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Ref: JAC/CY1039/EA/res
Our Ref: LT/2009/108477/01-L01

6 August 2009

Environment Agency
Trent Side North
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NG2 5FA.

F.A.O: Andrew Pitts

Dear Sirs,

Development and Operation of Raynesway Resource Park, Derby for Raynesway Resource Park Ltd

I write further to your letter (ref: LT/2009/108477/01-L01) dated 20 July 2009 and our subsequent telephone conversation on 4 August 2009 regarding the above proposal.

As agreed, this letter provides further information/evidence relating to site selection so that the Local Plan Authority can confirm that the Sequential Test has been met. The information below also provides a summary of the recent planning history pertaining to flood risk justifying our reasoning that a new/updated Flood Risk Assessment should not be required. It is considered there is sufficient evidence within this letter for the Environment Agency to remove their objection to the above proposal.

Sequential Test

The Environment Agency raised concerns over the absence of *'evidence to demonstrate that the flood risk Sequential Test has been applied.'* The following information provides details on the alternative sites considered as part of the site selection process.

In the Environmental Statement, Vol. 1, section 5.8 sets out the methodology of the site selection process for the Raynesway Resource Park. In that section reference is made to the now abandoned Waste Site Allocations Development Plan Document prepared by Derby City and Derbyshire County Councils and how the work for the DPD informed the site selection process. The sites below were those considered as part of that work undertaken by the Waste Planning Authorities for the DPD.

As Raynesway Resource Park Ltd's business model is to treat commercial and industrial waste arising from the Derby area a site within the administrative area of



the city was preferable. The table below outlines why the identified Derby sites of the DPD were not progressed.

Site	Principal Reason for Discounting
Sinfin Industrial Estate, Sinfin Lane	Available plots too small for effective operation and in close proximity to housing (200m at most)
Sinfin Tannery Site, Sinfin Lane	Site not commercially available as it forms part of the PFI contract for Derby City and Derbyshire County Council's
Chaddesden Sidings South, Wyvern Way	Former landfill site and similar or worse flood risk level to the application site
Ascot Drive Industrial Estate	Available plots are too small to accommodate a Resource Park. Majority of unit are in close Proximity to housing.
Chaddesden Sidings West, off Chequers Road	Identified plot narrow and would restrict operations, part of plot already in use and the site has similar or worse flood risk level to the application site
Meadows Industrial Estate, Chequers Road	Individual plots too small for effective operation and the site has similar or worse flood risk level to the application site
West of Raynesway, Spondon, Derby	Site similar or worse flood risk level to the application site
Waste Transfer Station, off Raynesway, Derby	Site similar or worse flood risk level to the application site and too small for effective operation of a Resource Park

The above table demonstrates that of the sites identified by the assessment for the Waste Site Allocations DPD there are no reasonably available alternative sites with a lower probability of flooding that would be appropriate for the type of development proposed.

Flood Risk

The below provides a summary of the recent planning history relating to flood risk demonstrating that under the requirement of the Exception Test criteria an acceptable Flood Risk Assessment is already in place for the site.

An outline planning application (DER/10/05/01719) was submitted to Derby City Council in October 2005 for the erection of units for business use (Class B1) General Industry (B2), Storage and Distribution (B8), Employment Uses and 2 Car Showrooms, associated infrastructure bridge, formation of access, parking and landscaping. As part of the statutory consultation process the Environment Agency (EA) responded by way of an interim response dated 12 December 2005 (ref. LT/2005/024330/01) and a further response dated 30 January 2006 (same reference as above). The correspondence dated 12 December 2005 requested a holding objection on the grounds that "*the flood risk assessment does not take into account emerging modeling.*" The 30 January 2006 letter made reference to biodiversity, environmental management (specifically potential contamination of surface waters), groundwater and contaminated land but not to Flood Risk.



BWB Consulting submitted a Flood Risk Assessment in January 2007 to which supplementary information via an addendum report - 8 March 2007, email dated 3 April 2007 and letter of 17 April 2007 was also submitted. Following review of this information the EA, in their letter dated 23 May 2007 (ref. LT/2005/024330/04-L01), removed their objection regarding flood risk. It is worth noting that in this letter the EA states that it is "... satisfied that the proposals to the north of the river are acceptable from a flood risk point of view." However, the letter also recommended that should outline consent be granted then an updated FRA should be submitted to capture concerns relating to land to the south of the river.

Derby City Council granted outline consent for DER/10/05/01719 in December 2007. It should be noted that the decision notice does not make any specific reference requiring the submission of the further assessments relating to flood risk.

The first in a series of applications for Reserved Matters and the Discharge of Conditions began in February 2008 with the submission of an application in respect of Conditions 1 (b), 1 (c), 3, 4, 16 and 21 (application number 02/08/00273). Accompanying this submission was an up-dated Flood Risk Assessment dated January 2008. The covering letter to the (02/08/00273) submission (SGP dated 20 February 2008) states that

"BWB Consulting has updated the earlier Flood Risk Assessment [dated January 2007] following a 2d modeling exercise to underpin the deliverability of the Masterplan. As a consequence the Masterplan has been amended. The revised Masterplan ... proves no increased flood risk on the third party land within the new detailed flood model"

The EA responded to the application in their letter dated 12 June 2008 (ref. LT/2008/105584/01-L01) stating that:

"The Flood Risk Assessment and model have been reviewed and adequately demonstrate there are no adverse impacts of the development on third party land and the proposed mitigation works on the site are acceptable. Accordingly the Environment Agency has no objection to the proposed works subject to the following condition:"

The recommended condition relates to culvert design.

Derby City Council approved the application (02/08/00273) relating the above conditions in July 2008. Condition 2 of that consent required that the development shall be carried out in accordance with the Flood Risk Assessment LF/IR/NTH030/FRA/Phase2 dated January 2007 submitted in support of the application. There appears an error with the referenced date of the FRA in condition 2, as the submitted FRA (as part of this application) was dated January 2008 not 2007.

In August 2008 a Reserved Matter application was submitted in respect of Plot N. Compared to the building proposed for Plot N at the outline stage, the Reserved Matter submission proposed a reduced gross floor space; 31,255m² compared to 34,718m² originally. It should be noted that the impermeable surface area remained equal to the outline Masterplan.

The EA in their letter dated 9 September 2008 (ref. LT/2008/106327/01-L01) raised no objections to the proposal adding that the conditions contained within their letters dated 30 January 2006 (ref. LT/2005/024330/01), 23 May 2007 (ref.



LT/2005/024330/04-L01) and letter dated 13 July 2007 (ref. LT/2005/024330/05-L02) remain relevant.

As discussed above the letter dated 30 January 2006 made reference to biodiversity, environmental management (specifically potential contamination of surface waters), groundwater and contaminated land. Flood risk is mentioned only via reference to a previous correspondence. The 23 May 2008 letter acknowledges that proposals to the north of the river are acceptable from a flood risk perspective but recommends conditions for an updated FRA. This recommendation was not included in the 2007 outline consent. However, an updated detailed FRA (dated January 2008) was scrutinised by the EA and found acceptable, which was reflected in the consent for the Reserved Matters approval for 02/08/00273. The 13 July 2008 letter relates to contaminated land.

The Reserved Matters submission was approved in November 2008. The three conditions attached to the consent made no reference to flood risk matters.

Proposed Raynesway Resource Park (06/09/00627)

The planning application site boundary is identical to that of the Reserved Matters submission for Plot N. The footprint and design (including floor levels) of the building that will accommodate the proposed Resource Park will be identical to building approved under the Reserved Matter consent, save for a limited amount of ancillary equipment required for the Energy Generation Facility. As such, in terms of flood risk, the Resource Park proposal will be developed and operated having regard to the approved Flood Risk Assessments as detailed above. Therefore no new Flood Risk Assessment should be required.

It is considered that the change in use of the approved building from a distribution/warehouse use to a waste management operation should not effect the conclusions of the need for a flood risk assessment as set out in the Exception Test.

I hope the information contained within this letter clarifies the situation sufficiently so that the objection relating to the Sequential Test and Flood Risk 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
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cc.

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