
From: LN Planning <LNplanning@environment-agency.gov.uk>
Sent: 14 February 2024 13:13
To: _planningadvice
Subject: EA Response to H16-1096-23 Land Between A16 And Rangell Gate Spalding
Attachments: AN.2023.135168.02_EA_Response.pdf

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FAO: Mark Niland

Dear Planning Officer,

Please find attached a copy of the Environment Agency's response to the above application.

If I can be of any further assistance, please do not hesitate to contact me using the details below.

Kind regards,

Hannah Kelly

Planning adviser | Environment Agency | Sustainable Places | Lincolnshire and Northamptonshire Area

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

📧 hannah.kelly@environment-agency.gov.uk

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

Working days: Monday to Friday

(Please note I will be **out of the office on Thursdays**)

From: planningadvice@sholland.gov.uk <planningadvice@sholland.gov.uk>

Sent: Friday, February 2, 2024 1:58 PM

To: LN Planning <LNplanning@environment-agency.gov.uk>

Subject: 4. Amendment Consultation

PLANNING CONSULTATION: AMENDMENT RECEIVED

Reference Number: H16-1096-23

Type FULL

Proposal: Proposed Anaerobic Digester Plant

Location: Land between A16 and Rangell Gate Spalding

Applicant: Naylor Farms

Amended Information:

Amendment 2 - Odour Assessment

The Council have received an amendment to the above application and would be pleased to receive any further observations you may wish to make. You can make comments by clicking on the link below and using the **Enter Comment** button to leave your observations.

[Click here to view the application](#)

The deadline for submission of comments is **16th February 2024** and please be aware that representations submitted in relation to planning applications will be available for public inspection.

If you need any assistance please contact **Mark Niland** who is dealing with this application.

Note:

If this is a Householder Application, in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State and there will be no further opportunity for you to comment at appeal stage.

Consult_Email_Amend ODB95

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

Our ref: AN/2023/135168/02-L01
Your ref: H16-1096-23
Date: 14 February 2024

Dear Mark

**Proposed anaerobic digester plant
Land Between A16 And Rangell Gate Spalding**

Thank you for re-consulting us on the above application on 02 February 2024, following the submission of amended plans.

Environment Agency position

The 'Statement on Odour Control' undertaken by Waste Powers, uploaded on 01 February 2024 does not satisfactorily address our earlier concerns on foul drainage.

We therefore **maintain our objection** set out in our response dated 10 January 2024.

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:

- **Economic** – the comparative costs for connecting to the public sewer vs installing

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 comment

The anaerobic digestion activities will require an environmental permit under Environmental Permitting Regulations 2016, Schedule 1, section 5.4 disposal, recovery or a mix of disposal and recovery of non-hazardous waste, if the plant has a capacity to treat over 100 tonnes per day.

If the plant has a capacity to treat less than 100 tonnes per day an environmental permit is required as a waste activity.

The applicant/operator is strongly advised to contact the Environment Agency and request the enhanced pre-application service to discuss the proposals with particular reference to meeting the standards of Best Available Techniques / Appropriate Measures.

Pre-application advice can be requested here:

[Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/get-advice-before-you-apply-for-an-environmental-permit)

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

📧 hannah.kelly@environment-agency.gov.uk

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