

Burrell, Becky

From: Dev_PlanningSupport <Dev_PlanningSupport@lincolnshire.gov.uk>
Sent: 09 January 2025 14:18
To: _planningadvice
Subject: Scoping Opinion Decision Notices - EIA/10/24 and EIA/11/24
Attachments: Scoping Opinion Decision Notice EIA_10_24.pdf; Scoping Opinion Decision Notice EIA_11_24.pdf

Caution: This message originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you believe it is suspicious please forward to Suspicious.Emails@pspsl.co.uk and delete the email.

Dear Sir/Madam

SCOPING OPINION REFERENCE NUMBER: EIA/10/24

DEVELOPMENT: FOR A PROPOSED ANAEROBIC DIGESTOR PLANT AND ASSOCIATED INFRASTRUCTURE
LOCATION: LAND ADJACENT TO THE EXISTING PLANT BASED PROTEIN EXTRACTION FACILITY, BETWEEN A16 AND RANGELL GATE, SPALDING; and

SCOPING OPINION REFERENCE NUMBER: EIA/11/24

DEVELOPMENT: FOR A PROPOSED ANAEROBIC DIGESTER OPERATION AND ASSOCIATED INFRASTRUCTURE
LOCATION: LAND TO THE EAST OF SURFLEET BANK AND WEST OF WOAD FARM, SPALDING

Please find attached a copy of the County Council's Screening Opinion Decision Notices in connection with the above applications which should be placed on your statutory register.

Yours faithfully

Technical Support Team

Planning Services
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL
Tel: 01522 782070
Website: www.lincolnshire.gov.uk



SCOPING OPINION

Name and address of applicant

Naylor Farms
c/o agent

Name and address of agent (if any)

Portess & Richardson Limited
193 Lincoln Road
Peterborough
PE1 2PL

Part 1 - Particulars of request

Date of request:

28 October 2024

LCC Ref No:

EIA/10/24

Description of development:

For a proposed Anaerobic Digester Plant and associated infrastructure

Location:

Land adjacent to the existing Plant Based Protein Extraction Facility, between A16 and Rangell Gate, Spalding

Type of review (ROMP development only)

Part 2 - Particulars of decision

The Lincolnshire County Council hereby gives notice that it has adopted the Scoping Opinion that an Environmental Statement submitted with an EIA application for the development described in Part 1 should include the information set out below.

Information to be Supplied in the Environmental Statement

Having reviewed the document entitled "EIA Scoping Report Naylor Farms, Low End, Rangall Gate, Spalding October 2024, hereafter referred to as the Scoping Report and taking into account comments received from statutory consultees, the Waste Planning Authority (WPA) agrees that the following topics/matters (listed in the table under paragraph 5.1.12 and paragraphs 5.2.1 and 7.1.1 to 7.1.2 of the Scoping Report) should be 'scoped in' with appropriate assessments carried out as part of the ES:

- Air/Odour/Ammonia
- Alternatives
- Cumulative/In-Combination Effects

Date: 8 January 2025

Head of Planning

Planning

Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL*Neil McBride*

Notwithstanding the requirements set out within Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), and taking into account comments received from statutory consultees, the following information should be contained within the Environmental Statement (ES).

Introduction and Description of the Development

A full description of the proposed development, the construction and operational phases, the proposed pipeline route and the surrounding area including details of:

- details of the site's location and the existing features;
- the existing land uses affected and surrounding the proposed development;
- any relevant planning history of the site/proposed development;
- details of existing levels, boundary treatments and screening measures including trees, shrubs, hedges and bunds within or adjacent to the site;
- details of the site operations and description of the processes to be carried out by the development (all elements);
- details and description of the feedstocks to be used by the development and their source, quantities to be handled and outputs;
- details and description of all site infrastructure, buildings and plant and equipment that form part of the development;
- details of the means of access, vehicle movements and numbers associated with both the construction and operational phases of the development;
- details of the hours of operation for the development including those associated with the import of feedstocks and export of products; and
- details of mitigation measures embedded or proposed as part of the development.

The above should reflect and expand on the information given in Section 2, 3 and 4 of the Scoping Report.

Scope, Methodology & Relevant Expertise

The ES should identify, describe and assess the likely significant effects of the development. A description of the methods used for data collection should be given together with an indication of any difficulties, including technical deficiencies, unavailable data and gaps in knowledge that have been encountered. The study areas to be used in relation to assessing different topics should be identified and explained within each relevant chapter of ES. The assessment and ES must be prepared by competent experts and should be accompanied by a statement, or the assessments contained therein should contain, information outlining the relevant expertise or qualifications of such experts.

Planning Policy Context

The ES should contain details of all relevant national and adopted local development plan policies and guidance and an analysis of how the proposal will seek to accord with those policies. This should include the National Planning Policy Framework (NPPF); National Planning Policy for Waste (NPPW); National Planning Practice Guidance (NPPG); the adopted Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (2016) (CSDMP), and South East Lincolnshire Local Plan (2019).

The ES should also give consideration to any emerging policies/plans that may be of relevance. In this case the following should be noted:

The Minerals & Waste Local Plan - work has begun on the preparation of a replacement for the current Lincolnshire Minerals and Waste Local Plan (LMWLP), with consultation having taken place on the Preferred Approach. The Plan is at an early stage and therefore the Policies therein have limited weight at this time however, it is recommended that consideration and reference be given to any relevant emerging policies that may be contained within these documents should they be available by the time the application for this development is submitted.

Air Quality, Odour and Dust Emissions

The WPA agrees that the potential air quality and odour impacts of the development should be 'scoped in' and appropriate assessments should be undertaken taking account of the Institute of Air Quality Management (IAQM) Land Use Planning & Development Control: Planning For Air Quality (2017) Guidance, and included as part of the ES. In addition to the issues identified in Section 6 of the Scoping Report, this chapter of the ES should consider impacts in respect of impacts on air quality, construction dust and odour.

The assessment should accord with the IAQM Assessment of dust from demolition and construction 2024 V2.2. Given this development will comprise an increase in Heavy Goods Vehicle (HGV) movements and Combined Heat and Power (CHP) emissions, the WPA considers that an assessment of potential effects in respect of NO₂ and NO_x should also be included within an Air Quality Assessment and the downstream and upstream impacts should be fully assessed. The assessment should be carried out in accordance with the Institute of Air Quality Management (IAQM) Guidance.

This chapter of the ES should identify site activities that could lead to dust emissions without mitigation, identify site parameters which may increase potential impacts from dust, identify mitigation measures, including modification of site design, and identify methods for the monitoring and reporting of the impacts on the nearest sensitive receptors to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

In terms of odour, an assessment of the potential operational odour effects of the development should reflect the approach and methodology as set out in section 6.1 of the Scoping Report and should be carried out in accordance with the Institute of Air Quality Management (IAQM) "Guidance on the assessment of odour for planning 2018 v1.1". The following should form part of the assessment:

- A description of existing baseline odour conditions (including complaints history) where relevant.
- A description of the location of receptors and their relative sensitivities to odour effects.
- Details of potential odour sources (whether existing or proposed), including the activities and material involved (including a brief outline of quantities, durations, methods of handling and storage, etc) and the resulting potential for generating odours, covering fugitive sources, diffuse sources and point sources as applicable.
- A description of control/mitigation measures incorporated into the scheme (including management controls and, where appropriate, engineering controls).
- A prediction or observation (or combination of both), using appropriate assessment tools, of the likely odour impact and resulting effects at relevant sensitive receptors, and taking into account:
 - a. the likely magnitude of odour emissions (after control by measures incorporated into the scheme, if applicable);
 - b. the likely meteorological characteristics at the site;
 - c. the dispersion and dilution afforded by the pathway to the receptors and the resulting magnitude of odour that could result;
 - d. the sensitivity of the receptors; and
 - e. the potential cumulative odour effects with any odours of a similar character.

- Odour modelling should contain full details of the input data and modelling options used.
- An odour contour map showing predicted odour emissions and concentrations from the site at the nearest sensitive receptors/residential properties.
- Where odour effects are assessed as significant, details of appropriate further mitigation and control measures that could allow the proposal to proceed without causing significant loss of amenity.
- The residual odour impacts and their effects.
- A conclusion on the significance of the residual effect, i.e. whether “significant” or “not significant”.

In all cases the assessment(s) should include quantification of the likely impacts and a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects and also include details of any measures that would be taken to ensure the mitigation measures are effective.

Cumulative Impacts

The WPA agrees that the ES should contain a chapter which addresses cumulative impacts and this should identify, describe and evaluate the effects that are likely to result from the proposal in combination with other major projects and activities that are being, have been or will be carried out. This should include plans or projects which have been completed; approved but uncompleted and applications that have been made and which are under consideration by either the Local Planning Authority (South Holland District Council), the Mineral and Waste Planning Authority (Lincolnshire County Council) or The Planning Inspectorate for Nationally Significant Infrastructure Projects and which are reasonably foreseeable (i.e. projects for which an application has not yet been submitted but which are likely to progress before completion of the development, and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects).

Assessment of Alternatives

The WPA advises that alternatives should be considered and should be presented within a standalone chapter of the ES. The ES should include a description of the reasonable alternatives considered to the development proposed (e.g. location, size, proposed annual throughput) and an indication of the main reasons for the option chosen.

Other Topics to be Included in the Environmental Statement not Included as Chapters in the Scoping Report:

Archaeology and Heritage

The proposed development is in an area of known archaeological sensitivity and should be ‘scoped in’ and an appropriate assessment included as part of the ES. Prehistoric and Roman settlement activity and evidence of Roman occupation were found in 1951, during the excavation of the Coronation Channel, 300 metres to the northwest of the proposed site. The groundworks for the proposed development would damage or destroy any surviving archaeology without recording, which is contrary to guidance and policy, including the National Planning Policy Framework and the South East Lincolnshire Local Plan (Policy 29) and Historic England GAP2 (Historic Environment Good Practice Advice in Planning: 2). The omission of archaeology and heritage would not accord with the requirements outlined in Schedule 4 Information for inclusion in Environmental Statements, Paragraph 5 (d) of (Environmental Impact Assessment) Regulations 2017.

The ES should contain a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects on heritage assets and archaeological receptors, and should also include details of any measures that would be taken to ensure the mitigation measures are effective.

The submitted information states that a ‘deep ploughzone’ of 38.1cm is confirmed, but in the absence of a full standard archaeological evaluation this cannot be confirmed and furthermore there is no evidence of the impact upon any underground heritage asset which would be preserved despite this agricultural activity. Moreover, it is broadly

accepted that archaeological horizons tend to be sealed beneath subsoil and that ploughing typically affects only a consistent depth, which is likely shallower than the impacts resulting from the proposed works.

NPPF paragraph 207 states that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant Historic Environment Record (HER) should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' An HER search has not been undertaken and there is no evidence of appropriate expertise regarding heritage assets or the potential for them to be impacted by this proposed development.

The EIA should include the results of the standard suite of archaeological evaluation techniques, including desk-based work, geophysical survey, geoarchaeology assessment and a robust trenching program, which are required to inform reasonable mitigation of the developmental impact (including Biodiversity Net Gain) across the redline boundary. This evaluation is essential for the provision of baseline evidence, the assessment of developmental impacts, understanding the significance of surviving archaeology, and developing effective, fit-for-purpose mitigation strategies. Cultural Heritage has not been included and HER data for a 2km radius from the main site boundary should be included. In terms of impacts on non-designated assets (including buried archaeology), sufficient information and evaluation should be carried out to identify archaeological potential and to inform a reasonable and appropriate mitigation strategy in the ES. This should include the full suite of evaluation methods including desk-based assessment using the County's Historic Environment Record (which holds records of archaeological finds and potential features within the application area), as well as other available records including air photos, LiDAR and local sources.

The full comments of the Historic Environment Officer (LCC) dated 21 November 2024 should be given due consideration.

Landscape and Visual Impact

This matter should be 'scoped in' and appropriate assessments included as part of the ES. An assessment of the potential effects of the development on landscape and visual amenity during both the construction and operation of the development should be undertaken, with reference to National Character Areas. The Landscape Value Impact Assessment (LVIA) should be conducted in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA) (3rd edition 2013) and should include the cumulative effect of the development with other relevant existing or proposed developments in the area, including other developments at the scoping stage.

It is recommended that the following publications are also taken into consideration when carrying out the LVIA:

- Technical Guidance Note (TGN) 1/20 Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)', 10th January 2020 by the Landscape Institute; and
- Technical Guidance Note (TGN) 2/21 Assessing landscape value outside national designations, May 2021 by the Landscape Institute.

The WPA expects the findings of the Zone of Theoretical Visibility once undertaken will inform proposed viewpoint locations which will need to be agreed with the WPA and South Holland District Council. It is advised that photomontages should be produced to a minimum of Accurate Visual Assessment level 2.

As with all other topics, this chapter of the ES should contain a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects and details of these should be included along with details of any measures that would be taken to ensure the mitigation measures are effective.

Biodiversity (Ecology)

Ecology and biodiversity should be scoped in and should include the following:

- A preliminary ecological appraisal or UK Habitats Classification (UKHabs) survey with target notes, the results of which may reveal the need for more detailed protected or priority species surveys, to be carried out between May and September.
- The results of a Lincolnshire Environmental Records Centre search
- Surveys for protected species or groups of species to assess impacts
- Opportunities for biodiversity net gain and environmental enhancements
- Potential impacts on wildlife and geological sites, including local nature reserves and mitigation of impacts and enhancements if appropriate

The ES should contain a description of the measures envisaged in order to avoid, mitigate and compensate for any significant adverse effects on nature conservation interests or on individual species and details of any measures that would be taken to secure biodiversity enhancements and ongoing aftercare for the duration of the proposed development.

In terms of biodiversity net gain, the latest DEFRA Biodiversity Metric should be completed and other supporting plans and documents submitted in support of the application and used to inform the EIA, in order to demonstrate that a minimum 10% Biodiversity Net Gain (BNG) would be delivered through this development as required by the Environment Act 2021. The ES and application documentation should clearly state how a minimum of 10% BNG would be delivered and provision for delivery should be considered on site in the first instance.

It is advised that the comments from Natural England dated 11 November 2024 and Lincolnshire County Council's Ecologist dated 18 November 2024 are taken into consideration.

Noise

This matter should be 'scoped in' and an appropriate assessment included as part of the ES. The assessment should be carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment 2014. The assessment should include a consideration of impacts arising from both the site preparation and operational phases of the development, including on and off -site traffic movements.

The assessment should include noise measurements carried out at nearby noise sensitive locations to establish the typical background sound levels against which an assessment can be made and predict the likelihood of adverse impacts on nearby noise sensitive properties and a description of the measures envisaged in order to avoid, reduce and, if possible, remedy any potential adverse impacts. Significant adverse effects should also be considered along with details of any measures that would be taken to ensure the mitigation measures are effective.

Traffic and Transport

These matters should be 'scoped in' and appropriate assessments included as part of the ES. An assessment of the potential impacts and effects of the development on the highways (Network and Safety) and emissions from vehicles during both the construction and operation of the development should be undertaken. A Transport Assessment and Travel Plan will be required to support the application and inform the EIA. The Transport Assessment should ascertain the impact the development would have on the existing highway network and justification as to proposed access points.

Public Rights of Way (PROW) – appropriate assessments should be included, and the closest PROW should be identified. The impacts arising in terms of visual, noise, odour and light on any significant PROW should be assessed within the relevant Environmental Topic areas.

Soils and Best and Most Versatile Agricultural Land

The site is wholly within agricultural production and the proposed development would result in the loss of approximately 5.7ha of what appears to be Grade 1 farmland. An agricultural land classification survey should be undertaken to confirm the grade of the land and an assessment of the impact of the loss of this land should be scoped into the Environmental Statement, as well as the potential for land contamination within and beyond the site boundary as a consequence of the proposed development.

Potential impact on soils should be scoped in and the following issues considered and where appropriate included:

- The degree to which soils would be disturbed or damaged as part of the development
- The impact on agricultural land, including the best and most versatile agricultural land
- Minimising adverse impacts on soils, including the protection, recovery, storage and re-use
- The avoidance of soil handling, trafficking and cultivation during wetter weather

Flood Risk and the Water Environment

The site is over 1ha and within Flood Risk Zone 3, and therefore has a high probability of flooding, and consequently a Flood Risk Assessment (FRA) is required. The Environment Agency long term flood risk maps show that the site has a medium risk of flooding from rivers or the sea, it has a low risk of surface water flooding and is within an area at risk of reservoir flooding when river levels are normal. To ensure cumulative effects are considered and to ensure the protection of the site and water quality, an FRA submitted to inform the EIA, should consider and address in detail the impact on surface water and water quality, from the start of the construction phase and following completion of the development and a drainage strategy must be included. Anglian Water have confirmed that they have no surface water sewer in the area.

There are several multiple riparian watercourses adjacent to the wider ownership boundary and the impact on these needs to be considered. In relation to water quality, the ES needs to consider the impacts the development could have on the water environment. The ES needs to consider any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be developed or implemented to mitigate and address the impacts of elevated nutrient levels.

Population and Human Health

The impacts on the population and human health should be incorporated into the assessment. A socio-economic assessment should be produced which should consider the potential for employment and the overall business case, positives and negatives, for the proposed development to be introduced to this location/area. In relation to other more direct impacts on the population, these will be assessed as appropriate within the other topics of the ES (e.g. noise, odour, visual impact, etc). These matters should subsequently be incorporated into this chapter to assess and summarise the cumulative impacts of the development on Population and Human Health.

Climate

An appropriate assessment of the potential impacts and benefits this proposed development may have in terms of the management of wastes, contribution to the renewable energy and any implications or contribution that it offers in terms of climate change should be scoped in. Such an assessment should consider both the construction and operational phases of the development, and demonstrate that the proposal would not give rise to adverse impacts arising from greenhouse gas emissions, including upstream and downstream impacts, and provide empirical evidence of the contribution made to the reduction of reliance on hydrocarbon energy sources and facilitate carbon capture.

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. The ES should set out the measures that would be adopted to address impacts.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050.

The information in the letter received by Natural England, dated 11 November 2024 should be taken into consideration in the preparation of the ES.

Hazards and Major Accidents

An assessment of the vulnerability of the proposed development to major accidents that may be relevant should form part of the ES.

The Ministry of Defence comment that the proposed site falls within Low Flying Area 6 (LFA 6), where military aircraft may conduct low level flight training and the presence of tall and narrow profile structures such as flues or stacks has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

Lighting

The WPA considers this matter should be 'scoped in' and appropriate assessments included as part of the ES. Sufficient information and evaluation are required to understand the potential impacts of the development on sensitive receptors both during the construction and operation of the development should be undertaken. The assessment should take into account relevant guidance in assessing light spill and potential impacts on human and ecological receptors including the overall visual impact on the landscape. A description of the measures envisaged to avoid, reduce and if possible, remedy significant adverse effects should also be included, along with details of any measures that would be taken to ensure the mitigation measures are effective. Where adverse effects cannot be remedied, provide an indication of the likely duration of such impacts and details of a notification/complaints procedure to ensure that there is a mechanism in place to protect the local communities from the adverse effects.

Non-Technical Summary

In accordance with Schedule 4, paragraphs 9 and 10 of the EIA Regulations, a non-technical summary of the information and findings of the ES and a reference list detailing the sources used for the descriptions and assessments included in the ES should be provided.

Informatives

You are advised to refer to the advice/comments contained within the responses from those persons/bodies that have commented on the Scoping Request and which are available on our website - <https://lincolnshire.planning-register.co.uk/Disclaimer?returnUrl=%2Fsearch> using ref: EIA/10/24. These include the following:

- Anglian Water dated 12 November 2024
- Environment Agency dated 9 December 2024
- Ecology (LCC) dated 18 November 2024
- Local Highway and lead Local Flood Authority dated 25 November 2024
- Historic Places (LCC) dated 21 November 2024
- Lincolnshire Police dated 5 November 2024
- MOD (Safeguarding) dated 19 November 2024
- Natural England dated 11 November 2024
- South Holland Drainage Board dated 20 November 2024