



3M
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: Environmentalservices@pins.gsi.gov.uk

██████████
Lee Evans Planning
St. Johns Lane
Canterbury
Kent
CT1 2QQ

Your Ref: EML-OUT/P03780/8

Our Ref: APP/J2210/C/18/3209297

Date: 27 September 2018

Sent by email:

██████████@lee-evans.co.uk

Dear ██████████

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ('THE 2017 EIA REGULATIONS')

REQUEST FOR ADDITIONAL INFORMATION IN RESPECT OF AN APPLICATION FOR A SCREENING DIRECTION

Appeal by: The Whitstable Oyster Company Limited

Site Address: Land at Whitstable Beach, Whitstable Foreshore, Whitstable

We refer to the above appeal which commenced on 27 September 2018.

Pursuant to Regulation 38(c) of the 2017 EIA Regulations, the Secretary of State has considered your request for a Screening Direction under Regulation 38(a). Following a review of the information provided in accordance with sub-paragraph 38(a) it is concluded that there is insufficient information to make a direction. The matters, in respect of which additional information is required, are outlined below.

Matters in respect of which additional information is required

A Regulation 38(a) application for a Screening Direction must be accompanied by:

- "(i) a copy of the regulation 37 notice;*
- (ii) a copy of the enforcement notice which accompanied it; and*
- (iii) the information required under regulation 6(2), such information to be prepared, where relevant, in accordance with regulation 6(4)"*

Regulation 6(2)(c) requires "a description of the aspects of the environment likely to be significantly affected by the development". In setting out the information required under Regulation 6(2)(c) the Appellant's application for a Screening Direction simply

cross references to the Screening Opinion included with the Regulation 37 notice, stating that:

"The Enforcement Notice focuses on the designated sites which are identified on the Magic Maps, Document 5.

The Enforcement Documents do not describe or quantify the aspects of the environment likely to be significantly affected."

No other information on aspects of the environment likely to be significantly affected is included under the heading of Regulation 6(2)(c) in the application for a screening direction, therefore the Secretary of State considers that the information required under Regulation 6(2) is incomplete. A full description of the aspects of the environment likely to be significantly affected by the development should be provided.

Without prejudice to the outcome of any appeal decision, the Secretary of State understands that the grounds of appeal include consideration of whether the oyster trestles actually comprise development. The Secretary of State notes that in correspondence received 19 September 2018 the Council accepts the Appellant's view that the oyster trestles do not constitute Schedule 1 or 2 development as defined in the 2017 EIA Regulations. The correspondence states that this is because the trestles do not fall under the definition of an intensive fish farming operation. The Council also states that it does not intend to pursue this point at appeal. Whilst the Secretary of State acknowledges the revised position of the Council, he is required to issue a Screening Direction in respect of a request made under Regulation 38. The Secretary of State therefore considers that the appropriate deadline for submission of the additional information referred to above should only be confirmed once the appeal has commenced and the relevant appeal grounds have been considered. The Appellant will have 90 days to provide the relevant information from that deadline.

A copy of this letter has been sent to Canterbury City Council.

Yours sincerely,

[Redacted signature]

[Redacted signature]

**EIA and Land Rights Manager
(Signed with the authority of the Secretary of State)**

Cc: David Bloom, Canterbury City Council

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
<https://acp.planninginspectorate.gov.uk/>