

Mark Niland
South Holland District Council
Planning & Development
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Our ref: AN/2023/135168/01-L01
Your ref: H16-1096-23

Date: 10 January 2024

Dear Mark

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

Thank you for consulting us on the above application, on 21 December 2023.

Environment Agency position

We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer, but no justification has been provided for the use of a non-mains system.

Reason

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020-20140306). Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

In this instance no justification has been provided by the applicant for non-connection to the mains sewerage system.

Overcoming our objection

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence that demonstrates that this is not feasible.

Factors we assess when considering whether it's reasonable to connect to the public sewer are:

Environment Agency
Ceres House, Searby Road, Lincoln, LN2 4DW
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

*Customer services line: 03708 506 506
Calls to 03 numbers cost the same as calls to standard
geographic numbers (i.e. numbers beginning with 01 or 02).*

Cont/d..

- Economic – the comparative costs for connecting to the public sewer vs installing a package treatment plant.
- Practicality – whether there are any physical barriers preventing the connection
- Environmental – whether there is environmental benefit from installing a package treatment plant.

If the applicant is able to provide evidence that connecting to the foul sewer is not feasible, please submit a fully completed FDA1 Foul Drainage Assessment form. The form can be downloaded from: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a development to install a private sewerage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to a public foul sewer. In these cases, if an applicant decides to apply for a water discharge permit for private treatment facilities, we are likely to refuse to grant the permit.

Should our above objection be overcome, we will make further comments in relation to Flood Risk.

Informative Comments

Advice to applicant – 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.

Advice to applicant

This development may 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>

Advice to applicant - 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: [Waste duty of care code of practice.pdf \(publishing.service.gov.uk\)](#)

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of a condition(s) on any subsequent approval.

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

Yours sincerely
Hannah Kelly

Planning Adviser

✉ Ceres House, Searby Rd, Lincoln, LN2 4DW

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Team email: LNplanning@environment-agency.gov.uk