plan inadequate. Is it reasonable to revoke permit? 5 year history of problems. EA guidance says single serious offence enough for revocation. Over 200 complaints made in 2012. Agency does not have resources to follow up all complaints but when did so high rate of substantiated complaints. The fact that majority may have come from one person not fatal as corroborated by Agency officers. Inspector concludes that Agency tried to cooperate to find solutions. Post conviction plan not convincing. Appeal dismissed.

Appeal against variation notice in respect of steelworks. 6 page decision letter 26/4/13 Site visit 5/3/13 Inspector DipTP MRTPI
Steel works permit. Is stocking area a 'directly associated activity' under EP Regs 2012, and is it under the control of permit holder? Reference to Env Agency Regulatory Guidance Note. Agency accepts that area used only for storing finished products. Large proportion of products are exported directly without storage so not integral to process. Although site under direct management of sub contractors, Tat Steel still has considerable control. **Appeal allowed** in respect of storage site.

Appeal against refusal to grant commercial confidentiality for reporting of performance indicators. 4 page decision letter 12/3/13 Inspector MSc CEng MICE Aluminium refinery. Indicators only describe level of overall activity and nothing to suggest commercial advantage for others. Also balance of public interest. Appeal rejected.

2 page decision 25/6/12 Appeal against rejection to grant commercial secrecy on Pollution Inventory Data. Inspector MSc CEng MICE Oil refinery. Data relates to water consumption. Not useful for competitors and in public interest to disclose. Appeal dismissed.

WATER

Water Discharge

Appeal against partial revocation discharge of storm sewerage. 8 page decision letter 7/3/12 Discharge consent for Thames Water for storm sewerage and sewerage in an emergency. Reference to Urban Waste Water Treatment Regs. System is no longer operating s foul only and evidence of pollution of watercourses. Complex water technical studies. Permit schedule open to differing interpretations. Partial revocation necessary to prevent pollution., Appeal dismissed.

Appeal against refusal to grant permit in respect of connecting public foul sewer to proposed private sewage treatment plant. EP Regs 2010. 3 page decision letter 14/12/11 Site visit 1/1/12 Inspector LLB, BSc CEng MICE
No explicit policy on this sort of case. Financial comparisons of comparative costs. Appellant not demonstrated that it cannot pay charges and large site, find that continuing connection to

public sewer feasible and reasonable. No environmental or sustainability benefits from proposed private system. Appeal dismissed.

Water abstraction/impounding licence

Appeal against refusal by Env Agency to grant impounding licence Water Resources Act 1991. Decision 3/5/12 Inspector MRTPI 3 page decision letter.

Before appeal, Agency and appellant were able to agree condition, and Agency asked they be directed to grant licence. No evidence to question effectiveness of conditions. No adverse effect on Humber Special Area of Conservation Appeal allowed.

Appeal against conditions imposed by Agency on impounding licence Water Resources Act 1991. 3 page decision letter 24/10/12 Site visit 8/10/12 Inspector LLB BSc CEng MICE
Argument over conditions necessary to protect fish at proposed hydropower turbine in river. Agency since confirmed in writing that turbine unlikely to reach optimum power and that scheme would impede flows. Changes to condition agreed. Appeal allowed.

Appeal against conditions on abstraction licence relating to protection of eels and fish. 7 page decision letter 26/3/12 Hearing and site visit 6/12/11 Solicitor for Agency. Inspector MRTPI
Since issuing licence Agency say requirements under Eels Regulations to be dealt with separately. Licence amended. Appeal allowed.

Appeal against decision to grant transfer water abstraction licence with conditions on turbine scheme. 12 page decision letter 2/12/11 Hearing and site visit 9/11/11 Inspector LLB LLM DipTUS
River with SSSI status and good status under Water Framework Directive. Reference to Agency Hydropower Good Practice Guidelines. Detailed discussion of flow rates. Ecological survey submitted by appellant incomplete. Balance between interests of providing small but worthwhile contribution to green energy and impact on ecology. In absence of full evidence, appeal dismissed.

Appeal against refusal to grant licence to abstract water for hydropower scheme . 5 page decision letter 30/3/12 Hearing and site visit 25/1/12 Solicitor for Agency. Inspector BEng DpTP CEng MICE MCIHT MRTPI
Key issue effect of scheme on weirpool habitat and ecology. Existing licence already granted to another party. Proposed scheme would cause unacceptable damage. Appeal dismissed.

Anti-Pollution Works Notice

Appeal against anti-pollution works notice s 161 Water Resources Act to remove maize and fungus debris at former runway. 6 page decision letter 23/7/13 Hearing and site visit 12/6/13 Solicitors for appellant and Agency. Inspector LLB BSc CEng MICE
Agency satisfied that maize being stored for digestion plant entering watercourse. Evidence of leakage from one site, but insufficient evidence on another. Notice confirmed with modifications

Appeal against anti-pollution works order to stop dredging in canal. 11 page decision letter 30/1/13 Inquiry 7/11/12 Site visit 8/11/12 Barristers representing appellant and Agency. Reference to Water Framework Directive. Argument whether Directive applies to canal, and interference with obligations under 1812 Private Act on canal. Examination of status report by Agency and challenges. No deterioration requirement of the Directive. Conclusion that dredging is harmful. Notice appropriate and not disproportionate.

Appeal against anti-pollution works order to cease importing lime filler on site and to empty lagoon at sand and gravel business. 4 page decision 19/1/12 Site visit 20/12/11 Inspector MCD MA LLM MRTPI
Reference to Court of Appeal decision of meaning of pollution. A broad term. Cracks in lagoon and risk of pollution. Appeal dismissed.

LOCAL AUTHORITY

Refusal to carry permit condition by local authority on rendering process. EP Regs 2010. 13 page decision letter 28/7/12 4 day inquiry 17-20/4/12 *Barristers and witnesses both sides*. Proposal concerning use of boilers but history of smells and local authority says inadequate. Reference to IPPC Directive. Application of Best Available Techniques plus European BREF Guidance Note. Is incineration of CO under low fire effective process for its destruction? Great deal of technical evidence. Local authority has raised significant doubts as to robustness of appellants case. Proposal not application of BAT. Appeal dismissed.

Appeal against variation notice by local authority in respect of galvanizing process. 5 page decision letter 27/2/12 Site visit 24/1/12 Inspector BEng MSc CEng MICE
24 hour operation. Proposed restrictions on noise including vehicle movements. Concluded that parts of the conditions reasonable and necessary but those relating to bag unit not, so deleted.
Appeal allowed in part

Appeal against enforcement notice by local authority in respect of metal refining process. 3 page letter 14/6/11 Site visit 19/4/11 Inspector MSc MRTPI EnvSc CEnv
History of night time fires on site. In view of proximity of other businesses, enforcement notice prohibiting burning necessary to protect amenity. Appeal dismissed.

Appeal against refusal of EPR permit by local authority for biomass generator at waste transfer site. 4 page decision letter 14/2/11, Site visit 24/1/11 Inspector MPhil MRTPI
Evidence that appellant not the actual operator. Father really in charge. Not reasonable to regard appellant as operator. Evidence suggests poor record of compliance on site and inadequate management system. Doubts whether process would be operated according to permit. Appeal dismissed.

Appeal against enforcement notice from local authority in relation to maggot breeding operation. 5 page decision letter 26/5/11 Site visit 8/2/11 Inspector DipTP CEng MICE MCIHT MRTPI
Permit with 38 conditions. Complaints about smells from 2010. Evidence suggests limited breach of conditions and notices upheld in respect of these. No evidence of breach of one of the conditions, so notice upheld except in respect of this. *Appeal upheld in part*.

Appeal against condition in variation notice at non-ferrous foundry served by local authority. 3 page decision letter 26/8/10 Site visit 5/8/10 Inspector CEng MICE MRTPI FCIHT
Variation to require installation of scrubbers/afterburners to prevent smoke/smell. Reference to allow better evaluation of options. S of S Process Guidance Notes. A reasonable condition but time limit extended *Appeal upheld in part*