

APPLICATION NO: 12/0705W

PROPOSAL: Proposed Anaerobic Digestion and Combined Heat and Power Plant

ADDRESS: Former fuel storage depot, Twemlow Lane, Twemlow, CW4 8DS

APPLICANT: Mr R Brown, CRES Biogas Ltd

Legal Matters

The application was initially screened for the need for an Environmental Impact Assessment (EIA) to accompany the application and the Council's Screening Opinion was that an EIA was not required.

Following a change in the environmental baseline of the area surrounding the site after submission of the application, and the identification of potential odour concerns by the Environment Agency, a request for an EIA Screening Direction was made to the Secretary of State who determined that an EIA was required.

Under r.3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, the Council cannot grant planning permission for development which is 'EIA development' unless they have first taken the environmental information into consideration.

This means that should members be minded to refuse the application, a decision can be made on that basis. However, the effect of the 2015 Regulations is that members should not form any other view about the application until such time as the applicant has submitted the environmental statement to enable the EIA to take place.