



Ministry of Housing,
Communities &
Local Government

Magnus Gallie
Friends of the Earth

[Redacted]

Please ask for: Liz Hardy

Email: [Redacted]

Your ref:

Our ref: PCU/EIASCR/ L3055/3261044

Date: 30 November 2020

Dear Mr Gallie

**Request for a Screening Direction
Town and Country Planning (Environmental Impact Assessment) Regulations
2017
Proposal for temporary operations for a 10-year period for a Soil Treatment
Facility including asbestos picking operations at Daneshill Landfill Site,
Daneshill, Lound, DN22 8RB**

I refer to your request dated 12 October 2020, made under 5(6) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) ("the 2017 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 2017 Regulations.

The above development falls within the description at 11(b) Installations for the disposal of waste of Schedule 2 to the 2017 Regulations. Since the proposal exceeds the threshold in column 2 of the table in Schedule 2, the Secretary of State considers the proposals **to be 'Schedule 2 development'** within the meaning of the 2017 Regulations.

Furthermore, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations, the Secretary of State considers that the development **is likely to have significant effects on the environment**, see the attached written statement which gives the reasons for direction as required by 5(5) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 5(3) of the 2017 Regulations the Secretary of State hereby directs that the proposed development described above **is 'EIA development'** within the meaning of the 2017 Regulations.

Any application for planning permission for this development must be accompanied by an Environmental Statement. Under regulation 2 of the 2017 Regulations, an

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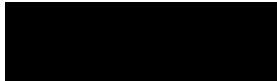
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Environmental Statement must contain, for the purpose of assessing the likely impact on the environment, the information specified in that regulation.

I am sending a copy of this letter and written statement to Nottinghamshire County Council and Leigh Day, on behalf of their client.

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.

Yours sincerely



Liz Hardy
Senior Planning Manager
(This decision was made by officials on behalf of the Secretary of State under delegated powers)

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

Application name:	Daneshill Landfill Site
SoS case reference:	PCU/EIASCR/L3055/3261044
Schedule and category of development:	11(b) Installations for the disposal of waste

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects.

The proposed development falls within Schedule 11 (b) Installations for the disposal of waste and is over the threshold of 0.5 ha. The Secretary of State has had due regard to the EIA Regulations and the Planning Practice Guidance in determining whether the proposal is likely to have significant environmental effects. He has undertaken this screening taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Planning Practice Guidance (PPG) through its indicative criteria and thresholds, states that, for installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes, a significant environmental effect is more likely where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. PPG indicates that sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require Environmental Impact Assessment. The main matters to be addressed would be the scale of the development and the nature of the potential impact in terms of discharges, emissions or odour.

The Secretary of State has considered whether the above proposal is likely to have significant environmental effects. He has undertaken this screening taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In doing so he considers the main matters to be addressed are:

Schedule 3 selection criteria for Schedule 2 development refers:

Characteristics of development

The proposal is for temporary operations for a 10-year period for a soil treatment facility to treat imported non-hazardous and hazardous soils, including those containing hydrocarbons and bound asbestos debris. The proposed development will treat up to 50,000 tonnes per annum with just under 30,000 tonnes of hazardous soils and 20,000 tonnes of non-hazardous soils. The Secretary of State notes that the applicant says the proposed development will treat up to 29,999 tonnes per annum of hazardous waste. The Secretary of State considers that, overall, the proposed development will be very close to or at the level of 50,000 tonnes per year over which the PPG indicates a significant environmental impact is more likely. It is not considered that there will be any changes in land use nor is it considered that there will be significant effects through the use of natural resources, production of solid wastes or accidents. Potential effects on natural resources; release of pollutants and harm to human health are considered in the characteristics of potential impact.

Location of development

The 2.1 ha site is situated in the open countryside, with the surrounding area a mix of agricultural land, wooded areas and former gravel pits, the former gravel pits now forming part of a nature reserve and Local Wildlife Site. Mattersey Hill Marsh SSSI lies around 450ms to the north of the site. The nearest

residents occupy a travelling community site approximately 200ms south of the site and separated from the site by a block of woodland. The Soil Treatment Facility will occupy the vacant materials recycling area located within the curtilage of the wider Daneshill landfill facility. The landfill is currently closed and is undergoing restoration.

Characteristics of potential impact

The temporary operations will involve the receiving of just under 30,000 tonnes per annum, of hazardous soils (including bound asbestos fibres) and 20,000 tonnes per annum of non-hazardous soils. The soils would be processed and the resulting soils would be used to landscape and restore the landfill site. The asbestos that is taken out would be disposed of to an authorised landfill site elsewhere. After processing any non-compliant soils that don't meet the permit criteria to be accepted towards restoration would be disposed of elsewhere. The Council screening opinion considers that the proposal will reduce the amount of waste. The applicant envisages that around 1 skip of filled asbestos bags will be recovered each year. One of the third parties requesting the screening direction considers that between 1-2 skips will be recovered each year and this represents a very significant quantity of asbestos. The third party further considers that large volumes of leachate would be produced by the treatment of soils. The Secretary of State has considered carefully the evidence submitted by the third parties requesting the screening direction, the Council, including internal consultee comments, and the applicant. **Having taken all the information into consideration the Secretary of State is satisfied that the proposal will not produce solid wastes during operation as the asbestos or other contaminants are already present in the soils and are separated during processing. While some solid waste is likely during construction and decommissioning phases the Secretary of State is satisfied these are not likely to be significant due to scale and nature.**

There will be additional HGV movements with a maximum of 160 HGVs accessing the site each day which will not exceed the numbers currently controlled by conditions on the extant planning permission. The HGV route will go via a level crossing and there have been representations that there are long delays due to the barrier. The third party request considers that use of an extant planning permission does not get around the possibility of a significant effect and there has been no updated transport assessment. The Council considers that the effects of traffic to and from the proposed facility would not be significant in the context of the adjacent landfill site and the traffic this has generated. The Highways Authority has not raised any objections subject to conditions. **The Secretary of State has carefully considered the evidence submitted by the Council and the applicant, together with the requests for a screening direction and the consultee responses by HA to the Council and he is satisfied that there are no likely significant effects on transport routes on or around the location which are susceptible to congestion and may be affected by the proposal.**

Mattersey Marsh SSSI lies around 450 m from the site. NE were consulted as the Secretary of State's advisors on ecological and landscape matters. NE consider that, on the basis of the material supplied there are no likely significant effects on statutorily designated nature conservation sites. **The Secretary of State is satisfied that there are no likely significant effects on statutorily designated nature conservation sites.**

The Secretary of State is also satisfied that there are no likely significant effects through the release of odour or through noise or vibrations.

The processing operations have the potential to generate emissions, including potential airborne escape of asbestos. The Council, in their updated screening opinion, note that the Dust Management Plan, produced as part of the planning application process details waste acceptance procedures which will ensure only soils containing bonded asbestos are accepted for treatment and no loose or friable types of asbestos contaminants are brought to the site. The Council further notes a range of dust mitigation measures are set out. A range of air monitoring and sampling techniques would take place at source. The Council states that, therefore, the applicant proposes that the Daneshill facility would be able to operate without giving rise to any increase in airborne asbestos concentrations.

The Council considers that, so long as recommended mitigation and site operational measures are enacted emissions of dust and other airborne particles would be controlled. The Council also states that

the facility would have to secure and then operate in accordance with an Environmental Permit which would set limits for emissions and establish a robust monitoring regime.

In the request for a screening direction, the third party considers that, despite proposed mitigation measures there is still a risk of asbestos fibres being launched into the air during delivery and processing of asbestos material, particularly as the facility is located wholly outdoors. They also raise concerns about indirect impacts on an occupied travellers site 200m away and 400m from a SSSI. The Secretary of State has also received a further representation which states that the applicant's view, which the Council accepted, that the processes proposed would not generate asbestos dust on the basis that only bonded asbestos debris is present is incorrect. The third party also disputes that asbestos dust will not be generated and states that asbestos dust concentrations of over 20f/ml could result from the sorting of soils with the level of contamination proposed at Daneshill.

The Secretary of State has noted the Environment Agency (EA) recommended that a twin track approach was taken and the Environmental Permit applied for at the same time as the planning application. As this has not happened the EA stated that they did not have enough information to be able to confirm whether a permit application would be successful or not. The Secretary of State has also noted that in one consultation response the EA commented that to reduce the risks to people and the environment and obtain a permit they would require the following information as part of the wider application:

- Risk Assessments and
- How the applicant would undertake testing to ensure there is no environmental impacts.

EA also referred to 'complexity of the site'.

The Secretary of State has carefully considered the evidence submitted by the Council and the applicant, together with the requests for a screening direction and the consultee responses by EA to the Council. Having considered all the information, including possible mitigation measures, the Secretary of State concludes that the proposal could have significant adverse effects through the release of pollutants or any hazardous, toxic or noxious substances to air. **Therefore, exercising the precautionary principle, he considers that an EIA is required on this matter.**

The area has sensitive ground and surface waters. The site is situated over a secondary aquifer which is above a principal aquifer. The area is further within a wider Source Protection Zone 3 for the abstraction and supply of public water.

The Secretary of State has noted that the proposal would involve potentially polluting surface waters. The Council says, in the Planning Committee report, it is critical that the proposal is robustly designed and managed so to hold or treat all potentially polluting surface waters and prevent these from reaching the surrounding environment i.e. to cut off any potential pathway for pollution to ground or surface waters and to the populations and habitats they support.

The applicant has produced a Flood Risk and Drainage Strategy which shows how the proposed treatment pads would be engineered. The proposal is to capture all run-off, including rainwater and collect into a holding or tanks for periodic emptying. The Council refers to ensuring a large enough holding tank or tanks are provided to collect all contaminated waters whilst being able to deal with rainwater and particularly intense rainfall event.

The Secretary of State has noted that the EA refers to the site as a sensitive setting from a groundwater protection point of view. EA also states that further drainage design detail may be required to support an Environmental Permit application. EA has asked for a condition to be attached to any planning permission in relation to any unsuspected contamination.

The Secretary of State has carefully considered the evidence submitted by the Council and the applicant, together with the requests for a screening direction and the consultee responses by EA to the Council. Having considered all the information, including possible mitigation measures, the Secretary of State concludes that the proposal could have significant adverse effects on important, high quality or scarce resources in particular groundwaters. **Therefore, exercising the precautionary principle, the Secretary of State considers that an EIA is required on this matter.**

There is a travelling community site which lies approximately 250m to the south of the proposed development. The Council considers that residual effects would be expected to be localised in and around the immediate landfill site and should not be significant at nearby residential receptors. The applicant considers that 'at source' monitoring is the most effective means of checking there is no airborne release of asbestos.

The third party considers that there is close proximity to a human population and potential for indirect significant effects, especially as there is only site based monitoring proposed and not monitoring of locations outside the site.

The Council considers these are technical details which fall to be agreed with the EA through the permit arrangements.

The Secretary of State has carefully considered the evidence submitted by the Council and the applicant, together with the requests for a screening direction and the consultee responses by EA to the Council. Having considered all the information, including possible mitigation measures, the Secretary of State is unable to conclude that the proposal could have significant adverse effects on existing land uses around the location, in particular the travelling community site. **Therefore, exercising the precautionary principle, the Secretary of State considers that an EIA is required on this matter.**

Conclusion

For the reasons given above the Secretary of State considers that an EIA is required.

Is an Environmental Statement required?	Yes
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Name	Liz Hardy
Date	30 November 2020