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| REPORT TO: | Planning Committee | AGENDA ITEM: |
| DATE OF MEETING: | 25 June 2014 | CATEGORY: DELEGATED |
| REPORT FROM: | Director of Community and Planning Services | OPEN |
| MEMBERS' CONTACT POINT: | Richard Groves (01283) 595738 richard.groves@south-derbys.gov.uk | DOC: u:/Richard/Committees/Planning |
| SUBJECT: | East Midlands Gateway Strategic Rail Freight Interchange consultation | REF: |
| WARD(S) AFFECTED: | All Wards | TERMS OF REFERENCE: |

1.0 Recommendations

- 1.1 It is recommended that the proposed comments, as set out in the “Conclusions” section of this report, be submitted as the Council’s response to the consultation exercise.

2.0 Purpose of Report

- 2.1 The purpose of the report is to obtain a Council response to the pre-application consultation pursuant to Section 42 of the Planning Act 2008 and notice pursuant to Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 in regard to proposals for a rail freight interchange and warehousing and highway works on land in the vicinity of Junction 24 of the M1 motorway to the north of East Midlands Airport, to the south of Lockington and Hemington and to the east of Castle Donington. The point closest to South Derbyshire lies some 2.5 km from the District boundary (see Appendix for map).

3.0 Executive Summary

- 3.1 The report sets out the legislative and procedural context and timescales for the consideration of strategic rail freight interchange developments; identifies the main elements of the East Midlands Gateway proposal and draws conclusions in regard to those aspects of the development that are expected to have implications for South Derbyshire, they being transport, employment, contamination, noise, air quality, lighting and any potential landscape impacts.

4.0 Detail

- 4.1 The Planning Act 2008 introduced new powers for applications for categories of development that are identified as “Nationally Significant Infrastructure Projects”. A successful application results in the issue of a Development Consent Order which would be administered by the Local Planning Authority, North West Leicestershire District Council.
- 4.2 Roxhill (Kegworth) Ltd will be submitting to the Planning Inspectorate an application for a Development Consent Order for the construction, operation and maintenance of a rail freight interchange and warehousing, referred to as “East Midlands Gateway”, and highway works at the location identified in para. 2.1.
- 4.3 The applicant is now undertaking a consultation process to understand the issues and concerns of all the interested parties, which will end on 27th June. Responses will be

considered by the applicant and an explanation as to how the consultation has influenced the proposal will be set out in a consultation report to be submitted with the application, which is expected to be submitted in the next few months. The statutory process then provides 28 days for the Inspectorate to determine whether the required standards have been met to proceed to examination.

4.4 The Inspectorate then has up to six months to carry out the examination. This is a formal process during which consideration is given to all the important and relevant matters, including the representations of all interested parties. Within three months of the examination, the Inspectorate must issue a recommendation to the Secretary of State for Transport. The Secretary of State then has a further three months to issue a decision on the proposal, following which there is a six week period for the submission of any legal challenges.

4.5 The proposals comprise:

- an intermodal freight terminal accommodating up to 16 trains per day and trains of up to 775m long and including container storage and HGV parking;
- up to 557,414 sq m of rail served warehousing and ancillary buildings;
- a new rail line connecting the terminal to the Castle Donington branch freight only line;
- new road infrastructure and works to the existing road infrastructure, including a Kegworth bypass and substantial improvements to Junction 24 of the M1
- strategic landscaping and open space, including public rights of way and new publicly accessible open areas; and
- a bus interchange.

4.6 A large amount of information is available to be viewed or downloaded from the project website, <http://www.eastmidlandsgateway.co.uk/>. This includes:

- Preliminary Environmental Information in the form of advanced draft chapters of the Environmental Statement
- The proposed Development Consent Order
- The proposed Explanatory Memorandum
- Location Plan
- Access and Rights of Way Plans
- Illustrative Masterplan
- Planning Statement

4.7 Members are advised that proposals for the development of a strategic rail freight interchange within South Derbyshire at Egginton Common are currently at the non-statutory consultation stage and may be the subject of a report to Planning Committee on 15th July 2014. This development, referred to as the “East Midlands Intermodal Park”, is being promoted by the Goodman and Shepherd Group.

5.0 Financial Implications

5.1 There are no financial implications for the Council.

6.0 Corporate Implications

6.1 The proposal has implications for the following themes of the Corporate Strategy:

“Sustainable growth and opportunity” in that the proposal would be likely to have a significant economic impact.

7.0 Community Implications

- 7.1 The proposal has implications for the following themes of the Sustainable Community Strategy:
- “Vibrant communities” in that the proposal may have noise generation and air quality implications, although these may not be of significance within South Derbyshire.
 - “Sustainable development” in that the proposals would be likely to have a significant economic impact.

8.0 Conclusions

Transport

- 8.1 It is important to the economy of South Derbyshire that the development should not significantly impact the efficient operation of the Strategic Road Network, including A50 interchanges at the A38, the A514 and M1 junction 24. The development should therefore seek to maximise the use of rail freight and minimise the generation of trips by motor vehicles. A travel plan should be prepared and should include measures designed to achieve a high level of access to the site by more sustainable means. Any residual adverse impacts on the operation of the Strategic Road Network should be satisfactorily mitigated.
- 8.2 Access to labour markets will be important both to the success of the development and to local authorities in the area, including South Derbyshire District Council, as a means of assisting in the achievement of their economic objectives. Attractive and efficient public transport services connecting the site to surrounding urban areas will therefore be required. The locations served should include the Swadlincote urban area, where there is a particular need for improved access to employment. It is suggested that public transport services to the site could be developed in collaboration with other significant trip generators in the area. In responding to the recent East Midlands Airport Sustainable Development Plan, the Council suggested a circular express bus route, with limited stops, connecting EMA, Ashby-de-la-Zouch, Swadlincote, Burton-on-Trent, the Southern fringes of Derby and the East Midlands Distribution Park, using the A42, A511, A38 and A50. It was considered that this might have potential to attract sufficient patronage to be economically viable and the addition of the East Midlands Gateway would make this more so, although it is likely that there will be a need for a developer subsidy, at least during the early years of operation.
- 8.3 In considering access by cycle, the potential to establish new developer-funded links into South Derbyshire at Kings Mills and Wilson, as identified in the “Greenways Strategy for South Derbyshire” published by Derbyshire County Council in May 2006, to serve those wishing to commute between the site and South Derbyshire villages and the southern fringes of Derby, should be investigated.

Employment

- 8.4 The site promoter anticipates that the development will generate some 7000 jobs with wider positive effects in terms of local and regional supply chains and other business to business links. There would also be temporary employment benefits during the construction period. The socio economic assessment undertaken indicates that the development would generate additional Gross Value Added of around £267 million to the identified assessment area which includes parts of Leicestershire, Nottinghamshire and Derbyshire. The Local Enterprise Partnerships, D2N2 and LLEP, have expressed strong support for the proposal. It is considered that the developer should offer commitments in regard to the use of local suppliers and the employment and training of local people, including during the construction phase.

Contamination

8.5 Environmental Health officers have considered the Draft Environmental Statement (ES) and have made a number of comments. In regard to the risks associated with land potentially affected by contamination, which could arise as a result of the development, the investigatory approach and interpretation of geological, hydrological and environmental analysis is generally supported. Surface and groundwater contamination, specifically by means of impact upon the river Trent and the Bromsgrove Sandstone acting as a principal aquifer, represents the greatest concern to the aquatic environment of South Derbyshire. In consideration of this, the following recommendations are made:

1. the Draft ES recommendations to continue relevant groundwater monitoring campaigns and further analysis of soils in the south-western corner of the site are supported and encouraged.
2. the application of Defra's Category 4 Screening Levels (C4SL's), which represent best practise in the risk assessment and determination of low risk sites, is recommended.
3. the use of current industry best practise in relation to sustainable remediation techniques for any subsequent remediation methodologies produced is recommended.

Noise

8.6 The assessment methodology and the conclusions of the noise report are generally accepted. However, the assessment does not specifically consider the impact of freight rail movements associated with the development within South Derbyshire. The Crewe-Derby line has minimal night-time traffic and therefore does not generate much existing night-time noise. The assessment does not make clear what proportion, if any, of the additional 32 daily mainline train movements will use this route at night. It is therefore recommended that the impact of additional rail movement on the most noise sensitive properties along the Crewe-Derby railway line in South Derbyshire be specifically considered as part of the noise assessment. These impacts should be considered with reference to the Noise Insulation Regulations, 1975, and the Calculation of Railway Noise, 1995.

Air Quality

- 8.7 The draft ES considers the air quality impact of the proposed development on existing human and ecological receptors that are likely to be affected by changes in road and rail emissions as a consequence of the development. The assessment correctly focuses on the air quality changes at receptors where air quality is already predicted to be above the level at which there is a potential for adverse health impacts, these being the Air Quality Management Areas in Kegworth, Castle Donington and along the M1 corridor.
- 8.8 The assessment concludes that with proposed mitigation, the significance of the air quality impact during the construction phase will be negligible and that the overall significance of the air quality impact during the operational phase will be slight to moderately beneficial. Key mitigation measures include traffic calming measures to the west of Castle Donington and a by-pass for Kegworth. The only potential impact identified within South Derbyshire is the effect of increases in rail movements on properties in Weston on Trent, the impact of which is expected to be negligible.
- 8.9 The overall assessment methodology is in general accordance with accepted practice. Chapter Ten of the ES states that much of the detail of the assessment is contained in Appendices, however these are not published on the website containing the ES and it is not therefore possible to comment on any of the key information used to produce the assessment. For example, without access to the Appendices it is not possible to determine:

- the geographical location of the receptors used in the assessment;
- the means by which the atmospheric dispersion model has been verified against baseline air quality measurements;
- the changes in annual average traffic volumes along key routes, or;
- the criteria used to determine the significance of the changes in air quality resulting from the development.

8.10 All key information will need to be made available for scrutiny before the methodology can be accepted.

8.11 The only obvious omission from the assessment methodology is the consideration of any significant 'point' sources. A development of this size might be expected to include a relatively large combustion plant to service the proposed terminal and warehousing. If it is the case that no such significant point sources are proposed, then it is recommended that this be explicitly stated within the ES. This is of relevance to South Derbyshire because the prevailing wind is from the south and south-east and any point source emissions will therefore be taken towards Shardlow to the north.

8.12 In principle the conclusions of the assessment are accepted, with the reservation that the recommendations below are met;

4. that the Appendices stated in Chapter 10 are published in order to enable this Council to undertake a full assessment of the methodology;
5. that the Chapter clearly states whether or not there are any proposed emissions point sources associated with the development;
6. that the key mitigation measures stated in the ES are implemented.

Lighting

8.13 The ES Chapter considers the impact of lighting at the development with reference to light pollution, otherwise referred to as obtrusive light. Obtrusive light consists of two separate entities: 'sky glow' is the effect of the brightening of the night sky and 'light intrusion' is the effect of light trespassing from where it is needed to where it causes a nuisance or loss of amenity.

8.14 The assessment does not state the significance of the impact of the proposed development. Instead it states the existing conditions on and off site, identifies the main receptors for obtrusive light and then determines the existing Environmental Zone categorisation of the development site with reference to "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", published by the Institution of Lighting Professionals (ILP). The assessment restricts itself to considering the ability of the development proposals to meet the obtrusive light limitations stated in the ILP Guidance.

8.15 Based on a site walkover survey, the assessment determines the existing Environmental Zone category of the development and its surroundings to be "E2", which is defined as a 'rural' surrounding with 'low district brightness' such as a village or relatively dark outer suburban locations.

8.16 The lighting impact of the design criteria for the development site is then described. The assessment concludes that the design is such that the predicted sky glow and light intrusion from the development complies with the obtrusive light limitations contained in Table 2 of the ILP Guidance Note. In this regard it is stated that the light intrusion will not exceed 1 lux off site and that sky glow will not exceed 2.5% of upward light ratio

(described as the maximum permitted percentage of luminaire flux that goes directly into the sky). However officers are concerned that this may not be met.

- 8.17 Whilst it is possible to design a proposed lighting scheme to achieve a specified sky glow standard, the actual impact is entirely dependent on the final surfacing materials used, the type of luminaires installed and the orientation of the installation of the luminaires. We would therefore recommend that a pre-development sky glow measurement for the development location be undertaken based on an agreed methodology. Following development this measurement should be repeated to demonstrate that the 2.5% ULR has been achieved and where it has not, that appropriate mitigation measures should be taken to meet the limit.
- 8.18 A full lighting impact assessment of a development of this type is difficult because the impact of lighting is very much dependant on the detailed final lighting design and, just as importantly, the final installation. Never the less we would make the following comments about the lighting assessment.
- 8.19 A notable omission among the receptors identified is the potential impact upon sensitive ecological species, such as bats. It is possible that there are existing bat populations at locations around the periphery of the development. In accordance with current best practice guidance on the topic ('Bats and Lighting in the UK', BCT & ILE, v3 May 2009) the design should seek to prevent any increase at all in obtrusive light at known roosting sites or along the feeding routes of light sensitive bat species.
- 8.20 The other main lighting impact of the development on South Derbyshire will be on the night-time visual amenity of the landscape views. This is a very subjective matter, but no specific regard has been paid to it in the lighting assessment.
- 8.21 It is recommended that the significance of the night-time visual impact of the development be given full consideration with reference to the guidance contained in 'Lighting in the Countryside – Towards Good Practice' DCLG 1997, and appropriate mitigation measures proposed to ensure that the effects of the development are negligible.

Landscape

- 8.22 Although some distance from the District, given the scale of the buildings proposed and the fact that much of the site occupies relatively high ground, full account should be taken of any potential landscape impacts and mitigation in relation to any viewpoints within South Derbyshire. It should be noted that landscaped bunding is proposed along the western and northern edges of the proposed development site.

Egginton Common

- 8.23 Finally, Roxhill (Kegworth) Ltd. should be advised that proposals for the establishment of a strategic rail freight interchange at Egginton Common in South Derbyshire are currently the subject of an informal public consultation exercise, being undertaken by the site promoter.

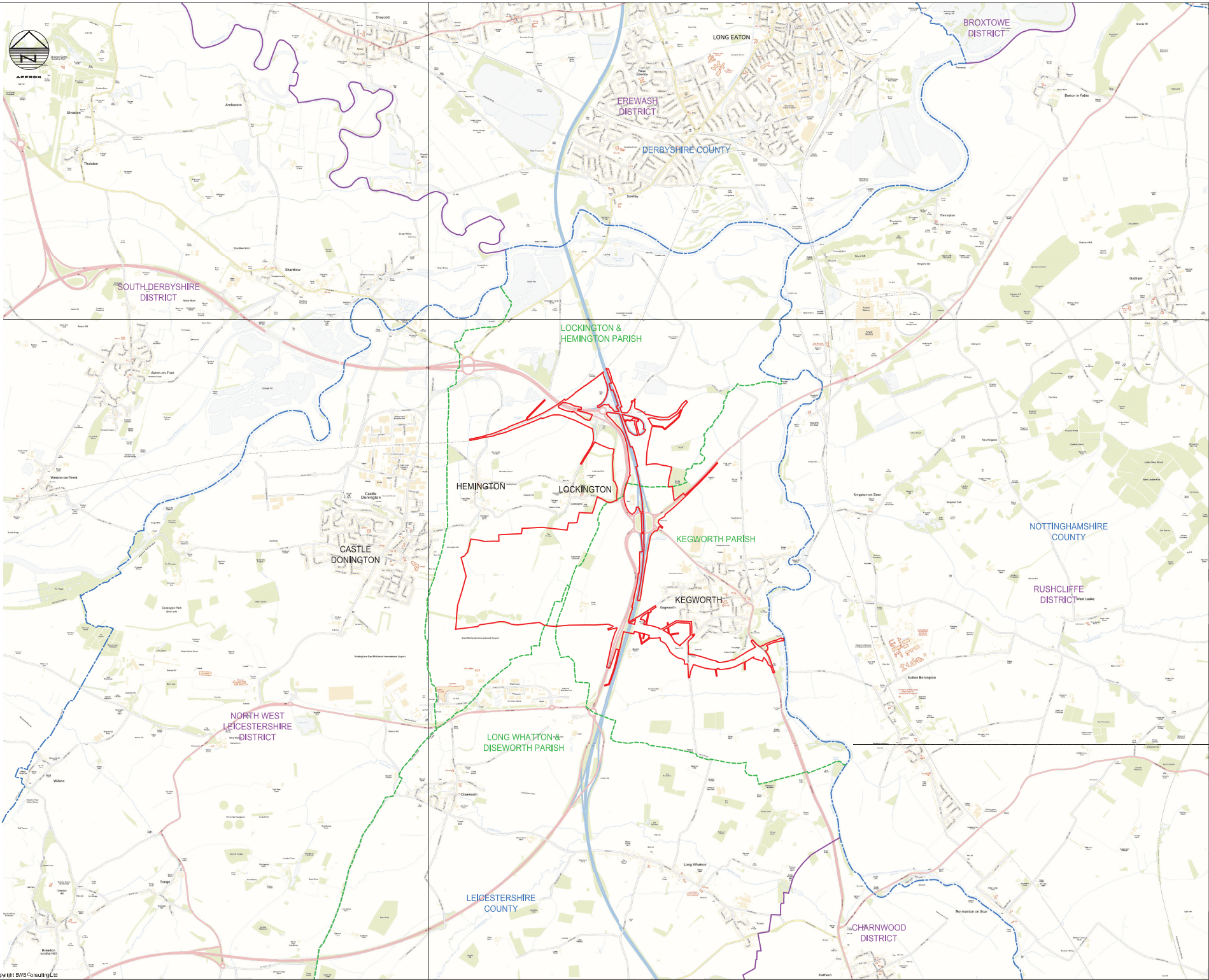
9.0 Background Papers

Letter from Roxhill (Kegworth) Ltd

22 May, 2014

10. Appendix

Map showing location of East Midlands Gateway (see following page)



KEY

COUNTY BOUNDARY

DISTRICT BOUNDARY

PARISH BOUNDARY

ORDER LIMITS

P1

2016/14

PROBATIONARY ISSUE

Rev

Date

Details of issue / revision

LM

SH

Drw

Rev

ISSUES & REVISIONS

ROXHILL

EAST MIDLANDS GATEWAY

STRATEGIC RAIL FREIGHT INTERCHANGE

THE EAST MIDLANDS
GATEWAY RAIL
FREIGHT INTERCHANGE
AND HIGHWAY ORDER
201X

Drawing Title

LOCATION PLAN

Scale

1:20,000

Drawn

L. Mills

Size

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S. Hilditch

Regulation

Document

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