

**Land at Lea Castle Farm, Wolverley Road, Broadwaters,
Kidderminster, Worcestershire**

**NOTE FROM THE R6 PARTY CONCERNING THE NOTE ON EIA
AGREED BETWEEN THE MPA AND APPELLANT**

1. These Submissions respond only to the points agreed between Worcestershire County Council (“the MPA”) and the Appellant in rID71. This Note does not cover all of the procedural defects with the approach taken by the Appellant to consultation, which the R6 say mean it would be procedurally unfair for the Inspector to accept the changes to the scheme. Those were addressed in the Roundtable Discussion (“RTD”) on Day 1.
2. Regulation 25(3)(i) of the Town and Country Planning (Environmental Impact Assessment) (“the EIA Regs”) states that the notice in the newspaper must include:

“(g)an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);”

and

(i) an address (whether or not the same as that given pursuant to sub-paragraph (g)) in the locality in which the land is situated at which copies of the further information or any other information may be obtained;”

3. The procedural requirements of the EIA Regs have not been complied with.
4. First, the address where the documents were hosted was not “*in the locality*” in which the land is situated. It is in a different local authority area (which is not even contiguous

with Worcestershire). It is 44 miles away (1 hour 9 minutes' drive in the car) on the opposite side of the major conurbation of Birmingham. Google Maps indicates that this would take over three hours (one way) on public transport on a normal day (non "*rush hour*" traffic) from the Appeal Site to the location at which the documents would be available.

5. Second, the documents were not hosted in the locality for at least 30 days. The documents were only hosted "*in the locality*" during the two public consultation events. This was for a period of (maximum) two days. This is not sufficient to discharge this duty, nor does it give sufficient time for the documents explaining changes to be viewed/read by members of the public.
6. That is significant in a case such as this, where the changes are of a substantial and technical nature. Members of the public need adequate time to digest changes, not least to enable them to participate fully in the inquiry. No explanation is given for why the documents could not be hosted in the Council's Offices or in the local library (for example, in Kidderminster, which is a 9-minute drive from the Site).
7. The fact that the documents were not hosted in the locality for a sufficiently long period of time (and only hosted online) and only hosted somewhere that would have taken in excess of 6 hours to complete on a round journey could cause prejudice to those wishing to respond to the consultation.
8. That procedural unfairness is compounded when no site notices are displayed and where no letters/emails are sent out to those who had made representations or who had been consulted on the initial application, as discussed in the RTD. Those without computers / technical capabilities would be the most affected. The R6 Party are aware people in the locality who have difficulty accessing material online. They would also be the parties who are least likely to have had notice that changes were proposed.
9. Third, though the R6 Party recognise that charges can be made for a copy of the information. However, £100 is likely to be a deterrent to those seeking a paper copy.
10. The R6 Party, therefore, considers that the procedural requirements of the EIA Regs have not been adequately discharged, and this compounds the procedural and substantive unfairness associated with the revised scheme as articulated in the RTD.