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

SCREENING OPINION

Opinion requested by:

GH Myers Ltd
Poplar farm
Austendyke
Spalding
PE12 6BZ

Name and address of agent (if any)

3D Planning Ltd
27 Svenskaby
Orton Wistow
Peterborough
PE2 6YZ

Part I - Particulars of request

Date of request:	LCC Ref No:
24 June 2020	PL/0061/20

Description of development:

For change of use (part retrospective) to retain a materials recovery facility

Location:

1 - 3 Ashtree Lane, off Stumps Lane, Spalding

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: 23 July 2020

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 11(b) (Installations for the disposal of waste) 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 area of such a development exceeds 0.5 hectares then an EIA should be considered. In this case the application site is 0.76 hectares as shown on the accompanying drawing and therefore above the applicable criteria figure it should be deemed necessary to carry out a screening opinion.

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 new capacity is created to hold more than 50,000 tonnes per year or where the site is 10 hectares or more. It is however also noted that sites seeking to only accept inert waste are unlikely to require an EIA. In this case the site is proposing to process 3,000 tonnes of inert wastes per annum and covers a site extending 0.76 hectares in size. This is not considered a significant tonnage of material and annual throughput. The wastes being solely inert material, consisting primarily of wood, cardboard and plastic packaging. 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 criteria contained within Schedule 3 of the EIA Regulations such as the size, emissions and location of the development.

The site is currently, and has been, functioning as a waste transfer site for over 4 years and is located behind a small industrial complex within close proximity to the A16. The site is used to process inert packaging and, construction and demolition wastes to produce secondary and recycled material for further distribution and use elsewhere. Despite the site area exceeding that identified in Schedule 2, the site is set back from the public highway and would be screened by existing mature vegetation, additional fencing and the existing large industrial and farm buildings to the front of the site. The waste handling processes are well known and established practices that would utilise typical plant and equipment such as mechanical crushers and the bailing of materials for transportation. The nature of the wastes and recycling process is therefore unlikely to generate harmful or hazardous emissions. The proposed site also has a good means of access and the anticipated daily traffic movements are not significant due to the relatively small tonnage of wastes on the site.

The site is not within a 'sensitive area' (as defined in the EIA Regulations) although it is within Flood Zone 3 due to its location. Site drainage would be via existing drainage infrastructure and given the inert nature of the waste materials these would be unlikely to pose a risk to surface or groundwater.

Having taken into account the guidance contained in Schedules 2 and 3 of the EIA Regulations and the PPG, given the location, scale and nature of the development the Waste Planning Authority does not consider this Schedule 2 development to be more than of local importance, to significantly affect an environmentally sensitive location or result in complex or hazardous effects either on its own or in combination with the existing waste management use. Therefore it is unlikely to have significant effects on the environment by virtue of factors such as its size, nature or location and therefore is not considered to constitute EIA development and would not require an Environmental Impact Assessment.

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).