

## City Development

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02 April 2015

Our ref:

Your ref:

## Email only

Dear Paul

### **Castle Mill Graduate Accommodation, Roger Dudman Way. Voluntary Environmental Statement**

Thank you for sending me the University's voluntary Environmental Statement for Castle Mill on 29<sup>th</sup> October 2014. This is clearly a lengthy and detailed piece of work.

As you know the City Council has appointed independent consultants to review this Environmental Statement. In December 2014 I sent you a copy of the report that it has received from SLR. The report has a number of recommendations which in the main are seeking clarification and further information in relation to some of the Environmental Statement chapters.

Earlier this year there were a number of informal meetings between SLR, on behalf of the City Council and NPA on behalf of the University. The purpose of the meetings was to understand what points in SLR's report it considers should be the subject of the submission of further information, and which points raised were 'less substantial' matters not requiring further information. Following these meetings SLR was asked to produce the list of points on which it considers the University should now be providing additional information or undertaking further work.

As you know the intention of the University has been to prepare the voluntary Environmental Statement within the spirit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011/1824 ("the Regulations"). The City Council hereby 'request' that the University on a voluntary basis provide the further information identified in the letter from SLR dated 18 March 2015 appended to this letter.



The City Council has also reviewed the responses from the other parties to the public consultation on the University's Environmental Statement to identify any further material information which has not been picked up in the SLR Report and to which consideration should be given to including as further work, clarification and information. This is appended and identifies where the City Council considers the University should, again on a voluntary basis, respond to a particular comment received.

The City Council is aware that:

1. If this was a case that was governed by the Regulations its power to require further information would be governed by reg. 22 which provides that only where a planning authority is "of the opinion the statement should contain additional information in order to be an environmental statement" should it "notify the applicant ... in writing accordingly, and the applicant ... shall provide that additional information";
2. Sullivan J in *R. (Blewett) v Derbyshire CC* [2004] Env. L.R. 29, at para. 41 said that "[i]n an imperfect world it is an unrealistic counsel of perfection to expect that an applicant's environmental statement will always contain the 'full information' about the environmental impact of a project. The Regulations are not based upon such an unrealistic expectation. They recognise that an environmental statement may well be deficient, and make provision through the publicity and consultation processes for any deficiencies to be identified so that the resulting 'environmental information' provides the local planning authority with as full a picture as possible. There will be cases where the document purporting to be an environmental statement is so deficient that it could not reasonably be described as an environmental statement as defined by the Regulations ... but they are likely to be few and far between.". This view was endorsed by the House of Lords in *R (Edwards) v Environment Agency (No.2)* [2009] 1 All E.R. 57

Given the above, and having regard to the lengthy and detailed Environmental Statement submitted, it can I think be fairly said that the 'request' for additional information which we are hereby making goes beyond what would be required as a matter of law if the Regulations were applicable. However:

1. This is an unusual case, with the Environmental Statement being a retrospective and voluntary one;
2. In writing now to 'request' further work and information, the City Council has sought to ensure that this is limited to what is relevant and proportionate to this context;
3. In meeting these requests the University will ensure that the City Council has the best possible environmental information to inform its future decision-making.

It will be most helpful, once the University has had an opportunity to consider the SLR report and its recommendations, the SLR letter and list of further responses, if you could advise the City Council how it intends to respond and within what anticipated timescale.



**Yours sincerely**

A handwritten signature in black ink, appearing to read 'M Crofton Briggs', written over a light blue horizontal line.

**M Crofton Briggs**  
**Head of City Development**



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