APPENDIX 1

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RECEIVED
30 MAY 2013
ARE

Date: Tuesday 21st May 2013
Our reference: JR/EIAScreen/NSM-AD

Dear Sir,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011

FORMAL SCREENING REQUEST FOR ENVIRONMENTAL IMPACT ASSESSMENT 'SCREENING OPNIONS' UNDER PART 2 REGULATION 5

NEW SMITHFIELD MARKET, ASHTON OLD ROAD, MANCHESTER

SCREENING OPINION ADOPTED BY MANCHESTER CITY COUNCIL

I write to you in response to your emailed letter received on 30th April 2013 regarding the above request.

In coming to a formal opinion on whether an Environmental Impact Assessment (EIA) is required to support the proposed development, Manchester City Council as local planning authority has taken into account the information contained within your letter and previously submitted site plan.

The proposed development is considered to fall within a 'Schedule 2 10 b' project (urban development project) by virtue of the size of the proposed site (0.8 hectares) and the type of proposed development. It is considered that an EIA is required for a Schedule 2 project only where the particular project is judged likely to give rise to 'significant environmental effects'.

Guidance on EIA procedures states that developments, which meet or exceed the applicable threshold, should be considered on a case-by-case basis and in determining whether EIA is necessary the selection criteria set out in Schedule 3 to the regulations must be taken into account.

The relevant selection criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, are: characteristics of the development; location of the development, and characteristics of potential impact. Your letter dated 29th April April 2013 sets out the reasons why you believe an EIA is not required to support the proposed development against these three selection criteria.

The Secretary of State's view in Circular 2/99 is that an Environmental Impact Assessment is required for Schedule 2 developments in three main types of case:

- For major developments which are of more than local importance.
- For developments which are proposed for particularly environmentally sensitive or vulnerable locations.
- For developments with unusually complex and potentially hazardous environmental effects.

The proposed development

You state in your letter that the proposal is to include the following:

To construct an Anaerobic Digestion Plant for the conversion of up to 16,500 tonnes per annum of organic material in to renewable energy and soil conditioner. The proposed feedstock for the plant is the source segregated food waste generated onsite and brought in from outside by collectors. This material, in the anaerobic digestion process will be converted into biogas that will be utilised by an onsite CHP unit. The plant will have an electrical generation capacity of 500 kilowatts and produce electricity which will be supplied to the grid and heat which will be marketed to market tenants and local businesses.

The main elements of the development will be:

- Reception and pre-treatment building with integral odour mitigation – where feed stocks are received and processed prior to the organic material entering the anaerobic digestion process.
- The digestion plant – where the feedstock is converted to biogas in gas tight tanks to produce biogas and a liquid residue. This area will be surrounded by a containment bund.
- Digestate storage tanks – where the liquid effluent from the digesters is stored ready for collection to be sold as fertiliser replacer to local farmers.
- Gas utilisation equipment – the biogas resulting from the process is utilised in a CHP unit to generate electricity and heat.

It is also confirmed that all the processes involved in the plant take place in either gas tight tanks or buildings which are subject to air quality mitigation measures.

The site plan previously submitted shows the following on site:

- The building housing the anaerobic digestion plant
- 2 x 11.23m high Digestate storage tanks
- A Biodome
- Car parking areas totaling 49 spaces
- Security cabin
- Existing and Proposed landscaping

Characteristics of the development:

The application site is located within the boundaries of the existing New Smithfield Market facility located off Ashton Old Road. Your letter confirms that the waste processing area is replacing an existing waste operation, which comprised of open air composting operation. It is agreed that this will be improved upon through the new waste facility proposals, as this will enclose all waste operations in sealed contained or an enclosed building during all unloading operations from delivery to the process. The doors will be of the quick activating type and no discharge will take place until the doors are closed and the air quality system in operation.

This is not considered to be a large-scale development at only 0.8 hectares and for a plant to treat up to 16,500 tonnes of waste per year, which is significantly under the threshold of 10 hectares and 50,000 tonnes where an EIA would be required. Due to the existing nature of the land uses within this immediate area, it is not considered that the proposals will have a significant detrimental impact on the surrounding area. The site is currently used for market purposes, so the levels of vehicular activity and general disturbance will not be significantly greater for a residential development. The issues of noise and odours will be assessed below and will be an important issue for consideration through the planning application. Therefore, it is considered that issues of traffic generation, noise and disturbance can be dealt with under the planning process.

As you state within your letter, the proposed development will be a significant net exporter of renewable electricity, heat and soil improver and as a consequence will not use significant natural resources during plant operation, which is a significant benefit to the environment. As a treatment plant the majority of inputs are converted in to useful products.

Location of Development:

As outlined above, this 0.8 hectare site is located within the boundaries of the existing New Smithfield Market facility. You have confirmed that the proposal will be located on an existing hard paved area following the demolition of the existing market block E and the current waste control site, and that the site benefits from previous planning approvals for a composting plant. The site is situated in a predominantly commercial/industrial area of Openshaw. There are a number of historic planning applications for this site, mainly including new buildings and extensions to the market use, waste facilities and highway works. The market area has a designated land use of B1, B2 and B8 and based on the information provided to date, it is agreed that the development would be classed as a B2 operation and is therefore a suitable development for this area. As this proposal is for a

new improved waste facility for the market that fits in well with the uses in the surrounding area and therefore, it is not considered that this would lead to the requirement of an EIA. Paragraph 41 of Circular 2/99, relates to contaminated land. The LPA has given full regard to the information within paragraph 41, which makes reference to "developments, which are proposed for severely contaminated land and where development might lead to more hazardous contaminants escaping from the site than would otherwise be the case if the development did not take place."

As mentioned above, this site was previously used as part of the market and therefore, this is a brownfield site and the land may be subject to contamination. It has been confirmed that the proposal is located on a current concrete slab and the only ground penetrations will be for the foundations of the new building. All other elements of the scheme will be floor mounted equipment inside and outside of the new building and should not include any significant ground works. A contaminated land/landfill gas survey will be required to accompany the planning application, and recommendations for any necessary remediation works required for the land. Therefore, it can be concluded that the land may be contaminated however the assessment of the land and the proposed remediation works can be addressed through the planning application. In this instance, an EIA will not be required.

The proposal is not located within a sensitive location in terms of a conservation area, the presence of any listed buildings, or in terms of ecological value.

Characteristics of potential impact

The site forms part of the existing New Smithfield Market and therefore, had a high level of vehicular activity during the day and night. You have confirmed that the development will require up to 19 HGV vehicle movements a day that will be during normal working hours of 6am to 8pm Monday to Friday and 6am to 8pm on a Saturday. It is proposed that these vehicles will access the site from the rear entrance of the market site on Lawton Street, via Press Street, however it has been stated that this can be modified if deemed more appropriate at a later stage. It has also been confirmed that commercial deliveries can be co-ordinated to reduce the impact from clashing with peak traffic times on public roads, thus minimising the impact of the facility. The impact on traffic on the access points and on the area will be covered within a Traffic Assessment and it is not as such that this would warrant the submission of an EIA.

The development also includes the demolition of the existing market buildings named 'Block E' and the removal of the current waste control site. The demolition of these structures will be dealt with through the planning application process rather than through the submission of a demolition prior approval. A demolition method statement and bat survey will be required for submission with the application to show how the impacts of the demolition process will be minimised. It is considered that this development will have some impact on the surrounding area, however it is judged that there will not be significant enough to be of more than local importance and thus do not warrant a formal Environmental Impact Assessment. The relevant matters can be assessed in detail as part of the planning application. Therefore, the opinion of the City Council, as Local Planning Authority, is that an Environmental Impact Assessment is not required.

It is considered the development will lead to some additional noise and odours, as this would be a waste facility use. It has been confirmed that this is not a substantially noisy process and all waste operations will be enclosed within a sealed container or an enclosed building during all unloading operations from delivery to the process. The doors will be of the quick activating type and no discharge will take place until the doors are closed and the air quality system in operation. Therefore, any noise will mainly be from the general comings and goings around the site. In relation to odour, it has been confirmed that air quality around the plant will be closely monitored by the Environment Agency as part of the provisions that will be set out in the environmental permit required for the plant. All buildings and emission points will be connected to an integrated odour mitigation system and exhaust emissions from the CHP units will be subject to limits set in the environmental permit.

Although noise and odour are recognised as an issue, this is likely to be of a localised nature and not widespread. The building will be acoustically insulated to ensure a limited breakout of noise from the buildings. Noise and disturbance will be considered through the application and the applicant has confirmed that an air quality assessment and a noise assessment will be submitted with the planning application and therefore, it is not considered that any impact would be such to warrant the submission of an EIA.

The development would clearly have a visual impact on the area, most notably as the proposal includes built form and the installation of tall storage tanks and a biodome. However, as you outline in your letter, the site is surrounded by a substantial retaining wall along the eastern boundary of the site and existing landscaping to the immediate area is by mature trees to the south and partially to the east and west. Additional landscaping / screening is proposed to the west of the proposed facility to screen the operational yard and external activities. Therefore, it is not considered that the proposal would require an EIA on the grounds of visual impact. A design and access statement has already been submitted during pre-application discussions that demonstrates how the development will relate to the surrounding area.

Due to the site being used as market buildings and car parking/circulation areas for a number of years, there has been little potential for local flora and fauna to colonise the site. There may be an ecological value to the site within the existing landscaping from the possible habitation of different species, however these can be protected by the introduction of new planting that will encourage future habitation. These issues can be addressed through the planning application and therefore, it is not anticipated that the proposal would require an EIA on ecological grounds, as the impact is not likely to be significant.

In addition to the above, no transfrontier impact is expected, the magnitude and complexity of the impact would be limited and confined to the local area, and is predictable. The probability of the impact is predictable and localized and can be mitigated in terms of appropriate conditions.

Further to the Schedules contained within the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 lists criteria and thresholds which indicate the types of cases in which an EIA is more likely. Annex A also gives an indication of types of impact that are likely to be significant for particular types of development.

Infrastructure Developments: Industrial Estates

A17 – An EIA is most likely to be required if the site area of the new development is more than 20 hectares. In determining whether significant effects are likely, particular consideration should be given to potential increase in traffic, emissions and noise.

This site falls below the threshold of 20 hectares in size, and although it is acknowledged that there will be some impact, the redevelopment of this site is not considered to have a significant and detrimental impact in terms of traffic, emissions and noise. In determining whether significant effects are likely, the location of a development is of crucial importance. The more environmentally sensitive the location, the lower will be the threshold at which significant effects are likely. In this case, as already referred to, due to the industrial nature of the area, it is not considered to be in an environmentally sensitive location.

In addition to the above, Circular 2/99 requires that in judging whether the effects of a development are likely to be significant, the LPA should always have regard to the possible cumulative affects of any other development. In this instance, it is not considered that the effects of the use involved looked at in association with other neighbouring uses would be such to have a cumulative adverse impact on the immediate area.

The proposed development is likely to give rise to some short and long term impacts although these are likely to be localised in nature. It should also be noted that no transfrontier impact is expected, the magnitude and complexity of the impact would be limited and confined to the local area, and the probability of the impact is predictable and localised and can be mitigated. Short-term impacts are likely to be related to construction activity of any approved scheme including some noise and air quality impacts. These will be short term impacts that will not give rise to significant environmental effects. Longer-term impacts may be as a result of increased activity on the site alongside cumulative impacts as a result of regeneration activities and developments in the wider area.

Conclusion

The proposed development is considered to constitute a Schedule 2 10b) 'Urban Development Projects' scheme. However, following consideration of the proposed development it would not take place in an environmentally sensitive location or, following appraisal against the EIA guidance selection criteria within Schedule 3, give rise to significant environmental effects. Taking into account the submitted information and the EIA guidance thresholds it is Manchester City Council's formal opinion that an EIA is not required to support the proposed development.

The City Council as Local Planning Authority reserves the right to seek an Environmental Impact Assessment of any future planning submissions on this site. Further, this letter does not infer or imply in any way that planning permission would be granted for the development and numbers of dwellings proposed and relates only to a screening opinion.

Yours sincerely,

Derek Jones (Group Manager Development Management North)