

Appendix A



Department for
Communities and
Local Government

Please ask for: Dave Jones
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Your ref:
Our ref: NPCU/EIASCR/R3325/77311
Date: 31 January 2017

**Request for a Screening Direction
Town and Country Planning (Environmental Impact Assessment) Regulations
2011 as amended
Proposal for construction of new Anaerobic Digester on land at Frogmary Green
Farm, West Street, South Petherton, Somerset**

I refer to your request dated 11 December 2016 made under 4(8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) as amended (S.I.2015/660) ("the 2011 Regulations") for the Secretary of State's screening direction on the matter of whether or not the development proposed is 'EIA development' within the meaning of the 2011 Regulations.

The above development falls within the description at Category 3 (b) Industrial installations for carrying gas, steam and hot water of Schedule 2 to the 2011 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations.

However, in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposal is not likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 4(7) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 4(3) of the 2011 Regulations the Secretary of State hereby directs that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations. Permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (SI 418) are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

National Planning Casework Unit
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I am sending a copy of this letter and written statement to South Somerset District Council.

Yours faithfully

Dave Jones

Dave Jones
Senior Planning Manager
(With the authority of the Secretary of State)

Town & Country Planning (EIA) Regulations 2011
Secretary of State Screening Direction – Written Statement

Application name:	Frogmary Green Farm
SoS case reference:	NPCU/EIASC/R3325/77311
Schedule and category of development:	2 - 3(b)

Summary of likeliness of significant environmental impacts
Reasons for direction as required by 4 (5) (a) of amended EIA Regulations
<i>Schedule 3 selection criteria for Schedule 2 development refers:</i>
1 (a) – (f) regarding characteristics of development
<p>The Secretary of State has had regard to Planning Practice Guidance with particular reference to the energy industry as set out in the Annex. These thresholds are indicative, however, and are intended to assist in identifying whether significant impacts are likely.</p> <p>The proposed development will be located on 2.78ha of agricultural land and will result in a relatively small loss of land. It will use natural resources including the use of land, water and materials. Energy will also be required to run the plant but the proposed upgrade from electricity to gas would be likely to have a minimal environmental impact.</p> <p>It is likely that the proposed development would be seen as part of a group of existing agricultural farm buildings albeit the proposed Digester Tank and Stationery Feeders would be large in scale at some 45m in diameter and 7m high. The Gas Holder and the Digestate Tank would be 12.5m in diameter and 10m high. However, it is considered that the existing farm buildings would provide adequate screening when viewed from the north. Due to a low hedge, it is likely that the proposed development would be visible when approached from the south. Additionally, an existing band of trees would block most views from the site when approached from the east but a larger gap in the trees offers views from the south west.</p> <p>The site would be visible when viewed by members of the public using the footpath which runs along the western and southern site boundaries but it would not be likely to be directly overlooked by any residential properties. As part of the development, a proposed earth bund would also provide additional screening in the south west with additional tree planting providing screening in all directions.</p> <p>There is no evidence that the site, or any areas around the site, contains any important, high quality or scarce resources, notwithstanding the loss of agricultural land. There is also no evidence of any groundwater or surface water resources, which might be significantly impacted.</p> <p>The site will be likely to generate wastes during construction and decommissioning and, due to the nature of the facility, during its operation. This includes any waste generated from the estimated 4,479 tonnes from the farm (including approximately 2,500 tonnes of chicken manure) and off site importation of poultry manure (approximately 5,000 tonnes). As part of the process, the digestate bi-product eliminated through the process is available for use as a nutrient rich soil conditioner in place of raw manure. It is intended that this liquid digestate would be pumped onto the surrounding farm land.</p> <p>However, it is not expected that the project as a whole will generate any significant levels of solid wastes during the operational phases or when the site is decommissioned which are likely to cause significant impacts due to scale, design function and location.</p> <p>Any surface water drainage run-off, which will be clean surface water, from the new areas of impermeable surfaces will be directed into existing ponds adjacent to the site.</p>

Anaerobic Digestion is a biological process with a digester tank completely sealed in order to facilitate anaerobic gas collection and to eliminate odour release. Transfer of the materials from the feeder to the digester tank will also be within fully enclosed pipework. It is noted that the whole plant will also be subject to strict permitting by the Environment Agency which would control potential releases to air, water and land. The poultry manure is also stored in a shed positioned to the north west of the site in order to mitigate odour release.

The anaerobic digester also offers a completely sealed liquid management system with all incoming materials immediately stored in the designated feedstock clamps. The process is totally enclosed and no liquids leave the plant other than treated digeste utilised as an organic fertiliser. It is also proposed that dirty effluent will be collected and pumped into the pre-treatment/buffer tank before being recycled through the Anaerobic Digestion process. It is not anticipated that the operational use, allied to measures to avoid surface and ground water pollution, will lead to any significant risk of contamination.

It can be expected that the delivery of materials to the site will include materials considered to have the potential to be harmful to human health. However, arrangements would be expected to be made by the site operators for all vehicles carrying any materials considered harmful to human health and/or the environment to be strictly controlled by Health and Safety Legislation.

On noise, the process of anaerobic digestion is considered to be a silent process albeit it runs continuously over a 24-hour period. The only expected continuous noise would emanate from the CHP engines which are to be fitted with acoustic housing (this is described as comparable to the noise generated by a vacuum cleaner). It is likely that there will be significant noise generating activities associated with the delivery of feedstock and exportation of digeste and this will take place in the morning and last for approximately 2-4 hours per day. Whilst it is likely that the proposed development during the construction phase will result in increased noise and vibration impacts in addition to an increase in lighting (operationally, during the winter months in particular), there is no evidence that this will be significant. There is also no evidence that electromagnetic radiation will be a significant factor.

2 (a)-(c) (i) - (viii) regarding location of development

The site is located within an area of gently undulating agricultural land in a valley-head location with the proposed development to be contained in most part by both topography, the built form of the nearby farm and the raised section of the A303 carriageway. The site has been chosen due to its proximity to Frogmary Green Farm. As the current land use is agricultural, the Anaerobic Digester will cause a physical change to the land through its construction. The scale and characteristics of the proposed development, however, due to its close proximity to the existing agricultural buildings, will not be likely to result in any significant environmental effects.

There are no statutory or non-statutory sites on or around the location which are protected under international, national or local legislation and no significant evidence of the presence of protected species was found during the survey work.

On heritage assets, there are no sites identified nearby apart from an area of high archaeological potential some 200m to the south west where a roman settlement was present. However, it is considered that any works could be subject to a suitable planning condition to protect any remains identified. Historic England has not submitted any concerns and the Secretary of State has no reason to disagree with their views.

The closest residential receptor lies directly to the north east of the site and is owned and occupied by the site owner. Other residential properties lie beyond 300m to the north east of the site and it is considered that views are likely to be limited.

3(a) - (e) regarding characteristics of potential impact

The key issue relating to the potential impact of the proposal on and in the vicinity of the site relates to the potential pollution and waste impacts on human health relating to the future operation of the Anaerobic Digester on the site.

The Secretary of State is satisfied that there is not likely to be a significant ecological impact as a result of the project. Nor does he consider that the proposed development will be likely to result in a significant impact on the use of any non-renewable resources.

The Secretary of State is satisfied that, as it is located in a relatively sparsely populated area, there are unlikely to be significant environmental impacts on any densely populated or built-up areas. In addition, he notes that there are no firm plans for development near to the site which could be affected by the project. Nor does he consider that there will be any significant urbanising effect as a result of the proposals.

Whilst he accepts that there is always the risk of pollution being generated on the proposed site due to the storage and delivery of waste, it is not anticipated that the operational use, allied to measures to avoid surface and ground water pollution, will lead to any significant risk of contamination.

Moreover, the Secretary of State does not consider that the construction, operation or decommissioning phases are likely to lead to the release of any significant levels of pollutants whilst the sealed nature of the operations should serve to lessen the possibility of the nearest residential dwellings, businesses or visitors to the site being impacted. For these reasons, it is concluded that this proposed development is unlikely to represent a significant risk to human health during the construction, operational and eventual decommissioning phases.

Whilst the Secretary of State considers that some visual impacts are likely due to the characteristics and scale of the proposal, these are not considered to be significant.

The area has not been declared an Air Quality Management Area and there is also no evidence of any reported incidences where existing legal environmental standards are already being exceeded. The Secretary of State has seen no evidence to conclude that significant impacts as a result of the proposals are likely.

Whilst there is always the possibility of accidents during the construction, operational and decommissioning phase of any development which might affect human health or the environment, the Secretary of State is satisfied that there is no evidence to suggest that the potential risks will lead to impacts that are likely to be significant.

The Secretary of State is not convinced that these impacts, either individually or cumulatively, would result in significant environmental effects.

Is an Environmental Statement required?	No
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Name	Dave Jones
Date	31 January 2017