

Case Name: *Wiltshire Waste Alliance Ltd v Secretary of State for Communities And Local Government* [2018] EWHC 1110 (Admin) (10 May 2018)

Full case: [Click Here](#)

Commentary: Waste recycling plant extension – granted on appeal

Baselines and fall-back positions.

The Inspector made a legal error in the way that he had considered the fall-back position because the Inspector wrongly noted that the application document referring to the 25,000 tonnes had not been incorporated by reference into the permission.

This mistake had the potential to infect the conclusions regarding the baseline scenarios. In turn, since the Environmental Statement was dependent upon the baselines, this means that its assessment of likely significant effects arising from the proposed development was also affected and the adequacy of the Environment Statement in this regard needed to be reconsidered.

Case summary prepared by Town Legal LLP