



East Midlands Intermodal Park SCOPING OPINION



September 2014



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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the Proposed East Midlands Intermodal Park: Strategic Rail Freight Interchange (SRFI).

This report sets out the Secretary of State's opinion on the basis of the information provided in Goodman Shepherd (UK) Limited's ('the applicant') report entitled 'Environmental Impact Assessment Scoping Report' (August 2014) ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Traffic and Transportation, particularly cumulative impacts during operation on the local and national road network and impacts during construction on the highway and rail networks
- Noise and vibration impacts
- Effects on landscape and visual
- Emissions to air and water
- Ground contamination
- Potential impacts relating to waste including earthworks and the import or export of spoil

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

1.0 INTRODUCTION

Background

- 1.1 On 19 August 2014, the Secretary of State received the Scoping Report submitted by Goodman Shepherd (UK) Limited ('the applicant') under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed East Midlands Intermodal Park ('the Project'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant is deemed to have notified the Secretary of State under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an environmental statement in respect of the Project.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the Secretary of State must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i the EIA Regulations
 - ii the nature and scale of the proposed development
 - iii the nature of the receiving environment, and
 - iv current best practice in the preparation of environmental statements.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional

judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))*
- 1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the Secretary of State under their duty to notify the consultees in accordance with Regulation 9(1)(a). The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the applicant should refer in undertaking the EIA.

- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

This Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

2.0 THE PROPOSED DEVELOPMENT

Introduction

2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the proposed development

2.2 The proposed development comprises an intermodal terminal and commercial buildings for industrial/logistics use.

2.3 Section 3.2 of the Scoping Report has identified the following components of the proposed development:

- Infrastructure to enable the exchange of freight between road and rail, including railway sidings with a connection to the adjacent railway line and an intermodal terminal incorporating mobile container handling equipment and external container storage;
- Rail-linked Class B8 distribution units, to include associated landscaping, access, parking and servicing areas;
- Lorry parking area including facilities for drivers;
- New vehicular access point onto the A50/A38 intersection;
- New estate roads;
- Earthworks to create development plots and areas for mounding and balancing ponds;
- Extensive new landscaping areas; and
- Green spaces accessible to the local community by footways/cycleways.

Description of the site and surrounding area

The Application Site

2.4 The site (255 hectares) lies on the south western side of the City of Derby. It adjoins the existing strategic trunk road network (A38/A50) together with the existing strategic rail freight network (Stoke on Trent to Derby Main Line). The boundaries of the site are defined by existing roads, comprising the A50 (to the north),

the A38 Burton Road (to the east), the A5132 Carriers Road (to the south) and Egginton Road/Etwall Road (to the west). The site is bisected by the Stoke on Trent to Derby Main Line on an east-west alignment.

2.5 There are no statutory designations relating to heritage, landscape or ecology identified within the site boundary.

2.6 The main features and uses within the site include:

- An existing waste water treatment facility operated by Severn Trent Water Ltd and an in-vessel composting facility operated by Biffa Waste Services Ltd, located centrally within the site;
- Three residential dwellings, comprising Round House Farm, 1 Standpipe Cottage and 2 Standpipe Cottage;
- Boundary Road provides access to the waste water treatment facility and residential dwellings;
- Pylons and overhead electric power lines straddle the northern part of the site;
- Parts of the site have been subject to previous minerals extraction for sand and gravel and now incorporate inert imported material;
- Trees within the site include a plantation on the western boundary, which is subject to a group Tree Preservation Order;
- An existing flood attenuation pond is located in the eastern part of the site and connects via a culvert to the existing development on the northern side of the A50;
- Watercourses within the site comprise Etwall Brook (which cuts across the north western corner) and Willington Brook (on the eastern side);
- Parts of the site are used for the growing of crops for use as biofuel. In the past the majority of the land has been used for intensive sewage sludge recycling and as such is unsuitable for growing crops direct for human consumption. As a consequence the land is used to grow crops for biofuels or animal feed uses only.

The Surrounding Area

2.7 The nearest villages to the site are Etwall (on the northern side of the A50); Hilton (to the west); Egginton (to the south) and Willington (on the eastern side of the A38).

2.8 To the north of the site is the Toyota European Production Centre and Derby Airfield is located to the west. Willington Quarry currently in active use for aggregates extraction is to the south.

- 2.9 Hilton Gravel Pits Site of Special Scientific Interest (SSSI) is located approximately 1.8km from the site and Marston on Dove SSSI approximately 3km. Willington Gravel Pits Nature Reserve is located approximately 1.1km from the site.
- 2.10 Although no public rights of way pass through the site, several run to the site boundary.
- 2.11 The site is not within a conservation area, however the Trent and Mersey Canal Conservation Area is approximately 600m from the site at its closest point. It connects with two other conservation areas; to the east is Shardlow, the terminal port of the canal and to the west, it connects to the Staffordshire section of the canal at Clay Mills. There are several scheduled monuments within the study area.

Alternatives

- 2.12 No alternative sites have been considered in the Scoping Report. Alternative indicative layouts only have been provided. (Appendix 4). The scoping report confirms that the evolution of the proposed development based on environmental, policy and commercial constraints would be provided in the ES (paragraph 6.5 of the Scoping Report).

Description of the proposed development

- 2.13 Various options for the proposed development are being considered but all have the following common elements:
- New warehouse units (distribution centres) and intermodal rail freight facilities which would be accessed by both road and rail. In addition to the new rail infrastructure and warehouses, a mix of new green spaces, servicing infrastructure and parking areas;
 - Up to 557,400sqm (6,000,000sqft) of warehouse floorspace for storage and distribution businesses, comprising warehouses. Each warehouse would include areas for the storage of goods and also office areas;
 - New infrastructure and loading areas to enable the transfer of unitised freight between road and rail. The infrastructure would include railway sidings and intermodal facilities, which would permit the transfer and storage of intermodal units. A secure gatehouse arrangement and parking for waiting vehicles would also be provided; and
 - A new road access to the site would be created off the A38/A50 intersection in order to serve the new development.

Proposed access

- 2.14 Access for trains would be by way of the Stoke on Trent to Derby Main Line and a new vehicular access would be via A38/A50 intersection.

Construction

- 2.15 A construction programme has not been included in the Scoping Report. The Scoping Report states that ES would provide details of the anticipated construction programme. An explanation of assumptions for the construction phase would be provided in the ES (paragraph 6.6 of the Scoping Report).

Operation and maintenance

- 2.16 The Scoping Report does not provide any information on the operation or maintenance of the project.

Decommissioning

- 2.17 The decommissioning of the Project has not been considered in the Scoping Report.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.18 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Secretary of State would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.

Description of the proposed development

- 2.19 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.

- 2.20 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter.
- 2.21 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.22 The Secretary of State recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
 - Site preparation including the movement of spoil and the need to import or export material;
 - Temporary/permanent road closures;
 - Construction processes and methods, including phasing, hours of work, the number of workers and the number and type of vehicles, plant and equipment;
 - Transport routes;
 - Operational requirements including the main characteristics of the rail freight processes, both on and off-site, including the wider network of freight movements;
 - Relationship with the wider rail network;
 - Maintenance activities including any potential environmental impacts, and
 - Emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.

Alternatives

- 2.23 The EIA Regulations require that the applicant provide 'An outline of the main alternatives studied by the applicant and an indication of the main *reasons for the applicant's choice, taking into account the environmental effects*' (See Appendix 3).

Flexibility

- 2.24 The Secretary of State notes the comments in Paragraph 3.6 of the Scoping Report that further Parameter Plans will be prepared and the use of Parameter Plans is considered appropriate in order to ensure that the proposed development is sufficiently flexible to accommodate the detailed requirements of future occupiers. The Secretary of State welcomes that the proposals are to be firmed up during the pre-application stages but encourages the

description to be as accurate and firm as possible so that its environmental impact can be more accurately assessed.

- 2.25 The Secretary of State notes the intention where the details of the scheme cannot be defined precisely for the EIA to assess the likely worst case scenario. The Secretary of State welcomes the reference to Planning Inspectorate Advice Note 9 'Using the 'Rochdale Envelope' but also directs attention to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.26 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new scoping opinion.

Proposed access

- 2.27 The Secretary of State would anticipate a comprehensive description of the temporary and permanent access to the site be provided within the ES.

Construction

- 2.28 The Secretary of State notes that no information has been provided in the Scoping Request regarding the size and location of construction compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, applicants are reminded that this information will be required and should be included in the DCO boundary.
- 2.29 The Secretary of State considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.
- 2.30 No direct reference is made to the need for a formal Site Waste Management Plan for the proposed development. The Secretary of State recommends that the applicant discusses the requirement for such a plan with the Environment Agency, including its relationship to the scope of any proposed Construction and Environmental Management Plan (CEMP).

Operation and maintenance

- 2.31 The ES should clearly describe operational and maintenance requirements for all elements of the development and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift

patterns; the number and types of vehicle movements generated during the operational stage.

Decommissioning

2.32 In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The Secretary of State encourages consideration of such matters in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

Environmental Statement (ES) - approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.4 The Secretary of State would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.6 An assessment of cumulative effects should be made for each topic chapter, and similarly the scope of this assessment must be clearly identified and justification provided. The Secretary of State refers the applicant to comments received from Natural England and from South Derbyshire District Council (Appendix 2) regarding the scope of the cumulative impact assessment.

Matters to be scoped out

- 3.7 The applicant has identified in 'Table 2: Environmental Statement Scoping Summary' the relevant sections of the Scoping Report the matters proposed to be 'scoped out'. These include for construction and operational phases:
- Impacts of daylight, sunlight and overshadowing
 - Impacts of electronic interference;
 - Impacts of wind microclimate;
 - Impacts of solar glare;
 - Construction and operational waste
 - Air quality impacts on sensitive ecological habitats and species during construction;
 - Effects on invertebrates and water voles; and
 - Transboundary impacts;
- 3.8 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.
- 3.9 At this stage, insufficient information has been provided to enable impacts of the proposals on daylight, sunlight and overshadowing; impacts of electronic interference; and impacts on wind microclimate to be scoped out. The parameters plan provided does not show anticipated heights for the structures proposed which is likely to strongly influence whether these impacts would result in significant effects. Furthermore the appendices to the Scoping Opinion show residential properties in proximity to proposed structures. Further work is required before these aspects can be scoped out and the Secretary of State refers the applicant to comments received from Egginton Parish Council (Appendix 2) in this regard.
- 3.10 The Secretary of State notes from the applicant's Scoping Report that the buildings and other structures proposed by the development will not be constructed of highly reflective material and accepts that effects of solar glare can be scoped out of the assessment.
- 3.11 The Secretary of State notes that construction and operational wastes will not be considered in a separate ES chapter, the Secretary of state does not agree at this stage that the impact of managing waste during the construction and operational phases can be scoped out as insufficient information has been provided by the applicant to justify such an approach.
- 3.12 The scope of the assessment with respect to air quality impacts on sensitive ecological receptors is not clear, with contradictory

information in Chapter 13 and 16 of the applicant's Scoping Report (see below for further details). The Secretary of State does not agree at this stage that air quality impacts during construction and operation on sensitive ecological habitats and species can be scoped out as insufficient information has been provided by the applicant to justify such an approach. The applicant's attention is drawn to the consultation response from Natural England (section 2.2 of this response) in Appendix 2 which highlights the need for consideration of air quality impacts on designated sites.

- 3.13 The Secretary of State notes that effects on invertebrates and water voles are excluded from further consideration by the Scoping Report in Table 22. The Secretary of State does not agree at this stage that impacts on water voles can be scoped out as suitable habitat has been identified on site, and insufficient information has been provided by the applicant with respect to the predicted impacts on these habitats during the construction and operation phases. The Secretary of State draws the applicant's attention to the consultation response received from Natural England provided in Appendix 2.
- 3.14 Given the information provided at this stage the Secretary of State considers that significant environmental effects on another EEA state are not likely. The Secretary of States formal transboundary screening matrix will be published in due course.
- 3.15 Whilst the Secretary of State has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.16 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

National Policy Statements (NPSs)

- 3.17 In the absence of a relevant designated National Policy Statement, the ES should explain the relationship between the relevant planning policy and the objectives of the proposed development. This will support any justification for considering certain policies in the context of the application as well as demonstrate the level of need for the proposed development.
- 3.18 The Department for Transport published the Strategic Rail Freight Policy Guidance on 29 November 2011. This policy sets out the assessment principles that should be considered in the EIA for the proposed development. This guidance was produced in the interim

pending the publication of the Department for Transport's consultation document on the national transport networks NPS.

Environmental Statement - Structure

- 3.19 Section 5.0 of the Scoping Report sets out the proposed Contents list of the ES on which the applicant seeks the opinion of the Secretary of State.
- 3.20 The Secretary of State notes that the EIA would cover a number of assessments under the broad headings of:
- Socio-economic issues
 - Landscape and visual
 - Exterior lighting
 - Cultural heritage
 - Traffic and transportation
 - Noise and vibration
 - Air quality
 - Ground conditions
 - Water resources and flood risk
 - Ecology and nature conservation
 - Agricultural circumstances

Topic Areas

Socio-economic issues (see Scoping Report Section 7.0)

- 3.21 The Secretary of State welcomes the qualitative and quantitative assessment that would be undertaken using assessment methodologies from published guidance to assess:
- The increase in short term construction employment and long term operational employment;
 - The increase in local expenditure and investment due to construction workforce spending and an increase in occupational expenditure.
 - The housing demand with increase in employment opportunities from the project.
- 3.22 The Secretary of State recommends that the types of jobs generated should be considered in the context of the available workforce in the area, this applies equally to the construction and operational stages.

- 3.23 The Secretary of State recommends that the assessment criteria should be location specific and consider the potential significance of the impacts in a local and regional context.
- 3.24 The Secretary of State draws the attention of the applicant to comments made in Appendix 2 by South Derbyshire District Council regarding socio-economic issues and those made by Etwall Parish Council with respect to local amenity, employment, and housing.

Landscape and visual (see Scoping Report Section 8.0)

- 3.25 The Secretary of State recommends that the applicant liaises with the local planning authorities to ensure use is made in the EIA of the most up to date policy documents. The Secretary of State is pleased to note that the assessment would be carried out in accordance with the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA) and the Landscape Character guidance for England and Scotland (2002).
- 3.26 Reference is made to the LVIA study area (paragraph 8.4 of the Scoping Report), however there is no definition or description of the LVIA study area. The Secretary of State advises that a clear definition of and justification for the study area used for the LVIA assessment is provided within the ES.
- 3.27 The landscape and visual assessment refers to a 'zone of visual influence' (paragraph 8.8 of the Scoping Report). The Secretary of State advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work as well as the methodology used. The Secretary of State would expect to see a clear explanation of how such tools have been used in influencing the design and assessment of impacts.
- 3.28 The Secretary of State refers the applicant to Appendix 2 of this Opinion and the comments received from Natural England. In particular the Secretary of State notes the comments made in relation to the assessment of impacts on landscape character, the assessment of cumulative effects and impacts to rights of way and access land.
- 3.29 The proposal will include large structures. The Secretary of State requests that careful consideration is given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of these structures. The Secretary of State welcomes consideration of night time impacts and recommends that the location of viewpoints should be agreed with the local authorities. The applicant's attention is drawn to the consultation response from Etwall Parish Council regarding mitigation of visual impacts.
- 3.30 The Secretary of State recommends that the assessment addresses any impacts resulting from mitigation and any potential

inter-related effects with other topics such as ecology and the chapter dealing with exterior lighting.

Exterior lighting (see Scoping Report Section 9.0)

- 3.31 The Secretary of State welcomes the inclusion of an assessment of impacts from exterior lighting. The Secretary of State notes that this could equally have been considered as a subheading within other relevant topics e.g. Landscape and Visual and Ecology and Nature Conservation. However, the Secretary of State notes that it will be necessary to assess the inter-related impacts of exterior lighting on all other relevant topics.
- 3.32 The Secretary of State is pleased to note that the assessment would be carried out in accordance with the Institution of Lighting Professionals (ILP) Professional Lighting Guidance on Undertaking Environmental Lighting Impact Assessments and the institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01: 2011.
- 3.33 The Secretary of State recommends that the location of viewpoints should be agreed with the relevant local authorities, network Rail and the Highways Authority. The Secretary of State notes that Figures 9.2-9.6 are provided to illustrate night time views, the applicant may wish to consider labelling the views more clearly to highlight particular features such as masts and providing a day time view for each of the night time views provided.
- 3.34 The applicant's attention is drawn to the consultation response from Etwall Parish Council regarding the mitigation of artificial lighting.

Cultural heritage (see Scoping Report Section 10.0)

- 3.35 The Secretary of State notes the statement at paragraph 10.8 of the Scoping Report that the 'methodology to determine the significance of buried assets, built heritage assets ... would be based on that typically used in EIA'. The Secretary of State advises that a clear methodology for the assessment of impact on heritage assets and their settings should be provided in the ES.
- 3.36 The Secretary of States notes the reference in paragraph 10.16 made to the desk-based study to assesses the impact on buried heritage assets 'East Midlands intermodal Park County of Derbyshire Historic Environment Baseline Information August, Museum of London 2014' (Appendix 10 of the Scoping Report) and 'a separate Museum of London Archaeology report to assess the above ground (built) heritage assets within the site' (Appendix 11 of the Scoping Report). Further reference to Appendix 11 is made in paragraph 10.27 of 'an archaeological geophysical survey'. The Secretary of State advises that all references to evidence and that

all cross-referencing uses consistent terminology to avoid confusion when reading the ES.

- 3.37 The Secretary of State notes the advice received by English Heritage regarding the likely archaeological interests at the site. The Secretary of State recommends that the applicant works with English Heritage and other relevant consultees to agree the assessment methodology for buried assets, above ground assets and on the setting of assets. The applicant's attention is drawn to the comments in Appendix 2 from English Heritage regarding the methodologies behind the assessment and the location specific aspects likely to require investigation and assessment.

Traffic and transportation (see Scoping Report Section 11.0)

- 3.38 The Secretary of State welcomes the development of a full Transport Assessment and a Travel Plan for the project to be produced in accordance with Guidance on Transport Assessment, Department for Transport 2007 and the criteria set down in DLTR Circular 02/13. The Secretary of State welcomes the approach to determining the significance of identified impacts with regard to the Design Manual for Roads and Bridges HA205/081 in order to define magnitude and significance of impact. It will be important to ensure consistency of terms used to describe significance between this approach and others used for other topic areas in order to aid the decision-making process.
- 3.39 The Secretary of State welcomes the proposal to consider the inter-related impacts with other topics in the ES including noise and vibration; air quality; ecology and nature conservation, archaeology and the water environment.
- 3.40 The Secretary of State welcomes the development of the assessment of transport impacts in association with the local highways authorities (Derbyshire County Council, Derby City Council) and the Highways Agency (HA). The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies. The Secretary of State refers the applicant to the Highways Agency's comments provided in Appendix 2, this includes location specific and general aspects that the applicant will need to consider.
- 3.41 Consideration should be given to the comments received from Nottinghamshire County Council (Appendix 2) in addition, with respect to impacts on arterial routes and local roads, and the assessment of cumulative effects. The response from Nottinghamshire County Council is provided in Appendix 2. The applicant's attention is drawn to comments from Etwall Parish Council (Appendix 2) including those related to existing traffic conditions and the impacts of the proposed shunting yard areas.

- 3.42 The Secretary of State recommends that the ES should take account of the location of footpaths and any Public Rights of Way (PRoW) including bridleways and byways. The ES should clearly assess the impacts on them including within the wider area. It is important to minimise hindrance to them where possible.
- 3.43 **Noise and vibration** (see Scoping Report Section 12.0)
- 3.44 The Secretary of State notes and welcomes the approach to the noise impact assessment, including the use of relevant guidance and standards detailed in paragraph 12.4 of the Scoping Report.
- 3.45 The Secretary of State advises that the assessment would need to take account of the most recent and relevant guidance for the assessment methodology for noise and for vibration impacts. The Secretary of State advises the use of full referencing throughout the ES.
- 3.46 The agreement of the baseline survey locations and the extent of the baseline survey with South Derbyshire District Council is welcomed by the Secretary of State.
- 3.47 Consideration should be given to comments from Etwall Parish Council regarding noise and vibration impacts (Appendix 2) and the Secretary of State is of the opinion that full advantage should be taken of the iterative design process, where possible, to design out and minimise noise impacts during construction and operation.

Air quality (see Scoping Report Section 13.0)

- 3.48 The Secretary of State welcomes the use of the ADMS Roads dispersion model for the air quality assessment for traffic sources of pollution. It is proposed to use the US-EPA Caline suite of models or the ADMS Roads dispersion model for the assessment of mobile sources of air pollution. Assumptions made by the model used in terms of engine sizes, journey types, etc. would need to be detailed in the EIA.
- 3.49 The Secretary of State advises that the use of detailed dispersion modelling to assess particular impacts on receptor including the adjacent Toyota production facility will be required. Impacts on receptors should be carefully assessed. There is the need to consider potential related effects due to an increase in airborne pollution including fugitive dust especially during site construction and operation.
- 3.50 The Secretary of State considers that adverse change to air quality should be assessed in relation to compliance with European air quality limit values and Air Quality Management Areas (AQMAs), it is noted that AQMAs in Derby have been identified as potentially affected by the proposals. The applicant's attention is drawn to the

consultation responses from Natural England and from Etwall Parish Council regarding air quality issues (Appendix 2).

Ground conditions (see Scoping Report Section 14.0)

- 3.51 The Secretary of State welcomes the inclusion in the Scoping Report of a section explaining how the baseline ground and ground water conditions will be established using a desktop study and a combined geotechnical and geo-environmental intrusive investigation between September and December 2013.
- 3.52 The Secretary of State recommends consideration of use of assessment methodology of the Model Procedures for the Management of Land Contamination (CLR11), Environment Agency 2014.
- 3.53 The Scoping Report refers to the use of a conceptual site model (Paragraph 14.13) to identify relationships between possible sources of contamination, receptors and the likely exposure pathways. This approach to the assessment is accepted by the Secretary of State. Groundwater is a potential pathway for discharge of pollutants and should be assessed.
- 3.54 The Secretary of State considers that the impacts of climate change, in terms of increased run-off should be taken into account in the ES and in design of drainage measures.
- 3.55 The Secretary of State would expect to see agreement of the scope of assessment with key consultees including Environmental Health Officers (EHO's) from the relevant local planning authorities and the Environment Agency.
- 3.56 The Secretary of State recommends consideration of potential interrelationship with other technical chapters such as ecology and water resources and flood risk.

Water resources and flood risk (see Scoping Report Section 15.0)

- 3.57 The Secretary of State welcomes the applicants position in setting out how the Environment Agency, Derbyshire County Council, South Derbyshire District Council, Toyota and non-statutory consultees have been and would continue to be involved in discussions around the scope of the proposed assessment, and the Secretary of State encourages agreement with these bodies. The Secretary of State also welcomes the applicants' position in setting out how water provision from South Staffordshire Water and foul drainage requirements with Severn Trent Water would be addressed.

- 3.58 The Secretary of State draws the attention of the applicant to comments made by Etwall Parish Council in Appendix 2 with respect to flood risk and water and sewage provision.
- 3.59 The Secretary of State advises that the study area for the consideration of hydrology and flood risk impacts should be based on the potential to affect the receiving environment and not as a measurement from a preferred alignment. The Secretary of State would expect that the study area is fully described and illustrated in the ES, including consideration of potential direct and indirect impacts on the hydrological environment as a result of the proposed development.
- 3.60 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters. The Secretary of State welcomes the commitment by the applicant to thoroughly assess impacts associated with changes to the groundwater regime.
- 3.61 The Secretary of State considers that the impacts of climate change, in terms of increased run-off should be taken into account in the ES and refers the applicant to Natural England's response to consultation in Appendix 2 regarding climate change adaptation.
- 3.62 The Secretary of State welcomes the consideration of impacts on water demand, surface water drainage, foul drainage flood risk (on and off site) and water quality (fluvial and surface water). The Secretary of State recommends consideration of potential interrelationship with other technical chapters such as ground conditions and ecology, and refers the applicant to Natural England's comments with respect to designated sites and hydrology effects.

Ecology and nature conservation (see Scoping Report Section 16.0)

- 3.63 The Secretary of State welcomes the approach to follow the Guidelines for Ecological Impact Assessment in the United Kingdom (IEEM, 2006) and that a full Ecological Impact Assessment methodology would be provided within the ES. This approach to the assessment is accepted by the Secretary of State.
- 3.64 The Secretary of State notes the identification of search areas from the site boundary for sites of International Importance (5km); 2km for sites of National or Regional Importance; and 1km for sites of County Local Importance or notable species. The approach to the identification of designated sites which may be subject to impacts as a result of the proposals should be agreed with the relevant Statutory Nature Conservation Bodies (SNCBs).
- 3.65 The Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes with

the sites and surroundings. The Secretary of State welcomes the scope of assessment for ecology and nature conservation that will include assessment of the following topics as listed in paragraph 16.3 of the Scoping Report:

- Designated Sites for Nature Conservation including Hilton Gravel Pits SSSI and any non-statutory designated sites within 1km;
- Habitats and botanical species interest;
- Great crested newts;
- Breeding birds;
- Wintering birds;
- Bats;
- Reptiles;
- Badgers;
- Water voles; and
- Invertebrates.

3.66 As noted in Section 3.7 above, Table 22 in Chapter 16 indicates that water voles will be scoped out of the assessment. It is however unclear whether further assessment, such as targeted water vole surveys, is to be carried out, as paragraph 16.3 of the Scoping Report contradicts Table 22. The Secretary of State would expect to see agreement of the scope of assessment with key consultees including Natural England and the local authority ecologists. Natural England have provided a detailed consultation response, included within Appendix 2 of this Opinion, regarding the detail required to adequately assess effects on designated sites for nature conservation and habitats and species of conservation concern.

3.67 The Secretary of State recommends that where protected species are likely to be affected by the proposal, the ES should provide an assessment of the impacts and full details of mitigation. This mitigation should be reflected in the DCO. This should also be reflected in the table of mitigation and cross referenced with the relevant requirements in the DCO. More information on protected species is given in Section 4 of this Opinion.

3.68 The Secretary of State recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology. The Secretary of State recommends consideration of potential interrelationship with other relevant technical chapters.

Agricultural circumstances (see Scoping Report Section 17.0)

- 3.69 The Secretary of State notes the approach to assessment of the effect on agricultural land and soil resources; on occupying farm businesses; and on surrounding agricultural land or businesses, outlined in the Scoping Report.
- 3.70 The Secretary of State welcomes the proposal to carry out an Agricultural Land Classification (ALC) survey and recommends that the methodology should be clearly stated on the ES. The ES should describe any mitigation measures necessary to deal with adverse impacts and identify any residual effects. The applicant's attention is drawn to comments in Appendix 2 from Natural England regarding the protection of the best and most versatile agricultural land and regarding the scope of the assessment with respect to soils and agricultural land quality.

Waste

- 3.71 The applicant has not identified a separate chapter for the discussion of the impact of waste. The applicants are proposing earthworks as part of the proposed development. The Secretary of State advises that the potential impacts relating to cut and fill and the import or export of spoil should be clearly identified and assessed within the ES.
- 3.72 The environmental effects of all wastes to be processed and removed from the site should be assessed, particularly for the maintenance and decommissioning phases of the project. The ES would need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

General

- 3.73 Mitigation measures should be addressed and the Secretary of State advises that reference should be made to other regimes (such as pollution prevention from the EA). Post construction monitoring should also be addressed and agreed with the relevant authorities to ensure that any proposed mitigation measures are effective.
- 3.74 The Secretary of State advises that the ES uses a consistent referencing format throughout and includes cross references to other documents submitted in the application as appropriate. The Secretary of State advises the applicant to include a glossary of technical terms and of all abbreviations and acronyms used.

4.0 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

Habitats Regulations Assessment (HRA)

- 4.2 It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required, or to provide sufficient information to satisfy the Secretary of State (as the CA) that an HRA is not required (ie that the proposed development is not likely to affect a European site and/or a European marine site).
- 4.3 The applicant's Scoping Report does not identify any European sites within the 5km search area applied, and therefore does not identify any need for a HRA in support of the proposed development. The Secretary of State recommends that early agreement is sought on the screening approach taken, with the relevant Statutory Nature Conservation Bodies (SNCBs), and that there is evidence of this agreement as part of the DCO application.
- 4.4 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure pages on the Planning Portal website.

Evidence Plans

- 4.5 An evidence plan is a formal mechanism to agree upfront what information the applicant needs to supply to the Planning Inspectorate as part of a DCO application. An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
- 4.6 Any applicant of a proposed NSIP in England, or England and Wales, can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (e.gg after notifying the Planning Inspectorate on an informal basis) by contacting the Major Infrastructure and Environment Unit (MIEU) in Defra (MIEU@defra.gsi.gov.uk).

Sites of Special Scientific Interest (SSSIs)

- 4.7 The Secretary of State notes that a number of SSSIs are located close to proposed development. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.8 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.9 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.10 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.11 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests¹ in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.

¹ Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

- 4.12 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.13 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.14 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.15 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals². Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful.
- 4.16 In England or English Waters, assistance may be obtained from the Consents Service Unit. The Unit works with applicants to coordinate key non-planning consents associated with nationally significant infrastructure projects. The Unit's remit includes EPS

² Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

licences. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

Health Impact Assessment

- 4.17 The Secretary of State considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from Public Health England in relation to human health issues (see Appendix 2).
- 4.18 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Other regulatory regimes

- 4.19 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.20 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

Scoping Opinion for the East Midlands Intermodal Park: Strategic Rail Freight Interchange

APPENDIX 1

List of Consultees

Scoping Opinion for the East Midlands Intermodal Park: Strategic Rail Freight Interchange

APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
SCHEDULE 1	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Southern Derbyshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage English Heritage - East Midlands
The Relevant Fire and Rescue Authority	Derbyshire Fire & Rescue Service
The Relevant Police and Crime Commissioner	The Office of the Police and Crime Commissioner for Derbyshire
The Relevant Parish Council(s) or Relevant Community Council	Etwall Parish Council Burnaston Parish Council Willington Parish Council Egginton Parish Council
The Environment Agency	The Environment Agency The Environment Agency, Derbyshire, Nottinghamshire and Leicestershire Team
The Highways Agency	The Highways Agency – Midlands
The Relevant Highways Authority	Derbyshire County Council
The Coal Authority	The Coal Authority
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission
The Secretary of State for Defence	Ministry of Defence
RELEVANT STATUTORY UNDERTAKERS	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Southern Derbyshire Clinical Commissioning Group
Local Area Team	Derbyshire And Nottinghamshire Area

	Team
NHS Trust	Burton Hospitals NHS Foundation Trust Derby Hospitals NHS Foundation Trust Derbyshire Healthcare NHS Foundation Trust
Ambulance Trusts	East Midlands Ambulance Service NHS Trust
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railway	Network Rail Infrastructure Ltd
Railways	Highways Agency Historical Railways Estate
Water Transport	The Canal and River Trust
Universal Service Provider	Royal mail Group
Relevant Environment Agency	Environment Agency
Water and Sewage Undertakers	South Staffordshire Severn Trent
Public Gas Transporter	ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited National Grid Gas Plc National Grid Plc Quadrant Pipelines Limited SSE Pipelines Ltd Scotland Gas Networks Plc Southern Gas Networks Plc Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited Western Power Distribution (East Midlands) plc
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc National Grid Plc
LOCAL AUTHORITIES (SECTION 43)	
Local Authority	Derbyshire County Council Nottinghamshire County Council Leicestershire County Council Staffordshire County Council

	Derby City Council Cheshire East Council Stockport Council Tameside Metropolitan Borough Council Oldham Council Kirklees Council Barnsley Council Sheffield City Council Rotherham Metropolitan Borough Council South Derbyshire District Council Derbyshire Dales District Council Amber Valley Borough Council Erewash Borough Council North West Leicestershire District Council Lichfield District Council East Staffordshire Borough Council Derby City Council
National Park Authority	Peak District National Park Authority

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Amber Valley Borough Council
The Coal Authority
Derbyshire County Council
East Staffordshire Borough Council
Egginton Parish Council
English Heritage
ESP Gas Group (ES Pipelines)
Etwall Parish Council
Fulcrum Pipelines
Gas Transportation Company Ltd.
The Highways Agency
The Ministry of Defence
National Grid Electricity Transmission PLC
National Grid Gas PLC
Natural England
North West Leicestershire District Council
Nottinghamshire County Council
Peak District National Park
Police and Crime Commissioner for Derbyshire
Public Health England
Rotherham Metropolitan Borough Council
South Derbyshire District Council
Western Power Distribution



Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Minicom: 01773 841490
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Jill Warren
Environmental Services

Our Ref : KATYS-COR/2014/0295
Your Ref :
Date : 17 September 2014
Ask For : Katy Smith
Direct Dial : 01773 841505
Email : katy.smith@ambervalley.gov.uk

Dear Sir/Madam

Proposal	Scoping consultation for East Midlands Intermodal Park
Location	BOROUGHWIDE Derbyshire
Applicant	
Agent	Jill Warren Environmental Services

Thank you for your letter received on 21 August 2014.

Before I can give you some idea of the likelihood of obtaining permission planning policy must be examined and records checked for relevant planning decisions. The site and its surroundings may also need to be inspected.

Consultations with outside bodies may be necessary; this normally includes the Derbyshire County Council as Highway Authority. This process will commence immediately but you may be asked to provide supporting details.

Your enquiry will not be publicised. My advice, therefore, will be without prejudice to the Council's formal determination should you decide to apply.

I will give you my informal opinion as soon as possible.

Yours faithfully

Planning Administration Team



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Ms Jill Warren – Senior EIA and Land Rights Advisor
The Planning Inspectorate

[By Email: environmentalservices@infrastructure.gsi.gov.uk]

Your Ref: TR050003

15 September 2014

Dear Ms Warren

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Goodman Shepherd (UK) Limited for an Order Granting Development Consent for the East Midlands Intermodal Park

Thank you for your consultation letter of 21 August 2014 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that the proposed EIA development is located outside of the defined coalfield. Accordingly, The Coal Authority has **no comments** to make regarding the information to be contained in the Environmental Statement that will accompany this proposal.

As this proposal lies outside of the defined coalfield, in accordance with Regulation 3 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 it will not be necessary for any further consultations to be undertaken with The Coal Authority on this Nationally Significant Infrastructure Project. This letter can

be used by the applicant as evidence for the legal and procedural consultation requirements.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Hannah Nelson

From: Buffery, Steve (Economy, Transport & Environment)
<Steve.Buffery@derbyshire.gov.uk>
Sent: 19 September 2014 11:59
To: Environmental Services
Cc: Battye, Joe (Economy, Transport & Environment); Murfin, Rob (Economy, Transport & Environment); Massey, Chris (Economy, Transport & Environment); Fisher, Harriet (Economy, Transport & Environment); Hill, Graham (Economy, Transport & Environment); Seymour, Jim (Economy, Transport & Environment); Blissett, Geoff (Economy, Transport & Environment); Williams, Kevin (Economy, Transport & Environment); Ellis, Gary (Economy, Transport & Environment); Dunn, Ashley (Economy, Transport & Environment); kevin.exley@south-derbys.gov.uk
Subject: 2014 09 19 - Scoping Opinion Consultation for East Midlands Intermodal Park
Attachments: 2014 09 19 EMIP.PDF; 2014 07 18 EMIP.PDF

For the Attention of Jill Warren

Dear Ms Warren,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) - Regulations

Application by Goodman Shepherd (UK) for an Order Granting Development Consent for the East Midlands Intermodal Park

Scoping Opinion for Preparation of Environment Statement

Thank you for your letter of 21 August 2014, in respect of the above Scoping Opinion and your request for Derbyshire County Council's (DCC) comments on the information which should be included in the Environment Statement (ES) that is being prepared by Goodman Shepherd in support of the forthcoming Development Consent Order (DCO) application for the East Midlands Intermodal Park (EMIP). DCC's officer technical comments on the Scoping Opinion are attached, together with a copy of the detailed Member and officer technical comments that DCC submitted to Goodman Shepherd on its recent Masterplan Options consultation (provided for your information).

I hope these comments are of assistance.

Regards

Steve Buffery

Steve Buffery | Principal Planner
Policy and Monitoring
Economy, Transport and Environment | Derbyshire County Council
Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY
01629 539808

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Mike Ashworth
Strategic Director

Economy, Transport and Environment
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Ms Jill Warren
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2, The Square
Bristol
BS1 6PN

Telephone: (01629) 539808
Our Ref: PM/SB/2110.2/East Midlands
Intermodal Park
Your Ref: TR050003
Date: 19 September 2014

Dear Ms Warren

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) - Regulations

Application by Goodman Shepherd (UK) for an Order Granting Development Consent for the East Midlands Intermodal Park

Scoping Opinion for Preparation of Environment Statement

Thank you for your letter of 21 August 2014, in respect of the above Scoping Opinion and your request for Derbyshire County Council's (DCC) comments on the information which should be included in the Environment Statement (ES) that is being prepared by Goodman Shepherd in support of the forthcoming Development Consent Order (DCO) application for the East Midlands Intermodal Park (EMIP). DCC's officer comments on the Scoping Opinion are set out below.

DCC made detailed Member and officer comments on the EMIP Masterplan Options consultation on 18 July 2014, in which the Authority set out a range of issues and concerns that needed to be addressed by Goodman Shepherd as the DCO application is progressed. A copy of DCC's response is attached for your information. The comments were agreed at DCC's Cabinet Member Meeting for Jobs, Economy and Transport on 9 September 2014. DCC's officer technical comments on the Scoping Report below are made in the context of the above.

Highways and Transport Impacts

The DCO application will require a full Transport Assessment of the development proposals. The Transportation Assessment will need to conform to current practice and be produced in accordance with Guidance on Transport Assessment as published by the Department for Transport (DfT) (March 2007) and the criteria set down in Department of Transport, Local Government and the Regions (DTLR) Circular 02/13.

CONTROLLED

2.

DCC officers can confirm that discussions have been held on a number of occasions between Goodman Shepherd's highways consultants and the three Highway Authorities (DCC, Derby City Council and the Highways Agency). The outcome of the discussions will inform the approach to traffic modelling and the proposed traffic generation necessary to underpin the Transportation Assessment. This in turn will inform the requirements of the travel planning and the approach to be adopted for the assessment of potential cumulative impacts on the network. It is expected that the evidence base should include a comprehensive mitigation strategy across the wider highway and transport networks.

Appendix 6 of the Scoping Report discusses future land use assumptions that are likely to arise from the emerging Local Plans for South Derbyshire District, Derby City and to a lesser extent, Amber Valley Borough. The Transportation Assessment will also need to set out how these future land use changes relate to future commuter flows as the population of the area changes arising from people moving into and out of the study area. Moreover, the evidence base will need to demonstrate clearly, where future employees of the EMIP site are likely to reside and crucially, set out clearly the linkages between residence and how these fit into a comprehensive Travel Plan for the site. The Travel Plan will need to set out targets, interventions, a robust delivery strategy and appropriate commuted sum to ensure its effective delivery.

Public Transport

DCC's officers views on the public transport implications of the EMIP proposals have not changed from those included in response to the Masterplan Options consultation (see above).

The Scoping Report does refer to most of the areas of concern raised in DCC's response but it is a little vague on how it intends to address the issues and what information and evidence would be provided. It would helpful if the areas of concern could be acknowledged in the ES and a comment made about what principal issues in that area of concern the proposed DCO application would cover.

Landscape and Landscape Character

As would be expected for a development of this scale and nature, it is proposed that a Landscape and Visual Impact Assessment (LVIA) will be provided to support the DCO application. Information relating to the proposed LVIA is included in Section 8.0 of the Scoping Report with supporting plans included at Appendix 8.

It is proposed that the LVIA will be undertaken in accordance with appropriate guidance documents with reference to the appropriate national, regional and county landscape character assessments making particular reference to the 'Landscape Character of Derbyshire' (4th edition, 2014) publication. This approach is supported and the baseline assessment should be firmly rooted in landscape character and the principles of the European Landscape Convention that 'all landscape matters'.

CONTROLLED

3.

At paragraph 8.5 in the Scoping Report, there is reference to the recording of Tree Preservation Orders (TPOs) within the site but this should be expanded to be a full hedgerow and tree survey regardless of whether these features are protected or not.

At paragraph 8.6, which describes the site's relationship to existing settlement and settlement pattern, again this should be focused on landscape character and the contribution that settlement makes to countryside character and indeed whether built development is even a characteristic of the landscape. The LVIA needs to assess to what extent the EMIP proposal accords with the established landscape character and how any identified adverse effects might be satisfactorily mitigated as part of an iterative exercise.

At paragraph 8.7 of the Scoping Report, reference is made to the preparation of a local landscape character assessment and dividing the landscape into smaller component parts. It will be important that this work retains some relationship with the broader County study as described in the 'Landscape Character of Derbyshire'.

The Scoping Report makes reference to a 'landscape strategy'. Any strategy needs to be informed by the baseline assessment ensuring that it is grounded in landscape character taking account of any other strategies or aspirations for the area. Goodman Shepherd is encouraged to liaise with the Lowland Derbyshire and Nottinghamshire Local Nature Partnership (LDNLNP) to ensure that the landscape strategy could accommodate some of LNP's ideas for the future planning of the Trent Valley. LDNLNP's contact details are:

Rosy Carter (LDNLNP Coordinator)
0115-957-8757 Ext. 3138
rosy.carter@d2n2lep.org

Many detailed designations and landscape constraints are identified within the study area although very few will be directly affected by the site's development. It is not sufficient to assess the impact on these individual features as being 'acceptable' and then extrapolate that a development of this size and scale would have little environmental impact and would therefore be acceptable overall. Sometimes some particular impacts are of greater significance creating a development proposal with a significant overall impact, requiring a well-conceived and robust solution in response such as buildings of architectural merit and design quality.

The schedule of viewpoints proposes to review 24 locations around the site supported by photographic information. Most of these are taken from footpaths but it is recommended that additional viewpoints should be included from:

- Carriers Road – road users immediately adjacent to the southern boundary of the site;
- A38 – road users immediately adjacent (and potentially elevated) to the eastern boundary of the site;
- Egginton – a location at the northern edge of Egginton to assess potential views from residential receptors.

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Where footpaths are being used as locations for viewpoint analysis, the LVIA needs to acknowledge that the chosen location is only representative of one point along the path but the assessment should reflect the impact along an entire section from which the proposed development could be viewed.

Water Resources and Flood Risk

DCC's Flood Risk Management Team (FRMT) has been involved in discussions on the flood risk implications of the proposed EMIP development since March 2014. Officers of the FRMT are pleased to see that the broad principles that have been discussed between officers and Goodman Shepherd's consultants have been incorporated into the Scoping Report. Of particular note in this regard is Section 15 of the Scoping Report entitled 'Water Resources and Flood Risk'. The consultants, as they have stated in previous discussions with DCC's officers, make clear in the Scoping Report their intention to implement Sustainable Drainage Systems (SuDS) for the EMIP site. The Scoping Report states that a permitted surface water discharge rate will be agreed with the Environment Agency (EA) and discussions will be held with DCC to ensure that the SuDS designs are commensurate with current best practice, which DCC'S officers would strongly welcome.

Paragraph 15.16 of the Scoping Report makes reference to adoption of SuDS and the fact that statutory processes regulating SuDS adoption are currently in discussion. This is an accurate assessment as the Department of Environment, Food and Rural Affairs (DEFRA) has recently launched a 6 week consultation on SuDS approval and adoption, which may impact on the means by which any SuDS provided for the site are adopted. DCC's officers would recommend that the future flood risk assessment for the site makes due regard for the maintenance of SuDS and that where possible the responsibility for future SuDS maintenance is settled in the early stages of the design process, as the provision of SuDS in the first instance does not necessarily guarantee their effective functioning in perpetuity without appropriate and effective maintenance.

Furthermore, paragraph 15.6 of the Scoping Report makes reference to collating information on flood risk from consultees. DCC would suggest that Goodman Shepherd's drainage consultant continues to liaise with DCC's FRMT officers in this regard, as DCC's officers have access to a number of datasets, including an historical flooding record and bespoke surface water flood mapping (including depth, hazard and velocity modelling) for the County, which could help to support existing national datasets. Information from these datasets would be available via an Environmental Information Regulations (EIR) request, free of charge to Goodman Shepherd's consultants.

Paragraph 15.6 of the Scoping Report makes reference to public consultation being implemented at appropriate stages to understand flood history and concerns at a local level. Experience has indicated that flood risk is a major concern for local residents, as gauged by discussion with local Elected Members and other partner organisations. DCC's officers would suggest that consultation with the public should be as thorough as possible so residents can be kept informed of how any flood risk from the EMIP site is being considered and mitigated. From the public's point of view, it would be prudent for Goodman Shepherd to take advantage of any opportunities for betterment of flood risk

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in the local area that may arise. The intention to do this is made clear in paragraph 15.19 in the Scoping Report and should form an important element of the final drainage design.

Cumulative Impacts

In its comments made on the EMIP Masterplan Options consultation, DCC expressed its significant concern that the cumulative economic, environmental and social impact implications of both the proposed EMIP strategic rail freight interchange (SRFI) and nearby East Midlands Gateway SRFI proposals on land north of East Midlands Airport and south of Junction 24 of the M1 in North West Leicestershire, should be fully taken in to account in the assessment process of both DCO applications. Those comments are reaffirmed and the Secretary of State is requested to ensure that the full range of potential cumulative impacts of both schemes is thoroughly assessed in the ES being prepared for the EMIP scheme and is supported by detailed and robust evidence and supporting information.

I hope these comments are of assistance to you and the Secretary of State.

Yours sincerely

Mike Ashworth
Director of Economy, Transport and Environment

Copies to:

Joe Battye, Service Director Regeneration
Rob Murfin, Head of Planning Services
Jim Seymour, Transport Policy and Programmes
Chris Massey, Policy and Monitoring
Harriet Fisher, Policy and Monitoring
Graham Hill, Transport Policy and Programmes
Geoff Blissett, Transport Policy and Programmes
Kevin Williams, Transport Policy and Programmes
Gary Ellis, Conservation and Design
Ashley Dunn, Flood Risk Management
Steve Buffery, Policy and Monitoring
Kevin Exley, South Derbyshire District Council

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Mike Ashworth
Strategic Director

Economy, Transport and Environment
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Mr Ian Pritchard
Development Director
FREEPOST EMIP Consultation

Telephone: (01629) 539808
Facsimile: (01629) 533308
Our Ref: PM/SB/2110.2/EMIP
Your Ref:
Date: 18 July 2014

Dear Mr Pritchard

Proposals for a strategic rail freight interchange comprising an intermodal terminal; up to 557,400 sq m of units for the distribution industry; new road access to the site of the A38/A50 intersection; internal roads, parking and servicing areas; access for the public via new footpaths and cycleways; and new green spaces and landscaping on land to the south-west of the A38/A50 Burnaston Interchange, Derbyshire.

Non-Statutory Stage 1 Masterplan Options Consultation pursuant to Section 42 of the Planning Act 2008 and notice pursuant to Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Thank you for consulting Derbyshire County Council (DCC) on the above non-statutory Stage 1 Masterplan Options consultation for the proposed development of the East Midlands Intermodal Park (EMIP) Strategic Rail Freight Interchange (SRFI).

The comments given below are DCC's Member and officer technical comments. A report on the EMIP will be submitted to DCC's Cabinet Member Meeting for Jobs, Economy and Transport on 9 September 2014. In the meantime, in order to meet your response deadline, I should be grateful if you would accept the Member and officer comments below until I am able to confirm the decision made on the report at the Cabinet Member Meeting, following a five day call-in period. I will therefore contact you again at that time to confirm DCC's formal comments.

Member Comments

Local County Councillors with electoral divisions in Amber Valley Borough, Erewash Borough and South Derbyshire District have been consulted on the EMIP proposals and their comments are summarised below and given in full Appendix 1 to this letter.

South Derbyshire Member Comments

Councillor Linda Chilton, in her capacity as Local Member for Melbourne, has made the following comments on the planning application:

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'As I am not a (South Derbyshire) District Councillor, I am not too au fait with South Derbyshire District Council's official view but would say, that whilst inward investment into what is already one of the fastest growing areas is to be welcome and, no doubt, a freight terminal to help clear the highways of heavy trucking, even more welcome, I would however, say this:

The area around the proposed terminal will be subject to heavy traffic congestion trying to access the terminal and necessitate a great deal of disruption both at the construction stage and once it is in use.

The 7,000 jobs to be created seems a little unrealistic - it would be interesting to see how that has been configured. Even though this figure may include a number of the present local workforce a large proportion will require new housing (in the proposed Local Area Plan?) and the necessary school places which are not yet available. Would the necessary S106's be used in said area?

This brings me on to the similar development for a strategic rail freight interchange which is being proposed in the vicinity of junction 24 of the M1 to the north-east of East Midlands Airport (East Midlands Gateway).

As this North West Leicestershire proposal borders my Division I went along to one of the public consultations at Kegworth in February facilitated by the developers Roxhill Developments Ltd. I was reliably informed that W12 gauge track has already been laid in the vicinity in preparation for the need to match up with existing which pre-supposes the acceptance of the application and which, like the EMIP proposal at Eggington, will go for a DCO to the Planning Inspectorate for a final decision. Roxhill's literature makes interesting reading.

Roxhill Development's proposal would seem to make sense, seeing as we have the East Midlands Airport, Junction 24 of the M1 and rail track already in existence. I can see this logic, but my concern would be the likelihood of TWO rail freight terminals within a short distance of each other and basically running on the same highway - A50. I am already concerned and have made my comments known to my Parish Council of the knock on effect from the North West Leicestershire terminal (there is already an action group in Kegworth against this www.J24actiongroup.org) - mainly the added volume of traffic going through a twisty rural road, noise, nuisance and the requirement of yet more homes to house the new workforce which cannot yet be determined as presumably, a number will be existing inhabitants. Melbourne and Kings Newton are already affected by large volumes of traffic because of its proximity to Castle Donington / Racetrack and the East Midlands Airport.

I would ask that a point be made as to the need for two terminals. This is two authorities seeking infrastructure projects and as yet , no final decision on availability of Fire & Rescue and, my favourite subject, the reliability of Swarkestone Causeway even though it has a 7.5 tonne limit !!!

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It has been noted that it is likely both proposed schemes could have considerable cumulative economic, environmental and social implications for surrounding areas: Yes but not all positive ones!

My comments are just the basic, common sense ones that need much deeper investigation, obviously'.

South Derbyshire Local Area Committee Members

The EMIP proposals were due to be considered at the meeting of the South Derbyshire Local Area Committee (LAC) on 11 June 2014 together with the EMG proposals being promoted in North West Leicestershire. Representatives from the promoters of both proposals were invited to the meeting to explain their schemes and answer any Members' questions. The LAC was attended by County Councillors R Davison (Chair), S Bambrick, L Chilton, P Dunn, K D Lauro and T Southerd. Unfortunately, representatives of Goodman Shepherd (EMIP promoters) were unable to attend the meeting and Members requested that a subsequent meeting be arranged with Goodman Shepherd at a later date to discuss their proposals. A date is currently being finalised.

Representatives of Roxhill Limited (promoters of the EMG scheme) were able to attend the LAC meeting and gave Members a presentation on their scheme. Whilst Members did not discuss the EMIP proposals in any detail, Members did raise a number of concerns about the cumulative impact implications of both schemes, particularly whether there was a need for both schemes in such close proximity; the likely impacts on the national and local road network; the number and nature of the jobs likely to be created; and the potential implications on both schemes on the need for additional housing provision in the area to accommodate the new workforce of both schemes. The Minutes of the meeting are given verbatim in Appendix 1. The Minutes set out the key cumulative issues and concerns raised by Members outlined above.

Officer Comments

Overall Conclusions

- 1.1 DCC has responsibilities for major infrastructure planning and provision, particularly highways infrastructure and, under the Duty to Cooperate, works collaboratively with local authorities in Derbyshire and, where necessary, adjoining districts and borough councils on cross boundary planning policy matters, particularly relating to housing provision, transport infrastructure, education provision and environmental matters.
- 1.2 The officer comments below and in the appendices are made in the context of DCC's responsibilities above and under powers delegated to me by the Full Council on 5 November 2003. The comments are provided to Goodman Shepherd in a technical context to assist in the consultation and assessment process of the Masterplan Options; the forthcoming application for a Development Consent Order (DCO); and the key technical and planning, transport and environmental policy issues raised by the proposed development.

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- 1.3 DCC has recently been consulted by Roxhill Developments Limited on a pre-application consultation for similar development proposals for a SRFI on land in the vicinity of Junction 24 of the M1 motorway and to the north of East Midlands Airport known as the East Midlands Gateway (EMG) SRFI. The proposals include an intermodal terminal to accommodate up to 16 trains per day and including container storage and HGV parking; up to 557,414 sq m of rail served warehousing and ancillary buildings; a new railway line connecting the terminal to the Castle Donington branch freight line; new road infrastructure including a Kegworth by-pass; strategic landscaping and open space; and a bus interchange. DCC submitted comments on the EMG proposals to Roxhill Developments Limited on 1 July 2014. These comments expressed broad support for EMG proposals on the basis of national, former regional and sub-regional transport and planning policy and a range of other regional and sub-regional technical evidence. However, concerns were expressed about the impacts of the development both individually and cumulatively on the trunk and local road network in Derbyshire; public transport provision and accessibility to the site; the potential requirements for significant new housing development in Derbyshire to accommodate the future workforce employed at the site; and the types and nature of jobs created on the site.
- 1.4 It is considered that the issues in assessing the EMIP proposals are wide ranging and complex in the context of national, former regional, sub-regional and local planning, economic development and transport policies. In the absence of any significant amount of supporting evidence being currently available with the EMIP consultation, particularly an Environmental Impact Assessment (EIA), comments are provided below and in the appendices primarily on the principle of the proposed development. Comments are also provided where appropriate, however, on the merits of the three masterplan options. The cumulative planning, economic development and transport policy implications of the EMIP and EMG proposals are also of significant importance to DCC and comments are provided on this issue where appropriate below.
- 1.5 The National Planning Policy Framework (NPPF) is the most up-to-date national planning policy document relevant to the assessment of the EMIP proposals. The Draft National Policy Statement for National Networks (DNPSNN), and Strategic Rail Freight Interchange Policy Guidance (SRFIPG) are the most relevant national transport and rail freight policy documents in the assessment. At the regional level, whilst the East Midlands Regional Plan (EMRP) was revoked on 12 April 2013 and no longer forms part of the development plan for the area, it is considered that the evidence base which underpinned the policies in the Plan, particularly on the need for SRFI proposals in the East Midlands and specifically in the Derby Housing Market Area (HMA), may still be a material consideration in the assessment of the proposals. At the sub-regional level, the strategic growth policy aims and priorities of the D2N2 Local Enterprise Partnership (D2N2 LEP) and emerging Derbyshire Economic Strategy Statement (DESS) are an important consideration in the assessment of the proposals.

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- 1.6 At the local level, under the provisions of Paragraph 215 of the NPPF, from 27 March 2013 due weight should be given to the relevant saved policies of the Adopted South Derbyshire Local Plan (SDLP) (1998) according to their degree of consistency with the NPPF. The saved policies, however, are very dated, are set in the context of the policies of the Derbyshire Structure Plan 1990 and are not wholly consistent with the NPPF. Accordingly, only limited weight can be given to the policies. Paragraph 216 of the NPPF indicates that, from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given). The South Derbyshire Pre-Submission Local Plan Part 1 (SDPSLP) was published in March 2014 and is at quite an advanced stage. The SDPSLP is due to be submitted to the Secretary of State on 8th August 2014. Some weight can therefore be given to its policies and proposals. The implications of these changes in the assessment of the EMIP proposals are considered in more detail below and in Appendix 2 of this letter.
- 1.7 On the basis of the assessment below and in the appendices, DCC broadly supports the principle of the proposed EMIP scheme, subject to Goodman Shepherd satisfactorily addressing the outstanding issues and concerns set out below and in the appendices by the submission of additional supporting information and evidence, particularly in the EIA, which is being prepared for the scheme.
- 1.8 The proposals, in principle, are considered to be in broad conformity with national policies in the NPPF, DNPSNN and SRFIG for sustainable economic development and growth, and the provision of sustainable transport infrastructure. The proposed development is particularly consistent with the Government's key aims and priorities in these national policy documents, especially the presumption in favour of sustainable development; to achieve sustainable economic growth and develop a prosperous economy; and to reduce carbon emissions by the provision of a network of SRFI facilities in highly accessible locations to transfer the movement of freight from road to rail.
- 1.9 The proposals, in principle, would be fully in accordance with the strategic vision, aims and objectives of the D2N2 LEP in its Strategy for Growth (SFG) and Strategic Economic Plan (SEP). The proposed development, which would potentially create up to 7,000 jobs when fully operational, would help to meet the LEP's main ambition to provide for 55,000 new private sector jobs in the D2N2 area by 2023. It would meet the LEP's ambitions and priorities to raise economic growth rates, create increased prosperity and high levels of employment and an increasingly competitive and resilient economy. One of the key economic priorities and commitments of the LEP in the area within which the site is located is to work with public and private sector partners and stakeholders to maximise the benefits of potential proposals for SRFI developments in the A50 corridor. Furthermore, the proposals are consistent with the Key Strategic Objectives of the DESS, which seek to invest in the County's infrastructure to improve

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connectivity and create the conditions for growth; and to attract new businesses to diversify and grow the County's economy.

- 1.10 In a regional context, the EMIP proposals would be broadly compatible with the evidence base which underpinned the strategic rail freight policies of the EMRP, particularly the East Midlands Regional Rail Freight Study (EMRFS) and East Midlands Strategic Distribution study (EMSDS). This evidence identified the significant need for a network of SRFI schemes in the East Midlands and particularly within the Derby HMA. This evidence particularly identified a number of preferred sites for SRFI developments across the East Midlands, one of the top two sites being the site of the EMIP proposals. The proposals would broadly accord with the locational assessment criteria for SRFIs in Policy 21 of the EMRP.
- 1.11 At the local level, the proposals would be contrary to the policies for employment development and development in the open countryside set out in the saved policies of the SDLP, which are generally not permissive of large-scale employment developments in the open countryside. However, the policies are very dated and not wholly in conformity with the NPPF and so should carry little weight. The SDPSLP is at quite an advanced stage and is proposed to be submitted to the Secretary of State in August 2014. The wider area within which the site is located on the southern fringe of Derby has been identified in the SDPSLP as an area proposed for considerable housing and employment growth. The Plan includes a specific criteria based policy (INF3) for the assessment of SRFI proposals in the District based on a range of operational and environmental impact considerations. There is insufficient information and evidence available at the current time for the EMIP scheme to assess the proposals fully in the context of Policy INF3 of the Plan. It is important that the EIA being prepared by the site promoters should assess the potential operational and environmental impacts of the proposals in the context of Policy INF3.
- 1.12 More detailed officer comments are provided in Section 3 below on the likely highways, rail freight and public transport impacts of the proposed development; the economic development and employment implications; the landscape and landscape character impacts; the archaeological impacts; Greenways and Public Rights of Way issues; housing provision issues; and the minerals and waste implications of the proposed development. In the absence of any significant amount of detailed information and evidence available in support of the proposals, these comments particularly set out a range of concerns and issues, which need to be satisfactorily addressed by the site promoters with the submission of more detailed information, evidence and analysis particularly in the EIA being prepared by the promoters.
- 1.13 The wider area within which the site is situated is an area of significant economic assets and opportunities with good road and rail accessibility and infrastructure; a number of major businesses and employers, particularly Toyota at Burnaston; the National Forest; a range of proposed strategic employment sites; a high wage and skills economy in Derby City based around aircraft, trains and automobiles

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with key employers such as Rolls Royce and Bombardier; the University of Derby; and significant proposed transport infrastructure improvements to the A38 junctions in Derby. The wider area around the site on the southern fringe of Derby is also identified as an area for considerable housing and employment growth in emerging local plans of South Derbyshire and Derby City. It is considered important that the site promoters of the EMIP scheme should identify how the SRFI proposals could link in to, and take advantage of, the economic assets and growth opportunities in South Derbyshire and Derby City set out above i.e. its strategic fit.

- 1.14 Finally, the cumulative impact implications of both the EMIP and EMG schemes is considered to be a crucial issue of importance in the assessment of both schemes, particularly the highways, economic development and environmental impacts of both proposals. It will be up to the developers in both cases to provide sufficient evidence of the need for both facilities given their close proximity to one another and their cumulative impacts.

2 National, Regional and Local Planning Policy Considerations

- 2.1 A range of national, regional, sub-regional and local planning, transport and specific rail freight policy advice and guidance is relevant to the consideration of the proposals. A number of specific rail freight studies have also been carried out at a regional and sub-regional level which are also relevant to the consideration of the proposals. These are summarised in Appendix 2.

National Policy

National Planning Policy Framework

- 2.2 The proposals are considered to be broadly in accordance with the Government's key policy priorities and objectives in the NPPF, particularly its likely economic impacts in helping to support sustainable economic growth.
- 2.3 The proposed development would be likely to facilitate and stimulate significant sustainable economic growth in the area. It would provide for the requirements of a growing logistics and distribution business sector in the economy, for which evidence indicates that there is a need in the East Midlands and particularly the Derby HMA. The proposals would be likely to create a large number of jobs both directly on the site and indirectly through other service and supply industries in the wider area (see further comments below). It would provide for a strategic scale development which was located in a very accessible location close to the national trunk road network and situated directly adjacent to the A38 and A50 interchange. The A38 northbound would provide good access to the north of Derbyshire and the South Yorkshire conurbation beyond. The A38 southbound would provide good access to Birmingham and the wider West Midlands conurbation. The A50 would provide easy access to the M1 to the east and towns and cities in the East Midlands, particularly Nottingham and Leicester. The A50 west bound would provide access to the M6 and major towns and cities in the

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North-West. The proposals would be in close proximity to the national and local passenger and freight rail network. It is proposed that the SRFI would be linked directly to the main Stoke to Derby railway line, which runs through the site. East Midlands Airport is located a short distance to the east. The proposals are therefore consistent with the Government's main policy aims and objectives in the NPPF, which particularly recognise the benefits of the development of large-scale rail freight interchange developments, to facilitate the sustainable movement of goods and supplies throughout the country.

- 2.4 From an environmental policy point of view, although the site is a large greenfield site it is not within the Green Belt and has no international, national, regional or locally important environmental designations that might otherwise preclude its development. Some concerns are raised below, however, on the potential impacts of the development on the landscape and landscape character of the area, and potential archaeological remains on and around the site, which both require further investigation and supporting evidence. Subject to these concerns being addressed, overall the proposals would be broadly consistent with the requirements of the NPPF.

Draft National Policy Statement for National Networks

- 2.5 In December 2013, the Government published its draft NPSNN. The NPSNN recognises the importance of RFIs in terms of economic development and addressing climate change. It makes explicit references to their role in facilitating the movement of freight from road to rail. This is seen as central to the Government's vision for transport.
- 2.6 Assessed in the context of the above, the EMIP SRFI proposals are considered to be consistent with the Government's key aims and policy objectives for SRFIs set out in the NPSNN.

Strategic Rail Freight Interchange Policy Guidance

- 2.7 In November 2011, the Department of Transport (DfT) published its SRFIPG. It was published to set out the Government's policy for SRFI infrastructure in the interim period pending the publication of the DfT's consultation on the NPSNN outlined above.
- 2.8 The EMIP proposals are considered to be compatible with each of the four policy aims in the SRFIPG in being likely to help reduce congestion on the road network and subsequently reduce carbon emissions; provide a modern SRFI facility which would be in a very accessible location and would be well linked to the national road and rail network; and provide for up to 7,000 jobs and facilitate economic growth through the transfer of freight from road to rail.

Regional / Sub-Regional Policy

Priorities of D2N2 Local Enterprise Partnership

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2.9 The proposed site is located within D2N2 LEP area, for which DCC is a constituent authority. The development proposals are broadly in accordance with the Strategic Priorities for Infrastructure in the LEP's SFG 2013 - 2023. The SFG indicates that the single aim of the SFG is to support the creation of 55,000 jobs in the D2N2 area by 2023. The proposed EMIP could potentially meet nearly 13% (7,000) of the D2N2 jobs target. The SFG emphasises that the public sector is unlikely to provide the employment growth required to help reduce unemployment, and that the additional jobs required to provide the opportunities needed for communities and young people will need to come from the private sector. The SFG indicates that the D2N2 LEP will therefore need to ensure that it captures significant investment in high growth sectors such as transport and logistics. It indicates that it will continue to support development at key employment sites and will work with partners to promote the D2N2 area for inward investment. The proposed EMIP SRFI would be wholly compatible with these aims and priorities..

2.10 The proposals are consistent with the D2N2 LEP's SEP, which sets out the LEP's proposals for raising growth rates in the D2N2 area, creating increased prosperity and higher levels of employment. The SEP's Vision is that the D2N2 area will become a more prosperous, better connected and an increasingly competitive and resilient economy. The SEP reaffirms the ambition set out in the SFG that the LEP's single most important aim is to support the creation of an additional 55,000 private sector jobs in D2N2 by 2023. It indicates that the LEP will also seek to ensure that the 77,000 additional new homes needed to accommodate the areas growing population and support planned economic growth will be provided. Every action proposed in the SEP will help the LEP move towards the target by inspiring economic growth and supporting firms to innovate, invest, export, grow and create sustainable jobs. The SEP sets out a Strategic Package of Proposals for East Midlands Connectivity. This package of measures is focused on unlocking the potential of the M1 J23a/J24/A50 area as a leading logistics hub in the UK, and ensuring the benefits of HS2 are captured for the D2N2 economy. The measures particularly include the D2N2 LEP's commitment to work to maximise the benefits of the D2N2 area of emerging proposals for SRFIs in the area. Reference is particularly made to the emerging EMG SRFI proposal adjacent to junction 24 of the M1. The SEP identifies the LEPs commitment to:

'Work with East Midlands Airport, LLLEP, Highways Agency, rail stakeholders and private sector partners to maximise the benefits of the development of air services and emerging proposals for Strategic Rail Freight Interchanges near A50/M1 J23a/24, which will deliver large-scale economic benefits across the wider East Midlands' (page 21).

2.11 Specific reference is not made in the SEP to the current EMIP SRFI proposals although it does commit the LEP to working to maximise the benefits for the D2N2 area of *'other alternative potential proposals that have been identified along the A50 corridor'*. In this respect, it is likely that when the SEP was being drafted the EMIP proposals were not sufficiently advanced to justify specific reference in the SEP.

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2.12 Overall, the proposed EMIP would meet both the vision and key strategic aims and priorities of the SEP for economic growth, job creation and development of SRFI proposals as set out above.

Emerging Derbyshire Economic Strategy Statement

2.13 The Derbyshire Economic Strategy Statement (DESS) brings together the ambitions and growth objectives of Derbyshire partners and sets out the opportunities to drive economic growth. It has been developed collectively by Derbyshire partners and provides a framework for joint working and the prioritisation of delivery across the County. DESS has been prepared following a comprehensive consultation process with Derbyshire partners and review of local economic strategies and plans. The Final Version of the DESS was published in June 2014 and is currently subject to ratification by all the Derbyshire local authorities.

2.14 The DESS identifies a number of key economic assets and opportunities for South Derbyshire, which are of relevance to the consideration of the proposals and their strategic fit. South Derbyshire benefits from strategic connectivity via the A50 / A38; key employers include Toyota at Burnaston; the National Forest provides a cultural / visitor economic asset; economic opportunities include Tetron Point and Cadley Hill in Swadlincote, the Woodville Regeneration Area, Dove Valley Park at Foston (and its extension), Hilton Business Park and Drakelow Park. In nearby Derby, economic assets and opportunities include a high wage, high skills economy based around aircraft, trains and automobiles with key employers at Rolls Royce and Bombardier; the University of Derby is an important economic asset and Infinity Park is a key development site; and transport infrastructure improvements include improvements to the A38 junctions within the City.

2.15 In addition to the above, the area to the south, south-east and south-west of the Derby on the fringe of the City falling with Derby City and South Derbyshire District, is identified in both the emerging Derby City and South Derbyshire Local Plan Core Strategies for considerable housing and employment growth with a significant number of large urban extension housing sites allocated in the plans in the Sinfen, Chellaston, Boulton Moor, Thulston Fields and Littleover areas and major employment sites such as at the Global technology cluster. The plans also identify a number of proposed key infrastructure projects, particularly for transport including the South Derby Integrated Transport Link (SDITL), a new junction / existing junction improvements to the A50 and improvements to the A38 junctions within the City. (see further comments below).

2.16 It is considered important that the promoters of the EMIP scheme should identify how the SRFI proposals link in to, and take advantage of, the economic assets and growth opportunities in South Derbyshire and Derby City set out above.

2.17 The EMIP SRFI proposals are consistent with the Economic Vision and a number of Key Strategic Objectives of the DESS. The Economic Vision seeks to support

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economic growth in tomorrow's Derbyshire.....and promote activity that is inclusive to all regardless of geography and economic disadvantage. Key Strategic Objectives include the need to invest in the County's infrastructure to improve connectivity and create the conditions for growth; the need to develop a pipeline of transport infrastructure projects which will increase Derbyshire's capacity for growth; attract new businesses to diversify and grow the County's economy; develop an enterprising culture; and connect people to economic opportunity.

Revoked East Midlands Regional Plan

- 2.18 The former East Midlands Regional Plan (EMRP) was revoked by Government in April 2013. However, the evidence base which underpinned the Plan is still considered to be a significant material consideration in the assessment of the EMGRFI proposals. A number of evidence based studies informed the preparation of the Plan and its policy approach to strategic rail freight proposals. These included the EMRFS and EMSDS. This evidence base particularly identified the significant need for a network of SRFIs across the East Midlands and particularly in the Derby HMA. Further details are provided in Appendix 2.
- 2.19 The EMIP proposals would broadly accord with the locational criteria requirements in Policy 21: Strategic Distribution of the EMRP. The proposals would be located with good rail access with links being created to the main Stoke-Derby railway line which runs through the site. The proposals would have very good access to the national trunk road network being located adjacent to the A38 / A50 interchange which would provide good access to the M1 to the east and M6 to the west. The proposals would be designed to allow large scale high bay warehousing, accommodate an intermodal terminal and make provision for the parking of all goods vehicles on site. The proposals would meet the needs of the logistics industry for which evidence indicates there is a need for SRFI developments in the Derby HMA of the East Midlands.

Local Planning Policy Context

- 2.20 The saved policies of the adopted SDLP and emerging policies of the SDPSLP are of relevance in the consideration of the proposals.

Saved Policies of South Derbyshire Local Plan

- 2.21 The SDLP was adopted in 1998. The majority of its policies were saved for a further period by the Secretary of State on 27 September 2007, until the District Council has adopted its replacement plan. The policies, particularly for housing and employment land provision in the Plan are very dated and were formulated in the context of the 1990 Derbyshire Structure Plan (DSP), which was replaced in 2001 by the Derby and Derbyshire Joint Structure Plan (DDJSP) that was later revoked in March 2009. The saved policies of the SDLP are not wholly consistent with the requirements of the NPPF and should therefore carry little weight in the assessment of the EMIP proposals. Notwithstanding the above, the proposals are

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not in accordance with the saved policies as the proposed EMIP site is a greenfield site that is not allocated for any form of development except for a small proportion of the north-eastern part of the site which is identified as forming part of the route and interchange of the (then) proposed A50 with the A38. Other policies in the SDLP are not generally permissive of large-scale employment uses in the open countryside or on sites not allocated for employment use in the Plan.

Policies of South Derbyshire Submission Core Strategy

2.22 The SDPSLP was published for consultation in March 2014 and it is proposed that the Plan will be submitted to the Secretary of State on 8th August 2014. The Plan is at a reasonably advanced stage and should therefore carry some weight in the assessment of the EMIP proposals. The SDPSLP proposes to make provision for 13,454 new houses in the District between 2008 and 2028 as part of an overall Derby HMA total of 35,354 dwellings. 10,903 houses would be provided to meet South Derbyshire's needs and 2,551 dwellings to allow Derby City to meet its assessed needs. A range of 11 large strategic sites have been identified in the Plan on the southern fringe of Derby City either as allocations or extant permissions for strategic urban extensions that would provide for 6,266 dwellings. The area in close proximity to the EMIP site to the north and north-east is therefore an area for which considerable housing growth is planned. The Plan also identifies land for 80 ha of new employment development on 6 key strategic employment sites as allocations and as existing commitments as follows:

- Cadley Hill, Swadlincote 8 ha
- Hilton Depot 7 ha
- Woodville Regeneration Area 12 ha
- Tetron Point 8 ha
- Dove Valley Business Park 19.27 ha
- Former Drakelow Power Station 12 ha.

2.23 Specifically in relation to the EMIP proposals, the SDPSLP includes a criteria based policy for the assessment of any SRFI proposals that might be put forward in the District. Policy INF3: Strategic Rail Freight Interchanges, indicates that any proposal for the development of a SRFI shall meet all of the requirements of a list of 10 criteria for assessing such proposals. Full details of the policy are set out in Appendix 2 of this letter. These criteria relate to the operational requirements of the proposals, which require that any scheme should provide for an operational connection to Network Rail track and signalling standards to main trunk rail routes with sufficient capacity and gauge capability of at least W8; and that the scheme should include rail wagon reception and intermodal handling and container storage facilities capable of accommodating 775 m freight trains carrying modern wagons. The other criteria relate to the more detailed design and layout of the scheme particularly its access arrangements and environmental and amenity impacts.

2.24 There is insufficient detailed evidence and supporting information available for the EMIP scheme at the current time to assess the proposals fully in the context of

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Policy INF3 of the SDPSLP. It is noted, however, in the site promoter's consultation leaflet that an EIA will be prepared as part of its submission for a DCO application that looks at the potential effects on the proposed site and surrounding areas that would require mitigation. It is important, therefore, that the EIA should assess the potential impacts of the site in the context of the environmental impact criteria set out in Policy ENF3.

2.25 Notwithstanding the above, officer comments are provided below and in the appendix on the potential impacts of the EMIP scheme on landscape and landscape character, archaeology, Greenways and Public Rights of Way, and minerals and waste.

3 Detailed Officer Comments

Highways / Accessibility Issues

Rail Freight

- 3.1 The commercial desire to increase use of rail freight continues to grow for both economic and environmental reasons, and is now the first choice by many companies for trunk haulage. Rail freight has grown by 65% in 20 years and is totally commercial apart from limited Mode Shift grants being awarded by Government. Growth in intermodal rail traffic (both domestic and international) averages between 5 to 12% p.a.
- 3.2 The EMIP site is one of the top two intermodal freight sites in the East Midlands, as derived from the results of the EMRFS prepared for the East Midlands Development Agency (EMDA) at DCC's suggestion in 2008/9. The other top site identified was the EMG SRFI site adjacent to Junction 24 of the M1 and north of East Midlands Airport in North West Leicestershire, the subject of the separate proposal received recently for the County Council's comments. DCC's officers have liaised with contacts in the rail freight industry to discuss whether the establishment of a cluster of SRFIs in one 'regional' location presents difficulties. The answer is to the contrary, in that it is normal elsewhere, and drives access and operating costs down. For example, in the West Midlands, there are four SRFIs including Birch Coppice, Hams Hall, Lawley Street and Prologis Coventry sites, which are all located reasonably close together.
- 3.3 The EMIP proposal is also supported in principle by Network Rail, and DCC is aware that there have been meetings between them and the promoters. The Derby-Stoke railway line is part of Network Rail's Strategic Freight Network.
- 3.4 There has not been any contact from the promoters with DCC's officers concerning the rail freight detail of the proposals and how DCC might see and offer comment on what the Authority would feel is the best option for rail freight on site. Equally, DCC officers have had no discussions with the promoters about how the EMIP proposals would connect with Network Rail's current plans to upgrade and re-signal the Derby-Stoke line in 2016/17. No apparent local

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improvements appear to be under consideration by the promoters at the moment based on the available information. For example, no details are provided about removal of the Hilton, Egginton and Willington level crossings and replacement by bridges, as well as any other S106 type improvements to benefit the local population. The local passenger rail service (Derby-Stoke-Crewe) is not planned for a frequency increase in the immediate future beyond the current hourly service, although its operating span may extend with the central signalling control from Derby being planned by Network Rail in 2016/17 (currently constrained by the opening hours of mechanical signal boxes).

3.5 In terms of the three internal site masterplan options proposed, from a rail freight perspective it is possible that other options and sub-options may emerge from the current plans, which would then affect access options from the Network Rail line. There is reference in the promoter's information leaflet relating to Toyota's Burnaston car plant as being the biggest in the UK that does not currently use rail freight and Grimsby / Immingham being their main port of destination for completed cars. However, there appears to be no dedicated rail loading facility for cars in any of the proposed options. This issue needs to be considered further and clarified by the promoters.

Travel Plan / Public Transport

3.6 At the current time, there is no Travel Plan available to cover local transport issues or worker access to / from the site, although it is understood that one is in the process of being prepared by the promoters. The only bus service in the area is Trent Barton's V2 between Derby and Burton via Etwall and Hilton, but this only runs approximately hourly between 0700 and 1800 on Monday-Saturday. At the consultation event recently held in Repton by the promoters, cycleways were shown on maps and mention was made of public transport on site, but little else. Other aspects of the consultation event were that:

- The promoters stated that the principle of access to the site from the A38/A50 'Toyota' island had been agreed by the Highway Agencies, and offering two alternative designs for consideration;
- The promoters stated that the EMG proposal 'is more of an intermodal interchange, while the EMIP is a manufacturing based interchange' and would start with only 1-2 trains per day. This is difficult to understand, however, when they each have almost the same level of warehousing/industrial units available;
- Concern was expressed from some members of the public that they would have trains running through the night on the Derby-Stoke route. This is not necessarily an EMIP issue as the signalling and gauge clearance upgrade by Network Rail will change this line from a quiet secondary route operating 0600-2200 to a much busier 24/7 operation, although it will build up slowly. As an operational railway, changes to scope and span of operation are at NR's discretion.

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- 3.7 It is important that the issues above are addressed by the promoters as the DCO application progresses. DCC officers would welcome the opportunity to meet with the site promoters to discuss these issues in more detail.

Economic Development / Employment Issues

- 3.8 The limited amount of information submitted with the consultation indicates that the EMIP would be likely to create up to 7,000 jobs. Many of the jobs would be accessible to large numbers of residents of Derbyshire given the site's close proximity to many parts of the south and south-west of County, particularly in South Derbyshire District and Derby City. The very accessible location of the site adjacent to the A38 / A50 interchange would also facilitate reasonably good accessibility to jobs at the site for residents living further afield in Derbyshire particularly in Amber Valley Borough, Derbyshire Dales District and Erewash Borough. The significant job creation potential of the site for Derbyshire is welcomed and supported.
- 3.9 Goodman Shepherd estimates that up to 7,000 jobs would be created on the site once the development is fully operational. No details are yet available on the types of jobs that would be created on the site but from the limited information which is available the vast majority of the 557,400 sq m (6 million sq ft) of employment floorspace would be in logistics, storage and distribution type uses. That being the case, it is questionable whether such a large number of jobs would be realistically provided directly on the site. In this respect, DCC's officers are aware of the 'Employment Densities Guide: Second Edition' (EDG) which was commissioned by the Homes and Communities Agency (HCA) in 2010 and carried out by Drivas Jonas Deloitte. The purpose of the study was to assist appraisers, including local authorities, in the estimation of likely employment generated by property development based on 'employment density ratios'.
- 3.10 The conclusions of the EDG indicate that large-scale and high bay warehousing type developments could be likely to generate up to 1 full-time equivalent job per 80 sq m. However, the conclusions note that wide variations exist depending on scale and storage duration. In this context, the proposed EMIP proposal could potentially generate around 6,960 FTE jobs, which equates to Goodman Shepherd's estimation of the job creation potential of the site. It is important that further clarification is provided on this issue by Goodman Shepherd before the next phase of public consultation.
- 3.11 In order to formulate its final position on the proposals, it would assist DCC to have more information on the strategic economic benefits that potentially would be generated by this proposal. It would be useful to see an analysis of economic and employment matters on the following:
- Strategic fit - how the proposal would help to deliver the aspirations and objectives of the:

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- D2N2 LEP Growth Strategy <http://www.d2n2lep.org/Growth>
and
 - emerging Derbyshire Economic Strategy Statement <http://www.derbyshireeconomicpartnership.org.uk/derbyshire-economic-partnership/derbyshire-economic-strategy-statement/>
- Specific and Sector role;
 - Description of strategic economic context of the scheme;
 - The current/projected market context of the proposal;
 - The socio-economic context;
 - Examples of business sectors and elements of society to be “customers” and scale of demand; and
 - Quantifiable economic impact - direct, indirect and supplier chains.

3.12 As noted from the comments above, the wider area in South Derbyshire and Derby City within which the site is located has been identified for considerable housing and employment growth in the future in both the emerging South Derbyshire and Derby City Local Plans. In this context, it is important that the site promoters set out details of how the scheme will fit in with and help facilitate the future growth aspirations of South Derbyshire and Derby City. The nearby Toyota car plant is one of the biggest and most strategically important employers in Derbyshire. As noted above, the car plant is the biggest in the UK that does not currently use rail freight for the distribution of its finished cars. Particular detailed consideration, therefore, needs to be given by the EMIP promoters of how the scheme could help facilitate the movement and distribution of the finished manufactured cars from the Toyota site.

Landscape and Landscape Character Comments

3.13 At this preliminary stage it is important that the site promoters understand the context of the proposed site at Burnaston so that all potential landscape and visual issues are correctly identified and adequately addressed. It goes without saying that an application of this size will need to be supported by a Landscape and Visual Impact Assessment (LVIA) as part of the EIA.

Landscape Character

3.14 The proposed site is located within the Trent Valley Washlands National Character Area (NCA) as defined in Natural England’s national characterisation work, and the Lowland Village Farmlands Landscape Character Type (LCT) as described in the Derbyshire Landscape Character Assessment (DLCA). A detailed description of this LCT can be found in the DLCA publication, which is available from the DCC website (www.derbyshire.gov.uk/landscape).

3.15 At the broadest scale the Trent Valley is an agricultural landscape set within a broad, open river valley with many urban features. The LCT is typically a large-

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scale, mixed farming landscape defined by large regular fields with hawthorn hedgerows and punctuated by nucleated villages. The site directly to the east of the EMIP on the eastern side of the A38, was subject to a previous, but smaller scale (about 40 ha) RFI proposal in 2009, which was refused permission and upheld on appeal by an Inspector because of its potential environmental impacts, including on the character of the landscape and, in particular, its nucleated settlement pattern. This reflects the difficulty of accommodating development of this type and scale within this particular landscape.

Environmental Sensitivity

- 3.16 More recent work undertaken by DCC officers to support the emerging Derby and Derbyshire Minerals Local Plan (DDMLP) has identified that the site is located within an area of landscape that is not particularly sensitive with respect to a range of environmental datasets relating to ecology, the historic environment and visual unity (intactness). The supporting information submitted by Goodman Shepherd acknowledges that parts of the proposed site have been previously worked for gravel extraction and are now restored, which is reflected in the sensitivity study. The area is generally defined by low quality agricultural land with hedgerows in poor condition. Within the site there is a waste water treatment works, a composting facility and three dwellings, although there are a number of properties adjacent to the site along Egginton Road / Etwall Road.

Local Nature Partnership (LNP)

- 3.17 in 2012, a LNP was established for Lowland Derbyshire (Derbyshire excluding the Peak District National Park) and Nottinghamshire. The LNP's vision is to help businesses, communities and individuals to create and enjoy the benefits of a better natural environment as part of a sustainable approach to development and is part of a bigger Government-led initiative to work alongside the D2N2 LEP. As part of this approach, the LNP is currently looking into the definition of locally determined Nature Improvement Areas (NIA) of which the Trent Valley has already been identified as a potential area. This builds on work already underway in the Trent Valley through various organisations to improve not just the quality of the natural environment but also to enhance its visual appearance and long-term character. In this context, it is strongly urged that the application is progressed in consultation with the LNP to ensure that this development proposal fits with their aspirations for the Trent Valley and might assist in delivering its vision.

Potential Impacts

- 3.18 It is likely that the development of a 255ha greenfield site would have some significant adverse impacts on the local landscape and visual amenity of the area. The established character of the landscape is such that it will be very difficult to satisfactorily accommodate development of this scale and a robust approach to landscape mitigation and integration needs to be established that links with the aspirations of other organisations to enhance the character of the Trent Valley.

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The landscape of the Trent Valley has already been compromised from past infrastructure projects such as the construction of the A50, past and on-going gravel extraction, power stations, and through continuing development pressures in the area as part of the housing growth agenda referred to above.

3.19 At the present time, the supporting information outlines 3 possible options for the layout of the EMIP.

- Option A has a central intermodal facility and a rail connected distribution building;
- Option B has an eastern intermodal facility and a western rail head-shunt; and
- Option C has a central intermodal facility and an eastern rail head-shunt giving.

3.20 At this preliminary stage there are merits to each of the options, which might lend themselves to additional design review and further iterations. Options A and C benefit from leaving significant stand-offs to the western boundary with Egginton Road / Etwall Road that provides scope for landscape mitigation / integration proposals. Option A also benefits from having a significant stand-off to the A38 again providing scope for large-scale and robust landscape treatments. Option B is probably the least desirable option of those presented as it develops much closer to its western boundary and is more developed overall than each of the other options. Option B does benefit from more internal space within the proposed development that again could be used positively for landscape mitigation / integration. However, it is of concern that all of the options fail to look beyond the site boundary to address how a development of this scale and mass could link with the established landscape character of the valley or indeed how it might change the character of the wider area as part of the LNP's vision. These concepts need to be explored as part of the EIA process and the design solution needs to be an iterative response to this process, possibly allowing for S106 monies to be secured to deliver landscape enhancements beyond the site boundaries.

3.21 At the detailed scale, a landscape framework and strategy needs to be developed informed by existing landscape character assessments and taking account of longer term visions for the area. Detailed guidance on appropriate species mixes for both hedgerows and woodland planting are included in the 'Landscape Character of Derbyshire' report. The treatment of the built development will be critical to the overall success of the scheme, not only in attracting business to the Intermodal Park but also in mitigating the likely impacts. It is recommend that any DCO application should be supported by a detailed development framework outlining an overall design vision for the Intermodal Park and a strategy addressing such issues as building heights, materials, colours, etc. as well as landscape treatments.

3.22 The site requires a landscape structure that is able to compete with the scale of the proposed development and truly mitigate its negative effects. A development of this nature has scope to deliver significant gains for biodiversity but these gains should not be achieved at the expense of satisfactory landscape mitigation and

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integration. Equally, biodiversity proposals should not be seen as an opportunity to 'do nothing', with all mitigation proposals being part of an appropriate management plan for the site. The proposals to maintain / create public access to the site are welcomed. However, these proposals need to fit with strategic recreational strategies for the wider landscape possibly aimed at connecting communities with other sites within the valley as part of an overall vision.

Archaeology Comments

3.23 The site lies in an area generally rich in archaeological remains, particularly to the south and east and is located adjacent to the Roman road of Rykniel Street which is the current line of the A38. Despite the previous land use on the site which could have had a detrimental impact on the survival of archaeological remains, the site promoters will need to determine if archaeological remains do survive anywhere on the site, determine their significance and provide for any necessary mitigation in line with the NPPF requirements for dealing with the historic environment. The area is also reputedly the site of the 'Battle of Egginton', an engagement during the English Civil War and the significance of this needs to be considered. These issues will need to be addressed by the promoters in the EIA to be submitted with the DCO application.

Greenways Issues

3.24 The Greenway Strategy – South Derbyshire District, outlines proposals to develop a strategic network of multi-user routes, or Greenways, for walkers, cyclists, horse riders and those requiring 'easy access' including mobility scooters and families with pushchairs. These multi-user routes will provide traffic free paths linking communities, places of work, education, leisure facilities and the surrounding countryside. The Greenway Strategy is in line with the Derbyshire Local Transport Plan (LTP), The Rights of Way Improvement Plan (RWIP) and the Derbyshire Infrastructure Plan (DIP).

3.25 The plan attached in Appendix 4 outlines the existing and proposed Greenways in the vicinity of the proposed SRFI (blue = existing Greenways; orange = proposed Greenways). It is welcomed that new public footpaths and cycleways are proposed as an integral part of the development, but it is essential that these link to the existing and proposed Greenways network to ensure maximum connectivity. There is currently no funding identified to develop the proposed Greenways, which could achieve sustainable transport links between the development site and southern Derby, Hilton, Willington and on into Melbourne. A developer contribution to develop these links would be welcomed and require further consideration by the site promoters.

3.26 It would also be beneficial if the development could consider the provision of routes which could also accommodate horse riders. There is a lack of bridleway provision within the area.

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Rights of Way Issues

- 3.27 The site promoters should be aware that both Etwall Public Footpath No.10 and Egginton Public Footpath No.9 abut the western boundary of the area outlined in red on the site location plan provided in the promoter's leaflet. Also, Willington Public Footpath No.9 abuts the eastern boundary of the same area. An extract from the Working Copy of the Definitive Map is attached and the site promoters need to be aware of the legal alignment of the routes.
- 3.28 DCC Rights of Way officers are pleased to see that the promoters intend to incorporate new public footways and cycleways in the site. Officers would actively encourage further dialogue with the promoters to see if these footways and cycleways could be best constructed to fit in with the existing Rights of Way network which surrounds the site. Increased connectivity with the surrounding villages of Willington, Egginton, Hilton and Etwall, for example, could provide excellent links for people who may work at the site.
- 3.29 DCC's Rights of Way officers have no objections to the proposal development as it does not appear to affect the routes. However, the promoters are advised of the following, which would apply particularly during the construction phase of development:
- The routes must remain open, unobstructed and on their legal alignment at all times;
 - There should be no disturbance to the surface of the routes without prior authorisation from the Rights of Way Inspector for the area;
 - Consideration should be given to members of the public using the routes at all times;
 - A temporary closure of the routes may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting DCC's Rights of Way Section; and
 - If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
- 3.30 It is confirmed that at the time of writing, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981.
- 3.31 This information is provided without prejudice to any claimed rights, which might subsequently be proven to exist under Section 53 of the Wildlife and Countryside Act 1981.

Housing Issues

- 3.32 The provision of new housing to meet the needs of new large-scale employment generating uses is a key consideration for local councils in Derbyshire. To

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address potential housing need, as much information as possible is required on the employment generation potential of the scheme so that consideration can be given to any additional housing needs in Derbyshire as a result of the proposals. Should the EMIP scheme progress and a DCO ultimately be granted by the Secretary of State, the creation of up to 7,000 jobs on the site could have significant implications for housing provision in Derbyshire particularly in South Derbyshire District and Derby City, and to a lesser extent in Amber Valley Borough, Derbyshire Dales District and Erewash Borough, which would be within a reasonable travelling distance of the proposed EMIP site.

- 3.33 DCC has a major statutory role in the planning and provision of key strategic infrastructure needed to support development growth, particularly for school place provision and highway and transport infrastructure. The proposals, if approved, could have significant implications for DCC.
- 3.34 Goodman Shepherd may wish to examine the local plans of South Derbyshire District, within which the site is located and other neighbouring districts including Amber Valley, Derby City, Derbyshire Dales and Erewash Borough relating to housing provision because the proposals could have significant housing provision implications.

Minerals and Waste Issues

- 3.35 Parts of the proposed EMIP site have previously been subject to gravel extraction which has been filled in through licensed waste tipping and a composting facility is also located on part of the site. A schedule setting out the mineral and waste planning history of the site and its immediate surroundings is included at Appendix 3. DCC is the Minerals and Waste Planning Authority for the area. At the time of writing there are no live minerals or waste applications for developments or operations being dealt with by DCC on the site. Goodman Shepherd should be aware, however, that the proposed EMIP site is located within a Minerals Consultation Area (MCA) for sand and gravel extraction as defined by the Derby and Derbyshire Minerals Local Plan. The MCA ensures that minerals of economic importance are safeguarded and are, therefore, taken into account in the assessment of applications for non-mineral development to avoid their needless sterilisation.
- 3.36 Paragraph 143 of the NPPF sets out that Local Plans should define Mineral Safeguarding Areas (MSA) and include policies to ensure that known locations of specific mineral resources are not needlessly sterilised by non-mineral development. The emerging Minerals Plan for Derbyshire will include policies to this effect. The NPPF also sets out at paragraph 144 that other development proposals in MSAs should not normally be permitted where they might constrain future use for mineral purposes.
- 3.37 Policy MP17 of the adopted Minerals Plan should be taken into account in the EIA being prepared in support of the forthcoming DCO application. This states that the mineral planning authority will resist proposals for development which

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could sterilise economically workable minerals deposits, except where there is considered to be an overriding need for the development and it is shown that prior extraction of the mineral cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.

3.38 As a result of the above, DCC as Minerals and Waste Planning Authority for the area, considers it important that the promoters provide supporting information which assesses the quantity and quality of any mineral deposits remaining on the site and the viability and practicality of extracting the mineral prior to development of the site.

3.39 The area of the site is 255ha and due to the large scale of the proposed development may require significant earth movement or land remodelling to facilitate the proposed development. There may be a need to export any surplus materials from the site in order to facilitate the development platform. Any disposal of this material whether on adjacent land outside the application site or elsewhere in Derbyshire that does not benefit from planning permission for waste extraction would need to be considered by DCC as the Waste Planning Authority.

3.40 DCC officers would be happy to discuss the potential implications of the proposed development in relation to the mineral and waste issues above with the site promoters as details of the proposed scheme are progressed.

Cumulative Impact Issues

3.41 As noted in 1.3 above, DCC has recently been consulted by Roxhill Developments Limited on similar proposals that it is promoting for a large-scale SRFI development on land adjacent to Junction 24 of the M1 and north of East Midlands Airport, known as East Midlands Gateway. It will be up to the developers in both cases to provide sufficient evidence of the need for both facilities given their close proximity to one another, including the likely cumulative traffic, economic and environmental impacts.

I hope the comments above and in the appendices are of assistance. Please contact my officer, Steve Buffery, if you wish to discuss the comments further.

Yours sincerely

Mike Ashworth
Strategic Director Economy, Transport and Environment

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Copies to:

Mike Ashworth, Strategic Director of Economy, Transport and the Environment

Allison Thomas, Assistant Director of Planning and Environment

Joe Battye, Assistant Director of Regeneration

Rob Murfin, Head of Planning Services

Chris Massey, Policy and Monitoring

Harriet Fisher, Policy and Monitoring

Frank Horsely, Head of Regeneration

Nawaz Khan, Regeneration

All South Derbyshire Members

All Erewash Members

All Amber Valley Members

Geoff Blissett, Transport Policy

Jim Seymour, Transport Policy

Kevin Williams, Transport Policy

Rob Thorley, Amber Valley Borough Council

Andy Waterhouse, Derby City Council

Steve Birkinshaw, Erewash Borough Council

Nicola Sworowski, South Derbyshire District Council

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Appendix 1

Local Member Comments on the Proposed East Midlands Gateway Rail Freight Interchange

South Derbyshire Local Area Committee: Minutes of Meeting held on 11 June 2014

Representatives from Roxhill Limited attended the meeting to provide further information to the Committee on the proposal for a rail freight interchange and warehousing and highway works on land in the vicinity of Junction 24 of the M1 to the north of East Midlands Airport, to the south of Lockington and Hemington, and to the east of Castle Donington. It was explained that the company would shortly be submitting an application for planning consent.

The Committee was informed of the proposed highway works, in particular to the M1/A50/A6, so that vehicles from the site would be using strategic roads rather than local roads. The works would ensure freer flowing traffic and that local roads were not being used by HGVs.

Details were also provided on the potential 7,000 jobs that the site would create. There was some concern from Members that the site would attract employees from outside the area, thus increasing the need for additional housing in the area, but it was the intention to try and ensure that more local people were employed. A Skills and Employment Sub-Group was to be established, and the aim was to have representation from all local authorities. There was general acceptance that there would be growth, and skills and learning was an area that needed to be addressed. The company was currently discussing this with a variety of agencies, and discussions would also take place with East Midlands Airport (EMA) around the issue of jobs and transport.

There was also some concern that the majority of the available jobs would be manufacturing based, and would therefore be lower paid. However, reassurance was given that this would not be the case, and it was stated that further detailed information was available in the planning application. Work had been taking place with planning authorities to ensure that they were satisfied with the proposals.

In terms of the proposed 7,000 jobs, it was asked how this equated to full time equivalents, and it was stated that this figure had been provided by Homes and Communities Agency (HCA) and further details could be provided on how the proposed figure had been arrived at. A link to this information, which was available on the company's website, would be circulated to the Committee.

Concern was raised around the fact that there would be two rail freight terminals in close proximity, both running along the A50. It was felt that both had advantages, but it was questioned whether there was a need for two, particularly as there were already traffic issues in the surrounding villages. In response, it was stated that no HGVs would be using the local roads, and if there was less HGV traffic and more rail use, it would be an improvement. The intention was that the roads would function as they were intended to. It was also stressed that there would be no competition between the two terminals, and a report had been written detailing why this particular site had been chosen.

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The direction of travel of the trains was also questioned, as it was thought that the majority would be coming from the west. It was stated that this would be the case, but there would be more from the east when the electric spine had been established. There was some concern around the electric element - Cllr Davison raised some concern around this.

The Committee was generally in agreement that the site posed more advantages than disadvantages, but it would be useful to be provided with further information that was available on the company's website, including detailed drawings of the site. In terms of any technical issues relating to the rail line, it was stated that a public report would shortly be available and this would hopefully answer any questions.

There was currently a consultation process to understand the concerns and comments of all interested parties, and it was agreed that the Committee would not submit a collective comment on the proposal.

It had also been the intention to receive a presentation from representatives of Shepherd Goodman on the proposals for East Midlands Intermodal Park, South Derbyshire. However, the company had been unable to attend the meeting, but were very keen to meet with the Committee. It was agreed to arrange a special meeting of the Local Area Committee to meet with representatives from Shepherd Goodman to discuss this proposal. A date of 3 July 2014 at 2pm in South Derbyshire was suggested, and this would be confirmed.

Appendix 2: Relevant National, Regional and Local Planning Policy

National Planning Policy Framework

To help achieve economic growth, the NPPF requires local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century. They are also required to support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. In particular, the NPPF encourages local authorities to work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities, such as rail freight interchanges. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

Draft National Policy Statement for National Networks

In December 2013, the Government published its draft National Policy Statement for National Networks (NPSNN). The NPSNN recognises the importance of RFIs in terms of economic development and addressing climate change. It makes explicit references to their role in facilitating the movement of freight from road to rail. This is seen as central to the Government's vision for transport, which is described as:

'Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The transfer of freight from road to rail has a part to play in a low carbon economy and help to address climate change (Paragraph 2.48).

The draft NPSNN describes the aim of a Strategic Rail Freight Interchange (SRFI) as:

'..to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities. SRFIs are a key element in reducing the cost to users of moving freight by rail and important in facilitating the transfer of freight from road to rail (paragraphs 2.40).

In particular, the Government recognises in paragraph 2.51 of the NPSNN that there is a need for more SRFIs when it concludes that there is:

...'a compelling need for an expanded network of strategic rail freight interchanges'

Strategic Rail Freight Interchange Policy Guidance

In November 2011, the Department of Transport (DfT) published its Strategic Rail Freight Interchange Policy Guidance (SRFIPG). It was published to set out the

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Government's policy for SRFI infrastructure in the interim period pending the publication of the DfT's consultation on the NPSNN outlined above.

The SRFIPG sets out four key policy aims which include:

- **To reduce road congestion** – to deliver goods quickly, efficiently and reliably by rail and help to reduce congestion on our roads;
- **To reduce Carbon emissions** – to meet the Government's vision for a greener transport system as part of a low carbon economy;
- **To support long-term development** of efficient rail freight distribution logistics – to ensure a network of SRFI – modern distribution centres linked into both rail and trunk road systems in appropriate locations to serve major conurbations; and
- **To support economic growth and create employment** – through the transfer of freight from road to rail, where this is practical and economic.

At paragraph 2.1 of the SRFIPG, it is recognised that whilst it is for the industry to meet commercial logistics requirements, and take forward development proposals, for the reasons summarised above *'the Government supports the development of a national network of SRFIs and will seek to facilitate the achievement of this objective'*

Revoked East Midlands Regional Plan

The former East Midlands Regional Plan (EMRP) was revoked by Government in April 2013. However, the evidence base which underpinned the Plan is still considered to be a significant material consideration in the assessment of the EMGRFI proposals. A number of evidence based studies informed the preparation of the Plan and its policy approach to strategic rail freight proposals. These included the East Midlands Regional Freight Study (EMRFS) and East Midlands Strategic Distribution Study (EMSDS).

The EMSDS provided a technical study of logistics and the regional economy and included a number of important findings of relevance to the consideration of the EMGRFI proposals. The main one of which was that in order to meet the EMRFS target of an additional 30 freight trains per day, around an additional 308 ha of rail connected strategic distribution sites should be brought forward by 2026.

Based on the findings of the EMSDS, Policy 21: Strategic Distribution of the EMRP, identified where additional land for strategic distribution sites should be brought forward with priority given to sites which could be served by rail freight. The EMSDS indicated that rail connected sites should be large enough and have sufficient critical mass in terms of size to generate significant demand for freight train services to / or from a number of locations. The EMSDS indicated that this critical mass to be around 200,000 sq m implying sites of around 50 ha. Based on the findings of the EMSDS, Policy 21 of the EMRP identified five broad locations in the East Midlands which could be suitable to accommodate strategic distribution uses, which included the Leicester and Leicestershire Housing Market Area (HMA). The policy went on to indicate that in allocating sites in local development frameworks, local authorities should give priority to sites which could be served by rail freight and operate as intermodal terminals. The policy then set out a number of criteria for the assessment of such proposals which included:

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- The need for good rail access with routes capable of accommodating large maritime containers, the ability to handle full length trains, available capacity and full operational capacity;
- Good access to the highway network and to appropriate points on the trunk road network;
- A suitable configuration which allows large-scale high bay warehousing, inter-modal terminal facilities, appropriate railway wagon reception facilities and parking for all goods vehicles;
- A need for such facilities due to demand from the logistics industry; and
- Good access to labour markets.

South Derbyshire Pre-Submission Local Plan

Policy INF3 Strategic Rail Freight Interchange

A Any proposal for the development of a Strategic Rail Freight Interchange shall meet all the following criteria:

- an operational connection, to Network Rail track and signalling standards, to main trunk rail routes with sufficient available capacity and gauge capability of at least W8;
- railway wagon reception and inter-modal handling and container storage facilities capable of accommodating 775 metre freight trains carrying modern wagons.

B The elements of the development identified above shall be completed before any business units on the site are occupied.

- an acceptable means of access to the trunk road network and parking for all goods vehicles shall be provided and operational arrangements shall minimise the use of local highways by heavy goods vehicles; and
- there shall be no undue amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation; and
- the proposal shall be well designed and shall not cause undue harm to the character of the local landscape; and
- the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets; and
- the proposal shall not cause undue harm to features of ecological or environmental value and, where possible, shall result in biodiversity gain and enhanced environmental value; and
- the proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere; and
- an appraisal shall be made of the potential for the utilisation of waste heat from power stations for heating and cooling on the development site; and

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viii) appropriate provision shall be made for convenient access to the site on foot, by cycle and by public transport.

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Appendix 3

Planning Application History of Site and Its surroundings

SITE	APPLICATION NUMBER	DESCRIPTION OF DEVELOPMENT	DECISION (GRANTED OR REFUSED)	DATE OF DECISION
1 INFILLING OF FOX CULVERT	9/789/447 (Completed)	To import inert fill material to restore excavated area to original ground level.	Granted	14/12/1989
2 ETWALL SEWAGE TREATMENT WORKS	9/0894/0422/F (This application was determined by South Derbyshire District Council)	Construction of centrifuge building, storage silo and associated works	Granted (By SDDC)	10/11/1994
3 ETWALL RECYCLING FACILITY	CW9/0505/17	In vessel composting, waste transfer facility and extension of existing open windrow composting	Granted	21/11/2006
4 SMALL SCALE WASTE TRANSFER STATION	CW9/1209/178	Erection of a single storey building for the sorting and transfer of waste building materials	Granted	14/06/2010
5 EGGINTON PIT	REP/959/15 REP/1267/3 (Dormant)	Winning and working of minerals	Granted	25/01/1960 19/02/1968
6 ETWALL PIT	9/0489/91 (Completed)	Extraction of sand and gravel and restoration to agriculture with the importation of inert fill material	Granted	31/07/1989
7 WILLINGTON QUARRY	CM9/1205/154	Extension to quarry	Granted	16/02/2012

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<p>7 WILLINGTON QUARRY</p>	<p>CM9/1111/111</p>	<p>Section 73 application for non compliance of conditions 17, 18, 19 and 20 (restoration) of planning permission R(/1097/14 Review of Old Mineral Permission (sand and gravel extraction)</p>	<p>Granted</p>	<p>18/03/2013</p>
<p>7 WILLINGTON QUARRY</p>	<p>CM9/0311/182</p>	<p>To continue use of existing haul road and processing plant previously granted planning permission under code no. CM9/0307/196 at Willington Quarry without complying with condition 2 of that permission</p>	<p>Granted</p>	<p>16/02/2012</p>

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Hannah Nelson

From: James Malkin <james.malkin@eaststaffsbc.gov.uk>
Sent: 02 September 2014 12:03
To: Environmental Services
Subject: Scoping Consultation for East Midlands Intermodal Park - Our Ref: P/2014/01129 - Your Ref: TR050003 - FAO Jill Warren

Dear Madam,

I write to confirm that East Staffordshire Borough Council (ESBC) have no comments to make with regards to the Scoping Opinion submitted in relation to the above project.

ESBC would request the opportunity to comment further as the application progresses, and would seek to be involved in the consideration of the application when it is formally submitted to the Secretary of State. ESBC would also suggest that Staffordshire County Council as the Highway Authority should be consulted on the application, as the proposal could impact on the local and strategic highway network around Burton upon Trent.

Should you require further information please do not hesitate to contact me.

Best Regards,

Jim

*Jim Malkin
Interim Principal Planner (Planning Applications)
East Staffordshire Borough Council
P.O. Box 8045
Burton upon Trent
Staffs
DE14 1LS*

*Tel: 01283 508641
Fax: 01283 508388
www.eaststaffsbc.gov.uk*

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Egginton Parish Council

Mr P Woolrich
Clerk to Egginton Parish Council

Tel: [REDACTED]

Jill Warren
Senior EIA and Land Rights Advisor,
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

19th September 2014.

Your ref: TR050003

Dear Ms. Warren,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) - Regulations 8 and 9
Application by Goodman Shepherd (UK) Limited for an Order Granting Development Consent for the East Midlands Intermodal Park
Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

I refer to your letter of 21st August 2014. As you are aware this was never received (then or any subsequent time) and my Council only became aware of it by a chance conversation with Etwall Parish Council. This occurred on 9th September and I was in contact with you by e-mail on that day. For your part you acknowledge that my Council is a statutory consultee but have indicated that your records indicate that notification was sent to my home address on 21st August. You have also indicated that notwithstanding this error the Inspectorate is not prepared to extend the time period for making our comments. The Parish Council wish it to be known that it is

most unhappy with this response; it has meant that the time period to be able to make any meaningful comment has been considerably shortened. Nonetheless, and in order to meet your timescale, the following represents the views of the Parish Council. To assist matters the comments cross reference those in the report.

5. EIA Strategy: In Table 2 at paragraph 5.5 it is stated that no further consideration will be given to either daylight, sunlight or overshadowing and (separately) to the matter of electronic interference. The Parish Council is of the view that further work needs to be done on both of these matters. The developers have already indicated that some buildings may be as high as 30 metres. They will also have a considerable footprint. Given this massing there is the potential for overshadowing of properties, particularly in the winter months when the sun is low in the sky. As to electrical interference experience, elsewhere indicates that buildings on this scale can disrupt radio and television with interference. The very large Nestle building at Coalville for instance resulted in a significant number of domestic properties in that town losing television reception. These matters should be properly addressed.

5.15 Cumulative Impacts: Reference is made to the similar Roxhill development but seemingly only to the cumulative impacts upon the rail system. The total cumulative impacts of both schemes need to be considered and in particular the impacts upon the road network (since they will both have direct access to the A.50) and to the question of the location of new housing. The report does not list the proposed development at Willington Power Station project (another National Infrastructure project) which is nearby and will have significant impacts upon the same local and trunk road network particularly during the construction phase. The Burnaston interchange will be particularly impacted upon.

5.16 Consultation: It is surprising to note that the district council, South Derbyshire District Council, is not mentioned in the list of statutory bodies that will be consulted. In addition to the bodies mentioned it is considered that it should also include the two local parish councils (Etwall and Egginton), the Police, Severn Trent Water (given the impacts upon the foul water system) and South Staffordshire Water Company (given the considerable water supply needs of the development). These should all be regarded as stakeholders.

7. Socio-Economic Issues: This recognises the importance of the impact of the development upon housing need. However, other than mentioning it as an issue there is no detail as to how that will be investigated, measured or considered. The Parish Council's concern is that with the number of jobs estimated (7,000) this will generate a significant number of additional dwellings which have not been planned for in the emerging South Derbyshire Local Plan. Moreover, that plan, now submitted to the Secretary of State for examination, has a strategy which

places the majority of the new development, including housing around the southern fringes of Derby or in the Swadlincote area. Neither location is well related to the application site and thus there will be increased and relatively unsustainable travelling, the majority of which it can be anticipated will be by private car. This very important point needs to be considered and included in the EIA. Although in part the development is predicated on the basis that carrying goods by rail will be more environmentally friendly than by road that calculation of carbon footprint needs to be offset by the increased use of the private car to get to and from work given the location of the site away from centres of population.

A further matter to consider under socio-economic matters is the potential for increased levels of crime. This has become a serious problem at other similar developments and particularly at DIRFT (Davenport). For that reason it is submitted that the police should be included as a consultee.

8. Landscape and Visual: The analysis of viewpoints (Table 9, paragraph 8.47) appears to be limited to a consideration of public vantage points. There are a number of residential properties near to the site who look onto the site and the proposed development and it is considered that the analysis should include the impact and effect from these properties. Equally, in terms of the public realm the viewpoints from the surrounding roads, the A38, the A 50 and the A5132 have not been included within the works to be assessed.

It should also be noted that the site is known as "Egginton Common". It is believed that there are established rights for persons to use this as common or other land. That needs to be further investigated and considered.

9. Lighting. Although the A50 and the A38 interchange and the Toyota development to the north have some night-time impact it is considered that the report should not only consider its own impacts from "sky glow" but should consider it in relation to these other two light generators to ensure that the cumulative impacts are recognised, quantified and assessed. Lighting should also be considered in the landscape context under section 8.

10. Cultural Heritage. Much work on the geologically and archaeologically important Hilton Terrace has been undertaken by specialists at Derby University. The report surprisingly makes no mention of this and it should be included.

11. Traffic and Transportation. The local roads (the A.5132 and the local roads connecting Etwall and Egginton, are only mentioned briefly and in passing and much of the report focuses on the A.50 and the A.38. As important as these are, it is considered important that the local roads are not overlooked in this assessment. Egginton residents, the Parish Council and other commentators would prefer to see the closure of Church Road at Egginton (a left in, left out road serving the south of Egginton off the A.38) and this option needs to be modelled and considered.

Incidents and accidents on these local roads should be factored into the traffic assessment together with the additional traffic generated by recently-granted planning permissions served by these roads - 485 houses in Hilton, 100 in Etwall, a pending application for 400 in Hatton.

The longer trains will have an impact upon the level crossings in the area, the (longer) times they will have to be closed and the consequential impacts upon traffic flows and the highway network in general.

12. Noise and Vibration. The scoping report does not appear to have considered or included the question of the increased noise from the higher frequency of large trains passing close to villages at unsocial hours within the district and beyond. This will be experienced in South Derbyshire in particular at the villages of Willington, Hatton, Scropton and Weston on Trent.

The noise receptors around the site do not appear to be complete: there are more dwellings around the perimeter of the site than are listed in the report (paragraph 12.6) Other properties and facilities that need to be included and considered are (amongst others) Tynefield Court (a residential and nursing home for the elderly) and John Port Secondary School (the second largest school of its type in the U.K), along with Etwall and Egginton primary schools.

In relative terms the noise on the A50 and A38 currently eases somewhat at night. The additional noise from increased freight traffic onto these roads at these unsocial hours needs to be factored in.

14. Ground Conditions: It is interesting to note that it is now being indicated that the site is generally free of contamination whereas in earlier publications and as a means of suggesting this was degraded brown field land that it was. The most relevant point here is to point out the very high water table, the level of which should be properly scoped. There is a concern that any pollutants will not be "washed down" but could migrate sideways under the considerable hydraulic pressure. This point is related to matters concerning flooding.

15. Water Resources and Flood Risk: Although the site may lie within Flood Risk Zone 1 it is very close to Zone 3. There is a concern that using the Environment Agency's "Know Your Risk" web site will be inadequate. There is a known problem with this in that the area generally lies on the border between two EA offices (at Lichfield and Nottingham). The Parish Council has experienced a "collision of data" held by the two offices. This needs to be properly investigated. Local knowledge, reinforced by the Parish Council's recent involvement in the flood defences around the village would be a useful resource and the Parish Council feels that it should be included as a key player (paragraph 15.6 refers). It is noted that Egginton is mentioned at paragraph 15.9 of the report but is not cross referenced in Table 20 at paragraph 15.24. Equally Table 20 does not make mention of the

interrelationship and the importance of the River Dove, the Hilton Brook and the Etwall/Egginton Brook in the evaluation of flood risk to the immediately surrounding area. The scoping report needs to be wider to cover this important point and reference to the EA flood model for the Lower River Dove should be a key reference point for any modelling of water and flood risk. Furthermore the use of SUDS may not be appropriate given the possibility that it could result in migration of surface and ground water flows into the flood protection area.

Foul flows. There are many instances of failures in the local foul water system which has resulted in direct contamination in Egginton village. These are normally as a consequence of the failure in the local pumping station, lack of maintenance and lack of system capacity. These local failures need to be analysed and incorporated into the report. There may be a conflict of interest between the utility company advising on this matter (Severn Trent Water) since its subsidiary or associated company, Etwall Land Ltd is closely associated with the site.

16. Ecology. It has been reported that pole cats have been sighted on the site. It is understood these are a protected species. Consultation should be held with the Vincent Trust.

The matters set out above have perforce been compiled very quickly and without access to the full consultation period. For that reason the Parish Council reserves the right to comment further as matters progress.

Yours sincerely,

Peter Woolrich
Clerk to the Parish Council

Hannah Nelson

From: Allen, Tim <Tim.Allen@english-heritage.org.uk>
Sent: 19 September 2014 21:02
To: Environmental Services
Cc: Woodhouse, Helen; Williams, Jim; EAST MIDLANDS BUSINESS OFFICERS; Brennan, Louise
Subject: East Midlands Intermodal Park - Scoping Consultation - English Heritage Advice - Planning Act 2008 / Infrastructure Planning (EIA) Regs 2009 (NSIP) - EH advice to PINS

Dear Ms Warren

East Midlands Intermodal Park - Scoping Consultation - English Heritage Advice - Planning Act 2008 / Infrastructure Planning (EIA) Regs 2009 (NSIP)

Thank you for consulting English Heritage on this Nationally Significant Infrastructure Project Scoping Report.

We note that the scoping report records our previous advice by letter dated 25th June 2014. Where there are impacts upon the significance of Listed Buildings and Conservation Areas noted in the scoping report or that become evident through investigation these should be explored in detail with we suggest the use of our guidance 'Setting of Heritage Assets' to situate visual and other assessments in a structured understanding of how effects impact the significance of assets (the attributes that make a place special or interesting).

We refer you in the first instance to the advice of the County Council Archaeological Advisors in respect of impacts upon the significance of the undesignated archaeological resource both built and below ground and to a sound staged process of archaeological investigation of these matters. We offer however specific comments in respect of the report with regard to selected archaeological issues.

With regard to below ground archaeological remains we advise that borehole and other geotechnical data should be married with appropriate geophysical survey techniques in the construction of a geo-archaeological model to inform the understanding of both the later and earlier prehistoric character of the site. We would agree as to the high potential for important later prehistoric remains based upon the significance of previous areas of investigation in this landscape and the results of air photography etc. We would, however, identify the need for much more thorough understandings of the Pleistocene / Holocene development of the application area (in the context of the Trent Valley as a complex and highly dynamic system) such that areas of high potential within the site can be modelled. The characterisation in the scoping report of the Palaeolithic potential of site as 'low', appears to be based upon the individual significance of chance axe finds, and does not satisfactorily address the potential for structured investigations to reveal significance, and is hence a conflation between lack of information and lack of significance. This requires a specialist archaeological approach informed by detailed discussion with experts in this area in furtherance of the aims set out in the Regional Research Framework for East Midlands.

A similar issue arises in respect of the English Civil War encounter at Eggington Heath, this a poorly understood action on the ground, but one in which historic accounts survive and where the application of a specialist methodology which brings these sources together with past landscape reconstruction and structured metal detector survey is required. Again we would recommend specialist input into this section of work.

We have had brought to our attention the presence of osier (willow) beds belonging to the 'Burton Corporation' within the site and the survival of a late nineteenth century 'Osier Tank' where harvested osiers were soaked in preparation for working (one assumes into baskets etc). We have not made any direct inspection or research to substantiate this matter but bring it to the applicant's attention here as pointer to what may be an area where more detailed work is required in understanding significance and options in respect of the development and what impacts and opportunities there might be in the retention of features within development.

In respect of the surviving Pill Box to the Burnaston airfield the EIA should explore and discuss the extent to which it (more or less successfully?) acts as a marker for the former airfield as whole in the landscape (in the context of the clearance of other elements) and what impacts and opportunities there might be in its retention within development.

We will be happy to advise further as this project progresses.

yours sincerely
Tim Allen

Tim Allen | Inspector of Ancient Monuments

Land Line 0114 2303916

Mobile Phone: 07770 610214

English Heritage | 44 Derngate

Northampton | NN1 1UH

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Hannah Nelson

From: ES Pipelines <email@espipelines.com>
Sent: 22 August 2014 15:34
To: Environmental Services
Subject: Reference: PE126737. Plant Not Affected Notice from ES Pipelines

Environmental Services
The Planning Inspectorate

22 August 2014

Reference: East Midlands Intermodel Park

Dear Sir/Madam,

Thank you for your recent plant enquiry at: A50, Willington

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

Important Notice

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: PlantResponses@espipelines.com

Yours faithfully,

Alan Slee
Operations Manager

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ETWALL PARISH COUNCIL

Mrs L A Gardner
Clerk to the Council

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Email: etwallpc@jimgardner.co.uk

18th September 2014

Jill Warren
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Madam

EAST MIDLANDS INTERMODAL PARK, SOUTH DERBYSHIRE – SCOPING REPORT

Etwall Parish Council is very concerned about the impact of a strategic rail freight interchange as described in the Scoping Report and is very much opposed to the development. The Scoping Report appears to be a lengthy and comprehensive document and on the whole covers the majority of the issues raised. We would request that particular attention is paid to the areas that of concern to Etwall residents as communicated to Goodman Shepherd in the recent consultation.

- 1 Consultation** – The consultation leaflet and drop-in session provided insufficient information to make an informed choice on Options A, B and C. When questioned those present gave conflicting answers to queries which left many people confused and with little confidence in the explanations given. According to the developers there will be no speculative building on the site and there are currently no firm commitments from companies wishing to occupy the site. Therefore we are being consulted on what is predicted with little or no definite information.
- 2 Traffic** – The traffic predictions for the site will impose a huge burden on the A38 in particular, which is already under pressure, coupled with the possible additional traffic impact from the East Midlands Gateway Railfreight Interchange at Castle Donington (if approved). The Burnaston Interchange by Toyota has already been the subject of an inquiry and the Inspector found that road configuration to be inadequate. In the Appeal Decision letter of 19th August 2010 the Highways Agency maintains an objection on policy grounds “ ... the SRN (Strategic Road Network) ... should not be utilised by unsustainable or otherwise inappropriate development”. The Strategic Distribution Site Assessment Study for the Three Cities Sub-Area of the East Midlands raised concerns about the affect an anticipated 200+ vehicles in the morning peak period on the A38.

The plans exhibited showed the vast majority of the traffic heading east. This raises the question of the suitability of the site if most of the traffic is heading in one direction. Recently there have been several occasions when the A38 and A50 have been closed for long periods of time due to accidents has any thought been given to how and where traffic would be diverted?

Should approval be given to this development, construction of a new access must be completed before work is started on site to ensure that all construction traffic comes off the A50/A38 rather than using local roads.

Plans allow for all HGV traffic to come off a new junction at the Toyota roundabout but as public transport is poor or non-existent there is likely to be increased traffic through the local villages from the predicted 7,000 employees accessing the site. Etwall is currently almost gridlocked at 9.00 am 3.15 pm when over 2,000 students are going to and from John Port School to surrounding villages. Any shift changes at these times should be strenuously avoided.

Free on-site parking should be provided for all vehicles to avoid HGV's parking in local lanes and lay-byes with the possibility of congestion and increased crime and litter spoiling the environment.

With trains of approx. 750 m in length and up to 12 trains a day from this development plus the existing three passenger trains per hour, together with existing freight traffic and any additional trains created by the East Midlands Gateway Railfreight Interchange at Castle Donington, local residents would be unable to pass from village to village without frequent and extremely long waits at level crossings. This would also have an effect on the already poor bus service due to increased waits at Hatton and Hilton rail crossings.

- 3 **Flood Risk** – There is no flood risk assessment or description of the Flood Models used by their contractors. The description of balancing lakes and their control structures is vague and sketchy and this type of control of water run-off resulted in nearby Willington being flooded when water was released by Toyota.

The additional housing for Mickleover and Etwall which is referred to in the Local Plan should be taken into consideration as the increased water run-off will also be directed into the Etwall Brook upstream of the proposed development.

- 4 **Greenfield Site** - The proposal is for an industrialisation of the open countryside on a largely Greenfield site in a rural area, historically used for very many years as a village common by residents for the pursuit of leisure activities including bird watching, horse riding, walking, cycling and beekeeping. It is also a resting and feeding site for bats.

- 5 **Visual Impact** – Mitigating the visual impact on the surrounding properties, the local area and from further afield such as from the Bretby Ridge will be very difficult in such a flat landscape. Tall warehousing would be alien to the village schemes of Etwall (with its Conservation Area) and the ancient churches of Etwall and Egginton.

- 6 **Employment** – The claim has been made that 7,000 jobs will be created. There has been no basis for this assumption other than the Cranfield Business School Model that X number of feet of warehousing = X number of jobs. As employment in South Derbyshire is currently just below 2% there is no evidence to show how many of these additional jobs would go to local people or to those from outside the immediate area. We would have to assume that people coming from outside the immediate area would be travelling by car as there is insufficient public transport.
- 7 **Housing** – If the development were to go ahead it is likely that the Local Plan would be reviewed and with this the need to provide more housing in the area together with a consequential increase in demand for local services such as schools, doctors, hospitals etc.
- 8 **Railway** – There was a prediction of an initial increase of two trains per day growing to an additional 12 trains per day once the construction was completed. The trains were expected to be approx. 750m in length (almost half a mile). These would have to be fitted around the existing train service meaning more night train movements. The additional 12 trains per day does not take account of additional trains associated with the East Midlands Gateway Railfreight Interchange (should that be approved). This would have a huge impact on properties along the railway line, especially during the night. Any rail shunting should be sited away from local properties and concerns have been expressed about the design of the shunting yard areas.
- 9 **Pollution** – The Local Plan states that there shall be no unacceptable amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation. It is expected that there would be air quality issues from the increase in trains, buses and cars.

Earth bunds, together with appropriate planting would be required on the land owned by Severn-Trent between the A50 and Jacksons Lane to prevent noise from bouncing back towards local houses.

It is expected that the site would require perpetual daylight so lighting would need to be mitigated to ensure that it did not affect residents of local properties.

The site needs to be made a White Noise Area so as to avoid disturbing local residents.

- 10 **Water/Sewage** – The water pressure in Etwall is often very poor. What would the effect of this development be on local water supplies? It would appear that no consideration has been given to the discharge of foul water sewage from the site and recent problems with the sewage outfall at the pumping stations at the A38 and in Egginton village indicate the infrastructure between Egginton Common and Clay Mills lacks any capability of managing the sewage discharge from 7,000 employees.

Page 4

We would request that the Secretary of State (or his representative) makes a visit to the site to see the impact that a development of this size will make to the local area and in particular those living around the edge of the site.

We hope that you will take the above comments into account.

Yours faithfully



LYNNE GARDNER
Clerk to the Council

Hannah Nelson

From: &box_FPLplantprotection_conx, <FPLplantprotection@fulcrum.co.uk>
Sent: 29 August 2014 11:59
To: Environmental Services
Subject: RE: East Midlands Intermodal Park- Strategic Rail Freight Interchange

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 0845 641 3060

Thanks,

IAN LAKE
Process Assistant



Tel: 03330 146 455
Direct Dial: 01142 804 275
Email: Ian.Lake@fulcrum.co.uk
Web: www.fulcrum.co.uk



FULCRUM NEWS

MAJOR WEBSITE REVAMP

We've unveiled a major website overhaul for www.fulcrum.co.uk. [Take a look.](#)

SEAMLESS OPERATIONAL ALLIANCE WITH MCNICHOLAS ANNOUNCED

We've signed a formal five-year framework deal with construction partner McNicholas to boost competitiveness through increased price flexibility while simplifying customer contact points and project control and ownership. [Learn more.](#)

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]
Sent: 21 August 2014 15:58
Subject: East Midlands Intermodal Park- Strategic Rail Freight Interchange

Dear Sir/Madam,

Please see attached the letter regarding the Environmental Impact Assessment scoping request for the East

Midlands Intermodal Park- Strategic Rail Freight Interchange.

Yours faithfully,

Jill Warren
Senior EIA and Land Rights Advisor
Major Applications and Plans

environmentalservices@infrastructure.gsi.gov.uk
Helpline: 0303 444 5000

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our [Information Charter](#) which you should view before sending information to the Planning Inspectorate.

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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Hannah Nelson

From: Margaret.Ketteridge@gtc-uk.co.uk
Sent: 22 August 2014 11:45
To: Environmental Services
Subject: TR050003

Dear Sirs

With reference to the above, I can confirm that the following have no comments to make at this moment in time.

Gas Transportation Company Limited

Kind Regards

Maggie

Maggie Ketteridge
Engineering Support Officer
GTC
Energy House
Woolpit Business Park
Woolpit
Bury St Edmunds
Suffolk, IP30 9UP
Tel: 01359 245406
Fax: 01359 243377
E-mail: margaret.ketteridge@gtc-uk.co.uk
Web: www.gtc-uk.co.uk

NOTE:

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP

VAT Number: GB688 8971 40. Registered No: 029431.

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Thank you

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Our ref: CRS 710,643
Your ref: TRO50003

Graham Broome
Asset Manager
Floor 9
The Cube
199 Wharfside Street
Birmingham B1 1RN

Jill Warren
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0121 678 8419
16 September 2014

Dear Ms Warren

THE HIGHWAYS AGENCY AND ENVIRONMENTAL STATEMENTS

Under the Planning Act 2008 (as amended) and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The Highways Agency is a statutory consultee on applications for development consent orders likely to affect roads for which the Secretary of State for Transport is the highway authority.

The Agency therefore welcomes pre-application discussion, including the opportunity to provide advice on the scope of any Environmental Statement pursuant to the procedures set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

In your letter of 21st August 2014, you have invited the Highways Agency to provide comments on the scope of an Environmental Statement in respect of a Strategic Rail Freight Interchange, known as East Midlands Intermodal Park on the south western side of the city of Derby, within the South Derbyshire District Council, immediately to the south west corner of the A38/A50 junction.

I have set out below both the general and specific areas of concern that the Highways Agency would wish to see considered as part of an Environmental Statement. The comments relate specifically to matters arising from the Agency's responsibilities to manage and maintain the Strategic Road Network (SRN) in England.

Comments relating to the local road network should be sought from the appropriate local highway authority.

General aspects to be addressed in all cases:

- An assessment of transport related impacts of the proposal should be carried out and reported as described in the current Department for Transport '*Guidance on Transport Assessment*'.

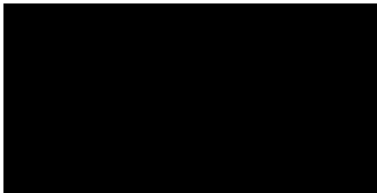
- Environmental impact arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported.
- Adverse change to noise and to air quality should be particularly considered, including in relation to compliance with the European air quality limit values and/or in local authority designated Air Quality Management Areas (AQMAs).

Location specific considerations:

- The Agency is already engaged in detail with the applicants' transport consultants David Tucker Associates (DTA) and has attended a number of meetings and reviewed a number of documents that will form the basis of the forthcoming Transport Assessment. Further meetings are programmed to continue discussion on transport related matters.
- The Agency has already agreed external vehicle trip rates, primary and secondary distribution for the HGV trips and an "Area of Influence (AOI)" that the development may impact upon. The applicant has been made aware of the requirements that the Highways Agency has relating to this development proposal.
- Notwithstanding the above, the applicant will need to consider the impact of the development on the A38 and A50 corridors and in particular A38/A50 junction. The applicant is proposing to have access directly from the A38/A50 junction. Such access will necessitate substantial revisions to the layout of the junction.

The above comments imply no pre-determined view on the part of the Highways Agency as to the acceptability of the proposed development in traffic, environmental or highway terms. Should the applicant wish to discuss the merits of the proposal in terms of the likely impact on the SRN please contact me on 0121 687 8419 or graham.broome@highways.gsi.gov.uk.

Yours sincerely



Graham Broome
NDD (Midlands)
Email: graham.broome@highways.gsi.gov.uk



Ministry
of Defence

COPIES RECEIVED

28 AUG 2014

Defence Infrastructure Organisation

Jill Warren
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3818 Tel (MOD): 94421 3818

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

Your Reference: **TR05003**
Our reference: D/DIO/43/20 (2014/755)

22 August 2014

Dear Jill,

MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA

Proposal: Scoping consultation for the East Midlands Intermodal Park - Strategic rail interchange

Location: Land to the east of A38 Burton Road, Derby

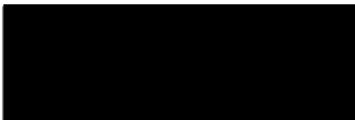
Grid Ref: 427868, 329928

Planning Ref: **TR05003**

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Yours sincerely



Laura Nokes

The Planning Inspectorate
3/20 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Land and Development
Laura Kelly
Town Planner
Network Engineering
Laura.kelly@nationalgrid.com
Direct tel: +44 (0)1926 654686

www.nationalgrid.com

SUBMITTED VIA EMAIL TO:
environmentalservices@infrastructure.gsi.gov.uk

29 August 2014

Your Ref:TR050003

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9

Application by Goodman Shepherd (UK) Limited for an Order Granting Development Consent for the East Midlands Intermodal Park.

Scoping consultation and notification of the applicants contact details and duty to make available information to the applicant if requested.

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 21st August 2014 regarding the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

National Grid Infrastructure within or in close proximity to the Proposed Order Limits

National Grid Gas Distribution-

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- Medium Pressure gas pipes
- Low Pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Above ground gas sites and equipment

Specific Comments – Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

Cables Crossing:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.

- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To view the National Grid Policy's for our Sense of Place Document. Please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further information in relation to National Grid's gas transmission pipelines can be accessed via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastransmission/gaspipes/>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: DCOConsultations@nationalgrid.com as well as by post to the following address:

The Company Secretary
1-3 The Strand
London
WC2N 5EH

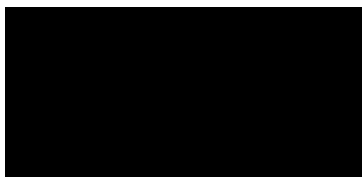
In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely



Laura Kelly
Town Planner, Land and Development

(Submitted Electronically)

Date: 18 September 2014
Our ref: 129995
Your ref: TR050003



Jill Warren
Senior EIA and Land Rights Advisor
The Planning Inspectorate
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Warren,

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): East Midlands Intermodal Park- Strategic Rail Freight Interchange
Location: South Derbyshire District

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated and received on 21 August 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

If the applicant would like to discuss a need for further advice on this case as part of Natural England's Discretionary Advice Service, they should seek further guidance from Natural England's website³

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Liz Newman on 0300 060 0789. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

³ <http://www.naturalengland.org.uk/ourwork/planningdevelopment/das/default.aspx>



Yours sincerely

Elizabeth Newman
Lead Adviser
Sustainable Development
East Midlands Area Team
Elizabeth.newman@naturalengland.org.uk



Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition

paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in proximity to the following designated nature conservation sites:

- Hilton Gravel Pits SSSI
Old River Dove SSSI
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Table 22, page 82, confirms that the EIA will include a full assessment of the potential effects on designated sites which will take account of; disturbance, noise, pollution and increased visitor pressure. We advise that pollution impacts should consider predicted changes to air and water quality and in addition there should be a thorough assessment of potential hydrological effects. More specific advice relating to the assessment of potential effects on the SSSIs is provided under the relevant topic headings below.

- Natura 2000 network site conservation objectives are available on our internet site [here](#).

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

Natural England has published [guidance](#) for developers and developers' consultant ecologists with regard to Nationally Significant Infrastructure Projects (NSIPs) involving European Protected Species (EPS) and applications to the Planning Inspectorate for a Development Consent Order (DCO). While the guidance is aimed at developments where EPS are affected (i.e. those species listed under the Conservation of Habitats and Species Regulations 2010), the published process also applies to NSIPs involving protected species covered by domestic legislation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further

information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Landscape

Landscape character and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths

together with the creation of new footpaths and bridleways are to be encouraged.

The proposal includes provision of landscaping areas and green space and therefore we recommend links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts.

The scoping report indicates there may be opportunities to provide pedestrian and cycling routes and facilities on site and therefore we recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced to maximise the potential benefits of the scheme.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra

2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

We are pleased air quality has been scoped into the EIA and that the assessment will consider the effects of air quality impacts from traffic and dust on ecological receptors.

In paragraph 13.7 of the EIA Scoping Report sensitive locations include Sites of Special Scientific Interest and Special Areas of Conservation/Special Protection Areas and should be scoped using the Highways Agency's Design Manual for Roads and Bridges Section 3 Part 1 criteria for both construction and operation impacts.

Air quality impacts on the SSSIs should be modelled on varying future emissions scenarios so a 'without development', 'with Defra's forecast emissions reduction' and 'without Defra's forecast emissions reduction' scenarios are provided so that advice can be provided the best available evidence. Natural England also advises that 'moderate rate of site development' and 'site fully developed' scenarios for the rate of the development of the site and the associated related increase in road traffic should also be modelled as air quality impacts will change as the site develops. The time period that this should be modelled over is for the developer to decide, but 10 years is probably reasonable

At paragraph 13.21 Natural England advises that sensitive ecological habitats and species are scoped into Table 18, page 64, on the basis of air quality impacts from the operational period of the development. The same table indicates the potential effects of dust on the Hilton Gravel Pits SSSI have been screened out. The SSSI is located approximately 1.7km from the application site and therefore Natural England agrees that the effects of dust are unlikely to cause a problem at this distance.

Natural England advises that Traffic and Transportation paragraph 11.11 is considered for modification if the Highways Agency's DMRB criteria are more sensitive in relation to sensitive ecological receptors than those proposed.

7. Water resource and flood risk

The Hilton Gravel Pits and Marston on Dove SSSIs may be sensitive to hydrology effects including changes to; water flows, water quality and groundwater levels, therefore the assessment should consider if there are any pathways from the application site to the surrounding SSSIs via hydrological links between the site and the SSSIs.

8. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

9. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Hannah Nelson

From: ADAM MELLOR <ADAM.MELLOR@NWLeicestershire.gov.uk>
Sent: 19 September 2014 11:42
To: Environmental Services
Subject: FAO JILL WARREN - East Midlands Intermodal Park - Strategic Rail Freight Interchange

Dear Ms Warren,

I refer to your email and attached letter (referenced TR050003) received on the 21st August 2014 with regards to Environmental Impact Assessment scoping request for the Midlands Intermodal Park – Strategic Rail Freight Interchange.

I confirm that North West Leicestershire District Council has no comments to make on the Scoping Request subject to the impacts on air quality and traffic being appropriately assessed in respect of the movement of vehicles through the District and onto the parts of the A50 which run through the administrative areas of the District Council.

I trust that this information is of assistance to you.

Yours sincerely

Adam Mellor

Senior Planning Officer Northern Parishes, Planning and Development Team

Direct line: 01530 454670

Email: adam.mellor@nwleicestershire.gov.uk

Web: www.nwleics.gov.uk



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This matter is being dealt with by:

Kathryn Haley

Reference: NSIP50003

T 0115 977 4255

E kathryn.haley@nottscc.gov.uk

W nottinghamshire.gov.uk



The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

FAO Jill Warren

18th September 2014

Dear Sir/ Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9. Application by Goodman Shepherd (UK) Limited for an Order Granting Development Consent for the East Midlands Intermodal Park. Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

Thank you for your letter dated 21st August 2014 in respect of the above. Nottinghamshire County Council has the following comments to make.

The applicant is proposing to use the Derby Transport Model to gauge the impacts of the proposals. Furthermore the applicant is also proposing to assess the cumulative impact of the 'neighbouring' Strategic Rail Freight Interchange (SRFI) proposals at Kegworth. The applicant has formed a transport working group with a number of highway authorities including the Highways Agency, however this transport working group does not include Nottinghamshire County Council. As a consequence it is not clear whether the proposed transport modelling and geographical impacts of the East Midlands Intermodal Park will extend onto the highway network within Nottinghamshire. It should be noted that the assessment of the Roxhill proposals for a SRFI at Kegworth used a bespoke three counties transport model to judge the likely traffic and transport impacts across Nottinghamshire, Leicestershire and Derbyshire.

Nottinghamshire County Council as local highway authority requests that the Transport Assessment supporting this application demonstrates the predicted traffic changes on the main arterial routes leading into Nottinghamshire so that any detrimental impacts can be established and if necessary further detailed assessment can be undertaken by the applicant.

In summary, the County Council acknowledges that the proposals may deliver an overall modal shift of long distance traffic from road to rail, however the applicant needs to demonstrate where there could be additional local traffic arising from these proposals and the scale and significance of this, particularly with respect to cross boundary impacts within Nottinghamshire.

Yours faithfully

Kathryn Haley
for Team Manager, Planning Policy

This document is unsigned as it is electronically forwarded. If you require a signed copy, then please contact the sender.

Hannah Nelson

From: Fridlington Christopher <Christopher.Fridlington@peakdistrict.gov.uk>
Sent: 27 August 2014 17:49
To: Environmental Services
Subject: TR050003 - Request for scoping Opinion (PE\2014\ENQ\21424)

Importance: High

Dear Jill

Application by Goodman Shepherd (UK) Limited for an Order Granting Development Consent for the East Midlands Intermodal Park

By virtue of the location of the proposed development relative to the boundary of the Peak District National Park, the very limited likelihood that the proposed development would have any significant impact on the scenic beauty, wildlife, or cultural heritage of the National Park, the very limited likelihood that the proposed development would either promote or detract from opportunities for the quiet enjoyment of the National Park, and the very limited likelihood that the proposed development would either promote or detract from the social or economic welfare of local communities within the National Park, this Authority has no comments to make on the proposed development at this stage or the request for a scoping opinion.

Regards

Chris Fridlington
Planning Manager (South Area)
Peak District National Park Authority

Christopher Fridlington
Planning Manager
Peak District National Park Authority
01629816372
Christopher.Fridlington@peakdistrict.gov.uk

Peak District National Park Authority, Aldern House, Baslow Road, Bakewell, DE45 1AE t:01629 816200
f:01629 816310 www.peakdistrict.gov.uk Twitter: @peakdistrict
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Hannah Nelson

From: Shawcroft, Rebecca, 16034 <Rebecca.Shawcroft.16034@Derbyshire.PNN.Police.UK>
Sent: 18 September 2014 13:14
To: Environmental Services
Subject: You Ref: TR050003

To whom it may concern,

With regards to your letter dated 21 August 2014 bearing reference number: TR050003 I would like to advise that Mr Alan Charles, Police and Crime Commissioner for Derbyshire does not have any comments he would like considering for the environmental statement.

Kind regards,
Rebecca

Rebecca Shawcroft
Personal Assistant to the Commissioner and Deputy Commissioner



Office of the Police and Crime Commissioner

Tel: 0300 122 6008 (Internal 75 16034)

Email: rebecca.shawcroft.16034@derbyshire.pnn.police.uk

Web: <http://www.derbyshire-pcc.gov.uk>

Address: Police and Crime Commissioner for Derbyshire, Butterley Hall, Ripley, Derbyshire, DE5 3RS

If you would like to receive email information from the Commissioner such as the newsletter and information about events and consultations, please contact us and ask to be added to the Community Consultation Panel list. You can also sign up on our website at www.derbyshire-pcc.gov.uk

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Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN
FAO: Jill Warren

Your Ref: TR050003

Our Ref: 140821 345

18th September 2014

Dear Jill,

**Re: Scoping Consultation
Application for East Midlands Intermodal Park**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

In order to ensure that health is fully and comprehensively considered the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

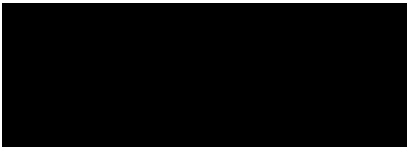
PHE has reviewed the Environmental Impact Assessment (EIA) Scoping Report (August 2014) alongside the request for a scoping opinion and can confirm that the proposed methodology for assessing possible impacts affecting the environment and human health appear acceptable. However, PHE notes that human health impacts will be not explicitly considered in the ES. We would be grateful if this omission can be addressed prior to your final submission.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. In this regard it would be helpful if you could confirm in the ES that the proposal will not give rise to electromagnetic fields that present a risk to human health. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely



Antonio Peña-Fernández
Health Protection Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

We note that the information provided states that there will be three associated development projects, but that these will be the subject of separate planning consent applications. We recommend that the EIA includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.west-norfolk.gov.uk/pdf/Appendix%20E1%20-%20EIA%20Guidance%20consultation%202006.pdf>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)

- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁵ is used

⁵ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

Hannah Nelson

From: Hancock, Nigel <Nigel.Hancock@rotherham.gov.uk>
Sent: 26 August 2014 08:37
To: Environmental Services
Cc: Mower, Karen
Subject: East Midlands Intermodal Park- Strategic Rail Freight Interchange

Categories: Red Category

Dear sir / madam,

Please take this email as confirmation that Rotherham Metropolitan Borough Council have no comments to make on the scoping opinion.

Kind regards

Nigel Hancock
Development Manager – North
Development Management
Planning, Regeneration & Cultural Services
Environment & Development Services
Rotherham Metropolitan Borough Council

Tel: 01709 823823
Internal from old: 7423823
Internal from new: 23823

Email: nigel.hancock@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

Apply for planning permission online
Visit www.planningportal.gov.uk/apply

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**South
Derbyshire**
District Council

Jill Warren
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Stuart Batchelor
Director of Community and Planning Services
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

www.south-derbys.gov.uk

Please ask for: Tony Burdett
Phone: (01283) 595746
Fax: (01283) 595850
Typetalk: (0870) 2409598
DX 23912 Swadlincote
E-mail: tony.burdett@south-derbys.gov.uk

Our ref: AEB/PE
Your ref:

Date: 19 September 2014

Dear Ms Warren

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED) –
REGULATIONS 8 AND 9**

**APPLICATION BY GOODMAN SHEPHERD (UK) LIMITED FOR AN ORDER
GRANTING DEVELOPMENT CONSENT FOR THE EAST MIDLANDS INTERMODAL
PARK**

**SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT
DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF
REQUESTED**

Thank you for consulting South Derbyshire District Council in respect of the above matter.
The Council's response is set out below.

Chapter 5 - EIA Strategy

Cumulative Impacts - Matters Related to Willington 'C' Power Station

Having reviewed the content of the scoping report, it is suggested that the proposed 2400MW Combined Cycle Gas Turbine (CCGT) power station consented by the Secretary of State for Energy and Climate Change under section 36 of the Electricity Act (1989) in 2011 should be considered in combination with the proposed development. Having reviewed the scoping report there appears to be no evidence that this proposal has been



identified for cumulative assessment. However, the proposal site is located 2km to the west of the EMIP site and could have significant in combination effects including in respect of transport, noise, air quality, lighting and landscape. The full effects of the Willington 'C' proposal was considered within the Environment Statement (prepared in accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 prepared to support the application and a Non-Technical Summary for the proposal is available to view at:

<http://www.rwe.com/web/cms/mediablob/en/359624/data/359620/1/rwe-npower/about-us/our-businesses/new-power-stations/willington-power-station/environmental-statement/Willington-Environmental-Statement-Non-Technical-Summary.pdf>

In particular it is suggested that the development of this scheme could have a notable impact during the construction phase which, based on the phasing plan included in the submitted Willington 'C' ES, would last around 3.5 years and be preceded by six months for demolition and site remediation. Based on information from this ES construction of the plant would require around 1500 people on site for 7 consecutive quarters with construction workers peaking during the middle part of the build at around 2000 workers. Construction workers and HGVs traffic will be required to access the power station site from the Junction 3 of the A50 and will be routed east along the A5132 to minimise traffic flows in local villages - details on the likely increase in traffic volumes attributed to the power station development are set out the Transport section of the Willington 'C' ES document.

Should the construction phase of both schemes coincide then clearly, given the nature and scale of both proposals, there is potential for notable transport effects on the Burnaston Interchange and the local road network between this junction and the A5132. Any potential transport effects and related effects in respect of noise, and where relevant air quality, should be fully considered within the EMIP Environmental Statement.

Similarly potential cumulative effects on air quality in the vicinity of both proposals as a result of increased traffic and construction and operational phase activities should also be given due consideration.

Related to the above, the South Derbyshire District Council Part 1 Local Plan, which was submitted on the 8th August 2014 includes a criteria based policy (SD6 Sustainable Energy and power generation) to encourage consideration of opportunities for utilising waste heat from proposed new power stations in the district. Specifically Policy SD6 states that *“Large scale commercial and residential development close to Willington and Drakelow will be expected to consider opportunities for utilising waste heat for district heating and cooling”*.

The draft planning conditions attached to the Willington 'C' consent states “that Phase 2 of the Development shall be designed so as to have the capability for extracting steam from the electricity generating cycle”. This can be found at:

https://www.og.decc.gov.uk/EIP/pages/projects/Willington_draft_planning_conditions.pdf

Given the proximity of the site to such a large waste heat source, it would seem appropriate to scope into the EIA proportionate consideration of opportunities for utilising waste steam to heat or cool the proposed development in accordance with the emerging Local Plan in order that opportunities to reduce resource use during site operation can be fully explored.



Consultees and stakeholders

In addition to this LPA the Council would also encourage the inclusion of the immediately affected and other affected parish councils in the list of stakeholders.

Chapter 7- Socio Economic Issues

Whilst the proposed inclusion of the chapter on socio economic issues within the scope of the EIA is welcomed, having reviewed the proposed content it is suggested that it may be worth widening its scope to include issues such as deprivation, and crime and fear of crime.

In respect of deprivation this chapter could more clearly consider how new employment associated with the proposal could contribute towards tackling deprivation within the District and the wider sub region and outline any measures being implemented to ensure access to employment opportunities from deprived communities. Similarly, given local community concerns regarding the potential for the proposal to increase crime locally consideration of crime and fear of crime coupled consideration of any measures to reduce crime locally (for example the provision secure storage and parking areas).

As a final observation it is noted that table 6.2 (Inward commuting flows to South Derbyshire) indicates that 1% of workers commute to the district from Bracknell Forest to work. Although this may be an error and it may be worth highlighting this to the report authors.

Chapter 8 – Landscape and Visual

In general a detailed scoping report chapter is provided and it is noted that the Landscape and Visual Impact Assessment (LVIA) will be carried out with reference to the Guidelines for Landscape and Visual Impact Assessment Third Edition along with the Landscape Character Assessment Guidance for England and Scotland.

The Council does however have a number of comments and recommendations, as follows:

Study area:

Section 8.4 of the scoping report states that the study area for the assessment has been determined through a combination of desktop analysis of topographical data and subsequent site visits to pinpoint potential landscape and visual receptors. However, it is noted that the extent of this study area is not clearly described within the text or clearly illustrated within the supporting plans. Section 8.8 goes on to state that an approximate 'zone of visual influence' (which is recommended to be termed Zone of Theoretical Visibility (ZTV) in accordance LVIA guidelines) will also be established using topographic analysis and viewpoint surveys to determine the extent of views of the proposed development.

It is recommended that for a development of this scale a computer generated ZTV is produced to define the potential areas from which the proposal may be theoretically visible. This can then be used along with the site based and desk study observations to



define the study area for landscape and visual effects and establish the representative viewpoints to be used within the assessment. This is of benefit to ensure all areas with potential views of the site are covered.

Landscape strategy:

The scoping report chapter refers to the baseline study and information used to guide the landscape strategy and identify the necessary mitigation measures required to facilitate the development. We would add that the design review of the development carried out by OPUN in March 2014, which highlights the opportunities for green and blue infrastructure led development, should also be considered in the development of the landscape strategy. An understanding of how any existing vegetation is integrated into the proposed design for the site would be welcomed.

Once the landscape strategy for the site has been developed, the opportunity to comment on this would be welcomed.

Assessment:

The scoping report chapter states that the proposed development will be assessed both during and after construction. The Council would wish to see that the landscape and visual effects are assessed during construction, at day 1 of operation of the development, at year 15 of the development (when the proposed vegetation has begun to establish) and at decommissioning, to cover the development's full life cycle. Should the development be constructed over an extended time period or be constructed in a number of phases, the Council would wish to see an assessment carried out at the various stages of construction to understand the effects on the landscape and receptors during various time periods.

It is noted that a cumulative effects assessment will also be carried out.

The Council would also expect to see the effects of lighting considered within the LVIA, both the impact and effect of any proposed lighting structures during the daytime and the impact and effect of the light emitted during hours of darkness on the landscape and visual receptors within the study area.

Viewpoints:

24 viewpoints are listed within the scoping report chapter following desk study analysis and field survey work and the chapter states that agreement is sought of the range of views listed.

In order to provide comment on this and agreement a computer generated ZTV should be carried out (as recommended in the 'study area' section above) and explanation provided for choosing the viewpoints to form the basis of the visual assessment. Viewpoints which have been considered and reasons for discounting them would also be useful to review, e.g. currently no viewpoints have been highlighted along the A38, which runs immediately adjacent to the site and has a number of individual properties along its length – is there a reason for this? There are no views proposed from the mainline railway through the centre of the site, is there a reason for this? Viewpoints selected should consider both landscape and visual receptors and should be selected to be representative from the surrounding landscape character areas and the variety of visual receptor types, including residential,



rights of way, recreational areas, workplaces, and transport corridors including road, rail and canal.

The Council would also wish to comment on the selection of viewpoints to be chosen for photomontage locations.

It is noted that site photographs are to be taken during summer and winter. We would highlight we are in agreement to this thorough approach in relation to the assessment. The Council would draw the assessor to the attention of the Advice note from the Landscape Institute 'Photography and photomontage in landscape and visual impact assessment' January 2011.

Plans

It is noted that a comprehensive list of plans is to be provided. The supporting plans within the scoping report are provided with a scale bar rather than to a specified scale at a specified paper size. For ease of reference it is recommended that the LVIA supporting plans are produced to scale with the appropriate paper size included, e.g. Scale @ A3, 1:25,000.

Tree survey

It is noted that a Tree Survey and Tree Constraints Plan are to be provided as an appendix to the ES. We query whether this will also include an Arboricultural Impact Assessment and Tree Protection plan to identify those trees to be retained and those to be removed as part of the development and inform the landscape strategy and the potential effects on the landscape fabric of the site. The Council would require this information to gain a full understanding of the impact and effect on the existing vegetation on site.

Green infrastructure

The site falls the Trent Valley and as such the Authority would expect any development to conform with Policy INF7 (Green Infrastructure) which in short requires that new development in the Trent Valley area contributes towards enhancing the natural environment and visual appearance and long term character of the Trent Valley which has been affected by historic minerals development, the development of transport infrastructure, power stations and commercial and residential development. This policy is itself intended to support a landscape vision for the Trent Valley being taken forward by the Local Nature Partnership.

Whilst it is noted that the development of a large greenfield site would most likely have some significant adverse impacts on the local landscape and visual amenity of the area opportunities will nonetheless arise to deliver high quality green infrastructure within or around the site and could present opportunities to help improve green infrastructure provision, habitat creation and improved access locally. It is essential that a development of this scale fully reviews any opportunities to integrate with other developments and opportunities within the local area and appropriate measures should be identified within the mitigation strategy included in the ES to ensure that the schemes contributes to the long term vision to positively shape the environment of the Trent Valley.



Chapter 9 - Exterior Lighting

In general the approach is thorough and robust. However, there is no clarification on whether computer models would be used to assess the lighting strategy or whether their assessment will be qualitative.

In addition there is no clarification on which ecological receptors will be assessed. Detailed predictions of lux levels will need to be made for any bat commuting/foraging routes within 500m of proposed light sources as these become identified.

The Council would also expect to see the effects of lighting considered within the LVIA, both the impact and effect of any proposed lighting structures during the daytime and the impact and effect of the light emitted during hours of darkness on the landscape and visual receptors within the study area.

Chapter 11 - Traffic and transportation

The Council appreciates that the relevant highway authorities will provide bespoke recommendations. However the district council is aware of local concern in respect of the following matters:

Approach

11.3 - Impact of traffic related highway impacts on all road users and local communities to include the A5132 Carriers Road and the Etwall/Egginton Road located on the boundaries of the site.

11.4 - " Geographically the traffic assessment is likely to include routes on the A38 and A50". It is recommend that the A5132 (the busy Hilton to A38 road) be included here within the traffic assessment.

Traffic assessments should include incident/accident statistics on the trunk roads, as well as including the crossroads of the A5132 and the Etwall/Egginton Road. An accident blackspot. There have been fatalities here and the Council is advised that a further accident was reported last night.

Traffic assessment should factor in the planning permissions in this area - 485 houses Hilton, 100 Etwall (400 potential at Hatton) as well as the impact of long freight trains on delays at the railway level crossings - at Egginton Junction (Hilton), Egginton/Etwall Road and at Hatton.

Chapter 12 Noise and Vibration

In general the approach is appropriate, however, a number of points need to be clarified or added, including particular attention being paid to night-time noise impacts.



Vibration Survey and Receptors:

12.7 Baseline (during train passing) vibration measurements will need to be undertaken at locations in continuity with the foundations of the following dwellings,

7 Railway Cottages, Etwall Road, Egginton.

6 Railway Cottages, Etwall Road, Egginton.

Hilton Crossing, Egginton

135 Findern Lane, Willington

Vibration Dose Value and maximum PPV level predictions for the proposed train movements will need to be undertaken for the above dwellings, accounting for any different distances and ground conditions. Results will need to be assessed in accordance with BS 6472:1992 and BS 7385:1993.

Baseline Scenarios

For both noise and vibration, the effects of the proposed scheme will need to be compared against the following baseline scenarios for rail movements.

A Existing Baseline (as measured)

B Potential (Capacity) Baseline, i.e. the rail movements that could potentially occur on the line.

C Future Baseline, (in the event of the potential upgrade to the line)

Tranquillity Assessment

This will need to follow the following methodology

- 1 Determine CPRE category.
- 2 Identify all footpaths, bridle paths (including their numbers) and areas of public access, within 2km of the extent of the effects of the scheme/development.
- 3 Identify areas of potential tranquillity value within 2km of the extent of the effects of the scheme/development
 - A, SSSI and nature conservation sites
 - B, Public Parks, National Parks and Country Parks
 - C, Heritage Sites
 - D, Woodlands, River Walks
 - E, Places distant from roads and other noise sources
- 4 Effects on Existing Tranquillity Resource
Determine change in noise level at receptors along the footpaths closest to the development. Ideally as model receptors (including construction) but could also be qualitative. Particularly comment if footpath passes through the site or close to it, identify the sort of new noise sources that would be introduced to users of the footpath. Consider the effects in relation to value of the footpath compared to nearby areas of greater potential value
- 5 Effects on Access to Areas of Tranquillity
Assess and describe the effect on access to areas of higher tranquillity value. Are there are new footpaths/cycle paths planned as part of scheme?



Are there any new parks/wildlife corridors/Public open space proposed as part of the scheme?

Does the scheme alter the route of existing footpaths?

Model Domain and Model Receptors

The noise model will need to extend to include the fringes of the following settlements Hilton, Egginton, Etwall, Willington, Burnaston.

In addition to all dwellings in the above domain, tranquillity and ecological receptors including along Etwall Brook and Hilton Gravel pits SSSI and the following additional traffic noise receptors should be included

6 Burton Road, Findern

Egginton Cottage, Burton Road , Egginton DE65 6GZ

Noise Assessment Criteria

All noise sources, including, rail movements, vehicle parking, internal roads, vehicle movements (including vehicle mounted refrigeration units where appropriate) , Rail Mounted Gantries, external activities should be assessed as LAeq and LMax against daytime 40 dB LAeq, and night-time 30 dB LAeq : 45 dB LMax criteria for both windows open and windows closed scenarios.

Overall changes in noise levels should be assessed in EIA terms for all sources as LAeq (including traffic converted from L10 to LAeq).

All construction noise should be assessed using the ABC method in BS5228-A1 : 2014. Fixed plant limits should be set, based on achieving 5 dB below background using BS4142 methodology.

Chapter 13 - Air Quality

In general the approach is thorough and robust.

With regard to the 3 existing residential receptors identified in paragraph 2.6 of the Scoping Report , there is no clarification as to whether these will be retained. If retained then these should be included within the diffusion tube monitoring survey.

Recent meteorological data from the nearest met station should be utilised, as this will impact the dispersion modelling and can help indicate the likelihood of weather conditions that are conducive to odour and/or dust issues.

The Scoping Report indicates that the full ES Chapter will sufficiently account for all of the main sources of air pollution and their effects on all of the relevant air quality receptors. We are also satisfied that the assessment methodologies are appropriate.

In terms of the methodology for assessing the quantitative magnitude of the impact of changes in nitrogen dioxide and respirable particulates (PM₁₀) it is requested that the developer considers the explicit guidance in the EPUK publication "Development Control: Planning for Air Quality".



Given the former use of the development for the disposal of sewage waste it is requested that specific consideration be given to the risk of bio-aerosol exposure during the construction phase. It is acknowledged that this may be best considered within the Ground Condition Chapter, however it is recommended that, if this is the case, it be made explicit in the final ES.

It should be ensured that rail emissions are included within the operational phase dispersion modelling assessment. Please also consider the potential for static rail emissions to contribute to potential exceedences of the Air Quality Objectives with reference to the screening assessment guidance in LAQM. TG(09).

Chapter 14 - Ground Conditions

The contents of Chapter 14 of the Scoping Report have been reviewed, alongside the most recent Land Contamination Assessment (Environmental Resources Management (ERM) Limited Draft Report R01.rev01, July 2014 (minor revisions August 2014) - on behalf of Goodman Shepherd).

Both the Scoping Report and Land Contamination Assessment thoroughly and competently assess the risks associated with land potentially affected by contaminants, which could arise as a result of the development. The Council generally supports the investigatory approach and interpretation of geological, hydrological and environmental analysis. Of the hazards identified, following an extensive campaign of environmental baseline testing and desktop review; despite the observed soil sample GAC exceedences and positive Asbestos samples- the Council would agree with the conclusion reached in Section 10 of ERM's Land Contamination Assessment and support the recommendations as follows:

It is recommended that upper soil horizons in planter beds are verified to be free from asbestos or an asbestos free cover layer is utilised.

A CEMP (Construction Environmental Management Plan) covering all aspects of the ground preparation works including management of asbestos containing soils will be required.

In addition to the above it is recommended that a standard precautionary condition be applied to development:

If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Though appropriate investigatory methodologies and guidance have evidently been scoped in to (and undertaken) the Environmental Impact Assessment and its associated site investigations, it is recommended that the potential use of current industry best practise is applied in relation to sustainable remediation techniques for any subsequent



remediation methodologies produced. For further assistance in complying with planning conditions and other legal requirements applicants should consult “Developing Land within Derbyshire – Guidance on submitting applications for land that may be contaminated”. This document has been produced by local authorities in Derbyshire to assist developers; see http://www.south-derbys.gov.uk/environment/pollution/contaminated_land/default.asp.

The following comments on this Chapter below are limited to those aspects of ground conditions which have a hydrological implication:

It is noted that an intrusive investigation has been undertaken which has included monthly groundwater sampling between December 2013 and March 2014. This included a particularly wet period, so should provide good data on the levels to which groundwater can rise at this site in wet weather.

It is unclear from the Scoping Report itself as to whether percolation tests were undertaken as part of the intrusive investigation; if not percolation testing is required in order to assess the potential for the use of infiltration approaches for the management of surface water from the proposed development.

It is noted that the effects of surface water on the migration of contaminated substances has been scoped out. This is incorrect because infiltration is the preferred approach for surface water management, where this is viable, and underlies many SUDS techniques that are promoted by the NPPF and the relevant section of the PPG. As the site is underlain by superficial deposits that are characterised on EA mapping as ‘Secondary ‘B’, the incorporation of some infiltration systems would seem to be viable. Therefore, the EIA should consider the effects of surface water on the migration of contaminants.

Finally, the EIA should include within its scope sufficient groundwater modelling to provide evidence that if infiltration techniques are pursued (as part of the surface water drainage solution) that this will not have an adverse impact on groundwater flooding in the adjacent communities of Egginton and Willington.

Chapter 15 - Water Resources and Flood Risk

General and Policy Matters

In respect of flood risk and surface water management the Council would reiterate the guidance and comments made by the Derbyshire County Council’s Flood Risk and Transport Asset Management Team. In particular the need for the drainage strategy for the site to be commensurate with current best practice. Indeed Policies SD3 (Sustainable Water Supply, Drainage and Sewerage and Infrastructure), and INF3 (Strategic Rail Freight Interchange) included in the submitted Part 1 Local Plan for South Derbyshire state that:

[SD3]The Council will work with partners “to ensure new developments incorporate sustainable drainage schemes that reduce the demand for potable water supplies and mimic natural drainage, wherever practicable. In bring forward SUDS as a means of managing Surface Water Run-off developers will be expected to design schemes to improve river water quality and reduce pressure on local drainage infrastructure and deliver biodiversity gain on sites”. And;



[INF3] *“The proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere.”*

Also in line with the County Council’s comments, the Council would also emphasise the need for the developers to consider the future adoption of the SUDS through the EIA process and where possible the responsibility for future SUDS maintenance should be settled in the early stages of the design process and reported in the ES in order that it can be demonstrated that any drainage strategy will perform effectively and as stated within any drainage strategy for the site. However, notwithstanding these comments it is acknowledged that there is currently uncertainty regarding the statutory processes regulating SUDS adoption.

In respect of flood risk the Council would reiterate comments made by the county Council in respect of flood risk as follows:

“Paragraph 15.6 makes reference to public consultation being implemented at appropriate stages to understand flood history and concerns at a local level. Experience has indicated that flood risk is a major concern for local residents, as gauged by discussion with local Elected Members and other partner organisations. [We] would suggest that consultation with the public be as thorough as possible so residents can be kept informed of how any flood risk from the EMIP site is being considered and not exacerbated. From the public’s point of view, it would be prudent for the developer to take advantage of any opportunities for betterment of flood risk in the local area that may arise. The intention to do this is made clear in paragraph 15.19 in the Scoping Document and should form an important element of the final drainage design”.

In respect of water supply and foul water the proposal to consider potable water demand and foul drainage within the scope of the EIA is welcomed. However in undertaking any reviews it is requested that regard be paid to the proposed scale of growth and the likely timing of development in both South Derbyshire and East Staffordshire particularly in respect of potable water supplies (which would be supplied by South Staffordshire Water within the EMIP site) and East Staffordshire and South Derbyshire if Clay Mills WWTWs becomes the chosen destination for foul flows from the site.

The applicant sets out the proposed approach to issues of ‘Hydrology and the Water Cycle’ in Chapter 15 which is titled ‘Water Resources and Flood Risk’. Whilst it is the case that this Chapter does cover hydrology (with particular focus on flood risk management) and all relevant aspects of the water cycle (water supply and wastewater disposal and water quality) as is always the case in these matters it is also necessary to consider implications for other discipline areas such as Chapter 14 ‘Ground Conditions’ and Chapter 16 ‘Ecology and Nature Conservation’. Comments in respect of Chapters 14 and 16 are therefore covered inasmuch as these potentially impact on Hydrology and the Water Cycle.

The applicant gives little detail in respect of the options to be considered in the EIA Scoping Document. However, a matter which should be considered, is how, given the size of the development and the known adjacent significant flood risk management issues, the scheme can be developed such that the adjacent flood risk is positively reduced. For instance, part of the site drains into Egginton Brook (also known upstream as Etwall Brook) via an unnamed tributary, whilst part of the site currently drains eastwards to Willington Brook. Reducing the catchment that drains into Egginton Brook, in conjunction



with the development which may also involve modification of the Willington Reservoir (which is within the site boundaries) could be combined with proposed EA flood defence works in Willington to positively reduce flood risk in both Egginton and Willington.

The EIA Scoping Report Site Description

The EIA scoping report reference to a 'flood attenuation pond' is misleading, given that this pond is classified as a 'reservoir' as can be identified from the EA 'risk of flooding from reservoir mapping' which gives the location of this asset as X428615,Y329303, the reservoir 'owner' as South Derbyshire District Council and the reservoir is named 'Willington'. It is correct that the reservoir is intended to attenuate surface water, however, it is important that it is recognised that this is a reservoir. As such it is not a simple attenuation pond and is covered by specific legislation which requires due consideration by the applicant.

The EIA Scoping Report provides a short section covering the surroundings to the site (2.5). However, this section does not provide any information in relation to the wider contextual setting of the site which is highly important when considering hydrology and water cycle issues. In this respect, it is of critical importance to recognise that the proposed development, whilst being located on land that is assessed as being in Flood Zone 1, is adjacent to and drains into the extensive flood plains associated with Egginton Brook and the River Trent. The functionality of these flood plains is also impacted by the confluence between the Rivers Dove and Trent which occurs just to the south of Egginton immediately upstream of Egginton Brook/Trent confluence. The inter-actions between the confluences of these river systems is highly complex. These interactions contribute to the flood risk to the adjacent communities of Egginton (which now benefits from a recently completed flood alleviation scheme (FAS) and Willington (where, according to the EA website), a FAS scheme is planned, subject to funding being available.

Scope Report

Section 15.4 sets out the topic areas to be covered and refers to the 'immediate surrounding area'.

In respect of 'flood risk' the principle communities downstream of the site where impacts may be significant without appropriate mitigation are Egginton and Willington. However, consideration should not be limited to property flooding but also consider the potential impacts on transport infrastructure, including the A38, local roads and the Trent and Mersey Canal (which may route flood water during an extreme event with unforeseen consequences).

In that, increasing downstream flood levels can have a local upstream impact it will be necessary to consider Etwell as part of the 'immediate surrounding area' as noted by the applicant at 15.9.

In respect of water resource issues, the size of the development and the demands it will make on infrastructure, mean that the 'immediate surrounding area' will need to include potable water sources, treatment systems and water supply networks. The 'downstream' element will need to consider foul sewerage infrastructure and waste water treatment plants and where these are located and the receiving environment of the treated effluent.



For clarity, it should be noted that 'foul drainage' will need to include wastewater treatment.

Similarly, 'groundwater impacts' need to be considered inasmuch as there is potential for impacts from increased abstraction (water supply) and modification of groundwater levels and movements that will arise if infiltration systems are used as part of the surface water drainage strategy (as is encouraged by the Building Regulations and NPPF).

Flood Risk: Baseline and Scoping

Section 15.6 sets out how the 'baseline' will be established. Given the highly sensitive flood risk management issues in the adjacent communities of Egginton, Willington, and to a lesser extent Etwall, establishing a robust and credible model will be of the utmost importance in order to demonstrate that the proposals do not exacerbate existing flood risks, and, if possible (which would seem a reasonable expectation) reduce flood risk in adjacent areas. Sections 15.7-15.9 indicates that hydraulic modelling will be undertaken on both the unnamed tributary of Etwall Brook and Willington Brook.

However, the reality is that to demonstrate that flood risk is not exacerbated, it will be necessary to provide a model (capable of providing data in respect of flood depth, velocity and duration to allow assessment of 'hazard') that includes the Egginton Brook (and tributary that passes through the site), Willington Brook and the local sections of the Dove, the Hilton Brook and the Trent. The model will need to include hydrology agreed with the EA and, no doubt will be based on the development of models already within the possession of the EA. However, modification of these models is likely to be required to reflect any impacts arising from the recently completed Egginton FAS and local verified information on flood extents derived from recent events.

Flood modelling should also examine any effects on properties outside the flood defences in Egginton.

In establishing the baseline, a number of test scenarios will need to be agreed as the time from storm onset to peaking of flood flows will differ with the Trent being longest, then the Dove, then Egginton Brook and finally Willington Brook. It will then be necessary to robustly establish across a wide range of scenarios that the baseline flood risk is not exacerbated by the development options. Whilst it is recognised that site drainage modelling typically uses different software to that used for fluvial flood modelling, in this case, given the size of the development, it will be necessary to provide an appropriate linkage between the two (or some other agreed means) in order to demonstrate that with whatever mitigation measures are proposed, the flood risk in the areas adjacent to the site are not exacerbated across a full range of agreed scenarios.

In the light of the above the receptors listed in Table 20 (Section 15.24) should be modified as follows:

- (i) on the first line under receptor 'Egginton' should be added given the clear potential for an adverse impact.
- (ii) Other receptor which should be added (in respect of flood risk) are as follows: It should be clarified that Etwall Brook also includes its downstream extension where it is known as Egginton Brook; The River Dove and Hilton Brook should be added as receptors. Similarly, the Trent and Mersey canal is a potential receptor.



As noted above, groundwater is a receptor, in that some consideration of infiltration is required by the NPPF and PPG.

Water Resources (Water Cycle): Baseline and Scoping

Water Quality will need to be considered in the light of the Humber River Basin Management Plan (RBMP). Annex B of the Humber RBMP divided the Humber River basin into smaller catchments.

The application site lies within the Lower Trent and Erewash River Catchment. This catchment is further sub-divided into sub catchment R64 (Waterbody ID GB 104028053170, Name: Egginton Brook (lower tributary of the River Trent) and R34 (Water ID GB 104028047420, Name: River Trent from R Dove confluence to River Derwent).

The EIA should consider the pressures on these water bodies as identified in the RBMP with a view to assessing whether the impacts of the development will be significant and also whether the development could jeopardise the identified WFD objectives for these water bodies.

Additionally, as noted above, other water bodies may be impacted by the development proposals inasmuch as the development will result in significant quantities of groundwater abstractions or river sourced water supplies and treated effluent discharges, all of which may impact on WFD objectives of the associated water bodies.

Until further information is provided as to potable water sources and effluent treatment locations, the specific receptors impacted are not known. Nonetheless, the water supply and waste water treatment impacts on receptors should be 'scoped in'.

EIA Scoping Report Chapter 16.0: Ecology and Nature Conservation

The intent of SUDS is to address hydrological issues (water quantity and quality) Biodiversity and amenity. As such the EIA Scoping should consider opportunities for biodiversity provided by a well designed SUDS.

Waste Related Matters

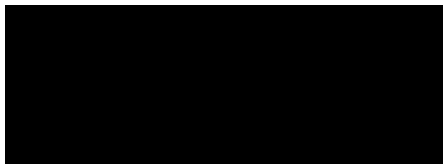
Whilst the Council does not disagree that waste could be scoped out of the EIA, particularly as a standalone chapter there may be merit in considering the treatment/handling of construction related waste or existing on site materials such as contaminated soils etc. Limited consideration of these issue within appropriate sections of the proposed ES (for example within any project description chapter or land conditions chapter could help indicate the extent to which site layout, the reuse of soils on site or and the avoidance or treatment of contaminated areas of the site have helped reduce potential waste associated with site development and could potentially help inform mitigation.



Matters Arising from the Process

Given the timescale of the NSIP process and the potential for significant effects to arise from additional, as yet unidentified impacts, The Council would request that a flexible approach is taken to drafting the ES that allows any additional significant impacts to be identified as the application progresses.

Yours sincerely



Tony Burdett
Principal Area Planning Officer



17 September 2014
Delivered by email

FAO Jill Warren
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Warren

EAST MIDLANDS INTERMODAL PARK EIA SCOPING CONSULTATION

I write in respect of the above Nationally Significant Infrastructure Project and have been instructed on behalf of Western Power Distribution (WPD) to make the following consultation response.

As noted in Paragraph 2.6 of the submitted EIA Scoping Report, WPD has strategic electricity distribution circuits that cross the northern part of the proposed development area. These strategic distribution circuits can operate at 132,000 Volts, 66,000 Volts, 33,000 Volts and 11,000 Volts.

The Masterplan options prepared by UMC Architects for public consultation (Drawing nos. 13061 – F0028; 13061 – F0025; 13061 – F0026) indicate that the existing overhead lines would be retained across the site. The overview document indicates that the developer would seek to keep above ground development a safe distance away from these power lines. This approach is welcomed by WPD.

It is, however, noted that Paragraph 2.3 and Paragraph 8.1 of Appendix 12 (Ground Investigation Report) outline that there are two proposed schemes for the development; one to include the existing pylon configuration and one that assumes that the pylon route is diverted. WPD would normally seek to retain the position of electricity circuits operating at 132,000 Volts (132kV) and 66,000 Volts (66kV) and in some cases 33,000 Volts (33kV), particularly if the diversion of such circuits placed a financial obligation on WPD to either divert or underground them. It is considered that further ground investigation may be required should the existing overhead power lines need to be diverted.

Subject to clarity on the above, WPD do not wish to make any further comments with regard to the EIA Scoping Report.

I trust the information provided is satisfactory and I look forward to receiving your confirmation of receipt of this representation in due course along with the appropriate consultation number for future reference. Should you require any additional information or want to discuss or clarify any matter with a representative from WPD, please do not hesitate to contact me.

Yours faithfully

10 Queen Square
Bristol BS1 4NT
T 0117 989 7000 turley.co.uk



Charlotte Taylor
Assistant Planner

charlotte.taylor@turley.co.uk

APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- ‘17. *Description of the development, including in particular—*
- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) the existence of the development;*
 - (b) the use of natural resources;*
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information’.*

EIA Regulations Schedule 4 Part 1

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of ‘the main alternatives studied by the applicant’ which the Secretary of

State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the

application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's³ reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In

³ See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined
- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The Secretary of State recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.