



**Herefordshire
Council**

ADOPTED SCREENING OPINION

**Under the Town and Country Planning
(Environmental Impact Assessment) Regulations 2011
('The Regulations')**

SITE: Yeld Farm, Lyonshall, Kington, HR5 3LY

REF: ENQ/134879

DATE: 27 August 2013

DEVELOPMENT:

Part II, Regulation 4: **SCREENING DETERMINATION**

The proposal is not listed in Schedule 1.

The proposal is listed in Schedule 2.

SCREENING CRITERIA

The Regulations – SI 2011/1824 Schedule 2, 3(a)	DETR Circular 02/99 Annex A, 114, A15, A11, A39
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SCREENING OPINION

The proposal is Schedule 2 EIA Development, falls below all the thresholds except on overall site size and is not in a Sensitive Area. Therefore an Environmental Statement will NOT be required.

REASONS FOR THE OPINION

The location adjoins existing poultry units and is not in a sensitive or designated area as defined in the Regulations. The proposal would be classed as a small to medium scale on-farm AS plant. There are no immediate residential neighbours and the site would only be closely visible from public footpaths PM 43 and 46. Consideration for the presence of European Protected Species and the catchment area of the River Wye SAC/SSSI, along with visual and cumulative impact would be material considerations. However, in this instance these are unlikely to merit the specialist analyses, reporting and mitigation specifically required for EIA. Overall, the likelihood of significant adverse environmental effects which could not be mitigated is considered low.

Signed 

Title:.....Development Manager.....

Date: 28.8.13

EIA SCHEDULE 2 SCREENING CHECK-LIST AND REPORT

Site and proposal details

REFERENCE NO	ENQ 134879	GRID REF	SO 3528, 5615	Site visited? Y/N	Date: Aug 2013
SITE ADDRESS inc postcode	Yeld Farm, Lyonshall, Kington, HR5 3LY		APPLICANT	Mr S Eckley	
PROPOSAL			AGENT	ADAS, (Nisha Rehm)	
Application registered?	Y / N	MAJ MIN	Size/area	CASE OFFICER	Debby Klein

Stage 1: Is the proposal indicated by the broad descriptions given in Schedule 2 Column 1 of the Regulations?

Yes	✓
No	

Ref No [e.g. 3 (a)]	Relevant description/s (the descriptions are indicative, not prescriptive).
3(a)	Installations for the production of electricity, steam and hot water

Note to stage 1: If the proposal clearly is not included the project is either Schedule 1, or not EIA. In such cases go straight to writing the short report after stage 4:

Stage 2: Does the proposal exceed threshold criteria in Schedule 2 Column 2 of the Regulations?

Yes	✓
No	

Ref No [e.g. 3 (c) (i)]	Relevant threshold and/or criteria [e.g. floor or site area, scale, size etc]	Relevant proposal details for comparison
3(a)	Where the site exceeds 0.5 ha	Between 0.7 and 0.8 ha

Note to stage 2: Schedule 2 development included in Column 1 but falling below the Column 2 thresholds may still be EIA if the site is in a 'sensitive location' as determined in stage 4.

Stage 3: Does the proposal exceed any of the indicative criteria in Annex A of Circular 02/99?

Yes	
No	✓

Enter all relevant details [May be multiple criteria/thresholds].

Ref No [e.g. A15]	Relevant criteria [e.g. floor or site area, scale, size etc]	Relevant proposal details for comparison
A14, A15, A11, A39	Generally EIA more likely if over 5 mW output, or over 10 ha	500 kW, site area <1 ha

Note to stage 3: Schedule 2 development falling below the Circular 02/99 criteria can still be EIA if the site is in a 'sensitive location' as determined in stage 4, likewise exceeding criteria is not automatically EIA

Stage 4: Assessing Sensitivity

ASSESS ALL CONSTRAINTS & DESIGNATIONS AFFECTING OR AFFECTED BY THE PROPOSAL AND ITS SURROUNDING AREA. A BROAD APPROACH IS NECESSARY.

Note: EIA Regulation 2(1) defines 'sensitivity' (and see 2006 EIA Agriculture Regs: SI 2006 2362) and therefore where the criteria in Circular 02/99 do not apply

A

EU/National designations	On/adjoining site ✓	Surrounding Area ✓
HRA Screening area (Wye SAC)	✓	✓
EPS – Great crested newt (2011 records)	✓	✓

B

Local and other indicators for 'environmental sensitivity'	On/adjoining site ✓	Surrounding Area ✓
Moor Court HPG (Unregistered)	✓	✓
Titley Court HPG (Unregistered) Visual Envelope	✓	✓
PROWs PM46/PM43	✓	✓
Woodland adjoining to north	✓	✓

	Yes/No	Details
(a) Is the proposal site within a type A or B 'sensitive area' as defined?	Yes	Within an unregistered HPG and the Visual Envelope of another
(b) Is the proposal close to a type A or B sensitive area? (distance?)	Yes	Public footpath alongside site
(c) If not, is the proposal site sensitive for other reasons?	Partly	Some landscape sensitivity, presence of GCN (significant numbers reported)
(d) Is the proposal for intensive agriculture?	No	
(e) If yes to (d), is the site or general area 'semi-natural'?	N/A	

Stage 5: PLANNING OFFICER'S APPRAISAL:

Schedule 3 selection and assessment criteria. Tick all applicable and likely to raise concerns.

1 Characteristics of the development:

(a) size and scale	✓	(d) production of waste	✓
(b) cumulation with other development	✓	(e) pollution and nuisance inc noise	✓
(c) use of natural resources		(f) risk of accidents (substances / technologies)	✓

2 Location and environmental sensitivity:

(a) existing land use/s	✓	(d) existing environmental quality	
(b) capacity of natural resources (eg water)		(e) populations	
(c) environmental absorption capacity	✓	(f) landscapes/archaeological	✓

3 Potential impacts:

(a) geographical area to be affected	✓	(d) probability	✓
(b) any transfrontier issues		(e) duration, frequency and reversibility	✓
(c) magnitude and complexity			

APPRAISAL REPORT

5.0 Site location and description of the proposal;

Yeld Farm is located two kilometres east of Lyonshall village, accessed via a farm track from the A44 Leominster to Kington. The site lies adjacent to a group of poultry units. The proposal is to construct a 500 kW/e output anaerobic digester comprising one digester tank 25m diameter/7m high + gas top to 12.5m height; one flat top digestate tank 25m diameter/7m high, a buffer tank, CHP unit, control kiosks, feeder unit, separator, flare for emergency use. Also required would be a new silage clamp, 35m x 72m x 4m high walls for storage of crops and poultry litter. Feedstock would be sourced as follows:

- 3000 tpa poultry litter
- 4000 tpa maize
- 2000 tpa beet

The above would be sourced from the applicant's holding/rented land within a 7 mile radius.

The estimation is that roughly 13% of the power output would power the poultry units with the remainder exported to the National Grid.

5.1 Stages 1 and 2 : Schedule 1 or Schedule 2 column 1 development and thresholds;

Anaerobic digesters (AD plants) are caught by Schedule 2, part 3(a) 'installations for generating hot water, steam and electricity', which sets a threshold of 0.5 hectare site area. In this case the site would exceed this overall, although a sizeable part would be occupied by the silage/manure clamp.

5.2 Stage 3: Circular 02/99 thresholds;

Annex A indicators of Circular 02/99 do not specifically mention AD plants. The section on power generation refers to conventional power stations, directing 'novel' techniques to PPG 22 on renewable energy. However that has been superseded by the National Planning Policy Framework. Other parts of Annex A refer to various forms of renewable energy e.g. wind turbines, solar power, hydro etc, suggesting the EIA is more likely to be required where the output would be more than 5 mW and on a large site. The proposal falls well below this horizon.

5.3 Stage 4: Sensitivity, including designations and amended / additional legislation;

The EIA Regulations defines 'Sensitive Areas', which include national and European designations, e.g. SSSI, SAM, NNR, SAC, ASNW, registered heritage assets etc. Local sensitivity would include SWS/SINC and unregistered Historic Parks/Gardens (HPG). The site is not within or adjoining any national designations, although there are several within 5 kilometres. It is however within the unregistered HPG of Moor Court, and the Visual Envelope of the unregistered Titley Court HPG. Such sites are afforded local protection the same as for Registered HPGs. Public Footpath PM46 runs alongside the proposal site, between it and the poultry units. There is a block of woodland adjoining on the north side of the site and the east side of the poultry units. Furthermore, there are numerous records from 2011 of Great crested newts at the site. The location falls within the area within which considerations of possible effects on the River Wye/Lower Lugg SAC/SSSI. The site is near to the Curl Brook which joins the River Arrow, a tributary of the Lugg and thus in continuity. Habitats Regulations Assessment Screening would therefore be necessary to establish the likelihood of significant effects on the SAC.

The site therefore has a degree of sensitivity which must be considered carefully, based upon reliable up-to-date evidence provided by the applicant along with any other necessary data.

The nature of AD plants includes the following:

- Quality-controlled by Environmental Permitting under separate legislation;

- A sealed anaerobic natural process;
- Contributes to renewable energy targets using effluent and energy crops;
- Electricity and heat outputs offset against considerable energy demand by poultry enterprises;
- Residue is valuable fertiliser which is much less odorous than raw effluent and can help to reduce nitrate and phosphate levels on land and in watercourse. It therefore represents a beneficial effect in that regard, when compared with manure spreading;
- Helps to support rural communities and farming economy through diversification;
- Visual impact considerations and industrialisation of the countryside.

Summary and Conclusion

The site is close to a public footpath, but is not otherwise prominently visible and would adjoin the existing poultry units, also at the side of the footpath. There are very few residential neighbours within 500 metres, the nearest being approximately 300 metres to the south-east. Government guidance suggests that visual impact is likely to be the key issue for AD plants, which are otherwise relatively benign. They convert organic wastes to biogas and heat, to produce bio-gas for renewable energy, and digestate as a valuable fertiliser. As generators of electricity and heat they are caught by a Schedule 2 first sift, however Farm-scale AD plants of up to 500 kW are not regarded as high risk. They can help prevent diffuse pollution as well as contributing to carbon reduction and renewable energy.

RECOMMENDED SCREENING OPINION:

	✓
The proposal is not listed in Schedule 2	
The proposal is listed in Schedule 2 but falls below all thresholds except site area and is not in a sensitive area	✓
The proposal is listed in Schedule 2 and falls below the thresholds but it is in a sensitive area	
The proposal is listed in Schedule 2, exceeds the threshold but is not in a sensitive area	
The proposal is listed in Schedule 2 and exceeds the thresholds	

Therefore the proposal **is not** EIA Development and an Environmental Statement **will not** be required

Reasons:

The location adjoins existing poultry units and is not in a sensitive or designated area as defined in the Regulations. The proposal would be classed as a small to medium scale on-farm AS plant. There are no immediate residential neighbours and the site would only be closely visible from public footpaths PM 43 and 46. Consideration for the presence of European Protected Species and the catchment are of the River Wye SAC/SSSI, along with visual and cumulative impact would be material considerations. However, in this instance these are unlikely to merit the specialist analyses, reporting and mitigation specifically required for EIA. Overall, the likelihood of significant adverse environmental effects which could not be mitigated is considered low.

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