

**FAO: Mark Niland**  
South Holland District Council  
Planning & Development  
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PE11 2XE

**Our ref:** AN/2023/135168/05-L01  
**Your ref:** H16-1096-23  
**Date:** 16 August 2024

Dear Mark Niland

**Proposed anaerobic digester plant  
Land between A16 and Rangell Gate, Spalding**

Thank you for re-consulting us on the above application, on 31 July 2024.

**Environment Agency position**

We have reviewed the amended Preliminary Drainage Strategy dated 07 June 2024, ref: 0371-REP-3000', prepared by Jackson Consulting Engineers and consider that it satisfactorily addresses our earlier concerns.

We therefore **withdraw our previous objection**, dated 24 June 2024. Whilst we have no objection, we would like to draw your Local Authority's and the applicants attention to the following advice.

**Surface water discharges during construction**

Surface water discharges during the construction phase of the development will need to comply with the temporary dewatering from excavations to surface water: RPS 261.

Details found here: <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>. If the conditions of the RPS cannot be met, a water discharge activity permit may be required.

**Surface water drainage**

Surface water drain discharges must be of clean, uncontaminated water (for example, rainwater from roofs). Discharges of any other nature are likely to require a permit. In this case, particular attention should be paid to the risk of oil from parking areas.

**Environmental Permitting**

The proposed anaerobic digestion plant will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:

- Techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring
- Emission benchmarks for combustion products, temperature and pH
- Air quality impact assessment, including odour and Habitats Regulations Assessment

The design of the AD facility should include provision for secondary containment and in some circumstances tertiary containment. The guidance and standards that apply are CIRIA736, Containment Systems for the Prevention of Pollution: Secondary, tertiary and other measures for industrial and commercial premises.

This development may also require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12 if waste activities are carried out. The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

We would like to advise the operator that there is currently a long wait for new environmental permits.

### **Movement of waste**

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import, or have control of waste in England or Wales

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1073585/Waste\\_duty\\_of\\_care\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073585/Waste_duty_of_care_code_of_practice.pdf)

### **Flood risk**

We support recommendations in the submitted flood risk assessment dated December 2023, ref: 'ECL0563-2/P', prepared by Ellingham Consulting Ltd which propose flood resilience measures to mitigate the risk of flooding.

Flood avoidance and resilience measures should be implemented to manage the residual risk of a breach in the flood defences where possible. Based on the hazard mapping found in the South East Lincolnshire Strategic Flood Risk Assessment, the site could experience depths of up to 1 metre, for a flood that has a 1% chance of occurring in any one year up to 2116. We support the raising of the main electrical supply and switchboard above the estimated flood level.

We advise that flood risk mitigation measures are fully implemented prior to occupation and subsequently retained thereafter throughout the lifetime of the development in order to reduce the risk of flooding to the proposed development.

### **Flood resistance and resilience**

We strongly recommend the use of flood resistance and resilience measures. Physical

barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

[https://www.ciria.org/CIRIA/Resources/Free\\_publications/CoP\\_for\\_PFR\\_resource.aspx](https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx)

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

### **Flood risk issues outside of our remit**

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased.

### **Flood warning and emergency response**

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be danger to most people.

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

**Danielle Maclean-Spencer**  
**Sustainable Places Planning Advisor**

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