3D Planning Ltd.
Town Planning Consultancy

EIA Screening request to LCC for retrospective change of use at 1 – 3 Stumps lane, Spalding

1.0 Introduction

1.1 In accordance with Regulation 6 of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations (referred to as 'the 2017 Regulations'), 3D Planning Ltd write to formally request a screening opinion from Lincolnshire County Council (LCC) on behalf of our client, Mr H Myers and Harkenn Recycling Ltd which currently occupy the site.

1.2 Information provided

1.3 As required by Regulation 6(2), in addition to the description of the nature and purpose of the development, we enclose a location plan and an assessment of the impact of the proposals on the environment. We also set out the description of the physical characteristics of the development, the demolition works proposed and the location of the development as well as any mitigation measures envisaged to avoid or mitigate otherwise significant impacts on the environment.

1.4 Proposed Development

1.5 Our client, Mr Myers wants to change the use of the existing site (as shown in Figure 1) from a permitted agricultural site, to an industrial site incorporating a waste recycling plant which will recycle plastics, paper, fruit boxes and cardboard.

The development will include all the buildings on site as well as the surrounding yard and parking areas – no new building is proposed.

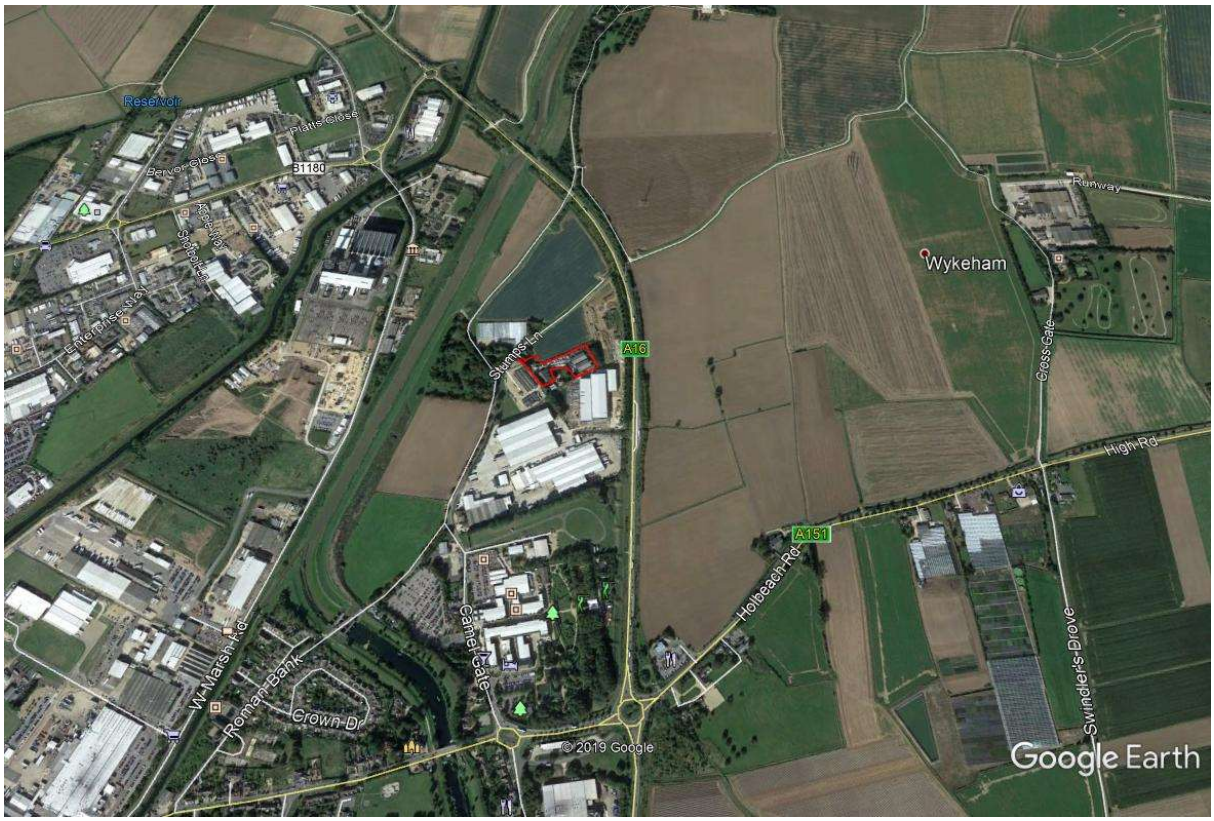
The existing layout is shown-vehicular access to the site will be via the existing access point described in paragraph 1.9 below.

1.6 Harkenn Ltd. recycling operates from the application site and recycles a range of paper, cardboard and fruit boxes from the local agricultural industry sector as well as plastics (hard and soft).

1.7 The process involves: sorting crushing and bailing for transportation elsewhere for processing.

1.8 Description of site

1.9 The site is located on Ashtree lane – off Stumps Lane east of Marsh Road, Spalding as shown in Figure 1 (with the site outlined in red) and is in the north eastern corner of the estate. The site is 0.6 hectares in area and includes a number of existing buildings and areas of hardstanding used for car parking and vehicle manoeuvring. There is currently one vehicular access point onto Ashtree Lane.



1.10 Planning History

1.11 Much of the site has little relevant planning history- unit 3 recently secured planning permission for change of use from agriculture to storage of cars SHDC ref H16-0748-19- although it is understood that the occupier is now relocating.

Units 1 and 2 appear to have been built for agricultural purposes and there is no subsequent history on the South Holland or LCC Website to suggest that further uses have been approved.

The site is currently not allocated in the development plan and as its site area exceeds 0.5 ha it is necessary to seek a screening and scoping request.

2.0 EIA Screening

2.1 When undertaking a screening assessment to determine whether a development will require the undertaking of an EIA, there are a number of steps that should be considered.

2.2 The first of these is to determine whether the proposed development falls within those defined within Schedules 1 and 2 of the EIA 2017 Regulations. A review of the activities detailed in Schedule 1 of the 2017 Regulations confirms that the proposed development does not fall under and of the definitions within in Schedule 1 and therefore the development is not a Schedule 1 development.

2.3 The second stage is to determine whether the development falls to be considered as a Schedule 2 development. Case Law holds that when questioning the relevance of Schedule 2, it

should be interpreted as having a wide scope and broad purpose. Paragraph 31 of the National Planning Policy guidance (NPPG) goes on to advise that:

"In determining whether a particular proposal for development is included within one of the categories of development listed in Schedule 1 or 2, local planning authorities and developers should have regard to the ruling of the Court of Justice of the European Union that the Directive has a 'wide scope and broad purpose' (in the Court of justice of the European Union case C-72-95 (Kraaijveld v Holland). The fact that a particular development is not specifically identified in one of the schedules does not necessarily mean that it falls outside the scope of the regulations."

2.4 With this ruling in mind, the development could be considered to be a development within Development Type 11(b) of Schedule 2 of the 2017 Regulations, *"Other Projects – installations for the disposal of waste (unless included in Schedule 1)."* While the proposed development on the site would not include the disposal of waste but is to recycle waste to form a desirable 'product' (as defined under the Waste Management Regulations) to be used in the manufacture of new products.

2.5 Under the requirements of Schedule 2 of the 2017 regulation, where a development could fall to be considered a Schedule 2 development and be subject to an EIA, there are a series of applicable thresholds and criteria against which the proposed development should be assessed to determine whether an EIA is required. This is the second stage of the assessment process.

2.6 For a development which falls under the description of development type 11b, these thresholds and criteria are:

i. The disposal is by incineration; or
ii. The area of the development exceeds 0.5 hectares; or
iii. The installation is to be sited within 100 metres of any controlled waters.

2.7 The development does not include incineration as part of the process, nor is the site within 100 metres of any controlled waters and therefore threshold/criteria i) and ii) do not apply. However, the area of the development does exceed 0.5 hectares, being 0.6 hectares in total (paragraph 1.9).

2.8 Where the proposed development meets one of the threshold / criteria specified in Schedule 2, consideration must be given to a range of selection criteria specified in Schedule 3 of the 2017 Regulations. This is the third stage of the process. The criteria can be split into three distinct areas; the characteristics of the development (Part 1 of Schedule 3); the location of the development Part 2 of Schedule 3); and Types and characteristics of the potential impact (Part 3 of Schedule 3).

2.9 The remainder of this section of the letter considers the development against each of the criteria relating to the characteristics and location of the development, assessing the significance of each impact as required in Part 3 of Schedule 3.

2.10 Characteristics of development

2.11 The size and design of the whole development (Schedule 3, 1(a))

2.12 As stated above (paragraph 1.9), the development will cover 0.6 hectares and the site layout is also described in paragraph 1.9 above. The site description has been presented with some confidence as it is existing.

2.13 The proposed development is seeking the regularisation of the existing use and the proposed development is visually in keeping with the current site and its surroundings. There is already other industrial development close to the site.

2.14 The proposed development does not involve the construction of new buildings.

2.15 At this time, any impact of the use is considered to be minimal and localised in nature and limited in magnitude and intensity, consequently, it is not felt that the proposed development will be significantly different from the established situation.

2.16 Cumulative impact with other existing development and/or approved development (Schedule 3, 1(b))

2.17 The development site lies within an existing industrial estate with a number of industrial processes, including recycling processes being undertaken in the area as was outlined in paragraph 1.9 of this letter. The existing buildings within the site are in keeping with the other buildings and structures within the surrounding industrial area- and relate back to the agricultural origins of the site.

2.18 At this time, it is considered that the impacts of the development are broadly similar to those of the current development on the site. As stated in paragraph 2.15 above, any impact is considered to be localised in nature and limited in magnitude and intensity. Consequently, it is not felt that the proposed development will be significantly different from the existing situation and will therefore have no significant cumulative impact.

2.19 The use of natural resources, in particular land, soil, water and biodiversity (Schedule 3, 1(c))

2.20 The development site is an existing industrial site and will continue to be an industrial site following the change of use to a proposed waste recycling facility. The operation of the site will reduce the need for natural resources as recycled material will be used to manufacture new products.

2.21 A search of information relating to the site and its surrounding area identified that biodiversity within the site is currently limited.

2.22 The impacts on natural resources is anticipated to be minimal, but positive, in relation to the use of raw materials with any negative, but insignificant impacts restricted to the immediate site. Overall it is not felt that the proposed development will significantly impact on natural resources.

2.23 The production of waste (Schedule 3 1(d))

2.24 This process is designed to reduce the volumes of waste produced by recycling sorting and bailing of wood, cardboard and plastic packaging -largely from South Holland's agri industries for onward transfer to produce new products.

2.25 Pollution and nuisances (Schedule 3, 1(e))

2.26 The MRF is a process of sorting and bailing and there are not considered to be any sources of pollution to air or water as part of the process.

Traffic movements to the site will be similar to those of the historic uses of the site (and the same as existing- bearing in mind the proposal is to regularise the current use-and will not result in an increased nuisance to the area.

2.27 Given the current operation has been ongoing for 4 years without complaint it is considered that there will be *no significant impact arising from pollution or nuisance* from the site.

2.28 The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge (schedule 3, 1(f)

2.29 -Very low, the materials are not reactive and the processes within the site are not likely to cause harm.

2.30- NA

2.31 The risks to human health (for example, due to water contamination or air pollution) (Schedule 3, 1(g))

2.32 As discussed in paragraphs 2.25 – 2.27 inclusive dealing with 'pollution and nuisances', there is no significant pollution anticipated. Consequently, *no significant risk to human health* as a result of the development is anticipated.

2.33 Location of the Development

2.34 In paragraphs 2.35 – 2.56 inclusive below, all criteria are considered with respect to the '*environmental sensitivity of geographical areas likely to be affected by development*' as laid out in Schedule 3, 2(1).

2.35 Existing and approved land use (Schedule 3, 2(1)(a))

2.36 Existing and approved land use in the area is outlined in paragraph 1.9 of this letter above and is largely industrial. As the development proposed is also industrial in nature, it is not considered likely that the area will be adversely impacted by the development. Consequently, while there is the potential for a limited visual impact can be mitigated by landscaping and therefore the development is considered to have *no significant impact on existing and approved land use* in the vicinity of the development.

2.37 The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground (Schedule 3, 2(1)(b))

2.38 There are no areas within or adjacent to the site which are designated for their biodiversity as discussed in paragraphs 2.20 – 2.22 inclusive. The site lies within an area assigned three

Nitrate Vulnerable Zones and a Drinking Water Safeguard Zone but none of these sites will be impacted by the development as there will be no discharges to land, controlled waters or groundwater from the site. Consequently, the development will have *no impact on the abundance, availability, quantity and regenerative capacity of natural resources.*

2.39 The absorption capacity of the natural environment, paying particular attention to wetlands, riparian areas, river mouths (Schedule 3, 2(1)(c)(i))

2.40 An assessment of data sources available indicate that there are no wetlands, riparian or river mouths in the vicinity of the development that will be impacted on as a result of the development. Consequently, this development will have *no impact on wetlands, riparian or river mouths.*

2.41 The absorption capacity of the natural environment, paying particular attention to coastal zones and the marine environment (Schedule 3, 2(1)(c)(ii))

2.42 The development does not lie near coastal zones or the marine environment. Consequently, this development will have *no impact on coastal zones or the marine environment*.

2.43 The absorption capacity of the natural environment, paying particular attention to mountain and forest areas (Schedule 3, 2(1)(c)(iii))

2.44 A search of the relevant data sources indicates that there are no mountain or forest areas in the vicinity of the development. There are however, small pockets of deciduous and broadleaved woodland within or adjacent to the industrial estate but these will not be impacted upon by the development. Consequently, this development will have *no impact on mountain or forest areas*.

2.45 The absorption capacity of the natural environment, paying particular attention to nature reserves and parks (Schedule 3, 2(1)(c)(iv))

2.46 A search of the relevant data sources indicates that there are no designated nature reserves of parks in the vicinity of the development. Consequently, this development will have *no impact on reserves or parks*.

2.47 The absorption capacity of the natural environment, paying particular attention to European sites and other areas classified or protected under national legislation (Schedule 3, 2(1)(c)(v))

2.48 A search of the available data indicated that with the exception of the designated sites identified in paragraph 2.38 above there are no European sites or other areas classified or protected under national legislation within the vicinity of the development site. As a result, the proposed development will have *no impact on European sites or other classified or designated areas.*

2.49 The absorption capacity of the natural environment, paying particular attention to areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure; (Schedule 3, 2(1)(c)(vi))

2.50 The data sources investigated do not identify any areas where there has already been a failure, or there is considered to be a failure of environmental quality standards (EQS) laid down in Union Legislation. Consequently, the proposed development will have *no impact on areas where an EQS is being, or is likely to be breached.*

2.51 The absorption capacity of the natural environment, paying particular attention to densely populated areas (Schedule 3, 2(1)(c)(vii))

2.52 The development lies within an industrial area and there are no areas of dense population in the immediate vicinity of the industrial area and therefore this development will have no impact on densely populated areas. The nearest residential area is some 600m to the west.

2.53 The absorption capacity of the natural environment, paying particular attention to landscapes and sites of historical, cultural or archaeological significance (Schedule 3, 2(1)(c)(viii))

2.54 A search of the relevant data sources indicates that there are no designated landscapes or sites of historical, cultural or archaeological significance in the vicinity of the development site and consequently this development will have *no impact on landscapes and sites of historical, cultural or archaeological significance*.

3.0 Conclusion

3.1 By virtue of the location of the site, its planning allocation, planning history and the nature of the proposal, and based on the assessment of the proposed development against the criteria laid down in Schedule 3 of the 2017 regulations, it is our opinion the proposal is appropriate in this location and will not have any significant environmental impacts and that therefore does not constitute an EIA development.

3.2 Should it be determined, notwithstanding the information provided above that in the opinion of LCC as Waste LAP an EIA is required, we also seek a scoping opinion to inform this process.

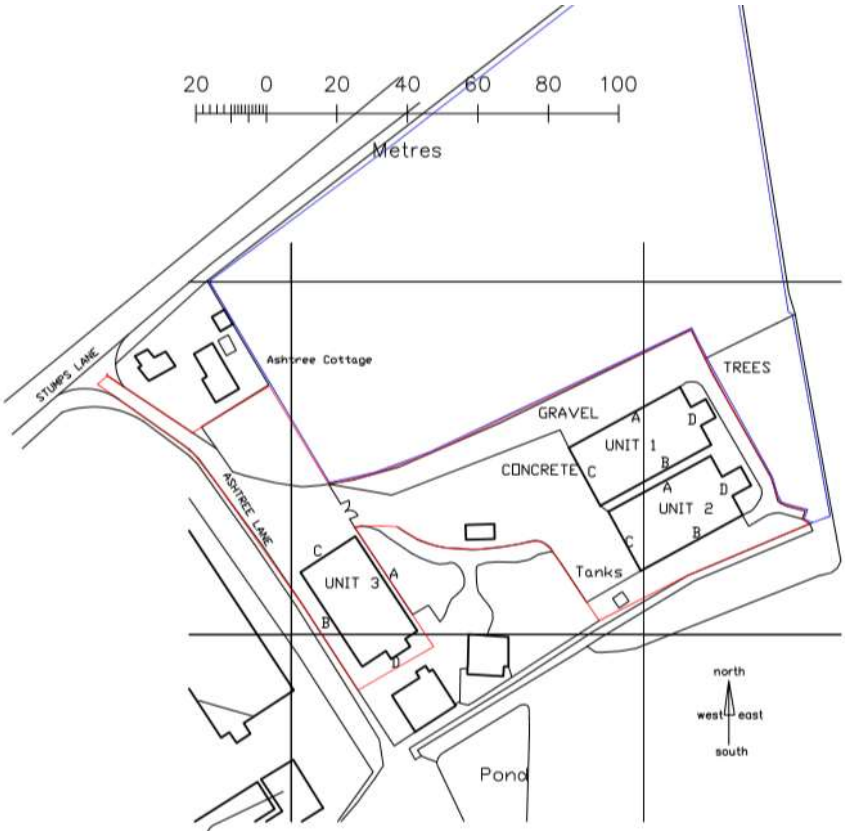
3.3 We look forward to receiving your screening opinion within the timescale set out in the 2017 regulations.

3.4 I trust that this is in order, however, should you require further information or clarification please contact me.

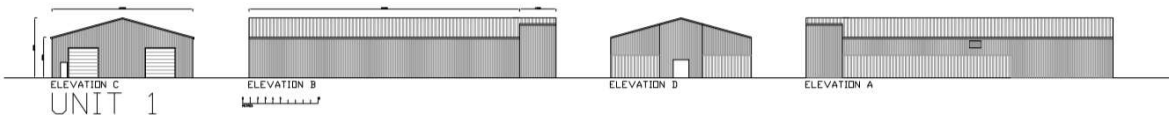
Tim Slater
BA (Hons) DMS MRTPI
3D Planning Ltd

Annex 1 plans

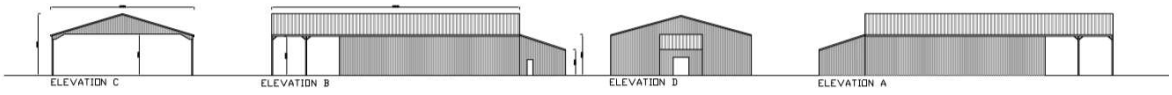
Not to scale- full scale drawings are submitted separately with the application.



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UNIT 1



UNIT 2



UNIT 3