



Please reply to:

Encia House
Audby Lane
WETHERBY LS22 7RD
T 01937 589955
F 01937 589944

info@encia.co.uk
www.encia.co.uk

Ref: JAC/CY1039/LDDCC/res

2 September 2009

Len Kirke
Project Engineer
Regeneration and Community
Derby City Council
Roman House
Friar Gate
Derby DE1 1XB

Dear Sirs,

Development and Operation of Raynesway Resource Park, Derby for Raynesway Resource Park Ltd (application code No. 06/09/00627)

I write further to your comments made in respect of the above planning application dated 11 August 2009 and my subsequent telephone conversation on 28 August 2009 with your colleague Mark Holden-Brown.

On review of your comments and that telephone conversation I consider there to be four principal points for concern. These are:

- That the Flood Risk Assessment is flawed;
- Conclusions of the sequential test;
- The Resource Park would represent a more intensive use than the consented warehouse/distribution use; and
- A lack of detailed information relating to contingency measures to protect the surrounding environment and the safety of the workforce should the site become flooded.

I consider each point in turn below. You will also note that I enclosed a letter dated 6th August that was sent to the Environment Agency in response to their initial representation on the application. The content of that letter will provide further information to your identified concerns. I draw attention to the letter in the appropriate sections below.

You consider that the flood risk assessment (FRA) has not been carried out strictly in accordance with PPS 25 because the exception test has not been applied. Chapter 6 of the Environmental Statement argues that the proposed Resource Park will be developed so as to reflect the extant planning permission; such that the building's footprint, floor level, roof height and that the external layout of the site will be 'as approved', save for the inclusion of a minor amount of external plant and equipment. As very little would change from the approved proposal and as the conclusions and recommendation of the approved FRA will also remain unchanged, the Resource Park application will effectively represent a change in use of the approved building. To account for the 'change in use' in terms of flood risk assessment paragraph 6.4.46 of

Leigh Wetherby Durham Wolverhampton Abercynon Glasgow



Encia Environmental Limited registered in England 5807149

the Environmental Statement (Vol. 1) identifies that compared to the approved warehouse/distribution use the development of the Resource Park would represent a 'more vulnerable' category as set out in Table D3 of PPS25. In such circumstances an exception test is required.

Paragraph 6.4.48 demonstrates that the three criteria of the exception test have been passed.

As only the use of the building (with the inclusion of a limited amount of ancillary equipment) will change from the existing consent, chapter 6 of the Environmental Statement considers that the development of the Resource Park will be in accordance with the requirements of the approved FRA. The enclosed letter provides a summary of the recent planning history relating to flood risk demonstrating that under the requirements of the Exception Test criteria an acceptable Flood Risk Assessment is already in place for the site.

The second point suggests that an alternative location for the proposed development may have been identified if the guidance in PPS25 was applied. I assume that reference is being made to the application of the sequential test. Paragraph 6.4.36 to 6.4.44 of the Environmental Statement (vol. 1) considers the sequential test. Furthermore, in response to the Environment Agency's initial representation additional information on alternative sites has been provided. The additional information is contained in the enclosure.

Thirdly, you contend that the operation of a Resource Park will be more intensive in nature than a warehouse/distribution centre. The application documents (chapters 2 and 3 of the Environmental Statement, Vol. 1) go into some detail regarding the distinctions between the approved B8 use and the proposed use of a Resource Park. You make particular reference to vehicle movements and employee numbers.

The extant planning permission (08/08/01177) for the distribution/warehouse use would generate up to 3,427 daily vehicle movements. These movements include both commercial vehicles and site operative's private vehicles. By comparison, once operational the Resource Park will generate approximately 80 daily commercial vehicle movements (40 in, 40 out) and 104 daily private vehicle movements. The Resource Park will create only 9% of the vehicle movements from the approved B8 use.

In terms of employee numbers, based on the available floor space and applying a 'rule of thumb' person to floor space ratio for general warehousing use it is estimated that up to 600 operatives could be employed within the building. This would be based on a 24/7 basis. This figure is not inclusive of office/support staff. The Resource Park will employ up to 52 staff, again this would be a 24/7 shift basis.

The last point principally arose from the telephone conversation I had with your colleague Mark Holden-Brown. In this conversation he suggested that it would be helpful if we could provide information on the measures to be put in place should the proposal site become inundated with flood water, particularly in respect of the containment of waste material on site and the safety of site operatives.

Following assurances that all handling and management of waste material would take place within the building, therefore containing such material in the event of flood waters affecting the site, I suggested that such technical/operational matters are subject to approval by the Environment Agency under the terms of the Environmental Permit Regulations and do not usually fall under the responsibility of the local planning authorities. Evacuation procedures if necessary, can be prepared

Leigh Wetherby Durham Wolverhampton Abercynon Glasgow



and submitted to reflect the 'change of use' should permission for the Resource Park be granted.

I hope the information contained within this letter clarifies the situation sufficiently so that your objection can be removed. If you have any queries regarding any of the above please do not hesitate to contact me the above numbers.

Yours faithfully,

James Cook
ENCIA ENVIRONMENTAL LIMITED

Enc.

cc.

Tony Watkins
Cyclamax Holdings Ltd
Wyastone Business Park
Wyastone Leys
Monmouth
Monmouthshire
NP25 3SR

Sara Booty
Regeneration & Community
Department
Derby City Council
Roman House
Friar Gate
Derby
DE1 1XB

