

Item **2.1**

Reg. No. **9/2007/1470/MI**

Applicant:

TNT Post UK Ltd & Burnaston Cross Ltd

Agent:

Barton Willmore Planning Partnership
7 Soho Square
London
W1D 3QB

Proposal: **Part outline application for B8 use of land with ancillary uses and part full application for a distribution building falling within Class B8 with offices, car, cycle and lorry parking and loading areas with a potential connection of the site to the national rail network at Land off A38/A50 Junction at Willington Etwall Road Willington Derby**

Ward: **Willington/Findern**

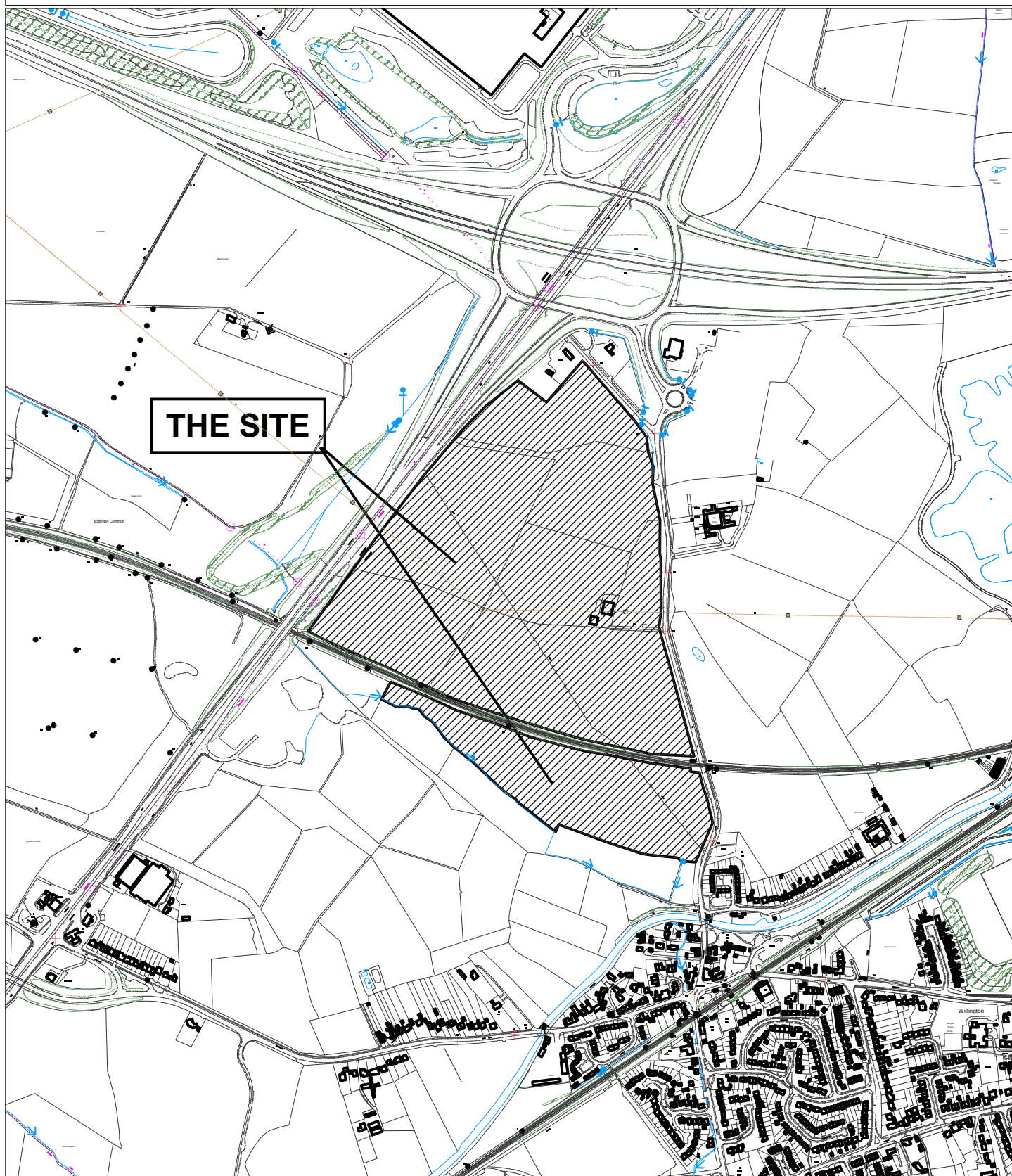
Valid Date: **20/12/2007**

1.0 Reason for committee determination

- 1.1 This is a large development that is contrary to the current provisions of the Development Plan. The applicants have now appealed against non-determination of the application. This report and the subsequent resolution will inform the appeal process of the Local Planning Authority's approach to the development.

2.0 Site Description

- 2.1 This is a greenfield site in the countryside that has been used for agriculture for many years. It comprises some 41 hectares that are split either side of the Stoke – Derby Railway line. The land north of the railway would be developed and extends to some 32 hectares. The land to the south (an area of some 9 hectares) would be used to accommodate balancing facilities to control surface water discharges to the Willington Brook and provide for some additional habitat and would remain in primarily open use.
- 2.2 The site is bounded to the east by the Etwall Road and to the west by the A38; the southbound access slip road lies adjacent to the application boundary. The north boundary comprises the closed section of Etwall Road and the boundary to a dwelling known as Danes Lodge and another dwelling known as The Bungalow and beyond these is the A38/A50 Interchange.



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- 2.3 Beyond Etwall Road to the north east of the development site, a roadside services has recently opened. South of that is Hill Farm, a Grade II listed building, and its outbuildings which have been converted to residential use. The trees on the drive to Hill Farm are subject to a Tree Preservation Order.
- 2.4 Further to the east is the site of the Mercia Marina that is under construction. Pursuant to the Marina planning permission traffic lights are to be installed at the junction of Findern Lane and Etwall Road. Where the rail line crosses Etwall Lane there is a barrier level crossing.
- 2.5 The site slopes from north to south and the difference in levels between the top and bottom of the site is some 12 metres. A major 132Kv power line crosses the site supported on 2 x 25 metre high pylons within the site. Public Footpath No 9 - Willington crosses the site. Part of the site has been subject to gravel extraction and the site was partially infilled with domestic refuse from the 1960's onwards.

3.0 Proposal

- 3.1 This is a split application with full planning permission being sought for the erection of a large warehouse (23,496sqm) for TNT and outline planning permission for the remaining area of the site totalling some 90,592sqm.
- 3.2 The application seeks approval of the access arrangements from Etwall Road (one of the two accesses proposed is to be for emergency use only), the layout, scale and appearance of the Phase 1 warehouse, the potential finished floor levels for all the buildings and strategic landscaping, with all other matters being reserved for future approval. The plans indicate potential heights for the buildings; the tallest of these buildings would be 18.25 metres and the lowest would be 10.75metres.
- 3.3 In its original submitted form, the application referred to "a potential connection of the site to the national rail network". In response, however to a request from the Council for clarification of the proposals for a rail link to the site, the application has been amended to provide the site with a rail link, albeit that it is only proposed to put the link in place following the construction of Phase 3 depending on demand from end users.
- 3.4 Access to the site would be from Etwall Road via a new traffic island constructed to the south of the recently formed traffic island to the roadside services.

4.0 Applicants' supporting information

- 4.1 The original illustrative Master Plan that accompanied the application has been amended. The new plan shows the same amount of floor space on the site but the ratio of warehouse to offices has changed; an amendment to the intermodal area for the proposed rail link that connects to the east bound line of the Stoke – Derby railway is also part of the amended scheme.
- 4.2 The realignment of the original units 4 & 5 which has been undertaken to allow more loading space for the rail/road link is also part of the amended proposals. Other minor changes to the development are also proposed from the plan originally submitted. A copy of the amended plan is available on the South Derbyshire web site.

4.3 An Environmental Impact Assessment (EIA) accompanies the application – this sets out the potential environmental impacts of the development and is subject to the following headings: -

- Land and Contamination
- Ecology
- Landscape and Visual Effects
- Noise and Vibration
- Traffic and Transport
- Water Environment
- Air Quality
- Cultural Heritage, and
- Socio-economic effects

The following is a brief summary of the information that appears in the non-technical summary of the EIA – the full information is available for inspection on the planning file or via the link on the South Derbyshire Web Site. The summary below has been adapted to take account of the additional information that has been submitted.

4.3.1 Land and contamination – a site investigation was undertaken in 2004, and involved the collection and chemical analysis of soils, water and underground gases. It was targeted at the areas where there was known fill and whilst pockets of contamination in excess of the guidance thresholds were identified, it did not reveal site wide contamination that would be a problem to future users of the site. More investigation is necessary to develop a full remediation strategy and that would also concentrate on the impacts of undertaking remediation works on the operatives undertaking that work.

4.3.2 Ecology – No protected species have been identified, nor are any of the hedges of any particular interest. Hedges would be removed outside the bird-breeding season. Replacement habitats would be developed following the implementation of mitigation measures. Three trees within the site would be removed to facilitate the development

4.3.3 Landscape and visual effects – The document states that the landscape impact on the immediate area is substantial as the use of the land changes from agriculture to employment but it is argued that the development will not change the character of the wider area. To mitigate the local impacts on Hill Farm and Danes Lodge where there are substantial impacts, a landscape strategy has been produced aimed at minimising the impacts of the development on these properties. The northern edge of Willington is considered to be subject to moderate impacts. The landscape strategy has been drawn up in consultation with the project ecologists to maximise the ecological enhancement of the project and the implemented scheme would over time reduce the impacts of the development.

4.3.4 The additional information has assessed the impact on Hill Farm, The Bungalow, the Trent and Mersey Canal Conservation Area and assesses the impact of the site from wider viewpoints identified by the Council. It is accepted that Hill Farm,

Danes Lodge, The Bungalow and The Trent and Mersey Canal Conservation Area are highly sensitive and in the case of Danes Lodge and The Bungalow the impact would be substantial. From the wider landscape the impact is assessed as 'neutral' as the site would be viewed in the context of other development. It is argued that the magnitude of effect on Hill Farm is negligible, as the proposals do not materially change the setting of the listed building. Mitigation measures are proposed involving careful design of future buildings, mounding and planting north of the railway line, strategic planting to the south of the railway, substantial plot landscaping and the use of a mid grey colour to the upper elevation and roof cladding. It is acknowledged that even with mitigation measures, there will be a substantial change in views.

- 4.3.5 Noise and vibration – A noise and vibration survey has been undertaken to establish existing conditions at Danes Lodge and Hill Farm that are considered by the applicants to be most vulnerable to noise and vibration. An assessment was then made to establish if the properties would suffer unacceptable levels both during and post construction. Both properties would suffer short-term adverse effects of moderate and minor significance during the construction phase. The applicants argue that provided smart reversing alarms are used together with construction materials that reduce noise then that should ensure no cause for complaint from either properties following construction of the site. Development traffic is predicted to be a long-term adverse impact of neutral significance.
- 4.3.6 Traffic and transport – The impacts on the roads have been assessed for the B5008, A38 and A50 on the basis of the 'with' or 'without' scenarios at 2008 and 2023. It is not considered that there would be adverse impacts from the construction traffic. Post-construction the largest increase in traffic would be northbound on the B5008 where there would be a 60% increase in two-way flows. This has been assessed as a long-term adverse impact of 'minor' significance. All other roads are assessed as having long-term adverse impacts of 'neutral' significance. The proposals aim to increase the level of public transport along Etwell Road and to divert all HGV traffic during construction and post-construction away from Willington village. The applicants consider that the traffic and transport issues have been adequately addressed.
- 4.3.7 Water environment – The greatest danger would be the risk of contamination entering the water environment during the construction phase; this is determined as an adverse impact of minor significance and would be controlled by appropriate on-site management practices during construction. Surface water drainage would be controlled through various mechanisms to ensure that flows to the land drainage system are no greater than the current situation. The amendments to the layout do not materially affect the outcome in the original EIA. Contaminants post construction to land drainage would be controlled through the use of fuel interceptor tank within the system. Foul drainage systems are available to serve the development.
- 4.3.8 Air quality – current air quality within the site, at Danes Lodge and Hill Farm are within UK objectives for air quality. Construction activities would cause nuisance at these receptors but mitigation in the form of sheeting lorries carrying dusty material and damping down dusty areas should help to mitigate these impacts. Post-construction there would be long-term adverse impacts of neutral

significance but these would not cause the presence of pollutants that exceed national objectives.

4.3.9 Cultural heritage – Local and national records for historic and archaeological remains have been assessed. The EIA originally failed to identify Hill Farm as a listed building and did not identify that the Trent and Mersey Canal as a conservation area but that has been rectified in the additional information. As most traffic is to be directed to the north, the impact on listed buildings in the village would be limited. Archaeological remains have been identified and the possibility of more have been recognised and it is proposed that monitoring of construction works should take place. Impact on cultural heritage is judged by the applicants to be minor.

4.3.10 Socio-economic effects – The commercial nature of the proposal means that the socio economic effects focus on the employment that would be generated by the site. Some 189 full-time jobs would be created during construction and some 2370 jobs once all phases are complete, 1580 on site, the remainder being generated in support of the development (e.g. suppliers).

4.3.11 Night time lighting associated with the operation of the intermodal area – this it is argued would take the form of high lighting to be used at the time of loading and unloading of road or rail vehicles and low bollard lighting to operate when trains arrive at the site. The applicant's view is that the intermodal area would be screened from the village and other residential properties, night-time lighting effects would not impact on these receptors due to landscaping, and habitat creation and would also be seen against the backdrop of sodium lighting on the A38 and A50 junction. This lighting is already very apparent and there would be little or no perceptible increase in lighting from the proposed development. Operational lighting would be controlled through anti-spillage deflectors and time switches. Lighting would need to be agreed as part of the approval of conditions by the Authority.

4.3.12 Cumulative Impact on Mercia Marina.

On the basis that the Planning Authority accepted the assessment of the marina as having negligible impact from Etwall Road, Hill Farm or the Willington Level Crossing, the applicants contend that the separation between the two sites means that the impact of the development on the marina would be negligible.

4.4 Regulation 19 Request

4.4.1 In March 2008 the Local Planning Authority sent a letter under the provisions of Regulation 19 of the Town and Country Planning (Environmental Impact information for two areas in the EIA – the trunk road impact and a further examination of alternative sites.

4.4.2 In their response dated 19 June 2008, the applicants have stated that they are working with the Highways Agency towards addressing the impact of the development on the trunk road network and as such do not consider that any additional information is necessary for the purposes of Regulation 19. At the time this report was prepared no additional information had been received by either the Local Planning Authority or the Highways Agency. The developers

have a duty under the regulations to provide an Environmental Statement that is complete. In its letter dated 8 August 2008 the Highways Agency states that insufficient information has been provided to allow it to make a proper assessment of traffic impacts. In that regard the Environmental Statement is incomplete and as such the application can only be determined with a refusal.

4.4.3 In response to the request for a wider assessment of alternative sites, the applicants have pointed to the wording of the Regulations and Circular 2/1999 and stated that they do not consider any further work is required and the Local Planning Authority accepts this is the case. However in the case the emerging Policy 21 it does imply a region wide assessment of alternative sites should be undertaken to determine the best location for strategic distribution sites in the East Midlands. The applicants state they have undertaken an assessment of alternative sites however; this has not been supported by any detailed or meaningful comparison of those sites.

4.4.4 The information that was submitted has related to the impact on the landscape and on cultural issues such as the listed buildings and the Trent and Mersey Canal Conservation Area

5.0 Planning History

5.1 The site was excavated for minerals in the early 1950's, there were various permissions to infill the workings using pulverised fuel ash and in some areas domestic refuse. Since the land was restored some 40 years ago, it has been in agricultural use and has a couple of agricultural buildings on it.

6.0 Responses to Consultations

6.1 Willington Parish Council objects to the development on the following grounds and the objections have been maintained in the light of the amended plans: -

- a) The justification seems to be that an exception should be made to normal planning policy because the development would be rail-served. The application did not include this as a firm proposal but only as a potential element of the development. The regional significance for freight distribution seems to have been overstated
- b) The development involving 500+ parking spaces would result in a massive increase in traffic on Etwall Road and further pressure on the A38/A50 interchange. Willington is already used as a rat run and this development would make it worse. Any further development on the land between the railway and the village would be unacceptable.
- c) This application is on a green field site, there are better brownfield sites elsewhere. The application states that the land has been poorly managed in recent years. If this is a prerequisite for planning then where is the incentive for farmers to maintain their land if poor management results in planning permission. The rural character of the approach to the village would be entirely changed to an industrial landscape where there is little scope for landscaping. This would look like the Argos building in Staffordshire and that is a blot on the landscape.

- d) The type of jobs would be low in number for low skill workers where there is no public transport.
- e) Footpath No 9 crosses the site but the application form states that the application would not affect a footpath or bridleway – this one of numerous factual errors in the application.
- f) The development would involve a significant intrusion into the countryside that would be very prominent from Hill Farm and Mercia Marina – these dwelling and leisure facility would be closest to the largest/tallest building on the site this does not sit well with the applicants assertion that this unit has been sited here to minimise visual impact. The impact on the marina would be significant and conflict with adopted Recreation and Tourism policies.
- g) The development would result in the loss of trees and hedges.
- h) The site itself does not flood but it is upstream on the Sands Brook that already causes flooding in the village at times of heavy rain. If permitted, careful checks would be necessary to ensure that the culvert under Repton Road can cope with the flooding potential.
- i) There would be considerable light spillage arising from the development.
- j) If the development were permitted a condition should be imposed preventing construction traffic entering the village this should also include a 7.5t weight limit for vehicles entering the village

6.2 Repton Parish Council objects to the development for the following reasons:

- a) The site is not part of any allocation in a plan; a previous planning inspector has rejected the site. This is essentially a speculative exercise where only 25% of the site has a designated end user.
- b) The development is out of scale with its surroundings even in comparison to the Toyota site that is well screened from both the A38 and A50. The site sits astride the A38 escarpment and would be highly visible from many places in South Derbyshire and intrude into an essentially rural landscape.
- c) Traffic levels would be immense and add to the already congested roads in the area.
- d) There is concern that the development would add to flooding in the area.
- e) The provision of the rail line would require extensive excavaction or tipping completely changing the rolling nature of the landscape.

6.3 Egginton Parish Council strongly objects to the development for the following reasons:

- a) The application is premature in advance of a properly constituted study into the location of such facilities across the East Midlands where it is generally

accepted that there is an oversupply of employment land, any shortfall in South Derbyshire is more than addressed by a surplus in Derby City that the Parish Council argues is a better location for this development.

- b) Even if the development is considered in the light of Policy 20A, it fails to meet several of the minimum criteria set out in that policy.
 - c) The site is located at a high point in the landscape and notwithstanding the submitted mitigation measures the development would have an unacceptable visual intrusion into an essentially rural landscape.
 - d) The relocation of some 200 staff from Nuneaton is not a sustainable solution given how far the staff would have to travel.
 - e) The A38 junction would not be able to cope.
 - f) The approval would set a precedent for further development in the A38 corridor the impact of which can be evidenced on the A38 in East Staffordshire.
 - g) Flood risk in Willington would be increased from the runoff from the site.
- 6.4 Burnaston Parish Council has concerns that the development would prejudice the operation of the A38/A50 interchange and may force traffic on to unsuitable rural roads.
- 6.5 The County Planning Authority objects to the development on the grounds of prematurity pending the outcome of the East Midlands Regional Plan and the Employment Land Review for the South Derbyshire area. This would guide the allocation of appropriate areas for such development in the region including in the South Derbyshire area. The County Planning Authority also considers that the transport assessment information is unsatisfactory as then submitted and is insufficient to allow a decision at that time. In response to the additional information the County Planning Authority has confirmed that its comments remain unchanged. (Note: The Derby HMA Employment Land Review was completed in March this year, one month after the County Council sent in its representation. It does not directly address the provision of a strategic distribution facility, which would be intended to meet a regional, rather than local, need)
- 6.6 The County Archaeologist has noted that the applicants have not identified a site of archaeological importance dating from prehistoric times that does not appear to have been affected by mineral extraction. Accordingly something more than a watching brief may be necessary and a proper assessment of the site should be prepared prior to the determination of the application.
- 6.7 The East Midlands Regional Assembly has commented that the site does not appear to meet the definition of previously developed land as set out in PPS 3. Policy 2 in the Draft RSS sets out the sequential test to be applied to assessing the sustainability of sites and this site appears to be at the lower level of priority. The site does not meet all the criteria for the provision of Strategic Rail distribution sites contained in the East Midlands Sustainable Distribution, which

proposed policy in the Draft RSS 8 has emerged. Furthermore the Strategy seeks to protect land next to rail infrastructure that is promoted through Local Plans and Local Development Frameworks. It is noted that the site is not allocated in the Local Plan, albeit that the Plan was adopted some time ago, emerging policy seeks to locate new employment land in sustainable locations, allocated in Local Development Frameworks. The emerging policy 20A has limited weight until the Secretary of State has considered the Inspectors' report into the RSS. *(Now published)* It is noted that the site fails to meet the minimum size requirement of at least 50 hectares of developable land suggested in that policy. *(This size requirement has been followed through into the suggested Policy 21)*

- 6.8 East Midlands Development Agency has welcomed the potential inward investment by TNT into the Region and the potential economic activity that may bring but acknowledge that there are many other factors that will need to be taken into account by the Local Planning Authority in reaching a decision about the investment at this location. *(This representation is a clarification of EMDA's original comments that were received following the consultation on the additional information submitted by the applicants).*
- 6.9 The Highways Agency commented when the application was received, that insufficient information accompanied the application to allow it to comment and that if the Council were minded to determine the application it would direct that the application should not be determined until that information was received. The information accompanying the additional information suggests that discussions are on going with the Highways Agency. However no additional information has been submitted to the Local Planning Authority. The Highways Agency has now directed that the application not be determined for an indefinite period. The Highways Agency is not satisfied that it has received sufficient information to allow it to assess the impact of the proposed development on the Trunk Road Network.
- 6.10 The County Highway Authority is satisfied that the access to the site in the form proposed in the application is possible subject to detailed design being agreed. More funding to enforce weight limit restrictions is necessary and this could be provided through a Section 106 contribution. In terms of rail access there is a potential conflict between this site and the development of adjacent land nearby. The County Council considers that the determination of this application without considering both would be premature without consideration of alternatives in the context of Policy 21 of the emerging regional plan.
- 6.11 Network Rail has stated to the applicants that a rail link to the site is possible but notes that there are several potential sites along this route including a potential site on the opposite side of the A38. Both sites could not have a direct link to the rail network as they are too close together at 1.5 miles. Both sites have constraints in terms of their relationship to level crossings but the situation at Willington is more difficult. More detailed work is required to design the rail access. The application site would have to have its land reformed to accommodate rail access in terms of raised ground levels at the southern end and lowering levels at the north end of the site to ensure adequate gradients are available. Notwithstanding this Network Rail has submitted a letter to the

applicants stating that the provision of a siding is technically feasible and that it is satisfied that a siding could be provided.

- 6.12 The Environment Agency is satisfied that the land drainage issues can be resolved subject to a condition requiring the provision and implementation of surface water limitation that limits run off from the site to that which presently occurs. The approved details should be completed in accordance with an agreed timetable. The Environment Agency is aware that the site has been subject to landfill; it accepts that the applicants have done sufficient work to identify that a remediation strategy is necessary. No other site works should be undertaken until the remediation works have been completed and that appropriate validation reports should be submitted for approval. (The Environment Agency advises that the Environmental Protection Manager be consulted on this application). Other conditions are recommended to prevent contamination of watercourses and address bio diversity considerations.
- 6.13 Severn Trent Water has no objection subject to the submission of details of foul and surface water disposal. *[The applicants have identified that a foul water sewer runs from the roadside services area to the sewer that runs from Toyota to Clay Mills – it is their intention to use this infrastructure].*
- 6.14 National Grid has no comment as its power and gas mains are not directly affected by the development.
- 6.15 Central Networks notes that one of its 132Kv lines passes through the site; it draws attention to the need for the developer to agree a method for addressing the presence of this line and ensuring proper separation between the line and any buildings.
- 6.16 English Nature has no comments subject to conditions to ensure that the presence of wildlife is noted during the course of development – i.e. trees be checked for the presence of bats. English Nature trusts that the development, if permitted would be undertaken in accordance with the principle of 'Green Infrastructure' so that the site develops in a sustainable way.
- 6.17 The Derbyshire Wildlife Trust is satisfied that sufficient survey work has been undertaken to allow it to comment. It considers that the site has limited ecological interest but the land south of the railway presents an opportunity to provide wetland habitat creation. Monies should be provided through a 106 Agreement to ensure that the areas are properly maintained. Discussions with the applicant's ecological consultants reveal that the site would be subject to a management agreement that would ensure this. It is also suggested that use is made of green roofs to ensure that some of the unimproved grassland lost to the development would be replaced.
- 6.18 The Environmental Protection Manager (SDDC) has recommended the standard condition to ensure that contamination issues are properly addressed. The Environmental Protection Manager in respect of noise and other impacts has commented that the submitted information does not go into sufficient detail about the impact of the rail freight siding on noise sensitive properties and on the basis of this, objects to the development. However the Environmental Protection

Manager understands that more work is being undertaken by consultants on behalf of the applicants on this issue.

- 6.19 The Crime Prevention Design Advisor notes the proposed security measures and offers advice on improvements that could be made in the form of natural surveillance from offices, the use of ditches and prickly plants are used as an alternative to fencing in a rural area such as this. It is also recommended that high quality CCTV be installed together with a Vehicle Number Recognition System so that employees cars can be recognised and 'strangers' vehicles can be concentrated on by Security staff.

7.0 Responses to Publicity

- 7.1 Mark Todd MP notes that there are policy points of relevance to the consideration of the application. The site is not identified for development in any planning document and any application should succeed only if two strategic criteria are met. First there should be a single user for the site and it should be demonstrated that no other site already identified is suitable for the development. The user should take the entire site with no prospect of other users being attracted to this site as opposed to other more suitable sites in the area. It is noted that the application proposes that there is a substantial portion of this site for which there is no end user identified. Mr Todd has noted the comments of others about scale, massing, traffic management and drainage.

- 7.2 In total 38 letters have been received in response to the initial round of advertisement and the grounds of objection are summarised as follows:

- a) The proposed development is contrary to the Environment Policy 6 of the adopted South Derbyshire Local Plan in that it would adversely affect the local environment in terms of visual impact, light spillage and noise and would adversely impact on the highway safety and traffic generation. In particular it would adversely affect the setting to Mercia marina that is being developed as a tourism hub with support from many regional and local bodies. The tourism hub would be incompatible with a major distribution centre proposed in this application and the impacts on the proposed marina have not been adequately considered. The highest buildings on the site would be some 18 metres high and be visually intrusive from the marina site on the skyline with little or no scope for mitigation because of the presence of buildings relatively close to Etwell Road. There is no assessment of the potential flood impacts or traffic impacts on the Marina.
- b) The applicants overstate the importance of the emerging Regional Policy 20A [*now proposed Policy 21*]. The allocation of sites for development such as this is more appropriately decided through the Local Development Framework Process. The applicants should wait for the RSS to be adopted and then submit a planning application. As originally submitted the application does not adequately demonstrate that there will be a rail link with hope being expressed that it will be achieved. This hope is being used as a Trojan horse to gain acceptance for a totally unacceptable development. In any event the site does not meet the basic size requirement set out in the proposed policy.

- c) The applicants have tried to get this land developed in the past most recently in the Local Plan process some three years ago. The Planning Inspectorate rejected their ideas. Nothing has really changed since then. Willington Power station has rail access and the site could be linked to the A50 relatively easily. This is almost entirely a speculative application, only 25% of the site is to be developed.
- d) The development would prejudice the proper implementation of planned employment development to the south of Derby. In particular a development at Chellaston Business Park (*application now submitted to the City Council*). There is little consideration of sites outside the South Derbyshire, and the Chellaston site, allocated in the City's Local Plan, has not been considered. TNT could easily be accommodated on the Chellaston Business Park as an alternative to Burnaston Cross.
- e) The application is confused in its intent. The application is said to be 41 hectares but only 11 ha are to be developed. The actual developable area is 28.8 hectares where the emerging policy requires 50 hectares. The applicants should be required to clarify their intent and the quantum of the development.
- f) The application should be referred to the Secretary of State if it is intended to approve it. Its development would prejudice the proper implementation of an allocated site and hinder the delivery of important economic, social and environmental benefits within both the City and South Derbyshire as well as undermining the Plan led planning system advocated by the Government.
- g) There are numerous sites capable of accommodating the TNT development in South Derbyshire and the surrounding area and there is no need to allow more land to accommodate their requirements with the result that more empty warehouses being constructed in an area that already has much vacant space. There is already an overprovision of employment land 563 hectares compared to a requirement of 480ha.
- h) The rail line does not have a sufficient running gauge W7 as opposed to a minimum requirement of W9 and there are no plans to upgrade to the recommended level of W10/12 in South Derbyshire. It is also recommended that a commercially viable rail linked site should have a minimum of 200,000m² whereas this site has a maximum of 103,000m².
- i) The proposed siding is only 250m whereas a full train has a minimum length of 750m that should be accommodated on the site. It is unlikely that the rail link would ever materialise as TNT are, according to its own publicity a company that is based on air freight and lorry movements boasting that its vehicles cover 1.9 million miles a week in Europe.
- j) The development would result in an increase in traffic levels in Willington that has already had to accommodate a new service area, a large canal marina and large free-range chicken unit. Some traffic calming on The Castle Way would help to reduce the speed of traffic on this road.
- k) The junction at the A38/A50 is already at capacity and the routes north at Derby (Kingsway/Markeaton) have severe capacity problems at peak times. It is also

reported that queues occur on the slip roads to the trunk roads leading to cars queuing on the trunk roads. Residents already experience difficulty in getting out on to the junction, before the service station opens; this would be severely exacerbated by the proposed development; traffic speeds around the A38/A50 interchange are excessive and the three junctions are in close proximity.

- l) There is no bus service past the site and the rail station has capacity and access problems and services are being cut again.
- m) The junction at Findern Lane is already dangerous due to restricted visibility. Traffic levels in the village are already high at peak times, whilst it is accepted that the lorry traffic will probably access the trunk road, light traffic from the site is likely to use roads through the village adding to the congestion.
- n) The proposed environmental buffer zone would do little to mitigate the impact of this large development because the site is so high above the village. In addition the applicant's documents fail to recognise the impact on the dwellings at Hill Farm and seeks to minimise the impact on dwellings at Danes Lodge and Hall Farm the proposed buildings are all located adjacent to the main highways and will have a domineering effect with little or no scope for mitigation. Landscape mitigation is a primary consideration in all Government advice and is not capable on this site because the buildings are proposed in close proximity to all boundaries.
- o) The site lies adjacent to Listed Buildings and the proposal would be out of scale and character affecting the setting of these buildings. This is contrary to the objectives of the South Derbyshire Local Plan that seeks to protect the open countryside to the south and west of Derby.
- p) The development would detract from the views out from the Trent and Mersey Canal Conservation Area (T&MCCA). The views from the canal would be significantly changed from open countryside to a mass of industrial buildings. The buildings would be physically overpowering when viewed from the Canal. There are numerous points along the canal length of the T&MCCA that the development would be visible from; each of these viewpoints would be detrimentally affected by the proposed development.
- q) The development would be a significant blot on the landscape, much of the land used to be a household waste tip and there is a risk of methane gas. It would be visible from miles around. The applicants contend that this is a brown field site yet the definition of brownfield land in PPS3 specifically excludes land that has been developed for mineral extraction or waste disposal. In any event the appearance of the land is very much agricultural, as the site has become assimilated in its surroundings i.e. agricultural land.
- r) There is a need for this type of site to operate on a 24-hour basis so it is likely that the development would adversely affect the occupiers of the nearby dwellings. The applicants own statement condemns them as the Dove Valley Park site is dismissed on the basis that 24-hour operation at that site may cause disturbance to local residents. The same can be said of the occupiers of houses at Hill Farm, Danes Lodge and Willington Village. The village lies only 200 metres from the developable part of the site – not 1000 metres as stated in

the documents. All these problems would exacerbate the noise impact of the development on the properties, slow moving freight trains, lorries reversing on the site, light pollution particularly at night.

- s) Surface water run off would cause flooding in the village. Recent heavy rain has caused flooding in the village and the proposed storm drainage should accommodate 1 in 100 year storms frequency and not the 1 in 200 proposed in the application. (*A 1 in 200 hundred storm has a greater intensity than a 1 in 100 year storm and as such in this instance the developers are proposing to cover a worse event than suggested in this comment*).
- t) The council, far from being green, seems to be committed to obtaining as much money as possible to support incompetent use of present funds or to provide high salaries for non-jobs. Few new jobs would be created by this development; they will merely be transferred from elsewhere. Hilton village has been ruined and now the Council is starting on Willington.

7.3 A further 18 letters have been received in response to reconsultation on the amended scheme. The objections above have been maintained but additional points of objection are as follows:

- a) The impact of the development on the residents of Derwent Court has been totally ignored
- b) The urgency for a decision expressed in December seems to have dissipated. The original application contained many basic mistakes that seem to have taken this long to address indeed TNT seem now to be only considering the site for its new super hub – it is still not clear that the company would make any use of the rail hub.
- c) The changes to site levels would destroy the rolling landscape around Willington.
- d) The development of the site would create a ribbon of development along the A38 corridor. Most of the workforce would come from outside the Willington area.
- e) Further increases in development will drive other businesses away from South Derbyshire.
- f) Despite the letter from Network Rail saying that a rail link is feasible, a rail linked site remains in the background. It is not a possibility in the first phase as stated in the supporting documents. It is also technically possible to build a bridge over the Atlantic or fly supersonically to Sydney Australia. However that does not mean it is financially viable to do so. Previous representation draw attention to the minimum sizes for a rail link site to be viable and these appear to have been totally ignored by the developers. This is crucial to understanding whether the site will be developed as a rail/road hub.
- g) Following on from the above, the notes of the meeting with the Highways Agency accompanying the additional information suggest that the traffic generation figures have been calculated with the rail link in place. Should the

site not have the rail link, and then the traffic generation would be much higher. Again the rail link will only follow the development of Phase 1. The Highways Agency representative expresses concern about this in the correspondence attached to the additional information.

- h) The increase in HGV movements on Etwall Road would be in the region of 100% above what it is today.
- i) In the event of an accident on the A38/A50 interchange the only viable alternative route is through the village and it would not be able to cope with such flows.
- j) There would be an increased risk of the pollution of the local watercourse.
- k) The development of this site could lead to the 'infilling' of the 'gap on the opposite side of the B road, this would spell the end of Willington as a village.
- l) It is interesting to note that there is no photomontage of how the development would look, just elements such as power lines and cooling towers that support the applicants' case.

8.0 Development Plan Policies

8.1 The relevant policies are:

RSS8 (March 2005): 1, 2, 3, 4, 5, 6, 15, 16, 21, 22, 27, 28, 29, 30, 31, 33, 34, 36, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54.

Joint Structure Plan: Economy Policies 1 & 17

Local Plan: Employment Policy 2, 5, 6, 8; Environment Policies 1, 12 & 13;

Transport Policies 6 & 7; Recreation and Tourism Policy 8.

9.0 Emerging Development Plan Policies

9.1 The relevant emerging policies are:

Draft Regional Plan (Sept 2006 and SoS Modifications July 2008, (Policy numbering as per SoS Mods)): 1, 2, 3, 12, 18, 19, 20, 21, 26, 27, 29, 30, 31, 32, 33, 35, 38, 42, 43, 44, 45, 49, 50, 51, 52, 53, 54, SRS4

10.0 Planning Assessment

Material Considerations

The main issues central to the determination of this application are:

- The Development Plan
- Other material considerations:
 - Emerging RSS 8 Policies
 - The suitability of the site as a road/rail interchange
 - Impact on the Listed Buildings and the Trent and Mersey Canal Conservation Area

- Road access
- Landscaping and other mitigation
- Previously Developed Land/Greenfield Site.

10.1 The Development Plan

10.1.1 The Development Plan comprises The Regional Spatial Strategy for the East Midlands (RSS8) and the currently saved policies in the Derby and Derbyshire Structure Plan and South Derbyshire Local Plan respectively.

10.1.2 Policy 54 of the adopted Regional Spatial Strategy for the East Midlands (RSS8 March 2005) states that *'the Regional Planning Body should with emda, transport authorities, other public bodies and representatives of the freight industry to develop a broadly based Regional Freight Strategy in order to inform the next round of Local Transport Plans. The Strategy should contain detailed proposals to promote a more sustainable and efficient distribution industry in the East Midlands and contribute to a significant modal shift of freight from road to rail'*.

10.1.3 There is no provision in the Development Plan for the development of a strategic distribution facility in this location nor does it meet any of the locational requirements of Economy Policy 1 in the Structure Plan or policy 15 in RSS 8. Neither does the application make any attempt to justify the development on the basis of need under the provisions of Employment Policy 6 of the adopted Local Plan. This exception policy is designed to facilitate development on land where there is no designated site available to accommodate the development.

10.1.4 The assessment in the planning application is quick to dismiss alternative sites, however there is for example some 30 hectares of available brownfield land at Hilton, allocated for development in the adopted South Derbyshire Local Plan, with a potential for rail access subject to agreement with Network Rail.

10.1.5 Indeed the adopted Local Plan refers to areas that will be subject to development pressures and identifies the corridors along the A38 and A50 that, with others, could deflect development from areas such as Swadlincote and Derby where such development could assist with the regeneration of those areas (Para 2.19). Amongst the aims and objectives of the Local Plan is to minimise the effect of development on the countryside (especially along the A38 corridor and on the southern fringes of Derby... (Para 2.26)

10.1.6 In the absence of a special need for the development, justified under the terms of Employment Policy 6, the development is contrary to the provisions of the adopted South Derbyshire Local Plan and the retained locational policy in RSS8 and Economy Policy 1 of the Structure plan.

10.2 Emerging Policy

10.2.1 The Secretary of State's proposed changes to the emerging RSS include proposed Policy 21- Strategic Distribution Uses (referred to by the applicant as Policy 20A as recommended by the EiP Panel). This policy stresses the need for partnership working between local authorities in the Region, emda, sub-regional strategic partnerships, the Highways Agency, Network Rail and private sector partners to bring forward sites for strategic distribution use in

various broad locations - but including the Derby Housing Market area. The policy goes on to state that in allocating sites in local development documents local authorities should give priority to sites which can be served by rail freight and operate as intermodal terminals. The policy also makes reference to various criteria that should be taken into consideration; (see below).

10.2.2 It is considered that the emerging RSS policy requirement for joint working between local authorities and other public and private sector partners to bring forward sites for strategic distribution uses in the region is best achieved through the development plan process. Ad hoc 'developer led' proposals such as the current application may not deliver sites in the most appropriate locations across the region not least because the requirements of Environment Impact Assessment Regulations are such that a much narrower consideration of alternative sites is given in development control decisions as opposed to the broader Sustainability Appraisal that forms part of the development plan making process.

10.2.3 Thus it is considered that the release of the application site in advance of the joint working between the public and private sector envisaged in emerging RSS Policy 21 as being required to bring forward appropriate sites across the region would be contrary to the said emerging policy. Whilst the applicants have sought to argue in meetings that the unlikely prospect of such sites coming forward in a reasonable timeframe within the Local Development document process means that the needs of the distribution industry would not be met in a reasonable period and that this is likely to cause detriment to the local economy, this site represents only one of a number of potential sites that could come forward in the Three Cities part of the East Midlands Region *and* the proper planning of the area requires consideration of all such potential locations.

10.2.4 As can be noted above emerging Policy 21 is not the first time that the aspiration of joint working in relation to selection of sites has been considered. The East Midlands Regional Freight Strategy (July 2005) ("EMRF") and its informative study (The State of Freight – June 2002) indicate the desirability of such an approach. The EMRF reports:

'The Regional Planning Body should work with emda, Transport Authorities, other public bodies and representatives of the freight industry to develop a broadly based Regional Freight Strategy in order to inform the next round of Local Transport Plans. The Strategy should contain detailed proposals to promote a more sustainable and efficient distribution industry in the East Midlands'. (See now Policy 54 of the adopted RSS8 (2005)).

10.2.5 EMRF's Key Policy 5 embodies this thinking:

'KEY POLICY 5: Regional and local partners to work together to identify and promote opportunities to achieve a significant shift from road to rail freight'

10.2.6 The Policy's associated Action Plan at 5.1 and 5.2 seeks the promotion and identification of potential sites through the RSS and LDF processes to be led by EMRA, EMRFG, LPA's and supported by DfT Rail and Network Rail.

10.2.7 Thus the concept of joint working between bodies in respect of site selection is well established and as indicated by its inclusion in the RSS proposed changes it remains the desired approach.

10.3 Site selection criteria

10.3.1 The criteria are listed below in the order they appear in the emerging policy. Comments on their applicability appear next to each criterion:

10.3.2 *At least 50 hectares of developable land* – the whole site including land south of the railway is only 42 hectares, whilst the developable area north of the railway amounts to a mere 32 hectares. Whilst it is not clear whether “developable area” in the draft policy includes e.g. necessary ancillary features, such as service roads, balancing ponds and landscaping it is evident that even taking into account the total site area the proposal fails to meet the 50-hectare threshold. Whilst the applicants have sought to argue that this figure is not important, a study by MDS Transmodal on behalf of EMDA, which informed the decision to incorporate the new strategic distribution Policy indicates that a commercially attractive rail link is one that is large enough to provide distribution warehousing with at least 200,000sqm and individual plots of at least 50,000sqm and up to 100,000sqm. The study suggests that the minimum site size for such a facility should therefore be 50 hectares. The site has a maximum floor space of 114,088 and the largest of the individual buildings illustrated on the site is 35,894sqm. The Burnaston Cross site meets neither size model.

10.3.3 *Rail Access* - The lack of both an appropriate site size and large buildings of the minimum size identified by MDS Transmodal could prejudice the proper planning of the area for a development of appropriate size and scale. It is important that all options remain open for a strategic distribution site. Whilst the applicants have firmed up the proposals for rail access, development of an interchange with the Stoke/Derby line would prejudice the provision of any other alternative site in the vicinity of the Burnaston Cross site. Network Rail has provided the applicants with a letter that states the access is technically feasible and the development has the support in principle of Network Rail.

10.3.4 Whilst the site would be able to access the country’s main ports and the channel tunnel, the new policy is fairly specific about the ‘gauge’ of the rail line in that it should be W10 or W12 and at present the line that passes the application site is W7, and the Derby- Birmingham line W8. Clearly investment in the railway line would therefore be required to reach the standard required by the policy. Network Rail has confirmed that development of the site is technically possible but given the slope across the site it is assumed that extensive engineering works would be required.

10.3.5 The Strategic Distribution Study says that W8 lines can take standard maritime containers (para 6.10) on standard platforms, supplemented by low level wagons. However, W9 is the minimum gauge that can take the full range of wagons. Thus W9 is more commercially attractive. In the East Midlands only SW Northants fully meets the highest standard set by the Study. There are no W9,10 or 12 lines in the Derby HMA, it has nevertheless been identified as a preferred area of search in SDS and in the draft RSS policy.

- 10.3.6 *The site should be able to operate 24/hours a day and the location should minimise the environmental and community impact.* - The applicants have submitted information that states that the site would be well landscaped. The bulk of the mitigation land is situated south of the railway land; this is a relatively low lying area and any landscaping proposals in this area would take time to become established and provide a meaningful screen to the development from the village and the Trent and Mersey Canal Conservation area and the listed buildings at Hill Farm.
- 10.3.7 In the wider landscape the site would be prominent from the high ground on the Bretby Ridge to the south and more locally from the Trent and Mersey canal conservation area and the newly developed Mercia Marina. The landscape assessment states that these impacts are substantial but diminishing over time. The Local Planning Authority does not accept this assessment in that the development would occupy a prominent location in the countryside and mitigation of its impact even over time would be insufficient to offset its rural location.
- 10.3.8 The location of the site would be detrimental to the character and setting of the Hill Farm dwellings that are listed as Grade II on the statutory list. The setting of the building would be compromised by the presence of buildings some 18.25 metres high where any landscaping mitigation measures are unlikely to be effective given the space available within the site. The site would be unduly prominent in the countryside to the detriment of the rural character of the area. This is especially so with the views from the Trent and Mersey Canal Conservation Area. The document designating the Conservation Area lists the factors that make it worthy of preservation and enhancement. Amongst these are the views out over the adjacent countryside. The location of substantial warehouse buildings would prejudice these views as the canal passes through the village of Willington.
- 10.3.9 Views of the buildings on the site would be prominent when viewed from the Mercia Marina site – the site is located on a ridge above the marina site and mitigation measures proposed in the application are unlikely to limit the impact of the development in its early days and prejudice the investment that has been made in this important economic development that supports the tourist industry in South Derbyshire as it endeavours to establish itself as a tourist destination.
- 10.3.10 The illustrative layout shows that there would be peripheral landscaping to the Etwell Road frontage of varying depths from 20 metres to 75 metres, depending on the siting of the proposed buildings. Mounding and a mix of evergreen and deciduous tree and shrub planting are proposed. On the north boundary to The Bungalow and Danes Lodge some 15 metres of planting is proposed comprising native woodland planting to The Bungalow frontage, little intermediate planting is proposed to Danes Lodge site albeit that the land immediately adjoining the site boundary is used to store caravans.
- 10.3.11 There is little or no room for any mitigation on the A38 frontage to the site. The applicants see this as an opportunity to promote the site; the alternative view is that the site would be unduly prominent from the A38 both north and southbound. The southern boundary to the railway shows planting areas to the south of the proposed intermodal area and substantial landscaping in the

south west corner. This area is at the lowest part of the site and landfill may be necessary to form the rail sidings. The applicants argue that this may assist in mitigating some of the views from the A38.

- 10.3.12 *The impact on the community* has been assessed as part of the application process; however the Environmental Protection Manager is not satisfied that the noise information currently before the Council has sufficient regard to the noise generated by train movements, both on the line and on the site. Accordingly, based on the information submitted the Environmental Protection Manager has objected to the development.
- 10.3.13 *Traffic impacts* could be controlled through the use of Section 106 monies and the imposition of conditions on the development should it be permitted. The County Highway Authority has no objection to the proposed access to Etwell Road subject to the imposition of conditions. The Highways Agency has, however, directed that the application should not be determined for an indefinite period of time as insufficient information to warrant a substantive response has been received and approved in writing by the Highways Agency. This would seem to imply that currently the submitted information is wanting in assessing the impact of the development on the trunk road network.
- 10.3.14 The proposals for the diversion of Footpath No 9 in the Parish of Willington are not considered to respect the pattern of footpaths in the locality and would result in a route that does not reflect the north-west route that the path currently follows.
- 10.3.15 Other criteria relate to good access to labour markets and avoiding nationally important nature conservation sites.

11.0 Overall conclusions

- The release of a site that has not come forward as a result of joint working between public and private sector partners would be contrary to the aims and objectives of extant and emerging Regional Policy on Strategic Distribution. It is considered that such sites should be brought forward within properly considered Local Development Framework documents that have been subject to a wide-ranging sustainability appraisal and consideration of alternative sites that may be available both locally and elsewhere within the region.
- The development site is in any event of insufficient size to accommodate a meaningful strategic distribution development that is likely to ensure a road/rail intermodal site is brought forward as identified in the MDS Transmodal study prepared on behalf of EMDA.
- There is no justification for releasing the site under the provisions of saved Employment Policy 6 of the adopted Local Plan and the applicants have failed to demonstrate that the proposed TNT distribution facility could not be located elsewhere.
- The development would impact on the setting of Hill Farm, the Trent and Mersey Canal Conservation Area and the newly developed Mercia Marina.

- The development has an adverse impact on the route of Public Footpath No 9 and the proposed diversion is not acceptable under the provisions of Recreation and Tourism Policy 8.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

12.0 Recommendation

Advise the Secretary of State that South Derbyshire District Council would have **REFUSED** planning permission for the following reasons:

1. The proposed development is contrary to Policy 21 in the emerging Draft Regional Spatial Strategy (as proposed to be modified by the Secretary of State). This policy sets the background for the provision of Strategic Distribution facilities across the East Midlands and stresses the need for partnership working between Local Authorities in the Region, emda, sub-regional strategic partnerships, the Highways Agency, Network Rail and private sector partners to bring forward sites. There is no evidence that there has been a comprehensive assessment of potential strategic distribution sites throughout the region involving all the organisations referred to in the Policy. In the absence of such an assessment this process should be undertaken during the preparation of Local Development Documents.
2. The proposed development is also contrary to individual elements of Policy 21 of the draft Regional Spatial Strategy.
 - The application site has a gross area of 42 hectares and some 32 hectares is shown as land to be developed. This is less than the minimum size for an intermodal terminal which is specified in the policy as being 50 hectares.
 - The overall floorspace and scale of the individual buildings is less than that identified in EMDAs Strategic Distribution Study as being necessary to support a commercially attractive rail served facility.
 - Reasons 5-9 below set out the reasons why the Local Planning Authority considers that the proposed development is unacceptable on environmental grounds and, given the inadequate assessment of the noise impacts of the intermodal area proposed on the amended plan, it is not satisfied that the impact on the community would be acceptable.
 - The site does not offer good access to labour as it is located in the countryside away from urban centres.
3. The proposal comprises two elements, one for TNT Post and the other relates to speculative industrial development comprising warehouse and distribution within Class B8. The speculative element relates to some 63% of the overall proposed floor space on the site. The Secretary of State has recently retained Employment Policy 6 of the adopted South Derbyshire Local Plan as one that should continue to apply to applications for employment development in South Derbyshire. Whilst the policy permits the release of land if it can be demonstrated that no suitable site exists on allocated sites, where such sites exist, then the policy allows for the consideration of alternative sites. In this case some 30 hectares is available at Hilton Depot, with a potential rail access and

there is land allocated in Swadlincote of some 13 hectares in the adopted Local Plan. Accordingly, the development would be contrary to the provisions of Employment Policy 6 of the adopted South Derbyshire Local Plan. The development also fails to meet the locational criteria set out in Policies 1, 2, 3, 5, 15, 16, 21, 22 and 42 of the adopted Regional Spatial Strategy for the East Midlands (RSS 8).

4. Insufficient information has been provided to allow the Highways Agency to assess that impact and it has directed that permission should not be granted indefinitely. The developers have a duty under the regulations and Circular 2/1999 to provide an Environmental Statement that is complete. In its letter dated 8 August 2008 the Highways Agency states that insufficient information has been provided to allow it to make a proper assessment of traffic impacts. In that regard the Environmental Statement is incomplete and as such the application can only be determined with a refusal. Accordingly the development is contrary to the provisions of Employment Policy 6 of the adopted South Derbyshire Local Plan.
5. The site occupies a prominent location in the Trent Valley. Given the nature of the proposed development with buildings some 18.25 metre high, the low lying nature of the main mitigation area of the site and the lack of meaningful areas to provide screening on remaining boundaries, the impact of the development of the site on the surrounding landscape would be significant. This is particularly so from the A38, the A38/A50 interchange and Etwall Road in close proximity to the site and from the south on the ridgeline that marks the boundary of the Trent Valley. In view of the significant landscape impacts of the development it would be contrary to the provisions of Employment Policy 6 of the adopted South Derbyshire Local Plan having a detrimental impact on the character of the countryside.
6. The development would also require the extinguishment or significant diversion of Public Footpath No 9 in Willington Parish. Recreation and Tourism Policy 8 of the adopted Local Plan states that new development will not be permitted unless established routes are safeguarded or suitable alternatives provided. The application proposes that the footpath be diverted along the east boundary of the site between the structural landscaping and the existing roadside hedge. This does not safeguard the route, nor does it provide a diversion that is a suitable alternative as it ignores the existing route of the path in a northwest direction. Accordingly the development is contrary to this policy.
7. There would be significant impact on the group of Grade II listed buildings known as Hill Farm. The curtilage of the farm complex extends to the side of Etwall Road and the proposed buildings; some 18.25 metres high would have a detrimental impact on the setting of the Listed Buildings contrary to the provisions of Employment Policy 6 and Environment Policy 13 of the adopted South Derbyshire Local Plan.
8. When designating the Trent and Mersey Canal Conservation Area, the Local Planning Authority had regard to its immediate environs; and the views out from the canal over the surrounding countryside that define its character as it passes through South Derbyshire. There are extensive views of the application site from vantage points along the Trent and Mersey Canal and in particular from the Canal Bridge that takes Etwall road over the canal. Whilst landscape mitigation measures are proposed in the application documents in the area south of the rail

line, that area is low lying in comparison to the canal towpath and the canal bridge. Accordingly any landscaping in that area would not be significant in mitigating the impact of the built development on views from the Trent and Mersey Canal Conservation Area to the detriment of its rural setting and contrary to Environment Policy 12 and Employment Policy 6 of the adopted South Derbyshire Local Plan.

9. The noise impact assessment that accompanies the application does not deal satisfactorily with the noise impact on the occupiers of dwellings within and outside Willington with particular regard to train movements on the Derby - Stoke rail line, rail movements within the site and disturbance from the lorries operating on the intermodal area identified on the amended plan. In the absence of such an assessment the proposed development is contrary to Employment Policies 6 and 8 of the adopted South Derbyshire Local Plan.