

Campaigners fighting the development of one of Europe's biggest waste incinerators thanked their supporters as they were defeated in their latest court battle.

No Essex Incinerator Limited (also known as Parishes Against Incinerator: PAIN) were refused permission for judicial review of the Environment Agency's decision to vary the permit of Gent Fairhead Ltd at its waste incineration plant at Rivenhall, Essex.

The variation of the permit gives the go-ahead for the building of a 35m stack at the plant, which campaigners claim amounted to a breach of the Industrial Emissions Directive.

However, following a full day's hearing, a High Court judge concluded that there were insufficient grounds for PAIN's application for judicial review to proceed.

He said the Environment Agency's decision to allow the incinerator to achieve equivalent levels of environmental protection to the previous permit, as opposed to striving to achieve higher levels of protection, was lawful.

Analysis showed there would be no significant pollution affecting wildlife.

He said it was accepted that the stack height and emission values had been calculated so as to safeguard human health and the environment.

Nick Unsworth, who has led the PAIN campaign, said:

"We have fought a long hard battle against the waste incinerator plant. We have been supported every step of the way by residents in the seven villages around Rivenhall that we represent.

"I would like to thank each and every one of them for the moral, financial and organisational support that they have provided. We will always be grateful.

"We put Gent Fairhead on notice that we will always be absolutely on our mettle with regard to protecting the environmental integrity of our villages.

Leigh Day solicitor John Crowley said:

"Obviously the decision of the court is disappointing but we congratulate our client on their perseverance and tenacity with this case."