

1. CASE DETAILS			
Ref No.	DMOT/2019/1211	Brief description of the project/ development	Bottling Factory for the extraction, processing bottling and distribution of water based products. Land North of Dove Valley Park, Derby DE65 5BZ
Applicant	Stride Treglown Town Planning		
LPA	South Derbyshire District Council		
2. EIA DETAILS			
Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?		No	
If YES, which description of development (THEN GO TO Q4)			
Is the project Schedule 2 development under the EIA Regulations?		Yes	
If YES, under which description of development in Column 1 and Column 2?		2(d iii) /7e	
Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?		No	
If YES, which area?			
Are the applicable thresholds/criteria in Column 2 exceeded/met?		Yes	
If yes, which applicable threshold/criteria?		The area of development exceeds 1ha (2diii) and the area of new floorspace exceeds 1,000 square metres 7e)	
3. LPA/SoS SCREENING			
Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued)		No	
If yes, is a copy of the SO/SD on the file?			
If yes, is the SO/SD positive?			
4. ENVIRONMENTAL STATEMENT			
Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application?		No. Outline application for site submitted in 2017. SDDC notified the applicant on 30 March 2017 that the outline application did not constitute EIA development. A separate but complimentary application for borehole drilling works was also considered by SDDC in 2019. A negative EIA screening opinion was issued for this scheme in April 2019.	

When completing this document in relation to an enforcement appeal, the undersigned officer has had regard to the project as alleged in the relevant enforcement notice when referring to the project/development.

Screening Questions	(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
	Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site (If answer in Part 2a / 2b is 'No', the answer to Part 3a / 3b is 'N/A')	Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is reliant on specific features or measures of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment these should be identified in bold.
1 Natural Resources		
1.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	Yes Site is likely to include works that will alter site topography. In particular bunds and SuDS proposals form part of the scheme. Bunds are likely to the north and west of the site whilst SuDS will be located to the southern part of the site. Other changes to topography will be further required to create a development platform on which development can take place as well as to facilitate areas of hardstanding and car/lorry parking.	No Whilst changes to topography in the site are likely the scale of the site together with the lack of sensitive features locally will ensure effects are not likely to be significant.
1.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply?	Yes Construction materials and energy during construction and ongoing energy, water and production materials post construction.	No Some materials to be used during construction are likely to be of a finite nature, whilst water and energy can be renewable or replenished. However the scale and nature of proposals would be unlikely to give rise to LSE.
1.3 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?	Yes Site is located in a largely rural area, although falls within the Dove Valley Park Business Site which is a strategic employment land area in the District which is subject to historic planning permissions and allocation through the Part 1 Local Plan.	No Site is unlikely to affect surrounding land uses or scarce resources locally.
2 Waste		
2.1 Will the project produce solid wastes during construction or operation or decommissioning?	Yes Development would create limited waste volumes including in respect of soil, construction and demolition waste during the construction phase. Post construction potential for food, packaging and other commercial waste including office waste as a result of ongoing commercial activities.	No C&D waste and process waste will be subject to prevailing legislative requirements which will ensure that waste are recycled and disposed of in a way that minimises the environmental effects. Given the nature and scale of the proposals and existing waste requirements LSE are not considered likely.

3 Pollution and Nuisances				
3.1 Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	Limited fuels, or exhaust from vehicles and plant during construction and vehicle (HGVs, LGVs and private cars during operation).	No	Construction related impacts would be time limited and potentially transient and could be easily mitigated through a CEMP which could be conditioned if necessary. Once in operation effects are limited by the scale of the proposals and the number of anticipated vehicle movements to and from the site each day (maximum of 858 assumed). There are no AQMAs in this area or in close proximity.
3.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Limited, potential for noise, light and vibration during construction phase associated with ground works/drilling and use of other plant and machinery.	No	The submitted noise assessment identifies background noise levels at the nearest receptors are the same as or below the predicted noise levels predicted following development. On this basis it is likely that the scheme would have a low impact. No LSEs are likely.
3.3 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Development will generate foul and surface water and trade effluent.	No	Discharges will be regulated by permits and wastewater or trade effluents will discharge into the surface water or foul sewers, as appropriate, located to the south east of the site. Average foul flows will be around 0.1l/s whilst trade effluent will be limited to 5 l/s with flows buffered by the inclusion of a buffer tank on site to ensure peaks and troughs in flows can be managed. Surface water will be collected via SuDS which will allow for some treatment including silt and oils and will be limited to a discharge of 135.3l/s (equivalent to 11m/s/ha)
3.4 Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No	None Identified	No	None Identified
4 Population and Human Health				
4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?	No	None Identified	No	Identified Flood risk on site is low. Nature of proposed use is unlikely to lead to major safety or health risks and provision is made for emergency access to the site through site design and layout.
4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)	No	None Identified	No	None Identified

5 Water Resources				
5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	Aquifer beneath site	No	The existing permit regime would protect water quality in the aquifer. Site is located in flood zone 1 and given the nature of the proposal, its scale and location significant effects are unlikely.
6 Biodiversity (Species and Habitats)				
6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. Where designated indicate level of designation (international, national, regional or local)).	Yes	The site is located within an existing industrial estate. The ecological desk study (which forms part of the ecology survey work which will be submitted with a future planning application) confirms no European statutory conservation sites within 5 km of the site, no UK statutory sites within 2 km and six non-statutory wildlife sites within 1 km (the closest of which is located 115m to the west (Conygreave and Rough Woods) and comprises of ancient woodland that has been partially replanted. . No impacts are predicted on any of these sites as a result of the proposed development.	No	Proposals would not lead to the physical loss of statutorily protected sites, and given the location of the site and its scale and its relationship to protected sites development would not have any LSE effects on wildlife sites given their separation and intervening topography/buildings. In respect of other habitats on site and existing legislation and policy to secure biodiversity gain on site will likely compensate for any short term loss of habitats. On this basis and having regard to the scale of the site and its current ecological state it is considered that development would have any LSEs.
6.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	The preliminary ecological survey has identified development could have effects on nesting birds (loss of suitable habitat, direct harm or injury) ,bats, (loss of suitable habitat, risk of direct harm or injury), Badgers (loss of suitable habitat, direct harm/injury), reptiles (loss of suitable habitat, risk of direct harm/injury, fragmentation) terrestrial mammals (loss of suitable habitat, risk of direct harm/injury).	No	Existing legislation to safeguard protected and notable species is likely to ensure significant harm does species do not arise. More over measures to further reduce the effects of development can be easily embedded in the development of the site and coupled with appropriate site management and habitat creation there is potential to deliver long term biodiversity gain. No LSE are identified.

7 Landscape and Visual				
7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? ¹ Where designated indicate level of designation (international, national, regional or local).	No	There are no local or national landscape designations present.	No	Site is comprised of a large commercial building and whilst this will be large scale and visible in the landscape due to its size and height (up to c.23m for the warehousing area) the site falls in a relatively unconstrained landscape away from listed buildings and other built heritage features. Large scale pre-existing built development comprising of large commercial premises to the south and west will help reduce landscape and visual effects from more distant and local views. Moreover, further development is likely to take place to the east on allocated land. Areas to the north and north west are more open and overlook a more open landscape although this part of the site will be comprised of lower buildings and will be partly screened by bunds and tree planting. Long distant views are more likely from the north due to landform and topography but would be set against existing built development. Building siting, and landscaping proposals embedded in the scheme will provide opportunity further address effects. On this basis whilst it is considered that landscape effects could be notable, particularly at the local level, significant effects are considered unlikely.
7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	No	There are a limited number of homes as well as some commercial and industrial units located nearby. The closest village, Church Broughton is located around 700m to the north of the site.	No	The site is small scale partially screened by existing buildings and well related to existing developed areas. Development would not be out of character with local existing uses.

¹ See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas.

8 Cultural Heritage / Archaeology				
8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	Yes	The site does not contain any designated heritage assets. There are conservation areas and a small number of listed buildings located in the wider area including in Church Broughton 700m to the north. Site development would lead to the partial loss of an area of WW2 runway the site previously having been in use as a satellite airfield and later for storing and testing military equipment. The development of the site as an RAF base in 1943 is likely to have obliterated earlier archaeological features that would have been within the site. The site is not protected and much of the site has been redeveloped for commercial development.	No	Given the relatively small scale of proposals and having regard to their nature and location, as well as the intervening landform/vegetation it is unlikely that this scheme would have any notable effects on the significance (including setting) of nearby designated heritage assets. Archaeological heritage predating the construction of the RAF base is likely to have been lost during construction though significant evidence of the sites wartime use could remain. Undesignated heritage assets could be lost as a result of development and whilst these could be locally notable the development would not give rise to LSEs,
9 Transport and Access				
9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	No	No public footpaths run through this site. PROW SD22/27/1 is located adjacent to the north west boundary of the site. An assemblage of PROW including SD12/40/1, SD12/39/2, SD12/38/1, SD12/41/1 are located between the northern boundary of the site and Church Broughton.	No	No loss or diversion of footpaths is required to accommodate development.
9.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	None identified	No	Dove Valley Park connects directly to the A50 and access to and from the business park is not considered to constrain development. This was confirmed in the 2017 outline application which considered transport effects associated with the site. The TA for the outline scheme did, however, highlight a number of local issues which may need to be addressed including capacity issues on the saltbox crossroad (which already operates over capacity), as well as the potential for Sudbury Roundabout to operate over capacity by 2027. The development could increase daily traffic flows by a predicted 858 HGVs/cars and the development does have potential for local impacts on the highways network. However given the scale and nature of the development proposal LSEs are considered unlikely.

10 Land Use				
10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	Yes	Agricultural land, existing commercial land/premises, limited farmstead and residential properties.	No	Site would be largely self-contained and would not generate any likely significant effects.
10.2 Are there any plans for future land uses on or around the location which could be affected by the project?	Yes	Future commercial development within adjacent land allocated through the South Derbyshire Local Plan.	No	Development will consist of B1, B2 and B8 uses consistent with adjoining land.
11 Land Stability and Climate				
11.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No	None Identified	No	None Identified
12 Cumulative Effects				
12.1 Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	No	None Identified	No	None Identified
13 Transboundary Effects				
13.1 Is the project likely to lead to transboundary effects? ²	No	N/A	No	N/A

5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3		
The site is relatively small scale (12.26ha) and due to its nature and location is not considered to give rise to LSEs. Proposal is not located close to any sensitive areas, or areas exceeding any identified environmental thresholds. Nonetheless the proposed scheme includes embedded mitigation which will further reduce environmental effects.		
6. SCREENING DECISION		
If a SO/SD has been provided do you agree with it?	N/A	
Is it necessary to issue a SD?	Yes. Applicant requested Screening Opinion. This needs to be issued no later than the 29 October 2019 unless an extension is agreed.	
Is an ES required?	No	
7. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)	OUTCOME	
Is likely to have significant effects on the environment	ES required	
Not likely to have significant effects on the environment	ES not required	✓
More information is required to inform direction	Authority has access to sufficient environmental information to inform/issue an opinion.	No

² The Regulations require consideration of the transboundary nature of the impact. Due to the England's geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts.

NAME	Undertaken By Kevin Exley MRTPI AIEMA
DATE	24/10/2019