

From: [Emily Pitts](#)
To: [SM-Defra-RESP-notifications \(DEFRA\)](#)
Cc: [Nwafor, Francis](#); [Nick McAllister](#); [Sahana](#); [Maria Fuhrmann](#); [Anna Becvar](#); [Christine McHugh](#)
Subject: RE: EPR/BP3326SD/A001 EPR – Not Duly Made Permitting Application CRM:0229020
Date: 21 June 2024 10:19:59
Attachments: [image001.png](#)
[Installations_pre-app_basic_advice.docx](#)
[REVISED_PRELIMINARY_ECOLOGICAL_APPRAISAL-364.pdf](#)
[22_02037_FUL-AIR_QUALITY_ASSESSMENT-3631075.pdf](#)
[22_02037_FUL-HRA_APPROPRIATE_ASSESSMENT-3657138.pdf](#)
[22_02037_FUL-NATURAL_ENGLAND-3670395.pdf](#)
[22_02037_FUL-NUTRIENT_NEUTRALITY_ASSESSMENT_AND_MITIGATION_STRATEGY-3656049.pdf](#)

Hi Francis

Thank you for your email.

Site Condition Report

The addendum to the Site Condition Report will be provided in due course, within the stipulated timescale.

Noise Management Plan (NMP)

It would be very useful if we could have access to the screening tool which you kindly showed me via Teams so we can carry out an assessment at the permit application preparation stage to see if an NMP is required as part of a permit application. It is not always possible to produce supporting documents within 10 working days.

Since our Teams call, I have noted that the pre-application advice note for this permit application (attached) stated: 'Your NIA must be accompanied by a Noise Management Plan based on the results of your NIA'. We draw upon the expertise of the consultants carrying out the Noise Impact Assessment (provided to you earlier this week) who in this case concluded that a NMP was not required. On this basis, please confirm if a NMP is required. If it is, we will of course prepare and submit an NMP within the timescales provided and make the additional payment.

Habitats Risk Assessment (HRA)

With respect to the ecological assessments carried out as part of the planning application for the site please find attached:

- Preliminary Ecological Appraisal
- Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement carried out by Winchester City Council during the planning application stage which considers European Sites potentially affected by the development 'Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Portsmouth Harbour SPA and Ramsar Site. Chichester and Langstone Harbours SPA and SAC. Collectively known as the

Solent SPAs’.

- The Nutrient Neutrality Assessment and Mitigation Strategy.
- The response to the planning application by Natural England which draws upon the conclusions of the HRA with respect to impacts to water quality. Also attached is the Air Quality Impact Assessment submitted as part of the planning application. Natural England agreed that air quality impacts can be screened out and therefore air quality was not included in the HRA.

During the permitting stage, a Nature and Heritage Conservation Screening Report (EPR/BP3326SD/P001) was requested from the Environment Agency to inform the permit application and it identified the following sites:

- River Itchen Special Areas of Conservation
- Local Wildlife Sites (LWS)
 - Worthy Copse
 - Worthy Grove
 - Worthy Camp Grassland
 - The Gallops, Worthy Down
 - Flowerdown, Littleton
 - Northwood Park Woods
 - Worthy Down Railway Halt
- Ancient Woodland
 - WORTHY COPSE
 - SOUTH WORTHY GROVE
 - LONG WOOD

A further Air Quality Impact Assessment (ETL724/AQIA/V1.0/THRM Mar24) submitted with permit application provided a full assessment of potential impacts of emissions to air on ecological receptors including those identified in the Screening Report.

Whilst not highlighted in the Nature and Heritage Conservation Screening Report, I note that you mention Ancient Monuments in your email. As part of the planning application a Heritage Assessment was carried out which specifically assesses any potential impacts upon the Worthy Down Ditch Scheduled Monument. Please see attached report for your information.

We trust that the information and documents supplied meet the requirements for a Habitats Risk Assessment for the Duly making process but if this is not the case, it is important that we know as soon as possible due to the extremely tight timescales for providing further information, which I do understand are now standard practice in the permitting department. If you wish to discuss any of this further, or require any further information, please do contact me without delay.

Thank you in advance for your swift consideration of the further information provided.

Best Regards

Emily Shann Pitts, Earthcare Technical Ltd

Earthcare



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From: SM-Defra-RESP-notifications (DEFRA) <RESP-notifications@defra.gov.uk>

Sent: Thursday, June 20, 2024 4:06 PM

To: Emily [REDACTED]

Cc: Nwafor, Francis [REDACTED]

Subject: EPR/BP3326SD/A001 EPR – Not Duly Made Permitting Application CRM:0229020



Dear Emily Pitts,

Not duly made permitting application.

Application reference: EPR/BP3326SD/A001

Applicant: Acorn Bioenergy Operations Limited

Facility: Three Maids AD Plant, Three Maids Hill, Winchester, SO21 2QG

I'm writing to let you know that your application has been not duly made.

As discussed in our conversation on the 18/06/2024, we require further information to progress with your application. Please provide the following information:

- Amend your Site Condition Report and include in it a **Stage 1-3 assessment** following the guidance detailed in Section 5 and Table 5.1 of the [Communication from the Commission — European Commission](#)

[Guidance concerning baseline reports under Article 22\(2\) of Directive 2010/75/EU on industrial emissions \(europa.eu\).](#)

- Provide a copy of your **Noise Management Plan** and pay the add-on fee of £1246 (charge reference 1.19.7) to cover the cost of our assessment.
- Provide a **Habitat Risk Assessment (HRA) Report** and include in it, an assessment of the potential impact of your proposed site operations on the relevant nature and heritage sites, habitats and species including non-statutory conservation sites (i.e. Local Wildlife Sites, National Parks, and Ancient Monuments etc.). We noted that you paid the appropriate add-on fee for the HRA assessment but you did not include with the application a HRA report that considers the potential impacts of your proposed site operations. Please provide this information by the **04/07/2024**.

Please note that we will return your application as not duly made if we do not receive the requested information and payment within specified deadline. If we do have to return your application, we will send you a partial refund of your application payment. We will retain 20% of the application charge to cover our costs in reviewing your application and requesting information. This maximum amount we will retain is capped at £1,500. Further information on charging can be found at: <https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019>

Kind regards,

Yours sincerely,
Francis Nwafor

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