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**Ref. No: EA/2018/0002**

28 March 2018

Dear Sir

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017: SCREENING REQUEST RELATING TO ERECTION OF UP TO 100,000 SQUARE METRES OF COMMERCIAL FLOOR SPACE (USE CLASSES B2 AND B8 WITH ANCILLARY B1(A) OFFICES) ON LAND AT SK2929 2245 (BURNASTON CROSS) ETWALL ROAD WILLINGTON DERBY**

I refer to the above Screening Request received complete by this Authority on 8 March 2018.

On the basis of information submitted and having regard to additional environmental information collected by the Local Planning Authority to inform this opinion, I can confirm that the development described within your Screening Request, and as summarised above, is captured by the criteria and thresholds set in paragraph 10(a) of Schedule 2 of the Regulations; and in the opinion of South Derbyshire District Council, having taken into account the criteria in Schedule 3 to the Regulations, the proposal **would likely give rise to significant effects on the environment** by virtue of factors such as its nature, size and location. In coming to the above view account has been taken of the advice contained in section 4 of the Planning Practice Guidance, in particular paragraphs 031 and 032 (screening Schedule 2 projects), and the evidence submitted alongside the proposal.

Accordingly the District Council considers the proposed scheme to be EIA development and **will require the submission of an Environmental Statement** in support of the scheme proposed. You should first pursue a Scoping Request with the Council to establish the scope of studies and evidence required to inform the Environmental Statement.

A copy of this Screening Opinion has been placed on the planning register, in accordance with the Regulations. In addition a screening matrix setting out the issues considered by the District Council in making this screening decision has also been placed on the register and is available to view at the Council Offices during normal opening hours. I have appended a copy of the screening matrix for your information.

I trust this information is of assistance but should you require any clarification or further explanation of the issues considered within this opinion please do not hesitate to contact Chris Nash directly on (01283) 595926.

Yours faithfully,

Authorised Officer of the Council Date: 28 March 2018

*Enc. Screening Matrix*

South Derbyshire District Council

**Screening Checklist**

# THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017: SCREENING REQUEST RELATING TO ERECTION OF UP TO 100,000 SQUARE METRES OF COMMERCIAL FLOOR SPACE (USE CLASSES B2 AND B8 WITH ANCILLARY B1(A) OFFICES) ON LAND AT SK2929 2245 (BURNASTON CROSS) ETWALL ROAD WILLINGTON DERBY

**March 2018**

# THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 SCREENING MATRIX

| **1. CASE DETAILS** | | | |
|---|---|---|---|
| **Case Reference** | EA/2018/0002 | **Brief description of the project / development** | **SCREENING REQUEST IN RELATION TO ERECTION OF UPTO 100,000 SQ M OF COMMERCIAL FLOOR SPACE (USE CLASS B2/B8 WITH ANCILLARY B1A OFFICES) ON LAND AT BURNASTON CROSS, SOUTH DERBYSHIRE** |
| **Applicant** | Marrons 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)** | N/A |
| **Is the project Schedule 2 development under the EIA Regulations?** | Yes |
| **If YES, under which description of development in Column 1 and Column 2?** | 10a Industrial estate development projects |
| **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?** | N/A |
| **Are the applicable thresholds/criteria in Column 2 exceeded/met?** | Yes, site in excess of 0.5ha |
| **If yes, which applicable threshold/criteria?** | Site in excess of 0.5ha |
| **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?** | N/A |
| **If yes, is the SO/SD positive?** | N/A |
| **4. ENVIRONMENTAL STATEMENT** | |
| **Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?** | No |

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.

| **5: 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?<br>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 levels could be subject to change as a result of cut and fill, although the screening letter submitted indicated that materials would be reused on site. Any landscape strategy would consider whether it is appropriate to reduce ground levels to reduce the likely landscape/visual impacts of new commercial buildings proposed on site There are proposals for earthworks, presumably on site periphery to reduce likely landscape/visual effects together with creation of suds to serve new development. | No | Spatial extent of works would be limited to within the site which is around 32ha. Moreover the site has already been heavily modified by previous minerals workings and restoration through landfilling in the 1950/60s. Proposals set out the intention to retain materials on site where cut and fill is necessary. |
| **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 | Site is restored minerals site and so is classed as greenfield and is now used for agricultural use. Development will require the use building materials for the proposed commercial warehouses and associated areas of hard standing during construction. Post construction there would be some use of materials and energy for operation use of the site | No | Loss of agricultural land is unlikely to be significant given that the quality of agricultural land (grade 4) has been impacted by historic land uses. The use of materials for construction and operation would be limited by the scale and nature of the proposal. |
| **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? | No | Land is not best and most versatile. Site has historically been worked for sand and gravel. No other areas around or within the site which contain high quality resources identified. | No | - |

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| **2 Waste** | | | | |
| **2.1** Will the project produce solid wastes during construction or operation or decommissioning? | Yes | There is potential for the generation of solid waste during construction/demolition of buildings on the site. However this is likely to be minimized through best practice and adherence to legislation. | No | Site is limited in scale and would be unlikely to generate significant waste during construction or operation given its nature. |
| **3 Pollution and Nuisances** | | | | |
| **3.1** Will the project release pollutants or any hazardous, toxic or noxious substances to air? | Yes | There is potential for some release of CO2 and NO2 as well as other gases associated with transport uses and construction plant during construction. | ? | Construction related effects would be limited by the scale and likely timescale of development. Dust and localized air quality effects could be easily controlled through best practice construction methods and the use of conditions to ensure dust control/suppression, the use of wheel washing, sheeting of waste materials during transport etc.<br>There are no AQMAs immediately surrounding the site or within South Derbyshire. The closest are located in Derby City on the Inner and Outer ring road and the A52 in Spondon and are both designated for NO2. It is unclear whether any proposals would lead to increased traffic through these areas given the distance and or location away from the strategic road network, although where effects occurred they could be noteworthy given that air quality is already ahead of accepted legal limits. No data on traffic flows associated with the proposal during construction or operation has been provided to assist consideration of this issue. |

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| **3.2** Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | Yes | Development could increase noise impacts during the construction and operational phase of development. | No | It is unlikely that the proposal could have LSE, though not certain. There is no information regarding whether there is potential for any facility to be operational 24 hours. The ES screening request indicates that a Noise and Vibration assessment would accompany any application.<br>However, given the test is likely significant effects, and having regard to the nature of the proposal, its location (and relationship with existing noise receptors) it is unlikely, subject to the appropriate design of the scheme , i.e. use of noise attenuating materials, bunds (earthworks) on site etc. and the control of construction related effects through readily implemented conditions i.e. through a Construction and Environment Management Plan (and the restriction of construction times). On this basis noise effects would be unlikely to warrant EIA. |
| **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 | There is potential for development to mobilise contaminants associated with historic site uses. In addition construction works and new buildings could increase point source pollution which could impact on surface water or groundwater quality. Storage of potential contaminants on site during construction and operation also likely. | No | The site is located away from the River Mease and Would have no effect on this SAC/SSSI. Site could increase diffuse pollution into local watercourses although these are in moderate condition and are not designated as either SSSIs or SAC etc. Appropriate measures could be incorporated into any scheme to ensure significant diffuse pollution does not take place. However it is unclear whether there is potential for mobilization of contaminants given the historic uses of the site. This may need to be addressed appropriately through a drainage strategy to inform the design of SuDS to ensure such effects do not occur. |

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| **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 | There are no AQMA or other identified pollution or nuisance standards likely to be affected by the proposal immediately surrounding the site, the closest AQMA is in Derby City (see earlier – it is unclear if increased travel to access site would have any effect on these). The site lies outside of the River Mease SAC catchment which is failing to meet targets in respect of phosphates in the River. | No | The scheme should consider the inclusion of appropriate SUDS to address water quality in line with Local Plan requirements. The site forms the watershed between two catchments of the Trent (Eggington Brook and Twyford Brook). Both of these tributaries are identified as being in moderate condition against the WFD in 2016 and are proposed to meet WFD 'good' condition by 2027. Diffuse pollution associated with proposed development could negatively affect water quality, although likely effects can be largely mitigated through appropriate design for example use of SUDS with appropriate number of treatment stages, use of oil interceptors for run off from impermeable surfaces etc. in accordance with adopted Plan policies set out in the Local Plan Part 1. |
| **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 | No significant risks are identified | No | None identified. |
| **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 | Given the scale, nature and location of the site and the limited number of sensitive receptors or features in relatively close proximity to the site no notable effects on human health are likely to occur. |

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| **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? | No | The site is not located in an area of elevated surface, or ground water flood risk. There is no flooding from local watercourses to the site itself. There are known issues with surface water flooding in the vicinity Repton Road, Willington. | No | Any development would be expected to deal with surface water on site, with any surface water discharged at an identified greenfield run off rate with an additional allowance for climate change. Given the limited area of the site it is likely that any changes to run off would be limited (although depending on how the site drains post development it could alter the potential watershed locally) and potentially increase flows into one watercourse that receives flows from the site at the expense of another. That said an appropriate drainage strategy could be achieved and would be mandated through National and Local Policy. On this basis it is unlikely that development would give rise to likely significant effects in respect of flood risk. Any future flood risk and drainage strategy will need to demonstrate that the scheme will not increase flood risk elsewhere in accordance with NPPF requirements. |
| **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])). | No | There are no designated or non-statutory wildlife sites within the vicinity of the proposed new development, the closest SSSI being in excess of 4km and the closest LWS being in excess of 0.5km. There may be limited potential for effects on protected or notable species during the Construction phase. | No | Within the site there are no statutory or non-statutory wildlife designations likely to be directly affected by development. Measures could be secured to ensure that development contributes to biodiversity improvements in accordance with policy BNE3 of the Adopted Local Plan. Given the scale and nature/location of the site it is unlikely that there would be significant effects on protected or notable species but where any potential for effects is identified existing mechanism such as the imposition of conditions through the development management process to control the timing of works could help reduce construction phase effects, whilst site design and management post construction could help ensure that notable long term effects do not arise. |

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| **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 | There are historic records of nesting birds and badger on the site. The site could also provide potentially suitable habitat for reptiles and bats amongst other notable, protected or listed species | No | Historic records indicate limited use of the site by a relatively small number of protected species. Likely effects would be mitigated by the current use/management of the site. In addition existing legislation exists to protect designated species and as such likely effects could be moderated. Post construction measures could easily be incorporated into any scheme to deliver biodiversity gain in line with local policy requirements set out in Policy BNE3. |
| **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). | Yes | The site is not subject to any local or national landscape or townscape designations. The site is located outside of the National Forest area, although new development could contribute towards new tree planting and habitat creation as part of a landscaping strategy. | No | Given the nature of the development and lack of sensitive landscapes, the development is unlikely to have a significant effect in EIA terms. |
| **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?) | Yes | Development would be located adjacent to the A50/A38 gyratory close to the A50 and would be potentially visible from the Trunk road and associated service area. It is within 300m of the Trent and Mersey Canal, which is regionally important canal waterway uses by tourists and other leisure users. Mercia Marina, the UKs largest inland marina is located 500m to the east of the proposed site and is a leisure destination in its own right. There is also a public right of way through the site. | ? | It is unclear whether the proposal could have an adverse visual effect on the Trent and Mersey Canal which is located 300m to the south, although historically a proposal for commercial buildings of a similar size was considered likely to harm the Conservation area. On the basis of information available and having regard to the nature of the scheme which is of a similar scale to that previously proposed on the site there remains potential for the scheme to have LSEs in respect of landscape and visual receptors. |

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

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| **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 is located around 100m from Hill Farm (Grade 2 listed) and 400m from the Green Man (Public House). The site is also located 300m to the north of the Trent & Mersey Canal as identified above. | Yes | The applicants note that in a previous commercial development proposal (which was EIA Development) and considered at appeal applicant ref. **APP/F1040/A/08/ 2081933** The Inspector identified the development could have a significantly harmful effect on Hill Farm. Whilst the scheme is different to that previously proposed the units would be of a similar maximum height and the reduction in the GEA is around 12% to that previously proposed. Other elements such as the railhead previously considered have also been removed. However given the scale of the scheme still proposed and having regard to its nature it is likely that development would still give rise to likely significant effects on Hill Farm |
| **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? | Yes | There is a single PROW which runs through the site in a north west/ south east direction. There are proposals to divert this route. | No | The development is unlikely to affect PROW significantly as it can be diverted. In any case the route only runs as far as the A38. On this basis the diversion of a single route is unlikely to be significant as to warrant EIA. |

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| **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? | Yes | There are notable congestion issues Derby City around a number of at grade junctions at Manor Kingsway, Markeaton and Little Eaton along the A38. The submission by the applicant notes that works are due to commence in 2021 and that highways was not a reason for dismissing proposals previously. | Yes | Whilst it is noted that works to the A38 will commence in March 2021, works will not be completed until September 2024. This timeframe takes account of the strategic nature of proposed works which will require grade separation of the A38 and local routes at 3 junctions and will cost around £200- £250million. During this period it is likely that routes will remain congested including the A38 (which forms part of the SRN). To reflect this fact, despite a significant amount of housing growth being committed in the vicinity of Mickleover, Littleover and Markeaton through the South Derbyshire and Derby City Local Plans (around 5000 homes are planned for) Highways England is now seeking a cap on the number of homes delivered on already committed sites in advance of the completion of works. In short therefore Highways England consider that these junctions have insufficient capacity to accommodate planned for growth, let alone development not planned through the Local Plan. Moreover since 2008 the adoption of the South Derbyshire Part 1 Local Plan (policy H15) and Local Plan Part 2 (policy INF13) seek to deliver a new junction on to the A50 around Deepdale Lane, Sinfin serving the committed Wragley Way Housing site which will accommodate 1,950 homes and will connect to Infinity Park and the Infinity Park extension (South Derby Growth Zone) which straddles the boundary of the City and South Derbyshire. Given the potential of this junction to reassign traffic movements locally there is clearly significant uncertainty regarding how further development at Burnaston Cross could interact with wider proposals affecting the Strategic Road Network in the vicinity of the site. |

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| **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 | Surrounding residential areas to the immediate south east of the site could be affected by the scheme. Hill Farm also located 100 to the east of the scheme. Danes Lodge and the Bungalow also located to north. Land to the west and east is comprised of trunk roads beyond which lies countryside. To the south and east generally is agricultural land. The surrounding areas is not densely populated although there area is of some importance to tourism owing to the location of the Trent & Mersey Canal and Mercia Marina development. | No | Site would be unlikely to have a major effect on local communities given its nature and location. Some noise, transport and landscape effects have been identified and are considered in respect of their significance elsewhere in this report. |
| **10.2** Are there any plans for future land uses on or around the location which could be affected by the project? | No | Possible Strategic Rail Freight Interchange on land to the west –although there remains considerable uncertainty over whether such a scheme will come forward. | ? | None Identified. Potential to interact with housing delivery as described above. |
| **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? | Yes | This area falls within an area subject to historic minerals workings and has been subject to historic restoration through landfill. There is therefore potential for unstable ground within part of the proposal site. | No | Appropriate/proportionate consideration of this issue will be required to conform with Policy SD4 of the adopted Part 1 Local Plan. However it is likely that engineering solutions would be available to address land stability issues should any arise. No significant effects are likely given the nature of the scheme and existing legislative and policy provisions in respect of contaminated/stable ground. |
| **12 Cumulative effects** | | | | |
| **12.1** Could this project together with existing and/or approved development result in culmination of impacts together during the construction/operation phase? | Yes | Site has potential to effect housing delivery elsewhere in South Derbyshire and Derby City dependent on highways effects on the A38. Site could also give rise to cumulative effects on the SRN in conjunction with the new proposed junction onto the A50 proposed at Deepdale Lane Sinfin. | Yes | This scheme is not committed through the local Plan. As part of the plan making process transport modelling has been undertaken to inform the location and phasing of housing delivery. Further development not accounted for during plan making could potentially affect the delivery of housing close to the A38 on strategic housing sites on the Southern edge of Derby City, as well as the wider SRN. |
| **13 Transboundary Effects** | | | | |
| **13.1** Is the project likely to lead to transboundary effects?[2] | No | Not applicable | No | Not applicable |

[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.

| **5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3** | | |
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| Having considered the characteristics of development including its nature and scale; the location of the development and the types and characteristics of the potential impact, the proposal is, in the view of the Council likely to lead to significant effects both in isolation or in culmination with potential future housing development on the edge of Derby City. Issues considered as likely to give rise to significant effects in respect of heritage and highways. | | |
| **6. SCREENING DECISION** | | |
| **If a SO/SD has been provided do you agree with it?** | Applicants have considered the EIA regulations within their request submission and have concluded that the scheme is not EIA development. However Having Considered the scheme it is the view of this Authority that development could give rise to likely significant effects in respect of heritage and highways. | |
| **Is it necessary to issue a SD?** | Yes. Screening assessment has been undertaken in line with a request made under section 6 of the 2017 regulations. A letter setting out the Authorities Screening Decision must be issued within 3 weeks (an in all instances within 90 days) unless an extension is agreed with the applicant. The applicants request was dated the 7th March 2018. A target date for the 28th March has been set. | |
| **Is an ES required?** | Yes | |
| **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** | Request further info | |

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| **NAME** | Drafted by Kevin Exley. Checked by Chris Nash |
| **DATE** | 27/03/2018 |