

SCREENING OPINION

Opinion requested by:

ET Biogas Ventures Ltd
Unit 3
Rydal Estate
Colton Road
Rugeley
Staffordshire
WS15 3HF

Name and address of agent (if any)

Mr J Morrison
JH Walter LLP
1 Mint Lane
Lincoln
LN1 1UD

Part I - Particulars of request

Date of request:

22 July 2015

LCC Ref No:

EIA.19/15

Description of development:

Erection of a gas to grid anaerobic digestion plant to comprise three digestion tanks, technical operations building, storage lagoons, liquid digestate tank, gas flare, gas upgrading system (GUS), gas entry unit (GEU), biogas filling apparatus and ancillary equipment

Location:

Land to the north of Wardentree Lane, Pinchbeck

Type of review (ROMP development only):

N/A

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 2011 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 Department for Communities and Local Government's Planning Practice Guidance. The Council's reasons for reaching this conclusion are set out in the statement overleaf.



Development Manager

Date 20 August 2015

Planning
Lincolnshire County Council
Unit 4
Witham Park House
Waterside South
LINCOLN
LN5 7JN

Statement of Reasons

The proposed development falls within the remit of Schedule 2, Category 2(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the "EIA Regulations") in categories 3b (industrial installations for carrying gas) and 11b (installations for the disposal of waste). The application site totals 3.2 hectares in area.

The Planning Practice Guidance 'Environmental Impact Assessment' (PPG) was issued in March 2014 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 3b development that where the works exceed 1 hectare EIA will be required. In relation to category 11b development the PPG advises that EIA is more likely where development exceeds 50,000 tonnes of waste per annum or is over 10 hectares in area.

In relation to the category 3b requirements, the elements of the development which relate to the carrying of gas make up a small proportion of the overall application site and would be less than 1 hectare in area. The reason this category has been identified through the EIA screening process is because the development would generate bio methane which would be fed into the national grid network and a bio gas vehicle filling station. It is acknowledged that Schedule 2 defines the "area of the works" as including any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation, however, the element of the proposals relating to the carrying of the bio gas is modest in this case.

The proposed anaerobic digestion facility would process approximately 64,000 tonnes of feedstock per year of which approximately 12,800 tonnes (20%) would be waste with the remainder being purpose grown crops. This is therefore significantly below the PPG threshold of 50,000 tonnes of waste per annum and the site is considerably smaller than the advisory threshold of 10 hectares.

The application site lies within the open countryside and within Flood Zone 3. It is also approximately 3km from the Surfleet Lows Site of Special Scientific Interest (SSSI) and whilst falling within the Impact Risk Zone for this SSSI, it is not a type of development which is identified as having a potential impact on the interest features of it. The site does not fall within a "sensitive area" as defined in the EIA Regulations.

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 an environmentally sensitive location 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 13 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).