

REPORT TO:	Environmental and Development Services Committee	AGENDA ITEM: 13
DATE OF MEETING:	5 June 2014	CATEGORY: OPEN
REPORT FROM:	Director of Community and Planning Services	RECOMMENDED OPEN
MEMBERS'	Tim Dening (Planning Officer)	DOC:
CONTACT POINT:	01283 595982 tim.dening@south-derbys.gov.uk	
SUBJECT:	Consultation Plan re East Midlands Intermodal Park	REF: TRD/East Midlands Intermodal Park
WARD(S) AFFECTED:	Etwall/All	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 A) That the Committee note and accept the Proposed Consultation Strategy to be adopted by Goodman Shepherd for the non-statutory consultation subject to the consideration of any material amendments.
- B) That the Committee advise Goodman Shepherd that subject to the consultation plan being implemented in accordance with A) above, the Council reserves its position in respect of the suitability of the consultation strategy for the formal round of the process which may benefit from subsequent amendment in the light of any inadequacies identified in the informal round. It is the second and formal round which is the most important. Comments from the outcome of this report to committee will be in time for inclusion during the first consultation period.

3.0 Purpose of Report

- 3.1 This report deals specifically with the Consultation Plan
- 3.2 Goodman Shepherd (The Developers) have submitted to the Council a document outlining its proposals for public and wider consultation at both the non-statutory and statutory phases of the process leading to the submission of a planning application to the Planning Inspectorate for the development of the East Midlands Intermodal Park (EMIP). This is a Nationally Significant Infrastructure Project (NSIP) and the responsibility for determining the planning application lies with the relevant Secretary of State which in this case is the Transport Secretary.
- 3.3 It was hoped that the report would be considered prior to the commencement of the non-statutory consultation process commencing; however, it is likely that initial consultation meetings will have taken place prior to the date of this committee. A meeting involving County, District Councillors and Parish Councillors took place on 7

May 2014 with a view to setting up a Community Consultation Committee along the lines of the one that sits for the Toyota site.

3.3 A copy of the Consultation Plan and its appendices is attached for information.

4.0 Executive Summary

4.1 The project proposes the development of a Strategic Rail Freight Interchange (SRFI); a logistics facility which will allow goods to be moved between the rail and road networks to support business in the region and across the UK. The development would comprise railway sidings, a rail head-shunt, a connection to the existing railway line and an 'intermodal' terminal to move goods between rail and road, which would include the necessary container handling equipment and storage facilities. There would be a range of rail linked Class B8 distribution units with associated landscaping, access, parking and service areas. The site would be accessible using new public footways and cycle ways. The site Goodman Shepherd proposes to develop extends to approximately 255 hectares and is located south west of Derby within the administrative areas of South Derbyshire District Council and Derbyshire County Council. The land is controlled by Goodman Shepherd under a development agreement with the owners, Etwall Land Ltd, to promote the site for a SRFI.

4.2 There is currently a waste water treatment facility on site, a composting facility, an existing flood attenuation pond, three residences and overhead electricity lines supported by steel lattice pylons across the north of the land. Part of the site has been subject to previous gravel extraction which has been filled in through licensed waste tipping. The site is near the Toyota European Production Centre, Derby Airfield, Willington Quarry, Burnaston Interchange Services and some residential properties. The nearest local villages are Etwall, Hilton, Egginton, Repton, Burnaston and Willington.

4.3 Specifically, the scope of the consultation will include, but not be limited to, the following:

- The design and layout of the infrastructure and buildings on the site.
- Proposals for road and rail access to the site.
- Effects on surrounding local communities and potential mitigation measures.
- Maximising socio-economic benefits for the wider area including:
- Section 106 planning legal agreement

4.4 It is the proposer's intention to register EMIP project with PINS and discuss consultation strategy with Local Authorities & Consultation Steering Group (LACSG) - April 2014. This is the start of the process. Feedback from the LACSG is already being considered by the applicants.

Then as Stage 1 undertake Non-Statutory consultation on 'Masterplan Options' (28 days minimum) [Section 42 & section 47 consultees]. The first round of public consultation on the Master Plan options is scheduled to finish on 18 July 2014. This will include web site and social media platforms for the project.

At Stage 2: Statutory Consultation on 'Preferred Proposals' including Preliminary Environmental Information (28 days minimum) – c. September-October 2014. [Section 42, section 47 & section 48 consultees].

Stage3: possible further round of statutory consultation will be undertaken on material changes, if required - January-February 2015. This stage may not be required in the Consultation Plan under the legislation but is a part of the process if the Stage 2 consultation throws up issues that require further consultation on material changes to the Preferred Option.

- 4.5 The proposers are suggesting that two areas of consultation zone be used. The first inner consultation zone would comprise those houses, businesses and parishes that lie within 5km of the proposed site. A map is included in the Consultation Plan indicated the locations within the 5km area. The inner zone has been amended following the meeting on 7 May to include Hatton and Scropton. The methods proposed for the consultation would be Direct mail newsletter to all households and businesses; Letters to stakeholders/elected representatives; Public exhibitions; Stakeholder workshops; Parish Council meetings; Business briefing meetings; Consultation Steering Group; Advertising; Media coverage; Posters; Website and email; Social media; and a freephone/freepost facility.
- 4.6 The core of the consultation programme will be focused within this zone, with all local residents and businesses directly receiving information and having access to consultation events. Public exhibitions will be held in Etwall; Egginton; Hilton; Repton; Burnaston and Willington. Businesses within the inner consultation zone will be invited to a business briefing.
- 4.7 The outer and linear consultation zones would include nearby centres of population and major economic centres outside the Inner Consultation Zone that have the potential to be indirectly affected by the development, particularly in socio-economic terms. This would include the towns and cities, including suburbs and surrounds of: Derby; Burton-on-Trent; and Swadlincote. In this zone there would be targeted mailing of newsletters and stakeholders based on their relationship to the A38, A50 and the Derby – Stoke and Derby - Birmingham railway lines.
- 4.8 The engagement with these communities would be primarily channelled through elected representatives at Parish, Local Authority and Parliamentary levels who would be directly notified and invited to engage on behalf of the communities they represent.
- 4.9 Public exhibitions would be held in Burton, Derby and Swadlincote which would be advertised through targeted mailing of the newsletter, through advertising, proactive media relations, the project website and, potentially, via their elected representatives. Businesses within the outer consultation zone would be invited to a business briefing.

5.0 Detail

- 5.1 This document outlines Goodman Shepherd's plans for undertaking stakeholder and community consultation on its plans for a Strategic Rail Freight Interchange (SRFI) near Derby – known as East Midlands Intermodal Park (EMIP).
- 5.2 EMIP meets the criteria (set out in Section 14 of the Planning Act 2008) for a Nationally Significant Infrastructure Project (NSIP). Goodman Shepherd will therefore need to make an application for a Development Consent Order (DCO) to the Planning Inspectorate (PINS) for EMIP, with a final decision on the plans being made by the Secretary of State for Transport.

- 5.3 The Planning Act 2008 requires promoters of NSIPs to undertake statutory stakeholder and community consultation before submitting an application for a DCO. Guidance on the pre-application process for NSIPs has been provided by the Department of Communities and Local Government which makes it clear that “...*the amount of consultation undertaken, and who is consulted, should be in proportion to the size and scale of the project and where its impacts will be felt*”.
- 5.4 This document covers both the proposed non-statutory consultation and the proposed statutory consultation that the promoters intend to undertake before submission of the DCO. A draft Statement of Community Consultation (SoCC), required as part of the statutory consultation process, is attached as Appendix 1 of the document.
- 5.5 The draft Consultation Plan is designed to be an initial discussion paper to enable Goodman Shepherd to agree its consultation approach for EMIP with South Derbyshire District Council, Derbyshire County Council and the PINS. Goodman Shepherd has also instigated the establishment of a local Consultation Steering Group comprising local Parish Councils, District and County councillors who will be invited to discuss and comment on the plan before it is implemented.

Project Description and Site

- 5.6 The project proposes the development of a SFRI; a logistics facility which will allow goods to be moved between the rail and road networks to support business in the region and across the UK. The development would comprise railway sidings, a rail head-shunt, a connection to the existing railway line and an ‘intermodal’ terminal to move goods between rail and road, which would include the necessary container handling equipment and storage facilities. There would be a range of rail linked Class B8 distribution units with associated landscaping, access, parking and service areas.
- 5.7 The project would be connected to the existing road and rail network via a proposed new railway line into the development, and a proposed new road connecting to the A50/A38 Burnaston Interchange. New roads would also need to be laid within the development. The site would be accessible using new public footways and cycle ways. The site Goodman Shepherd proposes to develop extends to approximately 255 hectares and is located south west of Derby within the administrative areas of South Derbyshire District Council and Derbyshire County Council. It is bordered by the Burnaston Interchange at its northern point, by Carriers Road (A5132) along the southern border, and is flanked by the A38 and Egginton Road/Etwall Road. The land is controlled by Goodman Shepherd under a development agreement with the owners, Etwall Land Ltd, to promote the site for a SRFI.
- 5.7 There is currently a waste water treatment facility on site, a composting facility, an existing flood attenuation pond, three residences and overhead electricity lines supported by steel lattice pylons across the north of the land. Part of the site has been subject to previous gravel extraction which has been filled in through licensed waste tipping. As a result of this, the land is unsuitable for growing crops for human consumption and has therefore been used to grow crops for use as a biofuel.
- 5.8 The site is near the Toyota European Production Centre, Derby Airfield, Willington Quarry, Burnaston Interchange Services and some residential properties. The nearest local villages are Etwall, Hilton, Egginton, Repton, Burnaston and Willington.

Consultation Scope

- 5.9 Specifically, the scope of the consultation will include, but not be limited to, the following:

The design and layout of the infrastructure and buildings on the site.

Proposals for road and rail access to the site.

Effects on surrounding local communities and potential mitigation measures in relation to:

Noise

Lighting

Air quality

Visual impact

Flood risk and drainage

Ecology

Archaeology and heritage

Maximising socio-economic benefits for the wider area including:

Support for manufacturing and export businesses

Job creation

Skills and training

Section 106 planning legal agreement

Consultation Requirements and Timeline

- 5.10 For the purposes of the Planning Act 2008, development proposers are required to consult as follows:

Local authorities, statutory consultees, landowners and others with an interest in the land under Section 42 of the Act;

The local community under Section 47 of the Act

The general public under the publicity requirements of Section 48 of the Act.

- 5.11 It is the proposers' intention to register EMIP project with PINS and discuss consultation strategy with Local Authorities & Consultation Steering Group - April 2014. This is the start of the process.

Then as Stage 1 undertake Non-Statutory consultation on 'Masterplan Options' (28 days minimum) likely to finish on 18 July 2014 -[Section 42 & section 47 consultees].

At Stage 2: Statutory Consultation on 'Preferred Proposals' including Preliminary Environmental Information (28 days minimum) – c.September-October 2014. [Section 42, section 47 & section 48 consultees].

Stage 3: possible further round of statutory consultation will be undertaken on material changes, if required - January-February 2015. This stage may not be required in the Consultation Plan under the legislation but is a part of the process if the Stage 2 consultation throws up issues that require further consultation.

- 5.12 Drafting of Consultation Report is required for the submission of Development Consent Order and this is scheduled for March-June 2015. It is this report that the Council will be asked for its comments by the PINS on the adequacy of the Consultation Plan prior to the application being registered by the PINS.

Consultation Zones

- 5.13 The proposers are suggesting that two areas of consultation zone be used. The first inner consultation zone would comprise those houses businesses and parishes that lie within 5km of the proposed site, a map is included in the Consultation Plan indicated the locations within the 5km area. Since the first Draft was received, the Inner Consultation Zone has been extended to include Hatton and Scropton following discussions at the meeting with Parishes and Councillors on 7 May 2014. The methods proposed for the consultation would be Direct mail newsletter to all households & businesses; Letters to stakeholders/elected representatives; Public exhibitions; Stakeholder workshops; Parish Council meetings; Business briefing meetings; Consultation Steering Group; Advertising; Media coverage; Posters; Website and email; Social media; and a freephone/freepost facility.
- 5.14 The core of the consultation programme will be focused within this zone, with all local residents and businesses directly receiving information and having access to consultation events. Public exhibitions will be held in Etwall; Egginton; Hilton; Repton; Burnaston and Willington. Businesses within the inner consultation zone will be invited to a business briefing.
- 5.15 The outer and linear consultation zones would include nearby centres of population and major economic centres outside the Inner Consultation Zone that have the potential to be indirectly affected by the development, particularly in socio-economic terms. This would include the towns and cities, including suburbs and surrounds of: Derby; Burton-on-Trent; and Swadlincote. In this zone there would be targeted mailing of newsletters and stakeholders based on their relationship to the A38, A50 and the Derby – Stoke and Derby - Birmingham railway lines.
- 5.16 The engagement with these communities would be primarily channelled through elected representatives at Parish, local authority and Parliamentary levels who would be directly notified and invited to engage on behalf of the communities they represent.
- 5.17 Public exhibitions would be held in Burton, Derby and Swadlincote which would be advertised through targeted mailing of the newsletter, through advertising, proactive media relations, the project website and, potentially, via their elected representatives. Businesses within the outer consultation zone would be invited to a business briefing.
- 5.18 The first round of public consultation on the Master Plan options is scheduled to commence as soon as the applicants receive and have considered the Council's comments on this strategy (although it is likely to finish on 18 July 2014). Responses received will be documented, summarised and included in the Consultation Report to accompany the application to the Planning Inspectorate; this Council will be consulted by the Planning Inspectorate on the adequacy of Consultation process prior to it registering the planning application for the proposed development.
- 5.19 The second round of consultation on the preferred option is then scheduled to follow in the autumn of this year following analysis of the responses to the first round and any modifications to the preferred option that may be necessary. Any changes to the preferred option will be explained by the proposers at that time. If there are material changes to the preferred option master plan then the third round of consultation would take place, currently scheduled for early 2015.

6.0 Financial Implications

6.1 Financial implications should be neutral as the proposers have signed a Planning Performance Agreement within which the Council's Officer Time is met by the potential developers along with the costs of employing consultants to assess the submitted information.

7.0 Corporate Implications

7.1 The proposals will be considered against the Corporate objective of Sustainable Growth and Opportunity – G1 with reference to sub headings GO1 & 3 and GP3 subject to a careful consideration of the impacts that are likely to ensue.

7.2 Legal implications – The Council is a statutory consultee in the process and has certain duties under the legislation which will be ensured through legal representation. The Council's legal costs are being met by through the PPA.

7.3 There are no implications for employees of South Derbyshire District Council arising from this report other than the usual senior officer input at necessary times.

7.4 The proposers of the application will be undertaking the communication with the community on this proposal as outlined in this report. In drawing up the Consultation Plan reference has been made to the Council's adopted Statement of Community Involvement', South Derbyshire District Council, adopted March 2006.

8.0 Community Implications

8.1 The impact on the local community in terms of environment and social matters will form an important part of the consideration of the application as set out above; for the purposes of this report, the proposers have identified the environmental and social impacts as something they will actively be consulting upon in line with the Consultation Plan. This Council will take account of these implications in formulating its Local Impact Statement later in the process.

9.0 Conclusions

9.1 It is considered that the Draft Consultation Plan meets the requirements of the Planning Act 2008 and as such can be used as a basis for the pre- application stage of the process with the reservation that final formal comments to the Planning Inspectorate will be formulated in the light an assessment of the various stages of the consultation process. The Committee's instructions are requested.

10.0 Background Papers

10.1 East Midlands Intermodal Park - Consultation Plan for the Proposed Strategic Rail Freight Interchange near Derby - Draft - April 2014.
SDDC Corporate Plan.
Statement of Community Involvement', South Derbyshire District Council, adopted March 2006.
SDDC – Sustainability Community Strategy.
E-Mail dated 12 May 2014 on the results of the Consultation Meeting on 7 May 2014 where the Inner Consultation Zone was extended.

