

Tom Roberts

From: Tom Roberts
Sent: 21 March 2024 07:57
To: Tom Roberts
Subject: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Tom Roberts

My Pronouns Are He/Him
Trainee Solicitor
Planning & Environmental
T:03450305652



Please don't print this email unless you really need to.

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>
Sent: Monday, October 16, 2023 1:26 PM
To: Emma Conwell <Emma.Conwell@freeths.co.uk>
Cc: Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>
Subject: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear Ms Conwell

Thank you for your email setting out the Appellant's position in respect of the regulator-initiated variation notice and your comments on the Agency's engagement and conduct to date. I also note that the Appellant intends to appeal the variation notice and Maw Green Permit respectively and I will await notice of appeals in due course.

I have passed your email to the Inspector that's likely to determine the appeal(s) for information and consideration.

I will await the final comments due on 18 October 2023 and will copy the Agency's response (if one is made) shortly after this date.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Emma Conwell <Emma.Conwell@freeths.co.uk>
Sent: 16 October 2023 10:44

To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Cc: Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear Mr Bunten,

Thank you for sending through the EA's letter, dated 3 October, ("the October Letter") which states that the appeal should be withdrawn.

The Appellant does not agree and does not intend to withdraw its appeal.

The October Letter discloses no authority or proper justification for the EA's request that the appeal be withdrawn.

Thus far, the EA's position in this appeal has been characterised by delay and continued unreasonable conduct in failing to: i) properly particularise its case; ii) engage with the Appellant directly as part of the appeal process; and iii) adhere to time limits and continually request extensions of time. This most recent attempt by the EA to derail the appeal process altogether is another example of unreasonable behaviour.

On 9 June, the EA indicated (via PINs – see email dated 9 June from you to me) that it wished to discuss the Appellant's agent directly with a view to working towards an agreed outcome. Since then, no contact has been made with us by the EA directly to discuss any potential for a negotiated agreement which could avoid the need for an appeal.

The proposed regulator-initiated variation of the permit was notified to the Appellant directly, outside of the appeal process. The EA has not communicated with Freeths as the Appellant's agent in connection with this issue.

On becoming aware of the EA's proposed variation (and yet another request from the EA for an extension of time to comply with specified appeal stages), Freeths (on behalf of the Appellant) wrote to you on 8 September 2023 and stated, in terms, that the proposed variation would not resolve the issues in the appeal. That position has not changed.

The Appellant considers that the regulator-initiated variation, which was formally issued by the EA on 29 September ("the Varied Permit") is unlawful and has failed to comply with the relevant procedural requirements of the Environmental Permitting (England and Wales) Regulations 2016.

The Appellant will be appealing, on a protective basis, the Varied Permit and will apply for this to be conjoined with the present appeal. The issues in both appeals are materially the same as the current appeal and in our opinion, the most efficient and fair approach for the appeals to be conjoined and for the appeal timetable to progress.

Furthermore, the EA has partially revoked the permit which it granted for the Appellant's Maw Green site ("the Maw Green Permit") on 27 July 2023. As the EA and PINs will be aware, the Maw Green Permit is directly relevant to the current appeal and a copy of this was provided as part of the Appellant's Rule 6 Statement. The Appellant considers that the regulator-initiated variation for the Maw Green Permit, which purportedly took effect on 5 October 2023 ("the Maw Green Variation"), is unlawful and failed to comply with the relevant procedural requirements of the Environmental Permitting (England and Wales) Regulations 2016. The Appellant will be appealing, on a protective basis, the Maw Green Variation and will apply for this to be conjoined with the present appeal and the appeal against the Varied Permit. The issues in all three appeals will be materially similar and accordingly, the most efficient and fair approach is for the appeals to be conjoined and heard together. We consider that the Appellant's estimated Inquiry sitting days will not be affected by the conjoining of the appeals.

The Appellant will proceed to issue its written comments on the EA's Rule 6 Statement in accordance with the current deadline of 18 October 2023 and respectfully requests that once the two further appeals are made, that the Inspector convene a Pre-Inquiry Meeting as soon as possible in order to issue directions as required and ensure that further delays to the appeal process are avoided.

Kind regards
Emma

Emma Conwell
My Pronouns Are She/Her
Senior Associate

T: 03450738396
M: 07973908830



FREETHS

Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: Tuesday, October 10, 2023 9:13 AM

To: Emma Conwell <Emma.Conwell@freeths.co.uk>

Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>

Subject: FW: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear Ms Conwell

Please find enclosed the email received yesterday, and I was later circulated the variation notice, draft EP and decision document the Appellant received on 29 September as it was never received when issued on 3 October.

It would be helpful to understand the Appellant's position following receipt of the variation notice and draft EP.

As for the FC deadline, I have already confirmed it's been extended until 18 October 2023 and have advised the Agency of this change.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Emma Conwell <Emma.Conwell@freeths.co.uk>
Sent: 09 October 2023 15:31
To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>
Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>
Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear Mr Bunten,

Further to the below, please could you share a copy of the EAs submission to PINS in regards to this? We have not been copied in to their email nor has it been forwarded to us.

Kind regards,

Emma

Emma Conwell
My Pronouns Are She/Her
Senior Associate

T: 03450738396

M: 07973908830



Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>
Sent: Monday, October 9, 2023 3:16 PM
To: Emma Conwell <Emma.Conwell@freeths.co.uk>
Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>
Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear Ms Conwell

Thank you for your email.

The Agency has contacted me today to advise that it has decided to vary the permit to include the 'activity' which was the subject of this appeal. I have been notified that an Agency-initiated variation of the EP was issued last week to the Appellant and have now been provided with a copy. Can you confirm receipt of this? as it would be helpful to have the Appellant's views on this matter.

Following this, the Agency now considers that the appeal should be withdrawn as “*there is no longer a decision to appeal*”.

Due to an issue with the combined size of the attachments, the Agency’s email and documents suite was not received when originally sent to me and I have only taken receipt today. The Agency, in light of this development and undue delay, has also requested an extension for final comments.

Under the circumstances, I am therefore content to provide the seven-day extension deferring the deadline to **18 October 2023**, but conscious that more time may be required for the Appellant to consider whether this new variation EP now renders the appeal redundant.

I look forward to hearing from you on this matter shortly.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Emma Conwell <Emma.Conwell@freeths.co.uk>
Sent: 09 October 2023 10:32
To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>
Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>; Alison Ogley <Alison.Ogley@freeths.co.uk>
Subject: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Final Comments deadline request extension - 18.10.23

Dear James,

Appellant’s Request for a 7 day extension to submit Response

We have been notified by the Appellant that the EA has amended its permit for Maw Green site on Thursday, without notice. The amendments (amongst others) include amendments to processing in relation to asbestos, the key issue in the current appeal, bringing the Maw Green site into the same position as the Appeal Site. Additionally, the Maw Green permit is referenced in the Appellant’s SOC.

Given that the amended permit was issued on Friday without any discussion by the EA, we request further time to consider the effects of this properly in our Response to the EAs SOC. You will note that our Response is due to be filed in only 2 days’ time. As such, given this fundamental change of position by the EA, we request an additional week to properly consider the change. We therefore request an extension for filing the Appellant’s Response to **18th October 2023** to ensure the Appellant’s case is not prejudiced by the EAs substantive change of position. Given your latest email on dates for the appeal being now potentially March/April, we do not consider that this request would have a knock on effect to the wider timetable.

Please confirm by return if the Appellant's request for an extension is granted. Should you require any additional information to determine this application, please let me know and I can endeavour to assist.

Kind regards,

Emma

Emma Conwell
My Pronouns Are She/Her
Senior Associate

T: 03450738396

M: 07973908830



Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: Wednesday, September 20, 2023 3:39 PM

To: Alison Ogley <Alison.Ogley@freeths.co.uk>

Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>

Subject: RE: FROM EMMA'S INBOX - APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Alison

Thank you for your emails.

The Inspectorate is currently looking at March and April for the Inquiry as the Inspector previously allocated to the case, who was able to hold the Inquiry in February, is now unavailable to do so. The Inspectorate currently does not have any inspector's available with the appropriate specialisms to open the Inquiry before March.

I am sorry for this further delay to setting the Inquiry date.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk

Web: www.gov.uk/government/organisations/planning-inspectorate

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Alison Ogley <Alison.Ogley@freeths.co.uk>

Sent: 19 September 2023 18:56

To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>

Subject: RE: FROM EMMA'S INBOX - APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear James

Further to the below, we would be grateful if you could provide some further information as to why dates in March and April are now being considered.

Kind regards

Alison

Alison Ogley

My Pronouns Are She/Her
Partner

T: 03450305859

M: 07973820016

The logo for Freeths LLP, featuring the word "FREETHS" in a bold, blue, sans-serif font, centered between two horizontal blue lines.

Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Alison Ogley

Sent: Tuesday, September 19, 2023 1:33 PM

To: JAMES.BUNTEN@planninginspectorate.gov.uk

Cc: Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>; Sarah Mills <Sarah.Mills@freeths.co.uk>

Subject: FW: FROM EMMA'S INBOX - APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear James

Emma is on leave this week, so I am replying in her stead. Thanks for your email.

We will revert to the appeal team to obtain further information on dates and come back to you as soon as we receive all relevant responses.

Kind regards

Alison

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: Monday, September 18, 2023 2:17 PM

To: Emma Conwell <Emma.Conwell@freeths.co.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Ms Conwell

It would be helpful if you could set out whether your client's advocate and witnesses have any periods of unavailability in March and April 2024 as I am still in the process of setting the new Inquiry date.

Kind regards

James

James Bunten

Case Officer - Environment, Transport and CPO Team

The Planning Inspectorate

Direct Line: 0303 444 5081

Helpline: 0303 444 5000

Email: james.bunten@planninginspectorate.gov.uk

Web: www.gov.uk/government/organisations/planning-inspectorate

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Emma Conwell <Emma.Conwell@freeths.co.uk>

Sent: 12 September 2023 15:31

To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Mr Bunten,

Thank you for your email

I can confirm that my client's advocate and all witnesses are available for the entirety of February 2024.

Kind regards,

Emma

Emma Conwell

My Pronouns Are She/Her
Senior Associate

T: 03450738396

M: 07973908830

FREETHS



Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: Monday, September 11, 2023 10:36 AM

To: Emma Conwell <Emma.Conwell@freeths.co.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Ms Conwell

Thank you for your emails on this matter and sorry for not having the opportunity to provide comments on the Agency's latest request for additional time. I was under the impression the new environmental permit discussions were progressing in a positive manner.

As such, it seems likely that there will be insufficient time to prepare for the Inquiry if it continues to open on 9 January 2024. You have also noted one of the Appellant's witnesses has a prior commitment in January. I therefore wish to look at returning the opening date to February 2024.

Please could you set out any weeks in February that the Appellant would like the Inquiry to run for. Or those it doesn't, if that's easier. I will then look to set the new date as soon as practicable.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Emma Conwell <Emma.Conwell@freeths.co.uk>

Sent: 08 September 2023 06:19

To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Cc: Alison Ogley <Alison.Ogley@freeths.co.uk>; Samuel Gilkes <Samuel.Gilkes@freeths.co.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Mr Bunten,

I note the submission of a request for a further extension of time by the EA and the reasons given therein.

We are concerned that a further extension has been granted to the EA, which will now have gained an additional month to particularise its case and 'make good' the clear failings in its Statement of Case as submitted.

We note the reference to the amended EP and confirm the EA has contacted our client regarding this. However, we understand that the EA is (through their proposed permit variation) seeking to impose conditions in respect of asbestos which require all asbestos related activities to be 'enclosed'. The proposed varied permit in the form provided to FCC by the EA, does **not** resolve the case or narrow the points in dispute.

As such, the Appellant would have objected in the strongest possible terms to the extension if it had been consulted prior to the extension being granted to the EA.

It is unclear why the Appellant was not given an opportunity to comment on this application, prior to it being determined.

The proposed amended permit does not narrow the issues between the parties and the Appellant is now at serious a disadvantage given i) the detailed grounds the Appellant has already provided, along with its full Statement of Case; ii) the EA's failure to properly particularise its case to date, including a refusal to provide details of its witnesses; iii) the amount of time the EA has already been granted to provide comments on the Appellant's full Statement of Case and thereby 'make good' its failures to date (it is noted that comments on Rule 6 Statements are somewhat unusual in cases allocated to the Public Inquiry track).

In the interests of preventing future prejudice to the Appellant's position, we would kindly request that further applications (whether for extensions or otherwise) by the EA are shared with the Appellant before a decision is made and as promptly as possible to allow the Appellant the opportunity to comment.

I note that the inquiry date is still listed for January although it is mentioned that this remains under review. As previously notified, one of the Appellant's experts is not available for the proposed Inquiry dates in January.

The Appellant's position is that on the basis of the latest extension, the proposed timetable for the SOCG, CMC, submission of Proofs of Evidence and the Inquiry itself has been rendered even more unrealistic. The Appellant seeks clarity and certainty on the proposed timescale and the Inquiry date as a matter of urgency as continued uncertainty is prejudicing its ability to properly prepare and co-ordinate its team of expert witnesses. The Appellant does not wish to see the appeal unduly delayed and requests that a revised timetable and Inquiry date be put in place as a matter of urgency. However, it continues to hold the view that February is the earliest date when the Inquiry should be held, in accordance with previous indications from PINs.

We reiterate that we consider service of indicative witness lists to be necessary for determining the length of the Inquiry and, indeed for the progression of any meaningful discussion of the proposed Statement of Common Ground.

We look forward to your earliest reply in order that we can ensure the Appellant's team has sufficient opportunity to prepare its case.

Kind regards,

Emma

Emma Conwell
My Pronouns Are She/Her
Senior Associate

T: 03450738396
M: 07973908830



Please be aware of the increasing risk of cybercrime and online fraud. If you ever receive an email stating a change in bank account details purporting to be from Freeths LLP, do not send any funds to the account and contact us immediately. We will never send you an email telling you that we have changed our bank account details.

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing postmaster@freeths.co.uk telephoning us on +44 (0)345 009 4028. Freeths LLP does not accept the service of documents by email unless by prior agreement. You can view our privacy notice at www.freeths.co.uk

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: Thursday, September 7, 2023 1:16 PM

To: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 11.10.23

Dear Ms Sach/ Ms Conwell

Further to my email below, the Inspector has now agreed to extending the deadline to **11 October 2023**.

Please note I meant Inquiry, not hearing in my email below.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Bunten, James

Sent: 07 September 2023 12:45

To: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>

Subject: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - New Final Comments deadline - 29.09.23

Dear Ms Sach/ Ms Conwell

Following receipt of the Agency's position statement received today (attached) and subsequent extension request, the Inspector has agreed to further extend the deadline for final comments to **29 September 2023**, to accommodate discussion and agreement for a new permit. This deadline can also be used for the submission of Hearing arrangement comments following this extension.

It's noted that the Hearing will remain as set for 9 January 2024, but the arrangements and timetable are still for debate, which will continue following the elapse of the above deadline.

I trust both parties are happy with this arrangement? or is further time required?

Kind regards

James

James Bunten

Case Officer - Environment, Transport and CPO Team

The Planning Inspectorate

Direct Line: 0303 444 5081

Helpline: 0303 444 5000

Email: james.bunten@planninginspectorate.gov.uk

Web: www.gov.uk/government/organisations/planning-inspectorate

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>

Sent: 07 September 2023 10:16

To: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Inquiry date

Dear James,

Please find attached a letter requesting additional time to respond.

Kind regards

Kerry

From: Bunten, James <JAMES.BUNTEN@planninginspectorate.gov.uk>

Sent: 06 September 2023 15:18

To: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>

Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Inquiry date

Hi Kerry

I note the Agency has responded to either email about the proposed arrangements and subsequent timetable shared last week. The Inspector is considering what the appellant has responded with but wants to know if there are any concerns/ comments from the Agency on what is being proposed.

Kind regards

James

James Bunten

Case Officer - Environment, Transport and CPO Team

The Planning Inspectorate

Direct Line: 0303 444 5081

Helpline: 0303 444 5000

Email: james.bunten@planninginspectorate.gov.uk

Web: www.gov.uk/government/organisations/planning-inspectorate

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Bunten, James
Sent: 30 August 2023 14:15
To: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>
Subject: RE: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Inquiry date

Dear Ms Conwell/ Ms Sach

In response to my email below, Ms Conwell has raised concern that four days may not be enough time sitting in light of the matters that need to be discussed and considered. A Case Management Conference (CMC) has also been requested to help the Inspector deal with relevant procedural matters prior to the Inquiry, to which he agrees to.

The Inspector would like clarification of the issues in dispute and details about witnesses to be called, along with any third-party involvement, before a decision on extending the sitting time can be made. As such, the Inspector has asked me to set out a provisional, draft timetable for the pre-Inquiry stage in order to seek comment:

Two weeks prior to CMC - SoCG (identifying matters of dispute) and details about witnesses/ timings
early/ mid-October 2023 - CMC
28 November 2023 - Proofs of Evidence (slightly earlier due to Christmas).

It would be helpful if you could provide any comments or amendments on the above draft timetable and/ or set out any dates in early/ mid-October that you would like avoided due to other commitments/ leave.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: Bunten, James
Sent: 30 August 2023 09:34
To: Appeals_NPS <Appeals_NPS@environment-agency.gov.uk>; Emma Conwell <Emma.Conwell@freeths.co.uk>
Subject: APP/EPR/636 - Appeal by FCC Recycling (UK) Ltd - Inquiry date

Dear Ms Conwell/ Ms Sach

I write in relation to the Inquiry for the above EPR appeal. Previously I indicated that the Inquiry is likely to be held in February 2024. I am pleased to advise the Inspectorate is now looking at arranging for the Inquiry to open on **9 January 2024** and run for four days.

I will issue letters setting this date and confirming the Inspector's appointment shortly. In light of this, please could the Agency look into procuring an appropriate venue for these dates and let me know promptly if there're any issues.

Kind regards

James

James Bunten
Case Officer - Environment, Transport and CPO Team
The Planning Inspectorate
Direct Line: 0303 444 5081
Helpline: 0303 444 5000
Email: james.bunten@planninginspectorate.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate
Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

[Please take a moment to review the Planning Inspectorate's Privacy Notice which can be accessed by clicking this link.](#)

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72



Please consider the environment before printing this email

This message has been sent using TLS 1.2 Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.