

Page 1 of 9

Mr. Chris Nash
South Derbyshire District Council
(Sent to: planning@south-derbys.gov.uk)

8th Oct 2019

Dear Mr Nash

**THE TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017.
ENVIRONMENTAL IMPACT ASSESSMENT – SCREENING OPINION REQUEST IN RESPECT OF LAND
NORTH OF DOVE VALLEY PARK, DERBY, DE65 5BZ**

Introduction

Stride Treglown act on behalf of PGFI III Limited in respect of land at Dove Valley Park (DVP), Derby. We are appointed in respect of land forming part of an existing industrial estate and are instructed to progress a detailed planning application for a bottling factory for the extraction, processing, bottling and distribution of water based products (combined B2 and B8 use).

This request is submitted due to the nature of the proposed use and activities falling under 'Schedule 2' development, namely 2 iii. 'drilling for water supplies' and 7 e 'confectionery and syrup manufacturing exceeding 1,000 sq m.'

In accordance with the regulations, this request is accompanied by a site plan sufficient to identify the land in question. We include below a description of the proposed development, insofar as it is established at this stage in the planning/design process, and a description of the aspects of the environment most likely to be significantly affected by the development. In accordance with the principles enshrined within the 2017 regulations, where relevant, details of embedded mitigation are presented.

Professional profiles

Stride Treglown Ltd has managed Environmental Impact Assessment (EIA) projects leading to the collation and submission of Environmental Statements (ES) for over 10 years.

To ensure completeness and quality an Environmental Statement (if required) must be prepared by competent experts. Although this does not apply to the screening and scoping stages we have included details of those involved in the collation of the screening opinion request in order to demonstrate that the decision to screen the development has been made based on sound technical knowledge and expertise.

STRIDE TREGLOWN LTD
ONE WESSEX WAY, COLDEN COMMON
WINCHESTER, HAMPSHIRE SO21 1WG
+44 (0)2380 671991

REGISTERED OFFICE
PROMENADE HOUSE, THE PROMENADE
CLIFTON DOWN, BRISTOL BS8 3NE
REGISTERED IN CARDIFF
REGISTERED NO: 1748850

STRIDETREGLOWN.COM

The Royal Town Planning Institute (RTPI) take the view that chartered Town Planners who have suitable experience in preparing Environmental Impact Assessments are competent experts. In light of this, this Screening Request has been collated by Catherine Bartlett MRTPI (Associate Town Planner) and Graham Stephens MRTPI (Town Planning Director) within Stride Treglown.

Catherine Bartlett graduated from Queens University, Belfast in Geography (BA (Hons)) in 2001, before completing a Masters degree in Spatial Planning at Oxford Brookes University in 2006. Catherine has been a Member of the Royal Town Planning Institute since 2008 and has over 15 years' experience and acts for a range of public sector and private development clients dealing with major projects.

Graham Stephens is a main Board Director at Stride Treglown Ltd. Graham holds a BA (Hons) in Town and Country Planning and achieved a distinction in his Bachelor of Town Planning (BTP Hons), both at the University of the West of England.

Graham has been a Member of the Royal Town Planning Institute since 1995 and has over 25 years of planning experience in a range of planning projects, leading multi-disciplinary teams on complex strategic and masterplanning commissions and acting as project coordinator for Environmental Statements, following EIA.

This submission

In accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as 'the regulations'), this letter constitutes a request under Regulation 6 for South Derbyshire District Council, as the relevant planning authority, to adopt an Environmental Impact Assessment Screening Opinion.

Part 2, Regulation 6 (2) states:

A request for a screening opinion in relation to an application for planning permission shall be accompanied by—

- a) A plan sufficient to identify the land;
- b) An indicative proposed site layout plan identifying the proposed building, access and parking facilities (subject to change).
- c) A brief description of the nature and purpose of the development and of its possible effects on the environment; and
- d) Such other information or representations as the person making the request may wish to provide or make.

We therefore have provided a brief overview of the site context, planning history and a section detailing the requirement for EIA thresholds (c). Following this a brief description of the nature and purpose of the proposed works (as per schedule 3 – selection criteria for screening schedule 2 development) and its effects on the environment (b). Finally. Attached to this letter is a location plan to identify the land subject to this screening opinion request (a).

Site Location

The DVP site is located wholly within the South Derbyshire District Council authority, and forms part of Dove Valley Park industrial estate, located north of the A50 at its junction with the A511. The site is approximately 9 miles due south west of the centre of Derby.

The site measures approximately 12.26ha with a boundary which forms a loose square located to the east and north-east of the current Müller Dairy premises. Heath Top Lane forms the northern boundary and Woodyard Lane the western boundary. Part of the site is intersected by a section of existing runway last used during WWII.

To the south of the site lies the first phase of Dove Valley Park subdivided into a number of distinct plots. Development has occurred in stages and as yet is not fully complete. Plots have been developed for a range of uses, including manufacturing, storage and distribution together with dairy facilities.

The site is not subject to any statutory designations (e.g. green belt, conservation area, AONB etc.) nor does it feature any designated heritage assets.

The plan accompanying this Screening Opinion identifies the location of the site within the immediate context.

Planning history

The site itself crosses the boundaries of two sites that have the benefit of two separate permissions which have established the principle of erecting large industrial buildings. The most relevant applications relating to the site include:

- i) **9/0595/0170/0** The renewal of planning permission 9/590/155/0 for the erection of business and industrial units on approx. 83 hectares of land.
- ii) **9/2017/0816** Outline application for the development of site for B2/B8 units, each unit providing no less than 15,000 sq m of floor space with access.
- iii) **9/2010/0872** Approval of Reserved Matters (for access, appearance, landscaping, layout and siting) of application 9/2005/1078 B.
- iv) **9/2005/1078** Section 73 application to amend condition 8 of planning permission 9/2005/0758/B to amend the limit on the floor space to be erected on site.

The previous outline planning application ref 9/2017/0816 was the subject of an EIA screening opinion which concluded that the development proposal was not development requiring an EIA.

The Proposed Development

Proposals

The proposed development is described as:

‘Part single, part two-storey facility for the extraction, processing, bottling and distribution of water based products (combined B2 and B8 use), with associated ancillary office, infrastructure, access, parking and landscaping.’

The facility extends to approx. 50,000 sqm and will comprise elements for production, storage, warehousing and distribution as well as offices and welfare areas for staff.

Due to the desire to start production at the end of 2020, the core of the facility shall be constructed and brought into operation in advance of the remaining works. The core of the building, is a part single, part two storey element measuring c.28,050 sq m and is proposed to comprise elements for production, storage, warehousing and distribution as well as offices and welfare areas for staff. As the factory operations mature the remaining area will accommodate the completion of the production, warehousing and distribution zones, measuring c.21,325 sq m.

The nature of the proposed operations will involve deliveries and despatch to the eastern side of the facility, with delivery vehicles travelling to the north east corner to deliver raw materials / goods to the site. These are processed within the northern section of the building. The bottling production line is located centrally within the building. These are then stored and exported from the southern area of the building.

The facility will utilise potentially 4 boreholes for water extraction. A recent planning application and request for a screening opinion has been submitted for this separately to cover a temporary period of two years. This was to allow investigative drilling works to progress outside of the scope of the full detailed (forth coming) planning application.

The proposed facility will utilise at least two of the 4 boreholes detailed in the separate planning application. The fourth borehole is required for back up in the event one of the boreholes is compromised.

Policy Context

The Development Plan for South Derbyshire District Council is the *South Derbyshire Local Plan Part 1*, adopted June 2016, together with those policies saved from the 1998 Adopted Local Plan. The *Local Plan Part 2* was submitted for examination in January 2017 and once adopted will provide policy guidance on Development Management, together with further detail relating to housing allocations.

The *Local Plan Part 1* contains policies which allocate DVP2 as a strategic employment site.

Policy E1 Strategic Employment Land Allocations 2011 – 2028 identifies the Dove Valley Business for 19.27ha of new industrial and business development. The supporting text notes the success of the existing DVP development, principally relating to the connectivity provided by the A50 trunk road.

Policy E5 Safeguarded Employment Sites – Dove Valley Park specifically allocates the site which is the subject of this EIA Screening Opinion request. The policy notes that land to the north of DVP, measuring approximately 28ha is “allocated for the development of large scale industrial and business units only, as defined by classes B2 and B8 of the Use Classes Order. The minimum gross internal floor area per unit will be 15,000 sqm”.

The supporting text notes that, whilst sites included within Policy E1 can meet the bulk of the District’s needs, DVP and DVP2 together offer the opportunity to meet demand for what are referred to as “units of an exceptionally large scale for businesses in the manufacturing and logistic sectors, particularly in the A50 corridor.” It is for this reason that unit sizes are set as a minimum of 15,000 sqm.

The proposed development is in excess of the minimum required by Policy E1 and therefore the principle is in accordance with the policy.

Possible Effects on the Environment

For the purposes of this Screening Opinion request, the potential effects of the proposal on the environment are set out below. These are being considered separately by a team of consultants who are engaged to undertake baseline assessments as to the potential likely effects and if necessary set out a mitigation strategy. This work has been considered as part of the emerging design of the proposals.

Flooding – Jubb Consulting

The site falls wholly within Flood Zone 1 and thus has a less than 1 in 1,000 annual probability of river or sea flooding; on this basis, the sequential test is passed. An initial desktop review highlighted no risk from watercourses, including reservoirs or canals.

Despite the very low level of risk given the size of the site a site specific Flood Risk Assessment will be submitted to support the forthcoming planning application. This assessment will establish the above case, namely that there is no risk of flooding from external sources, and also confirm how surface water runoff within the site will be handled.

Therefore, given the low level of flood risk it is considered that there would be no significant effect on the environment resulting from the proposals.

Highways – Jubb Consulting

A Transport Assessment (TA) and site Travel Plan were prepared as part of the original DVP proposal (ref. 9/590/155/O). As part of that development, significant highways improvements were made to the A50 Trunk Road (managed by Highways England) to provide access arrangements to the site.

The proposed facility would utilise the same existing access point. As part of the planning application a TA will be undertaken which considers the impacts potentially arising from the development within the scope of Policy E5 and consider the cumulative impacts of any new development with the existing use of DVP. Where necessary, a Travel Plan will establish a framework for managing employee access to the site.

Whilst it is acknowledged that there is potential for impacts to arise from the proposed development in terms of vehicle movements, it is not considered that these are such that they would lead to an environmental impact of greater than local significance. As such, we do not consider that traffic matters are required to be considered via the EIA process.

Ecology and Aboriculture – Middlemarch Environmental Ltd

The ecological appraisal submitted to support the outline planning application (Oct 2017) confirmed that:

- There are no sites of international conservation value such as Special Protection Areas (SPA's) within 10km/5km of the site boundary and no sites of national significance such as Sites of Scientific Interest (SSSI) within 2km.
- There are three Local Wildlife Sites (LWS's) within 1km of the site, the closest being Coneygreave and Rough Woods, c.100m west on the other side of housing and a road. The site is designated for ancient woodland habitat. No significant impacts to its conservation status are anticipated.
- The site is dominated by species-poor grassland and arable compartments with tall herb/ruderal and scrub vegetation (both scattered and dense), the majority of which comprised species-poor habitats of limited botanical or conservation value.
- In terms of general suitability for bats, some of the linear features such as treelines, hedges and other less-intensively managed vegetation was suitable for foraging and commuting bats. All of these features are to be retained and buffered, thereby negating any impacts and providing good practice lighting is implemented, no further nocturnal survey is considered necessary.
- The trees/hedgerows and scrub/ruderal on site were considered to have value for nesting birds but no nest sites were observed. The general habitats are of some value for nesting and breeding birds and although there are no records of notable records within or directly adjacent to the site, arable species such as skylark *Alauda arvensis* are known to be present in the area and Hilton Gravel Pits SSSI (c.3.5km east) is known to support an important assemblage of birds (including waterfowl). Therefore breeding bird surveys were undertaken during which some limited value for birds was noted and as such good practice/mitigation has been recommended.
- The site had varying value for reptiles with the areas of central compartment considered to be too homogenous/short to provide significant potential but the mosaic of habitats grassland/scrub/ruderal were considered to provide suitable ecotones to support reptile

shelter and hibernation. Therefore further presence/absence surveys were undertaken and a small population of common lizard was noted. Based on this, good practice mitigation/enhancement has been recommended.

Updated ecological reports will be provided as part of any forthcoming planning application.

It is noted that there are a number of trees on the site, principally within the boundary hedgerows and in the North West corner adjacent to the small fishing pond. Given their location and their potential to act as screening for any future development, it is not envisaged that works would result in any negative impact. Nevertheless, a tree survey and tree constraints plan will be produced in support of a future planning application. The results of this will be used in the site planning/design process.

On the basis of the above, it is considered that there are any no ecological or arboricultural constraints on the proposed development that would lead to significant effects on the environment.

Noise and Air Quality - Acoustic Consultants Ltd

Acoustic Consultants Ltd will undertake a noise assessment based on noise levels from a very similar factory using the same operations to support the forthcoming planning application. That assessment will include recommendations for any necessary mitigation measures to protect against noise pollution to any nearby sensitive receptors.

The employment allocation of the site established the principles of B2 general industrial use, accepting that local mitigation measures may be required: the allocation encourages uses which are generally considered not to be appropriate in more sensitive locations. If operational noise is limited to HGV's (once drilling has ceased), the long term effects would appear to be no more significant than any other industrial processing operation within the DVP area that are covered by the extant consents on neighbouring sites.

The proposed operations will generate noise as a result of:

- Vehicle movements mainly comprising Heavy Goods Vehicles (HGVs)
- Air handling plant
- Water extraction from the boreholes
- Machinery involved in production / bottling process

Of these only the vehicle movements and miscellaneous air handling units are external, with the extraction and process technology being within the new building, which shall incorporate acoustic attenuation where required. For this reason, the traffic movements have been located within the main part of the industrial site to the south east of the plot.

Noise arising during the borehole drilling works are being considered under a separate submission. That submission indicated that the modelling predicted noise level to be some -2dB to -9dB lower than the BS5228 threshold daytime noise limit of 65dB. It is, however, recommended that a 1.8 metre-height noise control barrier be introduced at the north-west corner of the site to protect noise emissions occurring at the borehole location No.3.

Landscape

A Landscape Assessment was undertaken in October 2010 as part of the evidence base to support a land promotion exercise as part of the production of the now adopted Local Plan.

The assessment established that the site is not subject to statutory or non-statutory designations. It notes that the use of the site as a former airfield remains visible via onsite features.

In the context of views, the assessment notes that these are in the main part limited to localised views that are in the context of existing buildings. Whilst there are some, limited opportunities for longer distance views, these were not considered to be of significance.

The assessment concluded that there is scope for localised mitigation, principally via tree planting and appropriate ground modelling on the external boundaries.

On the basis of the previous assessment, which in part provided sufficient evidence on which to justify the allocation of the site, it is not considered that landscape impacts of the proposals would lead to significant effects on the environment.

The forthcoming planning application will be supported by a Landscape Visual Impact Assessment.

Sustainability Appraisal of the adopted Local Plan & Inspectors Report

In addition to our consideration above, the allocation of land at DVP2 via Policy E5 was subject to Sustainability Appraisal (SA)¹ as part of the development of the Local Plan.

The SA recorded that the development of the site has the potential to generate significant, positive economic impacts. It notes that there are potential negative impacts, specifically noise, air, water and light, however these “*effects would be moderated by requirements in the policy*”. It is noted that the adopted Policy E5 includes for mitigation of potential adverse visual impacts and that other impacts could be addressed/mitigated via other Local Plan or NPPF policies.

In considering the proposed plan, and the evidence base (including the SA), the Inspector found that there was a need to allocate land at DVP2. In the Inspector’s comments (para 95²), it was noted that impacts could be mitigated and that the site offers the potential to meet the requirements of large users which cannot be met on other sites.

¹ Local Plan Sustainability Appraisal http://south-derbys.gov.uk/Images/LP1%20Sustainability%20Appraisal%20update%20Main%20Report_tcm21-281382.pdf

² Inspector Report into the soundness of the Local Plan http://south-derbys.gov.uk/Images/Inspectors%20Report%20for%20Local%20Plan%20Part%201_tcm21-281374.pdf

Summary

This EIA Screening Opinion Request has set out the context for proposed development at land north of Dove Valley Park, promoted in the context of the Adopted Local Plan Policy E5.

We have set out specific matters where impacts may be thought to arise and established that these are unlikely to be of a scale that necessitates assessment via EIA. All matters likely to arise can be assessed by individual technical reports.

In addition to our own consideration, the site, and its allocation for development, has been considered as part of the Sustainability Appraisal of the Local Plan, together with the view of the Local Plan Inspector, both of which identified the site and environment as having appropriate capacity to sustain development.

On the basis of the above, it is considered that there is a sound basis for adopting an EIA Screening Opinion that concludes that development, proposed in accordance with Policy E5, would not constitute EIA development.

We trust that this request provides you with sufficient information in order to be able to adopt a Screening Opinion and look forward to receiving this within the statutory 3 week period allowed for in regulations. If, however, you require any further information to aid your understanding and consideration of the site then please do not hesitate to contact me.

Yours sincerely,



Catherine Bartlett MRTPI
Associate Town Planner
For
STRIDE TREGLOWN LIMITED

CC: