

**APPENDIX 1.1**

**DERBY CITY COUNCIL'S SCOPING OPINION  
AND  
CONSULTATION RESPONSES TO SCOPING DOCUMENT**



DERBY CITY COUNCIL

RECEIVED  
23 MAR 2009

Jonathan Guest  
Director

Regeneration and Community Department  
Roman House, Friar Gate, Derby DE1 1XB

Mr. J Cook  
Encia Environmental  
Encia House  
Audby Lane  
Wetherby  
West Yorkshire  
LS22 7RD

Our reference  
SC/DC2  
Date  
18 March 2009  
Contact  
Sara Booty  
Telephone  
01332 255929  
Email  
Sara.Booty@derby.gov.uk

Dear Mr Cook,

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(ENGLAND AND WALES) REGULATIONS 1999 (AS AMENDED)  
REVISED SCREENING OPINION & SCOPING OPINION  
WASTE RECYCLING AND ENERGY GENERATION FACILITY, LAND EAST OF  
RAYNESWAY AND NORTH OF ALVASTON BYPASS, DERBY**

I refer to your letter and scoping report for the above development dated 21 October 2008.

Following further discussions and consideration of the proposal, the City Council has revised its Screening Opinion in respect to the category of development, which the scheme would fall into. It is considered that the scheme would constitute a Schedule 1 development, meeting the criteria in paragraphs 9 and 10 of Schedule 1 of the Regulations, relating to waste disposal installations. An EIA is therefore required to accompany any planning application for this proposal.

The EIA should include consideration of the likely impacts of the development on the local environment, which are likely to be significant. The proposed format of the Environmental Statement as indicated in the submitted Scoping report is considered to be appropriate. The intended scope of the assessment should accord with the provisions of Schedule 4 of the Regulations and it is considered that the impacts to be assessed should include those specified below. These impacts incorporate issues raised by the Environment Agency and Natural England, which have been forwarded separately. Despite a recent reserved matters approval for erection of a unit for B8 use on this site, the proposed waste facility would differ significantly, in terms of processes and emissions.

[www.derby.gov.uk](http://www.derby.gov.uk)



INVESTOR IN PEOPLE

The proposed flue/ chimney may also have a significant visual impact on the surrounding area, which would need to be assessed. The following list of suggested impacts does not preclude further information being requested at a later date.

- Land use
- Visual and landscape impact
- Ecology and nature conservation – Surveys for all protected species, which may be affected should be undertaken. Impacts on nearby designated Wildlife Sites at Acordis Lagoons and the River Derwent corridor should be included and opportunities to enhance bio-diversity in the locality should also be considered
- Ground contamination and soil quality – Existing site investigations may be sufficient, although full details should be included in the statement
- Hydrology and hydro geology
- Flood risk – Outline permission relating to this site, pre-dates PPS 25 and a Flood Risk Assessment in accordance with the current policy specifications should be included
- Air quality and pollution – Impact of potential emissions and waste are likely to be particular issues for this proposal
- Traffic and highways - Inclusion of a Transport Statement and Travel Plan will be required, despite lower vehicle movements forecast, than the approved development. This will need to take full account of the transportation arrangements for the scheme and source of the waste to be used in the process and method of transport.
- Noise – Impact of the proposed processes and activities on the site on surrounding ambient noise levels, should be considered.

Notwithstanding the opinion given above, on the topics, which should be included, the content of the Environmental Statement must ensure that it meets the guidance in Part 1 and 2 of Schedule 4 of the EIA Regulations.

Yours sincerely



Richard Williams  
Assistant Director – Regeneration

**Copy:**  
Planning Register

**From:** Storr, Charlotte [mailto:charlotte.storr@environment-agency.gov.uk]  
**Sent:** 05 March 2009 14:22  
**To:** Booty, Sara  
**Subject:** LAND EAST OF RAYNESWAY AND NORTH OF ALVASTON BY-

Sara. Hopefully this is the response you are missing. Thanks, charlotte

---

Ms Sara Booty  
Derby City Council  
Roman House Friar Gate  
Derby  
Derbyshire  
DE1 1XB

**Our ref:** LT/2009/107270/01-L01  
**Your ref:** SC/DC2  
**Date:** 19 February 2009

Dear Ms Booty

**WASTE RECYCLING AND ENERGY GENERATION SCOPING OPINION  
REGULATION 10 (ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS  
1999) - LAND EAST OF RAYNESWAY AND NORTH OF ALVASTON BY-PASS**

Thank you for referring the above scoping opinion dated 14 January 2009.

The operation of these facilities will require an Environmental Permit to legally operate, and being a new facility the best available techniques for environmental control must be used. These will cover a wider scope than that required for planning with the permit allowing enforcement of good operating practise. Detailed assessment of environmental impact for these operations by the Environment Agency will therefore be undertaken during the application for an Environmental Permit for the site.

We will only grant a permit if:

1. the applicant has demonstrated that the proposed facility meets the requirements of the Environmental Permitting Regulations and uses Best Available Techniques in its design and operation, as specified in available sector guidance notes;
2. the proposed design, construction and operational standards for individual plants meet or exceed stringent controls;

As the construction and planning stage is the best opportunity to "design in" the best available techniques required for the business sector, it is advised that pre-application discussions are commenced with the Agency as soon as possible. This will avoid a possible situation where a facility is built but is not allowed to operate due to it not demonstrating the required level of environmental protection techniques.

**Flood Risk**

Date: 13<sup>th</sup> February 2009  
Our ref: D2/4/3  
Your ref: SC/DC2

The outline planning permission for the development was completed prior to PPS25. The requirements of an FRA have since changed.

We would therefore request that a new FRA be included within the Environment Statement which is in accordance with the current specifications in PPS25.

### **Geology, Ground Conditions and Land Quality**

For land quality, the existing site investigations mentioned may be sufficient if they consider ground contamination from all previous uses and the development of industrial buildings on the site similar to those proposed in this scoping opinion. It has been identified that previous uses of the site have lead to a high potential for ground contamination. We will require copies of the relevant investigations, specifically for the site, to confirm that the site is suitable for development and that further investigation or remediation works are not required.

### **Hydrology and Hydrogeology**

It is important that the hydrology and hydrogeology of the site is not scoped out of the Environment Statement as the use of the building will be different to the considerations for a mixed employment use development which has already been considered. There is a significantly higher risk of contaminated surface water runoff than previously considered and so appropriate drainage schemes should be proposed to protect groundwater and surface water.

### **Ecology and Nature Conservation**

An Ecological Impact Assessment needs to be included within the Environment Statement to assess the impacts that this particular facility has on the ecology of the site during its constructional and operational phases. It must also put forward, avoidance, mitigation or compensation measures if the assessment shows that there will be impacts.

In addition to the Phase 1 Habitat survey, specific protected species surveys may also be required. This should be kept in mind as the timing of these surveys is season specific.

Yours sincerely

**Mr Andrew Pitts**

**Planning Liaison Officer**

Direct dial 0115 8462612

Direct fax 0115 8462681

Direct e-mail [andrew.pitts@environment-agency.gov.uk](mailto:andrew.pitts@environment-agency.gov.uk)

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FAO Sara Booty  
Derby City Council  
Roman House  
Friar Gate  
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DE1 1XB

The logo for Natural England, featuring the words "NATURAL ENGLAND" in a bold, sans-serif font. "NATURAL" is in a light green color and "ENGLAND" is in a darker green color. The text is set against a solid yellow rectangular background.

Caroline Harrison  
Natural England  
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Dear Ms Booty

**Proposed Development: The Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 Scoping Opinion under Regulation 10, Industrial Development – Waste Recycling and Energy Generation  
Location: Land East of raynesway and North of Alvaston By-Pass**

Thank you for your consultation of 14<sup>th</sup> January 2009 received in this office on 20<sup>th</sup> January 2009 regarding this application. Natural England wish the following be addressed along with the following in any Environmental Statement (ES) produced :

**Ecological Assessment**

The ES should take into account all aspects of nature conservation interest. Reference to the national, regional and local planning context should be made, where applicable, for the consideration of any impacts on nature conservation. Potential impacts on designated nature conservation sites, habitats and species subject to UK and EU legislation, UK and local BAP habitats and species, and other features of importance to biodiversity (watercourses, hedgerows etc.) need to be properly addressed.

**Contributing to Biodiversity**

Natural England considers that the potential for the development to provide nature conservation enhancements should be clearly distinguished from measures to mitigate or compensate for harm to nature conservation interests. The ES should seek ways to enhance biodiversity and contribute to green infrastructure as part of the development. It should identify opportunities for the creation and restoration of habitats appropriate to the locality and include plans to retain existing important landscape features such as mature trees and hedgerows. In particular, we believe that the scheme should seek opportunities to implement habitat creation that contribute to local and regional biodiversity targets as set out in the *Biodiversity Action Plan for Nottinghamshire*.

**Protected species**

Protected species are a material consideration in planning matters. The ES should detail and evaluate the impacts that the proposed development might have on protected species. Surveys should be carried out for all protected species that might be affected, including bats, great crested newts, badgers and breeding birds. Surveys should be carried out at an appropriate time of year and any survey limitations should be noted and taken into account. Details of mitigation required to prevent or minimise adverse impacts should be provided.

## **Sustainable Development**

The development should be carried out following the principles of sustainable development. For example, the ES should examine the opportunities for incorporating sustainable drainage systems (SUDS) into the development. The Environment Agency can provide detailed information on such systems.

## **Landscape**

We are pleased to note that a landscape character and visual impact assessment, encompassing the relevant guidance is to be undertaken as part of the EIA. Landscape Character Assessment provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving character, enhancing it or regenerating it. Hence detailed proposals for the development should reflect this work.

The relevant Countryside Character Area description should be used as baseline information for this site. Please refer to [www.magic.gov.uk](http://www.magic.gov.uk) for an interactive map and hotlinks to these descriptions.

A more detailed county level assessment entitled Derbyshire Environmental Character Assessment has been undertaken by Derbyshire County Council. This will provide further information that should be incorporated in the appraisal. .

Proposals for landscape mitigation should reflect the landscape assessment. It would also be expected that consideration should be given to the sensitive design of any lighting within the development to ensure that the “light spill” is reduced through sensitive down lighting or other means.

## **Access**

A Traffic and Access Assessment should be undertaken which identifies any existing roads, public transport, rights of way, cycle routes and pedestrian provisions in the vicinity of the development. This assessment should take account of any negative and positive impacts upon these facilities and highlight improvements that will be included as part of the development. It should also take into account the Derbyshire County Council’s Rights of Way Improvement Plan.

Opportunities to increase access linkages both within the proposed development and with the surrounding countryside and new and existing recreational facilities should be identified. Appropriate infrastructure to encourage the use of more sustainable modes of transport e.g. walking and cycling routes into and out of the site should also be identified. Our publication ‘Planning Sustainable Communities – A Green Infrastructure Guide for Milton Keynes & the South Midlands’ explains the importance and benefits a network of greenspaces can bring to a community.

It is hoped that the comments made are of assistance to you. Please do contact me again if you have any further queries.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Harrison', followed by a period.

Caroline Harrison  
Planning & Conservation Adviser  
Nottinghamshire & Lowland Derbyshire

[caroline.harrison@naturalengland.org.uk](mailto:caroline.harrison@naturalengland.org.uk)

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James

I fully appreciate the comments you make in your email.

You will need to a Travel Plan as you suggest.

The contact at the Highways Agency is Geoff Wise:- [geoffrey.wise@highways.gsi.uk](mailto:geoffrey.wise@highways.gsi.uk)

Kind regards

Rob

---

**From:** James Cook [mailto:james.cook@enciagroup.co.uk]  
**Sent:** 09 December 2008 12:14  
**To:** Holland, Robert  
**Subject:** FW: Scoping Document Re East Raynesway Resource Park.

Rob,  
The attachment.

James

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**From:** James Cook [mailto:james.cook@enciagroup.co.uk]  
**Sent:** 09 December 2008 12:12  
**To:** 'Holland, Robert'  
**Cc:** 'David Baker (Encia)'  
**Subject:** RE: Scoping Document Re East Raynesway Resource Park.

Thanks for that Rob.  
For your information I attach a document which was prepared as part of the recent Reserved Matter submission for Plot N. Table 3.6 identifies daily trip movements for the New Raynesway development as a whole, which totals some 13,000 movements.

You'll appreciate the significant reduction in the vehicle movements generated by the proposed Resource Park compared to the approved B8 use of plot N. I think that we both agree that the need for a full TIA to be undertaken for the Resource Park would be superfluous, but I appreciate that you will still require full account to be taken of the highway/traffic arrangements for the scheme as part of the Traffic Statement. As you are probably already aware from reading the scoping document, it is not our client's intention to alter much of the approved 'traffic' arrangements. Therefore much of the TS will essentially focus on changes to the baseline (i.e. the approved details).

I assume that a travel plan will be required to accompany the planning application? Do you also have a point of contact at the Highways Agency?

Thanks again for your comments, and I'll be in contact in due course.

Regards. James.

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**From:** Holland, Robert [mailto:Robert.Holland@derby.gov.uk]  
**Sent:** 09 December 2008 11:19  
**To:** james.cook@enciagroup.co.uk  
**Cc:** Hodgson, Nadine  
**Subject:** RE: Scoping Document Re East Raynesway Resource Park.

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James

### **EAST RAYNESWAY RESOURCE PARK**

I have reviewed your Environmental Statement Scoping Report and have some comments relating to traffic. My comments do not relate to any other aspect of the Scoping Report.

We note in paragraph 5.18 that you acknowledge the requirement for a Transport Statement to be prepared. This should identify the change in trip generation between the B8 and Resource Park land use. I think the 3,527 daily trips you identify could be for the whole New Raynesway development rather than just plot N? The TS should indicate how the site will be accessed, and provide details such as parking numbers and turning areas. It is also worth noting at this stage that the first point of entry to the highway network will be the proposed Alvaston Bypass/A5111 junction. This junction is maintained by the Highways Agency. It would be advisable to keep them 'in the loop'.

It is recommended that consultants are appointed to prepare a Transport Statement and that scoping discussions are held with us before commencing work on the document.

We trust that this information is of assistance.

Regards

Rob

**Rob Holland** | Transport Policy and Strategy Development | Regeneration and Community | Derby City Council, Roman House, Friar Gate, Derby, DE1 1XB | Telephone 01332 641755 | Fax 01332 715055 | [www.derby.gov.uk](http://www.derby.gov.uk)

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**From:** James Cook [mailto:james.cook@enciagroup.co.uk]  
**Sent:** 02 December 2008 17:35  
**To:** Hodgson, Nadine  
**Subject:** Scoping Document Re East Raynesway Resource Park.

Nadine,  
Further to our earlier telephone conversation regarding the Scoping Opinion for a Proposed Resource Park at New Raynesway, I attach a copy of the report which was prepared in support of such a request. Whilst the report makes reference to a number of drawings I attach only the site location plan Due to file size. Please let me know if you require those additional drawings.

If you have any queries please let me know, my numbers are below.

Many thanks.

James Cook.

## **ENCIA Environmental Limited . . . .**

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