# SCREENING OPINION

| Name and address of applicant | Name and address of agent (if any) |
|---|---|
| Naylor Farms<br>Roman Bank<br>Moulton Seas End<br>Spalding<br>Lincolnshire<br>PE12 6LG | Portess and Richardson<br>193 Lincoln Road<br>Peterborough<br>PE1 2PL |

**Part I - Particulars of request**

| Date of request: | LCC Ref No: |
|---|---|
| 20 August 2024 | PL/0065/24 |

Description of development:

For a proposed Anaerobic Digestor Plant and associated buildings

Location:

Land to the East of Surfleet Bank and West of Woad Farm, 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: 5 September 2024

Head of Planning
Neil McBride

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

**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 8GHh 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 be used as a fertiliser.

The proposal site covers an area extending approximately 14.3 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 relevant Categories of development, which state 0.5 hectares for Category 3a, 1 hectare for Category 3b and 0.5 hectare for Category 11b. Furthermore, in relation to Category 11b for installations for the disposal of waste, the development would be within 100 metres of controlled waters (i.e. perimeter drains). 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 8GHh 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 16,600 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 14.3 hectares in size and so above 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 60mx 40m and 11.3m high, a digestate processing building which would be approximately 80m x 62m and 12.45m high and two primary digestors, one secondary digestor and a thin fraction storage tank approximately 32m in diameter with an 8m wall with gas domes in light grey. 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. There are farm buildings to the South East and South West of the site with two dwellings to the South East of the site part of Naylor Farms. There is an abandoned dwelling to the west of the site off of Surfleet bank and North East of Surfleet.

The site is predominantly flat and like most of the area just above sea level, the land slightly higher to the North adjacent Low Road.

Boundaries are mainly open except for some hedgerow growth and there are ditches around the fields.

The proposed Outer Dowsing Windfarm cable corridor route lies to the North and East of the Site, access off of the A16 will be shared and the Outer Dowsing access road runs along the Northern part of the site with space for screening.

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).
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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).