

SCREENING OPINION

Opinion requested by:

Beeswax Dyson Farming Ltd
The Estate Office
Nocton
Lincoln
LN4 2AB

Name and address of agent (if any)

GP Planning Ltd
iCon Innovation Centre
Eastern Way
Daventry
NN11 0QB

Part I - Particulars of request

Date of request:

23 October 2020

LCC Ref No:

PL/0118/20

Description of development:

For construction of a covered digestate storage lagoon, perimeter bunding and fencing

Location:

Leadenhall Farm, Holbeach

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.

Date: 2 November 2020

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

N McBride

Head of Planning

Statement of Reasons

The proposed development fall within the remit of Schedule 2, of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations") in category 11(b) installations for the disposal of waste. The application site totals approximately 0.8 hectares in area.

The Planning Practice Guidance 'Environmental Impact Assessment' (PPG) was issued in March 2014 (updated 2019) and expands upon the EIA Regulations providing further guidance to help assess whether or not a development is likely to give rise to significant effects and therefore if EIA is required. The PPG reiterates the EIA Regulations in relation to category 11(b) development the PPG advises that EIA is more likely where the disposal is by incineration; or is over 0.5 hectares in area or; an installation is within 100 metres of any controlled waters.

The proposed digestate storage lagoon would receive by road approximately 10,000 tonnes of liquid per year. The proposal is therefore below the PPG threshold in respect of new capacity to hold more than 50,000 tonnes per annum and in addition the site is approximately 0.8 hectares in area and therefore considerably smaller than the advisory threshold of 10 hectares for holding waste. Notwithstanding consideration is given to Schedule 3 selection criteria for screening Schedule 2 development.

The application site lies within open countryside but is not within or in close proximity to a defined sensitive site. Given the scale and design of the development, together with the proposed engineered infrastructure to contain the liquid waste, the potential for escape of pollutants would be low risk. The potential for odour emissions has been considered and it has been concluded that given the distance from, and prevailing wind direction (south westerly) would be away from sensitive residential properties there would not be an unacceptable adverse impact on amenity. Transportation would be by road and on a campaign basis equating to a total of 170 loads annually.

The potential impacts of this proposed development are likely to be localised, although long term. Having taken into account the guidance contained in Schedules 2 and 3 of the EIA Regulations and the PPG, the Waste Planning Authority does not consider the proposed development would be more than of local importance, would not significantly affect residential properties the nearest being 100 metres to the south east or result in complex or hazardous effects and therefore it is unlikely to have significant effects on the environment by virtue of factors such as its size, nature or location. As such an EIA is not required.

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).