

# SCREENING OPINION

Opinion requested by:

Port of Boston Ltd  
Port of Boston  
Boston  
PE21 6BN

Name and address of agent (if any)

Chris Dent Architect  
5 North Avenue  
Exeter  
EX1 2DU

## Part I - Particulars of request

Date of request:

3 September 2020

LCC Ref No:

PL/0100/20

Description of development:

For the change of use from waste electrical and electronic equipment (WEEE) storage to general port storage and incinerator ash bagging

Location:

The Dock, Boston

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 but that this is unlikely to have significant effects on the Environment.

**The Council has therefore adopted the screening opinion that the development is not EIA development** having regard to the relevant selection criteria set out in Schedule 3 of the Regulations and the advice in the Ministry of Housing, Communities and Local Government's Planning Practice Guidance. The Council's reasons for reaching this conclusion are set out in the statement overleaf.

Date: 8 December 2020

Planning  
Lincolnshire County Council  
Lancaster House  
36 Orchard Street  
Lincoln LN1 1XX

*N McBride*

Head of Planning

## Statement of Reasons

A planning application has been submitted which seeks permission to change the use of land and buildings from the storage and processing of WEEE (waste electrical and electronic equipment) of up to 150,000 tonnes of waste per annum (processing limited to within the buildings) operating from 08:00 to 22:00, seven day a week to general port storage and incinerator ash bagging at The Dock, Port of Boston, Boston. The application states that all transfer, bagging and storage of the waste materials would take place within the buildings within the site, identified within the planning application. The proposed operations would have an annual throughput of 100,000 tonnes of incinerator ash, with no more than 7,000 tonnes stored in the building at any one time. The building measure 0.42 hectares, however the site as a whole, including access to and from the building, the area where a welfare unit would be stationed and the outside storage areas, to be used solely for general port storage, covers 0.98 hectares.

This proposal falls within the description of the developments within Schedule 2, 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"). The applicable thresholds and criteria within the EIA Regulations state that if: the disposal is by incineration; or the area of the development exceeds 0.5 hectares; or if the site is within 100 metres of any controlled waters then the need for an EIA to be submitted should be considered. As noted, whilst the area which would be utilised for the bagging and storage of waste materials (but not incineration) would be less than 0.5 hectare, the site area covered by the application covers almost one hectare. The buildings and land are located within the Port of Boston, just 35 meters to the north of the Dock itself. Therefore, it is deemed necessary to carry out a screening opinion.

Schedule 3 of the EIA Regulations sets out three broad criteria that are to be considered in establishing if 'significant effects' are likely. These are the characteristics of the development; the environmental sensitivity of the location, and; the characteristics of potential impacts. The Planning Practice Guidance "Environmental Impact assessment " (PPG) was issued in July 2017 and expands upon the EIA Regulations providing further guidance as to whether the proposal would be likely to cause significant adverse impacts and therefore whether the development is EIA development. The PPG advises that an EIA is more likely to be required for proposals where the capacity created would 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. The key issues to consider are the scale of the development and the nature of the potential impacts in terms of discharge, emissions or odour. The EIA regulations highlight that that an EIA is only applicable if the proposal is likely to have significant adverse effects on the environment; this can be determined by taking into consideration the size, emissions and location of the development.

The Port of Boston are seeking to use buildings within the site of the application for the importation, bagging, storage and exportation of incinerator ash from Energy from Waste Facilities in the East Midlands. The ash is the residue from the incineration process and is referred to as "air pollution control residue" (APCr). This is classed as a hazardous material because of its high alkalinity.

The proposed use would import up to 100,000 tonnes of APCr per annum. The materials would be brought to site in road silo tankers or in sealed bags on curtain sided trailers. The

unloading of APCr and its transfer to internal above ground silo within the buildings, the bagging, storage, loading of trailers to transfer to docks, would all take place within the buildings. Vehicles delivering APCr would reverse into the building and the roller doors would be closed behind them, an air compression system would be used to pump APCr into above ground silos within the building, a Silo Control System would be fitted to prevent accidental spillages, the APCr would be pumped from the silos into bags. The bags would be stored until they can be exported. No APCr would be stored outside prior to or following the bagging process and no more than 7,000 tonnes of APCr would be stored within the building at any one time. The operation would generate 120 - 140 vehicle movements per week. Most deliveries to site would occur between 08:00 to 17:00. Whilst within the building the core working hours would be 07:00 to 18:00. The operation has the capacity to fulfil the maximum permitted tonnages during the core working hours, however there may be occasions when the bagging plant may operate outside of these core hours, in the event of breakdowns, or preparing for bulk export shipment.

The land and buildings are located within the Port of Boston. The access to the site is via the internal port roads to the west, with storage areas around the building to the west, north and east. To the west the site is dominated by the silos of the adjacent Lincgrain site. To the north west a day centre is located is over 18 meters from the boundary of the site, the land next to the boundary, within the site has been used for many years for external storage in connection with general Dock activities. To the north of the site is the former access onto Skirbeck Road, this access is closed and a close board wooden fence erected along the boundary with Skirbeck Road. To the north east, abutting the site lies the boundaries of the nearest residential properties. The entrance to large building is less than 35 meters from the nearest residential property and less than 14 meters to the boundary of the nearest residential property. The site is not located within or close to a "sensitive" area as defined in the EIA Regulations.

Whilst the site is located adjoining and close to several residential properties and a day centre as noted above the land and buildings are located within a substantial working port and have been granted planning permission in the past to be used for waste transfer activities of a more substantial scale. All activities undertaken in connection with the transfer and storage of APCr would take place within existing buildings, during which time the entrance to the building would be closed. In terms of emissions from the site including noise, odours and dust these would be controlled and monitored by the Environment Agency through the imposition of an Environmental Permit.

Having taken in consideration the scale and location of the development and the nature of the operations and waste materials handled by the site, it is considered that the development would be unlikely to, give rise to impacts that of such a scale or significance that they would be more than local importance or give rise to unusually complex or potentially hazardous emissions or environmental effects. Consequently, having regard to the guidance and criteria set out in Schedules 2 and 3 of the EIA Regulations and the PPG the development is not considered to constitute EIA development.

#### 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 planning permission 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).