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BY EMAIL
PRIVATE & CONFIDENTIAL

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FAO: Hywel Butts (hywel.butts@gov.wales)
Head of Development Management
Planning Directorate

Dear Sirs

Barry Port Biomass Plant
Application 2017/01080/FUL
Intention by the Welsh Ministers to make a Screening Direction
Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017

1. We act for Aviva Investors and are writing on behalf of Biomass UK No. 2 Limited, which is a subsidiary of Aviva Investors.

2. We write in response to your letter dated 14 February 2018 ("**2018 Letter**"). The 2018 Letter informed our client that the Welsh Ministers are considering making a screening direction under the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 (the "**2017 EIA Regulations**") in relation to the development subject to the above planning application. The letter confirmed that you are minded to direct that the proposed development falls within Schedule 1 of the 2017 EIA Regulations. A direction to this effect would determine that the above application is an EIA Application for EIA Development and the application would not be able to proceed without the carrying out of an environmental impact assessment and the preparation and submission of an environmental statement.

3. The 2018 Letter sets out draft reasons for the proposed screening direction. The initial conclusion reached is that:

   "In summary, the characteristics of the development include waste recovery involving a physio-chemical [sic] *process with subsequent incineration of the resulting compound. The capacity of the operation exceeds 100 tonnes a day. These characteristics fall within the project category 10 of Schedule 1 to the EIA Regulations".*

4. The 2018 Letter has been copied to the local planning authority which has jurisdiction over the application (Vale of Glamorgan Council, the "**Council**") and an opportunity is afforded to provide comments by 7 March 2018.

5. We set out below, on behalf of our client, the reasons why the proposed screening direction should **not** be issued.

A. THE CURRENT APPLICATION

6. The 2018 Letter rightly observes that the current application has been made under section 73 of the Town and Country Planning Act 1990 and is therefore an application for planning permission to develop land without compliance with conditions previously attached. Such applications are commonly referred to in planning practice as minor material amendment applications. The local planning authority only has discretion to consider the conditions subject to which planning permission may be granted and, typically, section 73 is used to seek a minor amendment to a development proposal where there is a condition which can be varied.

7. The result of an application made under section 73 is a new free-standing planning permission which sits alongside the original permission. However, by their very nature, applications made under section 73 relate to developments which are already authorised and the principle of which is established; they are applications for developments which have previously been considered and assessed. The scope of section 73 is thus more limited than an application under section 70 for full or outline planning permission for a new project.

8. In this case, the application 2017/01080/FUL was submitted to the Council on 10 October 2017 (the "**Current Application**"). The application seeks to vary condition 5 of the operative planning permission for Barry Port Biomass Plant, which was granted by the Council on 31 July 2015 under reference 2015/00031/OUT (the "**2015 Permission**"). The 2015 Permission authorises "a wood fired renewable energy plant" and is subject to 31 conditions.

9. Condition 5 of the 2015 Permission identifies the approved plans with which the development must be carried out. The Current Application seeks to vary the approved drawing numbers listed within condition 5 so that the layout and elevation drawings are substituted for revised versions which accommodate a fire water tank and fire water pump house. As a consequence, the approved vehicular parking has had to be relocated elsewhere on the site (with no loss of provision). In all other respects, the development is unchanged from the 2015 Permission.

10. Plainly, the variations to the approved drawings are minor alterations within the context of the development as a whole. They are proposed to ensure that the development uses best available techniques (BAT), meets insurance requirements and benefits from a robust fire prevention plan following discussions with Natural Resources Wales ("**NRW**") during the environmental permitting process. In determining the Current Application, the Council must consider whether the proposed changes are fundamentally inconsistent with the development as originally authorised. They are not.

11. The Current Application was not accompanied by an environmental statement. The Council has, in accordance with regulation 8 of the 2017 EIA Regulations, conducted a screening exercise and issued a screening opinion on 20 October 2017. The Council's formal view is that the development proposed by the Current Application does not fall with Schedule 1 of the 2017 EIA Regulations but does fall within Schedule 2 paragraph 11(b). Nevertheless, the Council concluded that no EIA is required because where there may be likely significant environmental effects, these have already been assessed and mitigated under the 2015 Permission and those likely significant effects and mitigation measures are not changed or invalidated by the Current Application.

12. Taken by themselves, the changes proposed by the Current Application do not amount to EIA Development.

B. PLANNING HISTORY AND EIA CONTEXT

13. It is necessary to set the Current Application and the 2018 Letter within the relevant planning and EIA context from 2008 onwards:

(a) A request for a screening opinion was made to the Council on 18 June 2008 in respect of a 9MW biomass gasification plant to generate electricity from reclaimed timber. The Council issued a screening opinion under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (the "**1999 EIA Regulations**") on 19 August 2008 under reference P/DC/2008/00828/SC1. Although the proposal was considered to fall within Schedule 2 paragraph 3(a) of the 1999 EIA Regulations, the Council's opinion was that an EIA was not required given the characteristics of the development, its location and potential impacts.

(b) A planning application was subsequently submitted to the Council on 5 September 2008 and allocated reference 2008/01203/FUL. In reliance on the Council's screening opinion, no environmental statement accompanied the application.

(c) On 17 June 2009, the Welsh Assembly Government ("**WAG**") issued a screening direction under the 1999 EIA Regulations. It was directed that the proposed development was EIA Development by virtue of the fact that it fell within Schedule 1 paragraph 10 of the 1999 EIA Regulations, i.e. a waste disposal installation for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 tonnes per day.

(d) On 7 July 2009, less than one month later, WAG withdrew the screening direction made on 17 June. WAG's letter stated:

"...on balance the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location. I have therefore concluded that on balance it would not be appropriate to consider the proposed process to be incineration for the purposes of the EIA Directive...I hereby direct that the proposed development is not EIA development."

(e) On 31 July 2009, the Council refused planning application 2008/01203/FUL.

(f) A planning appeal was subsequently made and a Planning Inspector granted planning permission on behalf of the Secretary of State on 2 July 2010 under appeal reference APP/Z6950/A/09/2114605 (the "**2010 Permission**"). Importantly, an environmental statement was voluntarily prepared and submitted to the Inspector as part of the appeal submission notwithstanding the fact that both the Council and WAG had screened the proposed development out of EIA. The Inspector's report states:

"The Assembly Government and the Council are satisfied that the development does not require an EIA as is the appellant although and Environmental Statement (ES) was submitted in support of the appeal. Friends of the Earth challenged this view at the Inquiry. I have considered the arguments but given that an ES has been submitted, I do not consider it necessary to make a judgement regarding the need for an EIA.

The Council, Barry Town Council and statutory bodies were consulted on the ES and I heard that it was advertised. The ES includes assessments of noise, air quality, traffic, ecology, landscape and ground conditions. I consider that the aspects of the environment that are likely to be significantly affected are adequately described as

are the significant effects of the development on the environment. The ES also includes details of prevention and mitigation measures.

The Council have granted planning permission for a gasification plant at Atlantic Way which is also within the Docks. The ES includes an assessment of the cumulative impact of both schemes on noise and air quality. The report includes a non-technical summary and I consider that it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 for the developments where EIA is required."

(g) The Inspector also made a full award of costs to the appellant. As far as we are aware, the decision of the Inspector to grant planning permission was not subject to any legal challenge. The principle of the development has therefore been accepted at a land use planning level since 2010 and an EIA informed this decision.

(h) On 12 January 2015 an outline planning application was submitted for a revised development proposal. The Planning Statement submitted with the 2015 application summarised the changes to the development authorised by the 2010 Permission as follows:

(i) "Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9 MWe on the 2010 Permission;

(ii) Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission;

(iii) Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock...

...1.6 Except as discussed in this Planning Statement, the Project remains as described in the 2010 Permission and the supporting documents."

(i) The 2015 application was not accompanied by an environmental assessment albeit that by agreement with the Council's planning officers, separate assessments relating to matters such as noise, traffic, environmental controls, air quality, visual impact, ecology, geology and ground stability and flood risk were included as part of the planning submission. The Council issued a screening opinion on 11 June 2015 which concluded that while the development fell within Schedule 2 paragraph 11(b) of the 1999 EIA Regulations (as then amended) no further EIA was required. This decision was taken within the context of the changes summarised above and the fact that there was no change to tonnage or traffic movements. The decision was also based upon the Council's 2008 screening opinion and the environmental statement accompanying the 2010 Permission; in the Council's view the "*changes to development* [were] *not significant to alter opinion on need for EIA*" and the Council noted that sensitive issues such as noise and air quality were covered by

the independent reports accompanying the planning application. In short, the Council did not consider the 2015 scheme likely to have significant environmental effects materially different to those previously assessed as part of the 2010 Permission.

(j) On 20 July 2015, WAG responded to a request to make a screening direction from Friends of the Earth. WAG noted the Council's conclusion and stated "*we agree that this is the most appropriate project category*" (i.e. Schedule 2 development and not Schedule 1 development). WAG stated further that *"we have concluded that a screening direction by the Welsh Ministers is not required".*

(k) The 2015 Permission was granted on 31 July 2015. As far as we are aware, there has been no legal challenge to the permission or the screening opinions issued by the Council and WAG.

(l) The development has subsequently proceeded under the 2015 Permission

14. Several useful observations can be drawn from the above planning history:

(a) The development has already been subject to an EIA under the EIA Directive and as part of the planning process. The Inspector at the 2010 planning appeal considered the environmental statement to meet the requirements of the EIA Regulations at the time;

(b) The Inspector took the conclusions of the environmental statement into account when making his decision as to whether or not to grant the 2010 Permission. In his report he expressly refers to the analyses within the environmental statement to justify imposing certain planning conditions on the 2010 Permission;

(c) The conditions imposed on the 2010 Permission by the Inspector are also imposed on the 2015 Permission (e.g. limitation on tonnage). The same conditions would be replicated on any planning permission resulting from the Current Application;

(d) The Council and WAG have consistently screened the development out of EIA, including when a fresh planning application was made in 2015 for a new technology;

(e) WAG sought to direct that the development fell within Schedule 1 back in 2009 (the same category under the 1999 EIA Regulations as is now being proposed under the 2017 EIA Regulations). That direction was withdrawn within a few weeks and WAG expressly stated that on balance the development was not EIA development and did not involve incineration. This is notwithstanding the fact that gasification was proposed and that capacity exceeded 100 tonnes of fuel per day, facts which have not changed since. WAG did not change its view in 2015 when the gasification technology was refined, indeed it concurred with the Council that Schedule 2 was more appropriate and did not dispute the Council's conclusion that no further EIA was required.

15. When the 2018 Letter is set within the above context, it becomes very clear that the intention to make a screening direction is misguided. To do so would be so fundamentally inconsistent with previous decision-making by WAG on this development as to amount to unreasonable and irrational behaviour by a public authority. This is only heightened by the fact that the minor amendments proposed by the Current Application do not themselves amount to EIA Development. If WAG was satisfied with the Council's approach to screening in 2015, then the Welsh Ministers should be equally satisfied now given that the same approach has been followed for significantly less material changes to the scheme.

C. INTERFACE WITH ENVIRONMENTAL PERMITTING

16. We note that NRW issued an environmental permit for the development on 7 February 2018 and the 2018 Letter refers to account being taken of NRW's assessment of the permit application.

17. It is unfortunate that the 2018 Letter provides no further reasoning or explanation as to how NRW's assessment has been taken into account. Please disclose this to us by return.

18. In any event, we wish to draw your attention to the fact that NRW and the Council are fulfilling separate and different statutory functions. As local planning authority, the Council is responsible for considering environmental impacts to the extent that these inform the determination of planning permission for land uses in its area. In contrast, NRW has the main responsibility for regulating and enforcing waste management in Wales. NRW's statutory functions include determining environmental permit applications and setting conditions (Regulation 9 EPR). Following the permit application process and as set out at section 7.2 of the Decision Document (referred to in the 2018 Letter), NRW concluded that the Environmental Permit will ensure that the operation of the development complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health. Relevant legal requirements include the Industrial Emissions Directive (IED) as explained by NRW:

"Schedules 7 and 13 EPR both require NRW to exercise its relevant functions so as to ensure compliance with Article 5(1) and (3) IED. Article 5(3) requires that 'In the case of a new Installation if a substantial change where Article 4 of Directive 85/337/EC [the EIA Directive] applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be examined and used for the purposes of granting the permit.'

The Environmental Impact Assessment Directive ('EIA') is implemented in Wales by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. It places requirements on local planning authorities, Welsh Ministers and Inspectors with regard to environmental impact assessments for applications for planning consent. Determination of planning consent applications is a matter for the relevant local planning authority. In this context, NRW's obligation is to examine and use any relevant information obtained or conclusion arrived at during the planning consent process pursuant to the relevant EIA articles.

The planning authority concluded that an environment impact assessment was not required for this development and Welsh Ministers concluded that a screening direction was not necessary.

NRW carried out an assessment of environmental impacts as detailed in this decision document and conducted its own consultation on the Application." (section 7.2, emphasis added)

19. NRW also clarifies, in response to consultation queries:

"Decisions over land use are matters for the planning system. The location of the Installation is a relevant consideration for Environmental Permitting, but only in so far as its potential to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact is assessed as part of the determination process and has been reported upon in the main body of this document" (at page 164)

20. NRW's assessment of potential environmental impacts is set out in sections 5 and 6 of the Decision Document.

21. What is clear from NRW's Decision Document is that notwithstanding the previous screening opinions of the Council and WAG on a planning level, NRW has nevertheless carried out a thorough assessment of environmental impacts as part of the permitting process. The underlying assessment work is the same whether it be conducted under the EIA Regulations or the permitting regime. Furthermore, NRW's recent assessment would have included 2015 technology change plus the changes now proposed by the Current Application (because the Current Application seeks to align the 2015 Permission with the more recent permit).

22. When the planning history is taken into account, what we have in effect with this development is: (1) a full EIA undertaken at the point at which planning permission was originally granted, (2) subsequent screening decisions confirming further EIA work was not required because no changes to likely significant environmental effects were identified, and then (3) further EIA work undertaken within the context of permitting. When viewed as a whole, the development has been comprehensively assessed and informed by EIA at planning and permitting levels and throughout the consenting cycle.

23. You will no doubt be aware that if the Welsh Ministers are to make a screening direction then they must comply with regulation 5 of the 2017 EIA Regulations. Regulation 5(13)(b)(ii) provides that when making a direction the Welsh Ministers must take into account the available results of other environmental assessments carried out pursuant to Union legislation other then legislation implementing the requirements of the Directive. Rather than using the NRW Decision Document as an opportunity to reopen EIA and retrospectively apply screening requirements, the Welsh Ministers should be using NRW's recent assessment carried out under the IED to conclude that no screening direction is in fact needed. Aside from unreasonably and irrationally reversing its own previous decisions, for the Welsh Ministers to issue a screening direction now would serve no practical purpose as the necessary assessment work has recently been completed and assessed by NRW under the permitting regime (and the proposed land use has been established since 2010). It is not the intention of the 2017 EIA Regulations to impose unnecessary demands which duplicate workloads for both applicants and authorities.

24. In its letter dated 9 July 2009, WAG made clear that its principal consideration was the general objective to ensure that projects likely to have significant effects on the environment are subjected to an assessment of their effects. That general objective has not changed with the introduction of the 2017 EIA Regulations but to make a screening direction now would be obsolete because the general objective has been met at every stage as this project has progressed through the planning and permitting processes.

D. MISAPPLICATION OF THE 2017 EIA REGULATIONS

25. The 2018 Letter indicates that the Welsh Government considers the development to fall within Schedule 1 paragraph 10 of the 2017 EIA Regulations: *"waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9)* [sic] *of non-hazardous waste with a capacity exceeding 100 tonnes per day".*

26. This is incorrect and somewhat concerning given that the 2018 Letter itself acknowledges that the Current Application has been made pursuant to section 73 and must therefore be a variation to an existing project.

27. If the Welsh Ministers consider the development within the Current Application to be Schedule 1 development then they must apply paragraph 23 of Schedule 1 not paragraph 10. Paragraph 23 relates to *"Any change or extension of development listed in this Schedule where such a change or extension in itself meets the thresholds, if any, or description of development set out in this Schedule"*(emphasis added).

28. As per previous WAG and Council conclusions, we do not consider that the development is Schedule 1 development. However, even if it was, the Current Application would not fall within Schedule 1 because the changes proposed are themselves minor and clearly fall a long way outside the thresholds required to bring them within Schedule 1.

29. If Schedule 2 was to be applied, it would be necessary to apply paragraph 13 therein:

13 Changes and Extensions	
(a) any change or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 23 of that Schedule) where that development is already authorised, executed or in the process of being executed.	*The development as changed or extended may have significant adverse effects on the environment.*
(b) any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.	*(a) the thresholds and criteria in the corresponding part of Column 2 of this table applied to the development as changed or extended are met or exceeded; and* *(b) in such a case the development as changed or extended may have significant adverse effects on the environment*

30. Paragraph 13(a) is not relevant as the development falls outside Schedule 1.

31. In respect of paragraph 13(b), while the development as changed by the Current Application may, when taken as a whole, be considered to have significant effects on the environment, this does not automatically mean that screening is required. Issues such as the nature, size and location of the development must be taken into account when assessing Schedule 2 development and the analysis must also take into account information from the applicant and available results from other environmental assessments (regulation 5(8) of the 2017 EIA Regulations). As set out above, in this case, the changes proposed by the Current Application are not in themselves EIA Development, do not give rise to significant environmental effects materially different to those previously assessed at a planning level but have nevertheless been recently assessed during the permitting process. There is no justifiable requirement for a further EIA now.

32. It follows that the development that is subject of the Current Application is not Schedule 1 development nor can it reasonably be considered Schedule 2 development for screening purposes.

33. We are mindful that within the context of the Current Application, the Council has considered the development to fall within paragraph 11(b) of Schedule 2 (and that this is consistent with the screening decisions of the Council and WAG in 2015 (albeit under previous regulations)). While the Council should, technically, have applied paragraph 13, we do not believe this would affect the substance of the Council's conclusions.

34. The 2018 Letter makes various assertions as to the technical nature of the development (waste disposal, incineration, chemical treatment, capacity). We do not respond in detail on these points within this letter and reserve our client's position in this regard. Given

that development has been subjected to EIA more than once, it is simply not necessary to consider this detail.

35. However, we would note that the technologies authorised under the 2010 Permission and 2015 Permission are both forms of gasification and have a tonnage which has always been in excess of 100 tonnes per day. WAG was aware of these facts in so far as they relate to the 2008 application (as well as the Directives, European Commission Guidance and case law cited in the 2018 Letter) when it wrote in July 2009 that *"on balance the development is unlikely to have significant effects on the environment"* and *"it would not be appropriate to consider the proposed process to be incineration for the purposes of the EIA Directive"* and *"the proposed development is not EIA Development"*. WAG did not require a further EIA in 2015 and the changes within the Current Application are so minor that they would fail to justify the reversal of WAG's previous position as is now proposed.

E. PROCEDURE

36. We are aware from correspondence publicly available on the Council's website that the Welsh Ministers received a request to make a screening direction in relation to the Current Application on or before 24 November 2017. We are perplexed as to why it took the Welsh Ministers until 14 February 2018 to issue a letter notifying our client of its intention to make a direction. Please can you provide a copy of the original request, all related correspondence, details of any time extensions granted under regulation 5(14) and an explanation for the delay.

37. But for the 2017 request for a screening direction, the Welsh Ministers have not previously given any indication that they would consider reversing their previous position on EIA. We fundamentally doubt whether the Welsh Ministers would have considered making a screening direction of their own volition given how disproportionate such action would be within the context of the Current Application.

38. We also note regulation 5(13) of the 2017 EIA Regulations which provides:

(13) If the Welsh Ministers make a screening direction in accordance with paragraph (11), they must -

(a) *take such steps as appear to be reasonable to them in the circumstances, having regard to the requirements of regulation 6(2) and 6(4), to obtain information about the proposed development to inform a screening direction;*

(b) *take into account in making that direction -*

(i) the information gathered in accordance with sub-paragraph (a);

(ii) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and

(iii) such of the selection criteria set out in Schedule 3 as are relevant to the development; and

(c) *issue a screening direction within 90 days from the date on which the Welsh Ministers have obtained sufficient information to make a direction."* (emphasis added)

39. Unfortunately, the 2018 Letter fails to demonstrate that the Welsh Ministers have satisfied the requirements of regulation 5(13):

(a) we have seen no evidence that the necessary steps have been taken to obtain the information about the proposed development properly required to inform a decision as to whether to make a screening direction. No request for information has been made of our client other than an opportunity to comment on the 2018 Letter. We have set out detailed background information in this letter and presume that the decision to issue the 2018 Letter was informed by the documentation to which we refer. To the extent that the Welsh Ministers are not in receipt of this information then we would be willing to seek instructions from our client with a view to furnishing you with copies;

(b) as previously explained, rather than using NRW's assessment under the environmental permitting regime as an opportunity to reopen EIA and retrospectively impose screening requirements on the development, the Welsh Ministers should be using NRW's recent assessment to conclude that no screening direction is in fact needed; and

(c) we have seen no reference whatsoever to the selection criteria in Schedule 3 or evidence that they have been applied.

F. CONCLUSION

40. For the reasons set out in this letter, we disagree that the development subject to the Current Application falls within Schedule 1 of the 2017 EIA Regulations.

41. The 2018 Letter fails to properly apply the 2017 EIA Regulations, ignores relevant planning history and previous screening decisions both of the Council and WAG, and disregards previous environmental impact assessments conducted on both planning and environmental permitting level.

42. The 2018 Letter does not demonstrate that the procedural requirements of the 2017 EIA Regulations have yet been met.

43. The 2018 Letter states that the Welsh Ministers are minded to make a direction the effect of which would be that the development that is subject of the Current Application is EIA Development. If such a direction were to be made it would be misguided and obsolete. The development *has* been subject to environmental assessment both at the point that planning permission was originally granted and very recently under the permitting regime. At each interim step, screening was carried out and technical assessments were nevertheless submitted.

44. We therefore request that the Welsh Ministers reject the request for a screening direction. There is no need for a screening direction to be made in this case. This approach would be consistent with that taken by WAG in July 2015 when more material scheme amendments were under consideration.

45. Should the Welsh Ministers consider it necessary to make a screening direction, then we are firmly of the view that the only direction that it would be reasonable to make is one which directs that the development is **not** EIA Development.

G. CONFIDENTIALITY AND STATUS OF THIS LETTER

46. This letter is provided to the Welsh Ministers by Aviva Investors, via its legal advisor, Ashurst LLP, under a strict obligation of confidentiality. It has been provided to the Welsh Ministers to assist them in determining whether an EIA screening direction should be made following a third party request, and is provided expressly on the understanding that its contents are not to be disclosed to any third party (other than such of the Welsh Ministers' professional advisers as may be required to advise the Welsh Ministers on its contents).

Further, this letter constitutes "commercial information" for the purposes of, and pursuant to the terms of, the Environmental Information Regulations 2004 and/or the Freedom of Information Act 2000.

Yours faithfully

Ashurst LLP

ASHURST LLP