Our Ref: 1932YOU_DIS_PC3_lt01
Your Ref: SO/2024/124163/01-L01

19th July 2024

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Dear Sue

RE: Condition 3 (Construction Management Plan) of 129197/FO/2021

We acknowledge receipt of the Environment Agency's comments on the VertaseFLI Construction Management Plan (CMP) submitted to address Condition 3 of 129197/FO/2021 in their letter dated 21st June 2024 (their ref.: SO/2024/124163/01-L01).

For transparency, the comments received from the Environment Agency on Condition 3 (CMP) are reproduced below in bold italic text. Our responses to these comments are provided in blue text.

EA Position - Condition 3 (Construction Management Plan)

As per prior EA correspondence provided for former discharge application 129197/FO/2021, we consider that condition 3 seeks to address matters outside of the EA's direct planning remit and focus. In line with this, we continue to consider that it is not appropriate for the EA to provide a firm position statement as to whether the discharge of condition 3 is appropriate. However, would like to take this opportunity to provide to the local planning authority (LPA) the following advice and guidance of relevance to condition 3:

Agreed that the content of the CMP addresses matters outside of the EA's direct planning remit focus. In view of this, to enable the EA to confirm no objection to the discharge of Condition 3, the CMP has been separated from the CEMP (Construction Environmental Management Plan) and re-submitted to address Condition 3. This reflects advice provided by the EA during a meeting held on 2nd July 2024.

Until the correct type of environmental permit(s) required to facilitate intended site remedial operations is established and in association with this agreement reached as to what remediation and earthworks are required/appropriate to bring about a comprehensive remediation of the development site , we consider that there remains a material risk that the layout and features presented in the combined construction management plan report (Rev 006) could be subject to change in reaction to the scope and quantum of waste materials which may need to be processed (via site remedial / preparatory works).

It has been established and accepted through discussion with the Environment Agency National Permitting Service that the Remediation Strategy (Condition 7) to deal with existing contamination at the site must be agreed first. The permitting mechanism to enable the implementation of the remediation strategy is an important follow-on consideration. It is the detailed risk assessment for land contamination (already agreed through Condition 6) that determines the scope of the remediation strategy, not the permit. As stated in Paragraph 1.1.6 of the CMP, the CMP is a 'working document' that can be updated during implementation of the remediation works should further risks or issues be identified. Therefore, the environmental permit should not be a reason to prevent discharge of Condition 3.

Further to the above, as previously, due nature of combined construction management plan report submitted (addressing both condition 3 and 4 co-currently), we note additional complexity may arise should this report been deemed acceptable for one planning condition addressed by the report submission and not the other. Associated with this please note the EA's position to condition 4 below.

As stated above, the CMP (Condition 3) and CEMP (Condition 4) have now been prepared as separate documents so that two separate planning conditions are not dependent on the content of a single document.

Yours sincerely

For and on behalf of VertaseFLI Limited

D. I. Scott

Duncan Scott

Technical Director