

SCREENING OPINION

Name and address of applicant

Naylor Farms
Roman Bank
Moulton Seas End
Spalding
Lincolnshire
PE12 6LG

Name and address of agent (if any)

Portess and Richardson
193 Lincoln Road
Peterborough
PE1 2PL

Part 1 - Particulars of request

Date of request:

9 August 2024

LCC Ref No:

PL/0066/24

Description of development:

For a proposed Anaerobic Digester Plant and associated buildings

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 give notice in pursuance of the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that in its view the development referred to in Part I hereof is Schedule 2 development which is likely to have significant effects on the Environment. **The Council has therefore adopted the screening opinion that the development is EIA development** having regard to the relevant selection criteria set out in Schedule 3 of the Regulations and the advice in the Department for Levelling Up, Housing and Communities Planning Practice Guidance. The Council's reasons for reaching this conclusion are set out in the statement overleaf.

Date: 30 August 2024

Planning
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

N McBride

Head of Planning

Statement of Reasons

The proposed development is considered to fall within the scope of the description of developments listed under Schedule 2, Category 3(a)(Installations for the production of electricity, steam and hot water), Category 3(b) (Installations for carrying gas, steam and hot water) and Category 11(b)(Installations for the disposal of waste) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ("the EIA Regulations"). Where a proposal listed in the first column of Schedule 2 of the EIA Regulations exceeds the corresponding thresholds/criteria set out in the second column (referred to as 'exclusion thresholds and criteria') then the proposal needs to be screened to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. The proposed development falls within several categories of development, and therefore consideration should be given to the corresponding exclusion thresholds and criteria for each of these.

The proposed development anticipates that approximately 70GWh of biomethane would be produced per annum and be injected into the grid. It is also anticipated to generate approximately 8GWh of electricity which is proposed to feed the adjacent extraction facility and grid and CO₂, which would be tankered off site. The resultant digestate is proposed to be used as a fertiliser.

The proposal site covers an area extending approximately 5.71 hectares of existing arable land and therefore exceeds the site area exclusion threshold and criteria referenced in the EIA Regulations in relation to all three Categories of development, which states 0.5 hectares for Category 3a, 1 hectare for 3b and 0.5 hectare for 11b. Furthermore, in relation to Category 11b for installations for the disposal of waste, the development would be within 100m of controlled waters. Therefore, for the purposes of the EIA Regulations the proposed development is Schedule 2 development and so it is necessary to screen the development to determine if it is EIA development.

In assessing whether significant effects are likely Schedule 3 of the EIA Regulations sets out three broad criteria to be considered when screening proposals. These are the characteristics of the development, the environmental sensitivity of the location, and the characteristics of potential impacts. The National Planning Practice Guidance "Environmental Impact Assessment" (NPPG) expands upon the EIA Regulations and provides further guidance and indicative thresholds/criteria to be considered when assessing whether a proposal would be likely to cause significant adverse impacts and therefore be EIA development.

No additional indicative threshold/criteria is listed in the NPPG in relation to Category 3(b) development, however, for Category 3(a) development the NPPG advises that an EIA is more likely to be required where the thermal output is more than 50MW or where novel forms of generation are proposed, and the key issues to take into consideration are the level of emissions to air, arrangements for the transport of fuel and any visual impact. The information supplied states that approximately 70GWh of biomethane and 8GWh of electricity would be produced, which would significantly exceed the indicative threshold set out in the guidance.

For Category 11(b) development, the NPPG advises that EIA is more likely to be required for installations for the deposit, recovery and/or disposal of household, industrial or commercial wastes where new capacity is created to hold more than 50,000 tonnes of waste per year, or where the site would cover an area of 10 hectares. Sites taking smaller quantities of wastes (including household, industrial and /or commercial waste) or sites seeking only to accept inert waste are unlikely to require an EIA. Key issues to take into consideration in assessing whether significant effects are likely from Category 11(b) development are the scale of the development and the nature of the potential impact in terms of discharges, emissions, or odour.

In this case the proposed development would process approximately 105,000 tonnes per annum (tpa) of commercial and industrial wastes including unpackaged food wastes, residues and effluents from food manufacturing processes, spoiled and out of date fruit and vegetables. The facility would produce approximately 61,000 tonnes of wet digestate and 16,500 tonnes of dry digestate which would be used locally. Approximately 11,300 tonnes of CO₂ would be captured and supplied to food production companies.

Anaerobic digestion is a well-established technology as is the proposed associated generation of electricity and production of biomethane gas. The development is not therefore considered to be a novel form of energy generation. The tonnage of wastes to be handled by the development significantly exceeds the indicative capacity threshold cited in the NPPG in relation to Category 11(b) development, being over twice the quantity. Although exceeding the threshold quantity does not automatically trigger a need for an EIA, other factors do need to be considered when determining if significant effects are likely. In this case key factors include the size of the project, cumulative and visual impacts, transport impacts and potential impacts arising from the site operations and activities such as noise and odour.

In terms of size and visual impact, the proposal site is 5.71 hectares in size and so below the threshold of 10 hectares cited in the NPPG. The development itself would include several large scale structures and plant including a waste transfer/sorting building that would be approximately 60m x 40m and 11.3m high, a digestate processing building which would be approximately 80m x 62m and 12.45m high and two primary digestors and one secondary digester. It is considered that these structures are of a significant height and scale .

The proposed site is currently arable land, bound by the A16 to the west and within close proximity to a roundabout with access to Spalding town centre. The site is adjacent to a protein extraction facility, which is owned by the applicant and there are a number of glass houses within close proximity, consequently it is considered that the cumulative impact of the proposal is pertinent, and it is considered that the development could result in significant landscape and visual impacts.

In terms of operational impacts, the anaerobic digestion process itself is a closed system and all incoming feedstocks, waste handling and storage of final digestate would take place within enclosed buildings, tanks and/or lagoons. The enclosed nature of the process should help to minimise potential emissions such as noise and odour however, given the significant tonnage of wastes to be handled by the development, the proposal could lead to adverse noise and odour impacts on the local area and so have a likely significant effect. In terms of transport impacts, no details have been provided in relation to the number of expected HGV vehicle movements per day that would be associated with the delivery of feedstock, export of final digestate and liquid CO₂ and therefore a judgement cannot be made in relation to the impact that this may have on the highway network.

Having taken in consideration the size, scale and nature of the operations proposed, including waste types and amount of waste to be handled, the Waste Planning Authority is of the opinion that the proposed development is likely to give rise to impacts that would be more than of local importance and which could have significant environmental effects. Therefore, having regard to the guidance and criteria set out in Schedules 2 and 3 of the EIA Regulations and the NPPG the development is considered to constitute EIA development and therefore an Environmental Statement will be required and must be submitted to accompany the planning application.

Informative

'ROMP development' means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made.

The term 'ROMP application' is defined in the Regulations as an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under paragraph:-

- 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions).

Environmental Impact Assessment (EIA) refers to the whole process by which environmental information is collected, published and taken into account in reaching a decision on a relevant planning application. Applications for which EIA is required are referred to in the Regulations as 'EIA applications'.

Where EIA is required, information must be provided by the developer in an Environmental Statement (ES). This document (or series of documents) must contain the information specified by regulation 2(1) and in Schedule 4 to the Regulations. In certain cases, regulation 15 allows developers to obtain a formal opinion from the relevant planning authority on what should be included in the Environmental Statement ('a scoping opinion').

Right of Appeal

Where the relevant planning authority adopts a screening opinion that EIA is required, the developer may request a screening direction from the Secretary of State. Requests must be made in accordance with the provisions set out in the Regulations. (See Regulations 5 and 6 or, where appropriate, Regulation 7).