

18/11/2021

Rachel Best
Stansgate Planning
The Courtyard
Timothys Bridge Road
Stafford upon Avon
CV37 9NP

Dear Mrs. Best,

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Adoption of an Environmental Impact Assessment Screening Opinion
Land adjacent to Advanced Protein facility, Bones Lane Cheddleton, ST13 7BT
LPA reference SMD/2021/0628

I refer to your request under 6 (1) of the above Regulations for an opinion as to whether the proposal is EIA development requiring the submission of an Environmental Statement.

The proposal is for the construction of a food processing facility/edible bone processing factory. The site is said to be approx. 2.9 hectares. Figure 2-2 of the submission shows a production factory, office building, areas of hardstanding/parking, water tank, a biofilter and attenuation pond. Page 12 lists the facilities to be included. It is known from a related request for pre application advice that the production factory is a sizeable building.

Having regard to the above Regulations, the proposal is Schedule 2 development. We note that you consider the proposal to fall under either Category 7a) Food Industry or Category 10 (b) infrastructure projects. The former refers to the manufacture of vegetable and animal oils and fats and the latter to urban development projects including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

In our view the proposal is more appropriately considered to fall under Category 10a) Infrastructure projects; industrial estate development projects. We have however also had regard to Category 7 Food Industry in preparing this opinion

For these two types of development the Schedule 2 criteria and thresholds are as follows:-

7a) Food industry: the area of new floorspace exceeds 1,000 square metres.

10a) Industrial estate development: the area of the development exceeds 0.5 hectares

Either way the applicable threshold and criteria is exceeded and a Screening opinion is required.

In preparing this screening opinion the LPA has had regard to the selection criteria in Schedule 3 of the Regulations. To assist in determining whether the project is likely to have significant

environmental effects the LPA has also had regard to the Indicative screening thresholds in the Planning Practice Guidance.

For Category 7a) the indicative criteria and threshold is operational development covering a site of more than 10 hectares. It says smaller developments (such as this) are expected to give rise to significant discharges of waste, emission of pollutants or operational noise.

Key issues it says (i) development involves a process designated as a 'scheduled process' for the purpose of air pollution control; (ii) the process involves discharges to water which require the consent of the Environment Agency; (iii) the installation would give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances; (iv) the process would give rise to radioactive or other hazardous waste; or (v) the development would fall under Council Directive 96182/EC on the control of major accident hazards involving dangerous substances (COMAH)¹.

For Category 10a) the indicative criteria and threshold is a site area of new development of more than 20 hectares. Key issues to consider include the potential increase in traffic, emissions and noise.

The LPA also has used the recommended Screening Matrix.

Characteristics of the development

The size of this proposal is larger than the threshold area in column 2 of Schedule 2 however it is significantly smaller than the indicative criteria and thresholds in the PPG which suggest where an ES may be required.

The main impacts are expected to be from potential increases in traffic, emissions/discharges, noise, landscape/visual impact and impact on biodiversity as per Category 10 development. Having regard to the PPG indicative criteria and threshold for Category 7, we are not aware that this would be a 'scheduled process' for the purpose of air pollution. It is not suggested that the installation would give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances or radioactive or other hazardous waste or fall under Council Directive 96182/EC on the control of major accident hazards involving dangerous substances (COMAH)¹. The existing facility operates under an Installation Permit from the Environment Agency (Permit ref. EPR/BK00861Y). It is understood that liquid process wastes and any contaminated surface water from the existing facility are treated in the onsite effluent treatment plant (ETP). Treated process waters are currently permitted to either be discharged directly to the River Chumet (known as emission point W1) under specified emission limit values or to land (emission point W2). The existing Permit does have emission limits for any direct discharge to the River Chumet (W1), but the EA advises that the site only uses emission point W2 with deployments to spread the waste to land. It is a condition of the existing Permit that the site provide an annual report on their activities and the EA Installations team also complete compliance checks on the site. The EA advise that the proposed development may require a variation of the existing Permit or a site specific Permit depending on the scale and type of activity. They do not however alert to any existing emission/discharge issues at the site.

The Request provides details of proposed transport changes at Table 3-1 which suggests an additional 18 HGV movements per day. The Local Highway Authority have not suggested that

this would lead to significant adverse effects albeit that the application will need to be accompanied by a full Transport Assessment and Travel plan. The new independent access to the site from the A520 is now fully operational and provides a good standard of access for HGV's to and from the A520 Cheadle Road.

The nature of the proposal has the potential to give rise to odour and noise emissions. There are residential properties close by. The Request describes the process and measures that will be in place to minimise pollutions risks e.g. raw material arrives in sealed containers, vehicles unloaded and washed within a fully sealed building (see 3.4) out going material is contained within sealed trucks. In addition a biofilter is proposed which it is said will be appropriately sized to control potential odours generated during the processing activities. It is further stated that the use of biofilters is considered a Best Available Techniques (BAT) with respect to environmental permitting. Finally it is said that a Construction and Environment Management plan would be prepared to minimise noise from operations and traffic, dust etc during construction.

The information provided does therefore suggest that significant adverse environmental effects arising from noise and odour emissions are unlikely, however a full and detailed Odour Assessment and Noise Impact Assessment will be required as part of the planning application to clearly demonstrate that these issues can be mitigated to an acceptable level.

In terms of landscape/visual impact, the size of the site and scale of the proposal has the potential to cause adverse visual impact and harm to landscape character introducing as it would a very urban form of development. The size and height of the building in particular would give rise to a large magnitude of visual impact which could be over a wide area. In your Request reference is made to additional planting on the southern boundary, 'if necessary'. In our view substantial new structural planting on the southern boundary would be essential to try and mitigate potential significant adverse effects and this should be considered with other landscape/planting measures as set out in the Councils Trees and Woodland Officer comments dated 27th October 2021, a copy of which you have been provided with. We have not been provided with a Landscape and Visual Impact assessment at this stage. We cannot be certain therefore whether any potential significant adverse impacts can be mitigated as you suggest. A comprehensive Landscape and Visual Impact assessment and detailed Landscaping scheme will be required with the application to demonstrate that landscape/visual impact can be mitigated to an acceptable level. It should have regard to the advice provided by the Trees and Woodland Officer.

The site lies within the Churnet Valley SSSI impact risk zone and has hydrological links to the Churnet Valley area. Several important habitats/sites are situated downstream from the proposed development site that are connected hydrologically due to the onsite drainage ditch and nearby stream. This includes the Churnet Valley SSSI, Local Wildlife Sites of county importance, and areas of ancient woodland. A Preliminary Ecological Appraisal Report November 2021 by Sterna Ecology was provided during the processing of this Screening request. The PEA assesses potential risks to designated sites, and provides more information on proposed pollution safeguards and mitigation. It concludes that *'There is therefore a risk that a major pollution incident, or fire, at the Proposed Development Site could have a significant impact on the Churnet Valley SSSI. Such an incident is most likely to occur through a pollution incident affecting water courses in the vicinity of the Proposed Development Site, such as the stream that runs through Felthouse and Consall Woods. Any such pollution could make its way south into the Felthouse/Consall Woods stream, which then flows directly into the Caldon Canal/River Churnet upstream of where it flows through the Churnet Valley SSSI.* However, the PEA concludes that the risk of this occurring is negligible and it outlines

measures to prevent/ control pollution. Unfortunately the Environmental Agency do not comment on Screening requests and feedback from the Local Lead Flood Authority and Natural England has been minimal. The EA has however advised that a variation to the existing Installation or a site specific Permit may be required for this project. They further say that it is a condition of the existing permit that the site provide an annual report on their activities and that the EA Installations team complete compliance checks on the site. They do not point to any existing issues at the site. On the evidence before the Council therefore, it seems reasonable to conclude that significant adverse effects are unlikely. These matters will however need to be considered comprehensively in the planning application. Staffordshire Wildlife Trust acting for the Council have set out the information they expect to see submitted with the planning application (consultation response 18th November 2021). In addition a Flood Risk Assessment and Drainage Strategy (to incorporate SUDS) together with Ground reports should be submitted with the application. See comments from the Councils Environmental Health Officer (17th November 2021), Local Lead Flood Authority (18th November 2021) and Natural England (5th November 2021).

In terms of water resources/discharges, your Request refers to the fact that the site is not within a Source Protection Zone (SPZ). The adjacent Advanced Protein Ltd facility is said to operate several groundwater abstractions under Licence number 03/28/30/0209 (Ref. Permit 105, 104, 103, 102, 101 and 100). It is said that a drainage strategy will be provided with the application that considers current guidance and ensures that effects on sensitive receptors will not be significant.

Location of the development

The site is not within a Sensitive area in terms of the Regulations. The site does lie within the Churnet Valley SSI impact risk zone. The main risk is considered to be from a major fire outbreak or pollution incident – see discussion above also. However the proposal will be built to the very latest building regulations and there is nothing specific about the nature of the proposal which suggests that the risk of fire or other incident at the site is high and the information provided sets out measures that would be in place to reduce the risk and mitigate impact. The site is within the Green Belt and is open countryside. The Green Belt designation washes over the whole of Associated Proteins adjacent facility. The area is best described as having a rural character albeit that the character of the site is influenced by the adjacent factory. The land appears to be Grade 4 classification. It is not therefore BMV agricultural land. The character of the landscape (site is agricultural land) will be completely and permanently changed by the development. The site is not however within a designated landscape or an area protected for its landscape or scenic value nor are the areas from which the proposal would be visible with the exception of maybe Morridge which follows the boundary of the Peak District National Park, but this is some considerable distance away.

Characteristics of the potential impact

The impacts in this proposal are specific and judged relatively limited in the EIA assessment context so as not be considered complex. Overall, the LPA is of the opinion that any potential impacts would not be of a magnitude to suggest that an environmental statement is required. There would be no trans frontier impact. There is no evidence that the development would involve unusually complex and potentially hazardous environmental effects. The matter of cumulative impact with the existing facility will need to be considered as part of the planning application but no significant adverse cumulative effect is anticipated in terms of the Regulations.

Given the nature, scale and location of the proposal it is not anticipated to have any significant adverse environmental effects in terms of use of natural resources, waste, heritage, population and human health, land use, land stability and climate change, nor will it result in a risk of major accidents/disasters.

Overall and taking a balanced view as advised in the PPG, for the reasons above and in the accompanying Matrix and having regard to Schedule 3 criteria any potential impacts are unlikely to lead to significant adverse effects in terms of the Regulations. That is not to say that all of these issues will not require very close scrutiny at the planning application stage. The application will need to be accompanied by comprehensive and robust technical reports to address these and all other material considerations. Your attention is drawn to comments made by various consultees as part of this Screening request and the related pre app which should be acted upon and detailed in the planning application.

For the reasons above it is considered that the development would not be likely to have EIA significant effects on the environment by virtue of factors such as its nature, size or location. This judgement is based on the information provided with the Screening request and currently available to the Local Planning Authority. Under regulation 6(9) it is hereby confirmed that in the opinion of the Local Planning Authority the above development is not EIA development in terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Yours sincerely

X *B.J. Haywood*

Signed by: Ben Haywood

Head of Development Services