

Delegated Report

EIA Screening Opinion

Application No:	20251040
Location:	Cobham House Vineyard, Gold Street, Cobham, Gravesend, DA12 3AA
Description:	Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of the erection of a winery building and hardstanding.
Applicant:	-
Site Visit Date:	Not required for a screening opinion application

Proposal

This application comprises of a screening opinion in respect of the erection of a winery building and hardstanding and whether it constitutes EIA development for the purposes of the 2017 EIA Regulations.

The proposed development to which this screening opinion application relates, is for the erection of a winery building and hardstanding.

Site

The site is a land holding of approximately 11.51 hectares ('ha'). The Site is located to the east of Sole Street, outside of the defined area of the rural settlement.

The site is within the Kent Downs National Landscape and comprises land currently in agricultural (arable) use in a mix of Grades 1 and 2. Field boundaries are demarcated by trees and shrubs.

The site is not within a conservation area and not within a designated archaeological area, although is in an area of archaeological notification.

The site is within Flood Zone 1 and has a low probability of flooding.

Submitted Documents/Plans

- Supplementary Information – Email from Agent (15/10/2025) – Details Relating to Bottling Plant

Relevant Planning History

Reference	Description	Decision	Decision Date
20250604	Details related to 20240544 for the Erection of a winery building and hardstanding.	Pending Consideration	
20240544	Application to determine if prior approval is required for a proposed; Erection of a winery building and hardstanding for Agricultural or Forestry use of the Town and Country	Prior Approval Required	30.04.2025

	Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6.		
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Officer's Analysis

The relevant regulations to consider this screening request against are the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein after referred to as the 2017 Regulations).

The Council has to consider if the proposed development is either Schedule 1 or Schedule 2 Development, and if the latter whether the development is likely to have a significant effect on the environment by virtue of factors as its nature, size and location and therefore requires an assessment (by virtue of the definition of EIA Development in Regulation 2).

Schedule 1

The proposal does not fall within any of the categories of development within Schedule 1 of the 2017 Regulations.

Schedule 2

The site is located within a 'sensitive area' as defined by Regulation 2 (1) of the EIA Regulations, being within the Kent Downs National Landscape. However, the proposed development is not considered to fall within any descriptions of Schedule 2 of the Regulations.

The following three categories have been raised by third parties as categories which the development may fall within:

- 7(a) Manufacture of vegetable and animal oils and fats
- 7(d) Brewing and Malting
- 10(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas

The analysis below sets out the considerations of those descriptions of development in particular and why they are not applicable to this proposal. For the sake of completeness the analysis below also addresses category 7(b).

The development clearly does not fall within any of the other categories set out in Schedule 2.

<u>Description</u>	<u>Consideration of Development</u>
7(a) Manufacture of vegetable and animal oils and fats	The growing of grapes, pressing and fermentation for wine does not fall within this category, as it is not the manufacture of an oil or fat. In [2021] EWHC 702 (Admin), <i>Swire vs Ashford Borough Council & McGrath</i> ¹ , the Court (paragraph 119) considered that wine could mean a vegetable product, however as the process is not a manufacture of oil or fat the proposal does not fit within 7(a) description.
7(b) Packing and Canning of Vegetable and Animal Products	In <i>Swire</i> (paragraph 119), the High Court considered if the making and bottling of wine was development for the 'packing and canning of

¹ <https://www.bailii.org/ew/cases/EWHC/Admin/2021/702.html>

	vegetable and animal products', concluding that winery development did not fall within the ambit of 7(b). It is acknowledged that bottling of wine would take place at the proposed development, however it is considered that the "bottling" of wine is not the same as "packing and canning". As was the case in <i>Swire</i> the bottling of wine in this development would be a mobile plant hired in and operated inside the building (see Supplementary Information - Email from Agent 15/10/2025), which was confirmed by Judge Duncan Ouseley to not fall within 7(b). Therefore, the proposed is not "packing and canning" and does not fall within this category 7(b).
7(d) Brewing and Malting	In <i>Swire</i>, at Paragraph 120, the High Court considered the matter of 'brewing and malting' in relation to a winery development, and concluded that winery development did not fall within the ambit of 7(d). Brewing involves malting, mashing, boiling with hops, then fermentation with yeast, using malt, water, yeast, and hops. It clearly does not include wine-making. 'Brewing' specifically relates to the production of beer; cider; or tea. If the EIA Directive and thereafter the EIA Regulations had meant this should apply to the wider production of alcohol for consumption it would need to say so rather than use specific terms which relate to the specific product. Malting for completeness amounts to the conversion of raw grains into 'malt' and which is used in brewing to create beer. Again, it does not relate to wine-making or fermentation more generally. Therefore this proposal which is for a winery building which would be used for the production of wine does not fall within this category.
10(b) Urban development projects	The proposal solely seeks a winery building for the purpose of processing grapes to wine, there is no ancillary development such as a shop, visitor centre, etc. other than the hardstanding. The proposal is within the rural area and rural in nature, it does not involve urban or semi-urban forms of development e.g. housing and associated services or facilities to serve those households

	such as retail areas, leisure facilities, etc. In <i>Swire v Ashford Borough Council and McGrath</i> [2021], the LPA accepted that a new winery and visitor centre was urban development. However, the development in <i>Swire</i> is different to the proposal, by virtue of the winery in that case including ancillary development in the form of a visitor centre. Therefore, as the winery hereby proposed does not include any development other than a winery building for the purposes of processing grapes and associated hardstanding, it is not considered an urban development project and the proposal does not fall within 10(b).
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Therefore, the proposal is not considered to fall within any of the descriptions of development set out in Schedule 2 of the Regulations (2017).

Since it is neither Schedule 1 nor Schedule 2 development, the proposal is not EIA development and therefore an Environmental Statement is not required to be submitted.

Summary

Having assessed the available evidence for the reasons set out above it is the Local Planning Authority's opinion that the proposal is not EIA development and that accordingly an Environmental Statement is not required to accompany a planning application.

Conclusion

The development proposed is for the erection of a winery building and hardstanding at Gold Street.

It is concluded that **EIA is not required and a negative screening opinion be issued.**

The development does not constitute EIA development for the following reasons:

The proposal does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017, as amended, (referred to as "the Regulations") that would require mandatory Environmental Impact Assessment (EIA).

The development that is the subject of this screening request also does not constitute a Schedule 2 development for the purposes of the 2017 Regulations.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mr Shazad Ghani
Signed:		Signed:	<i>S. Ghani</i>
Dated:	15 October 2025	Dated:	15 October 2025