The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Form EIA.SCH2(b) 2017

# SCREENING OPINION

Opinion requested by:

Material Change Ltd
c/o Robert Doughty Consultancy Ltd

Name and address of agent (if any)

Robert Doughty Consultancy Limited
32 High Street
Helpringham
Sleaford
NG34 0RA

**Part I - Particulars of request**

| Date of request: | LCC Ref No: |
|---|---|
| 29 August 2019 | PL/0145/19 |

Description of development:

To vary condition 2(b) of planning permission H2/1057/15 - to reflect changes to the reception building and site layout

Location:

Decoy Farm, Spalding Road, Crowland, Peterborough, PE6 0LX

Type of review (ROMP development only):

**Part 2 - Particulars of decision**

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that in its view the development referred to in Part I hereof is Schedule 2 development but that this is unlikely to have significant effects on the Environment. **The Council has therefore adopted the screening opinion that the development is not EIA development** having regard to the relevant selection criteria set out in Schedule 3 of the Regulations and the advice in the Ministry of Housing, Communities and Local Government's Planning Practice Guidance. The Council's reasons for reaching this conclusion are set out in the statement overleaf.

N McBride

Date: 12 September 2019

Head of Planning

Planning
Lincolnshire County Council
Lancaster House
36 Orchard Street
Lincoln LN1 1XX

**Statement of Reasons**

The proposal falls within the description of development within Schedule 2, Category 13(b) (any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the 'EIA Regulations'). The applicable thresholds and criteria within the EIA Regulations states that if the development, as changed, may have significant adverse effects on the environment or the thresholds in Column 2 of Schedule 2 are met or exceeded, then an EIA should be considered. In this case the development originally fell into category 11(b) of Schedule 2 as the site exceeds 0.5ha. Despite the previous application not being required to submit an Environmental Impact Assessment after being screened, it is deemed necessary to carry out a screening opinion for this subsequent application under Part 13(b) of Schedule 2.

The Planning Practice Guidance 'Environmental Impact Assessment' (PPG) was issued in July 2017 and expands upon the EIA Regulations providing further guidance as to whether the proposal would be likely to cause significant adverse impacts and therefore whether an EIA is necessary. The PPG advises that an EIA is required more so for proposals where the capacity is created to hold more than 50,000 tonnes per year or where the site is 10 hectares or more. Within the EIA regulations it is reiterated that an EIA is only applicable if the proposal is likely to have significant adverse effects on the environment; this can be determined by taking into consideration the size, emissions and location of the development.

The site processes approximately 24,528 tonnes of waste and the changes sought relate to changes to the site layout and reception building and relocation of various existing equipment. The changes to the site and would not facilitate an increased overall throughput of waste on the site and so the site would still fall below the threshold limits as set out within the PPG. No changes are proposed to size of the site which would remain the same as that which has previously been screened and deemed acceptable in 2014. The site has a good means of access and would no changes are proposed in terms of overall traffic to the site. The nature of the process also remains unchanged from that previously assessed and screened as not constituting EIA development.

Taking into account the above, this proposal would not increase the size or throughput of the site and would not therefore increase traffic movements, emissions or change any other aspect of the site such as noise levels generated by the development. The site is not within a 'sensitive area' (as defined in the EIA Regulations) and after taking into account the size, location and overall impact, this proposal is unlikely to give rise to significant adverse effects and therefore the proposal is not Environmental Impact Assessment development.

Informative

'ROMP development means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made.

The term 'ROMP application' is defined in the Regulations as an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under paragraph:-

- 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions).
-

Environmental Impact Assessment (EIA) refers to the whole process by which environmental information is collected, published and taken into account in reaching a decision on a relevant planning application. Applications for planning permission for which EIA is required are referred to in the Regulations as 'EIA applications'.

Where EIA is required, information must be provided by the developer in an Environmental Statement (ES). This document (or series of documents) must contain the information specified by regulation 2(1) and in Schedule 4 to the Regulations. In certain cases, regulation 15 allows developers to obtain a formal opinion from the relevant planning authority on what should be included in the Environmental Statement ('a scoping opinion').

Right of Appeal

Where the relevant planning authority adopts a screening opinion that EIA is required, the developer may request a screening direction from the Secretary of State. Requests must be made in accordance with the provisions set out in the Regulations. (See Regulations 5 and 6 or, where appropriate, Regulation 7).