

Tim Furnell, BA (Hons), MRTPI, Chief Planning Officer

Date : 18 March 2011

Jane Carbray
Environmental Project Manager
NEAS
Environment Agency Olton Court
10 Warwick Road
Olton
Solihull
B92 7HX

Direct Line: 01283 508641
Direct Fax: 01283 508388
Reply To: Jim Malkin
E-mail: james.malkin@eaststaffsbc.gov.uk
Our Ref: P/2011/00294
Your Ref: IMMI001015
(please quote this reference on all correspondence with us)

Dear Sir

Re: Formal screening opinion, Lower River Dove, Flood Risk Management Scheme

I refer to your request of the 23rd February 2011 for a formal 'screening opinion' in respect of the above proposal.

I can confirm that the Council has considered the submitted information and have concluded that this development does not constitute EIA development, and therefore a formal Environmental Impact Assessment will not be required.

Yours faithfully

Jim Malkin
Planner Enforcement
Planning Delivery

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999**

**Request for a “Screening Opinion” in respect of the following
development:**

Proposed Development:

Installation of Flood Defence Measures

Introduction:

The Council has received a request for an EIA screening opinion in relation to installation of flood defence measures along the River Dove, including works at Tutbury, and is required to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.

Schedule 1:

Schedule 2:

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “wide scope and broad purpose”, I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (h), Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works

Circular 2/99:

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
 - the existing land use,
 - the relative abundance, quality and regenerative capacity of natural resources,
 - the absorption capacity of the natural environment, with particular emphasis to the following areas:
 - (i) wetlands
 - (ii) coastal zones

- (iii) mountain and forest areas
- (iv) nature reserves and parks
- (v) areas designated by Member states
- (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
- (vii) densely populated areas
- (viii) landscapes of historical, cultural or archaeological importance.

3. Characteristics of the potential impact, with regard to :

- The extent of the impact
- Transfrontier nature of the impact
- Magnitude and complexity of the impact
- Probability of the impact
- Duration, frequency and reversibility of the impact

In assessing whether an Environmental Assessment will be required, Annexe A to the Circular adds that in the case of flood relief works the likelihood of needing an EIA is especially dependent on the nature of the location and the potential effects on ecology and hydrology. Schemes for which the area of the works would exceed 5ha's or which are more than 2km in length would normally require EIA.

Assessment:

In assessing the proposal in the context of the above, the Council's view is that it is a major development of no more than local importance. The development will consist of the raising of floodbanks and less frequently the erection of flood walls to protect existing communities from flooding. In Scropton, Hatton and Egginton. In total 3.64km of new embankments and walls will be erected, (of which less than 500metres will comprise flood walls). A further 1.97km of existing embankments will be raised. The footprint of all the developments will be around 5.5ha in total. Walls and embankments will vary in height according to local topography although walls will typically be under 2m whilst flood banks will vary from 2 - 2.5m in height. The extent of works at Tutbury is relatively minor with only 226m of new embankment and 33m of wall being created.

The total length of new flood defences are approximately 3.64km. This falls above the indicative threshold of 2km in length for a project of this type (for flood defence schemes) (Circular 02/99 Annex A, A24). It is noted that cumulatively, the total of new walls/embankments and raising of existing walls/embankments is approximately 5.6km and that in addition the footprint of all the new embankments (not including site compounds, working areas or additional footprint beneath the raised embankments) is around 5.5 hectares and therefore exceeds the indicative threshold of 5 hectares for this type of project.

However, having assessed the nature, scale and location of the development proposal (including the fact that the development is not within a sensitive location as defined under Part I of the EIA Regulations), it is considered that this proposal does not constitute EIA development.

It is also noted that the majority of the works fall under the jurisdiction of South Derbyshire District Council, who have already considered that the works do not require the submission of an Environmental Statement.

Recommendation:

A formal screening opinion be adopted that Environmental Assessment will not be required

Planning Delivery Team Leader/Chief Planning Officer comments:

It is noted that only 226m of new flood defences will be carried out within East Staffordshire, and less than 5 hectares of land will be involved. Within this Borough therefore the relevant thresholds will not be exceeded.

The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.

A formal Environmental Statement is not required in respect of the development as proposed.

Team Leader/CPO Signature **Date** ...16th March 2011....

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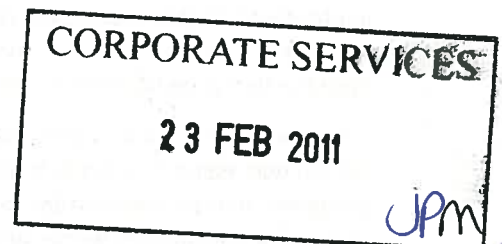
Environment
Agency

P/2011/00294

Planning Services
East Staffordshire Borough Council
Town Hall
King Edward Place
Burton upon Trent
Staffordshire
DE14 2EB

Our ref: IMMI001015

Date: 22 February 2011



FAO Philip Somerfield (Planning Policy Manager)

Dear Mr Somerfield,

Request for EIA Screening Opinion for the Lower River Dove Flood Risk Management Scheme

We are writing to request an Environmental Impact Assessment Screening Opinion in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations SI 1999 No. 293 as amended ('the EIA Regulations').

As you are aware the Environment Agency are proposing to implement a flood risk management scheme for the lower reaches of the River Dove. The River Dove covers an area of approximately 500km² and has five major tributaries; the River Churnet, the River Tean and the Foston, Hilton and Egginton Brooks. These tributaries have a major influence on the lower reaches of the River Dove and its floodplain prior to its confluence with the River Trent. The area is predominantly rural, although it does include the large villages of Scropton and Hatton and numerous smaller villages.

Settlements along the lower reaches of the River Dove currently experience flooding during heavy rainfall events. In the recent past the River Dove's defences were severely tested by the flood of December 1991, where property flooding occurred when the southerly ring bank at Scropton overtopped. Villages on the lower reaches of the River Dove, including Scropton, Hatton, Tutbury and Egginton were amongst many areas of the UK to suffer flooding in the autumn of 2000. Following the 2000 floods, the flood defences were improved at Scropton and Hatton. However, the standard of protection of the current defences in the area varies between the 1 in 20 (5% probability) and 1 in 50 (2% probability) year return periods.

A strategic assessment of options for the sustainable management of flood risk for the lower reaches of the River Dove, undertaken during 2009, identified a non-strategic flood risk management solution for the flood defence of properties and businesses in the villages of Scropton, Hatton and Egginton. The preferred option identified the raising, extension and improvement of existing linear defences at these locations to a proposed standard of 1 in 100 year, reducing the risk of flooding to a 1% chance in any one year. Mitigation works to ensure no change in the level of flood protection at Tutbury will also be required. The study area and key locations are illustrated on Figure 1: Location Plan (attached) of the Scoping Consultation Document.

It has been calculated that some 3.64km of new embankments / walls will be constructed whilst a further 1.97km will be raised or improved for implementation of the scheme. However only 226m of new embankments are proposed in Tutbury (East Staffordshire) with a further 33m of wall between the Mill Fleam and A511 being raised. The footprint of the new embankments is estimated as covering some 3.3 hectares. There are also a number of opportunities for habitat creation and in channel improvements for fish passage and to footpath and cycle routes, the feasibility of which will be determined by technical and economic constraints and agreement with relevant landowners, which will be analysed in more detail as part of the detailed design process.

Following internal approvals and detailed design, and subject to receiving planning consent, it is proposed to commence the construction of the scheme during summer 2012. It is anticipated that construction would be complete by the spring of 2014. At this stage a construction phasing plan is not available.

The Lower River Dove Flood Risk Management Scheme Scoping Consultation Document (SCD) was issued on a CD to East Staffordshire Borough Council on 28th January 2011 for comment and an opportunity to provide additional information. The SCD provides further detail of the proposed works and the likely impacts of the scheme, which are illustrated on the Environmental Site Appraisal Drawings within the SCD. However, since preparation of the Scoping Consultation Document, the design of the scheme has moved forwards and the extent of some of the defences has changed. The preferred outline design was presented at a recent public consultation event (11th January 2011) and is illustrated on the attached proposal drawings (WN/LDFS/ENV/030 - 034). This preferred option corresponds in most locations to the works described in the SCD. The SCD is relevant and therefore remains a relevant background document for you to base your screening opinion on.

The proposed works for the preferred option include the following:-

Scropton

- Raising the existing embankment behind the stables on Watery Lane by 0.1m at the upstream end, increasing to 1.0m at Leathersley Lane end. Construction of new embankments either side of Leathersley Lane (1.5m to 2.5m high);
- Raising road levels (Leathersley Lane), by approximately 1.0m, at the west end of Scropton;
- Re-alignment of approx 155m of the Foston Brook Channel between Leathersley Lane and the railway embankment to accommodate a higher flood defence wall (approx 2.5m high) to the rear of properties along the left bank;
- Construction of approx 85m new flood defence wall (approx 2.0m high) between Foston Brook railway bridge and the level crossing and a further 185m of flood defence wall (approx 1.8m high) replacing a similar height stone wall, to the east of the level crossing. The new wall will tie into a new embankment extending a further 145m parallel to the railway towards Mill Green;
- Levelling of existing flood defence embankments around properties at Brookside Farm, Brookhouse Farm and Riverside Farm.

Hatton

- Construction of approx 650m new embankment (1.5m to 1.9m high) and approx 57m (approx 1.9m high) flood defence wall (in the vicinity of the pedestrian footbridge across the railway) adjacent to the riverward side of the railway between Green Lane and the existing flood embankment in Hatton;
- Raising approx 240m of existing embankment and wall (by approx 0.3m to 0.6m) (Scropton Old Road) west of Hatton Bridge and a further approx 510m of existing embankment to east of the bridge (Old Marston Road) by 0.1 to 0.2m along its length;

- Construction of approx 600m of new flood defence embankment (approx 1.5m to 2.3m high) running parallel to the south side of the railway line.

Tutbury

- Mitigation works at Tutbury (construction of an embankment around the buildings to the east of the A511, including the fire station, a ring bank around the farm track beneath the A511 and raising of approx 33m of wall adjacent to the mill fleam /A511);

Egginton

- Raising of existing embankment (by approx 0.3m) around the village between Blacksmiths Lane and high ground at Catherine Jonathan Playing Fields and extending these embankments to tie into high ground at either end;
- A new embankment (approx 710m and up to 2m high) around the south of Egginton from Catherine Jonathan Playing Fields to Church Road, including a diversion of the drain south of St Wilfrid's Church and Benby House;
- Diversion of existing drain behind St Wilfrid's Church, creating a new channel approx 390m long to the wet side of the new embankment;
- A flood gate (1.5m high) across Church Road;
- A new embankment approx 0.8m high and 480m long between Church Road and existing defences adjacent to Egginton Brook;
- Raising of existing embankment to south of Egginton Brook running east from Main Street to be raised by 0.3m at bridge end and 1m at downstream end.

The scoping study has been undertaken as a precursor to a more detailed environmental impact assessment and has identified the key issues associated with the preferred scheme option. The study also provides a focus for impact assessment and the identification of mitigation measures.

The key environmental issues relating to the preferred option are as follows:

Positive Issues

- 1262 residential and 307 commercial properties protected from flooding to a minimum 1 in 100 year standard of protection;
- Local roads in Scropton, Hatton and Egginton and Network Rail asset (Crewe to Derby line) benefit from reduced flood risk, leading to less frequent disruption for communities and services;
- Reduced flood risk to areas of possible future development within Hatton (to east of Nestlé).
- Potential long term environmental benefits from:
 - BAP habitat creation upstream of Dove Cliff Weir as part of proposed EA fisheries proposals to improve fish movements upstream (i.e. construction of a fish pass or weir removal);
 - Improved recreational facilities (footpaths/ cycle way) and public access to the river; and
 - In-channel habitat improvements along river bank by planting to increase shade and re-grading of sections of riverbank.

Adverse Issues

- Potential for impacts on landscape character within the study area including the river corridor and setting of landscape features, settlements and properties. There are land take requirements to accommodate new flood defence embankments with subsequent impacts on agricultural use and function, potential vegetation and tree loss and impacts upon recreational resources in the study area. Changes in visual amenity including residents' views from properties and views of the users of

recreational resources may also be affected. Impacts on views of the river or brook for residents in Scropton (arising from higher defences between Leathersley lane and railway line) and in Hatton (arising from raised defences to west of bridge). A Landscape and Visual Impact Assessment (LVIA) will be undertaken to inform the design approach for the scheme and mitigation developed in consultation with affected parties.

- Removal of vegetation and construction of defences may have a potential effect on nesting birds, and may affect roosting bats, badgers, otters, reptiles and grassland vegetation. Species / habitat surveys will be undertaken during the detailed design of the scheme and mitigation developed alongside environmental outcome measures working with landowners and the Local Wildlife Trusts to deliver biodiversity benefits (see SCD) which will be developed during detailed design. No statutory designated conservation or wildlife sites will be affected.
- Potential adverse impacts on the setting of the Tutbury Conservation Area and St Wilfrid's Church and Benby House (both listed buildings) and associated grounds in Egginton due to the construction of flood walls/ embankments/ flood gate in these respective locations. Significant effects on the designated buildings in Egginton are not anticipated as the works are outside the boundary of the listed structures and mature woodland provides effective visual screening. The new defences in Tutbury will be informed by LVIA to ensure they are in keeping with the location. Potential for impacts on buried archaeology will be investigated through archaeological desk based assessment followed by archaeological investigation if required. Mitigation will be developed in consultation with landowners and the county archaeologist.
- Traffic constraints during construction, particularly at Scropton and Egginton. These will be mitigated through development of a construction traffic management plan agreed with the local highway authority prior to the commencement of works.
- River (brook) modification on Foston Brook adjacent to Leathersley Lane and a drain, adjacent to Benby House, Egginton. New sections of river channel will be longer than the sections replaced and provide an opportunity for habitat creation. The river habitat will be enhanced to improve WFD features such as 'phytobenthos' (aquatic, marginal and riparian plants) which in some reaches of the River Dove is currently of 'bad' status.

The existing environmental conditions, key issues posed by the proposed scheme and potential mitigation and outcome measures are detailed in Chapters 4 and 5 of the SCD. Table 5 within the SCD lists the receptors which it is considered could be scoped out of subsequent environmental reporting and where further survey / reporting will be required to inform the design of the scheme. The table has been attached to this letter for ease of reference and has been amended to incorporate responses from external stakeholders (see below).

Following consultation on the SCD with external stakeholders it was identified that although a noise assessment was not required, any future document should include consideration of the measures to mitigate noise impacts. It is therefore intended to include a review of noise mitigation measures for the scheme. In addition the preferred outline design includes modifications to the Foston Brook channel which will require WFD compliance assessment.

The new flood defences potentially fall under 10h) of Schedule 2 of the EIA Regulations (flood relief works). The proposed raising of existing walls and embankments potentially fall under the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (as amended by SI 2005/1399 and SI 2006/618) being "improvement works" (meaning "works which are the subject of a project to deepen, widen, straighten or otherwise improve any existing watercourse or remove or alter mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work"). The proposed raising of existing flood defences potentially fall under Schedule 2, Part 15, Class A

– Development by the Environment Agency, of the Town and Country Planning (General Permitted Development) Order 1995, being “development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works”. The Environment Agency propose to submit a planning application for the entire scheme to both East Staffordshire Borough Council and South Derbyshire District Council in the interest of transparency and clear consultation with the local communities, rather than submitting a planning application for part of the scheme and carrying out the remainder of the proposed works under the Environment Agency’s permitted development rights. An EIA Screening Opinion in accordance with the EIA Regulations will also be requested from the planning authority of South Derbyshire District Council for the proposed works within Scropton, Hatton and Egginton.

The total length of new flood defences will be approximately 3.64km, however only 226m will be within East Staffordshire, the majority of the works falling within South Derbyshire District. This falls below the indicative threshold of 2km in length for a project of this type (for flood defence schemes) (DETR circular 02/99 Annex A, A24). Cumulatively, the total of new walls/embankments and raising of existing walls/embankments is approximately 5.6km. The footprint of all the new embankments and walls alone (i.e. not including site compounds, working areas or additional footprint beneath the raised embankments) is estimated as covering some 5.5 hectares exceeding the indicative threshold of 5 hectares for this type of project. The footprint of the new embankments and walls proposed within East Staffordshire is approximately 3.3 hectares. This does not include site compounds or working areas, but the total of these works areas is highly unlikely to exceed the indicative threshold of 5 hectares for this type of project.

However, it is the opinion of the Environment Agency that the current proposed flood risk management scheme within East Staffordshire will not give rise to significant environmental effects, taking account of the characteristics of the proposed development, its location and characteristics of potential impacts. Although part of the scheme in Tutbury is within a Conservation Area (i.e. new embankment proposed around the buildings to the east of the A511 and raising of the wall adjacent to the A511), new defences will be informed by LVIA to ensure that they are in keeping with the surroundings.

On this basis it is **not** the intention of the Environment Agency to undertake a statutory Environmental Impact Assessment. Instead, an informal assessment will be undertaken, and an "Environmental Report" will be produced to reflect the details of the current scheme and associated environmental impacts and mitigation proposals. The Environmental Report will be submitted with the planning application.

Under the "Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999" (SI99/293) an applicant "...who is minded to carry out a development may request the relevant planning authority to adopt a screening opinion". (5.- (1)).

In accordance with this regulation, your confirmation on this Screening opinion would be appreciated.

Should you consider that the proposals are likely to result in significant impacts and, therefore, require the preparation of an Environmental Statement then a formal Scoping opinion to accompany your Screening opinion would be appreciated.

Should you corroborate the Screening opinion offered herein, your views on any further supporting environmental information to be included in the Environmental Report to accompany the planning application would be welcomed at this stage.

I should be grateful if you would forward your response to this screening and scoping request by 15th March 2011 to the undersigned at Olton Court, 10 Warwick Road, Olton, Solihull, B92 7HX or send by e-mail to jane.carbray@environment-agency.gov.uk. However an earlier response would be very much appreciated.

Yours sincerely,

Jane Carbray
Environmental Project Manager
NEAS (National Environmental Assessment Service)
Environment Agency
Olton Court
10 Warwick Road
Olton
Solihull
B92 7HX

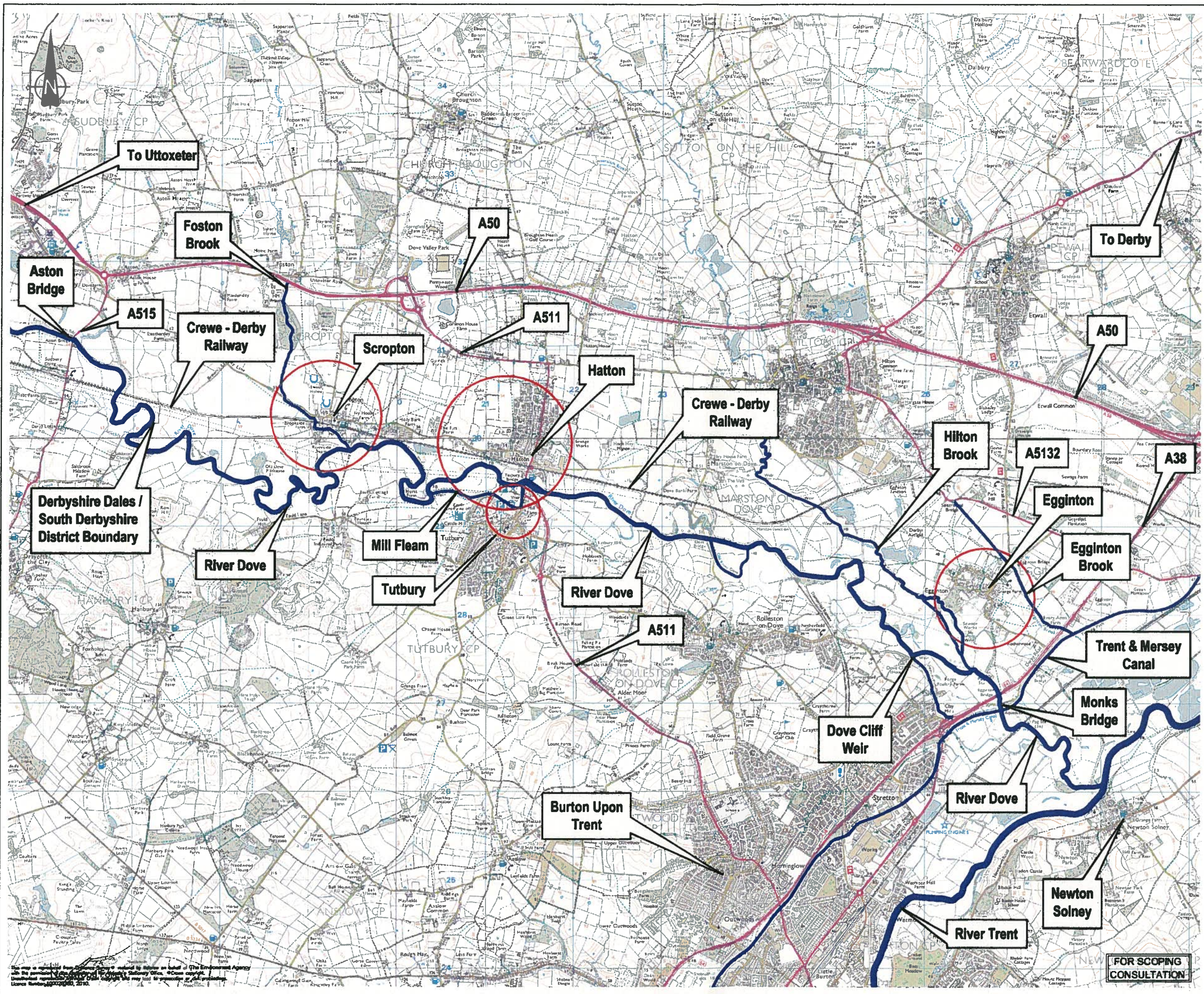
cc:
Lynn Foord

Encls.

Figure 1 Location Plan

**Drawing Numbers WN/LDFS/ENV/030, WN/LDFS/ENV/031, WN/LDFS/ENV/032,
WN/LDFS/ENV/033, WN/LDFS/ENV/034,**

Table 5 Receptors Scoped in and out of the Environmental Assessment Process



Key Plan:

Scale: n/a

Key:

- Main River
- Key Defence Locations

Notes:

- For details of proposed defences see Figures 2-4

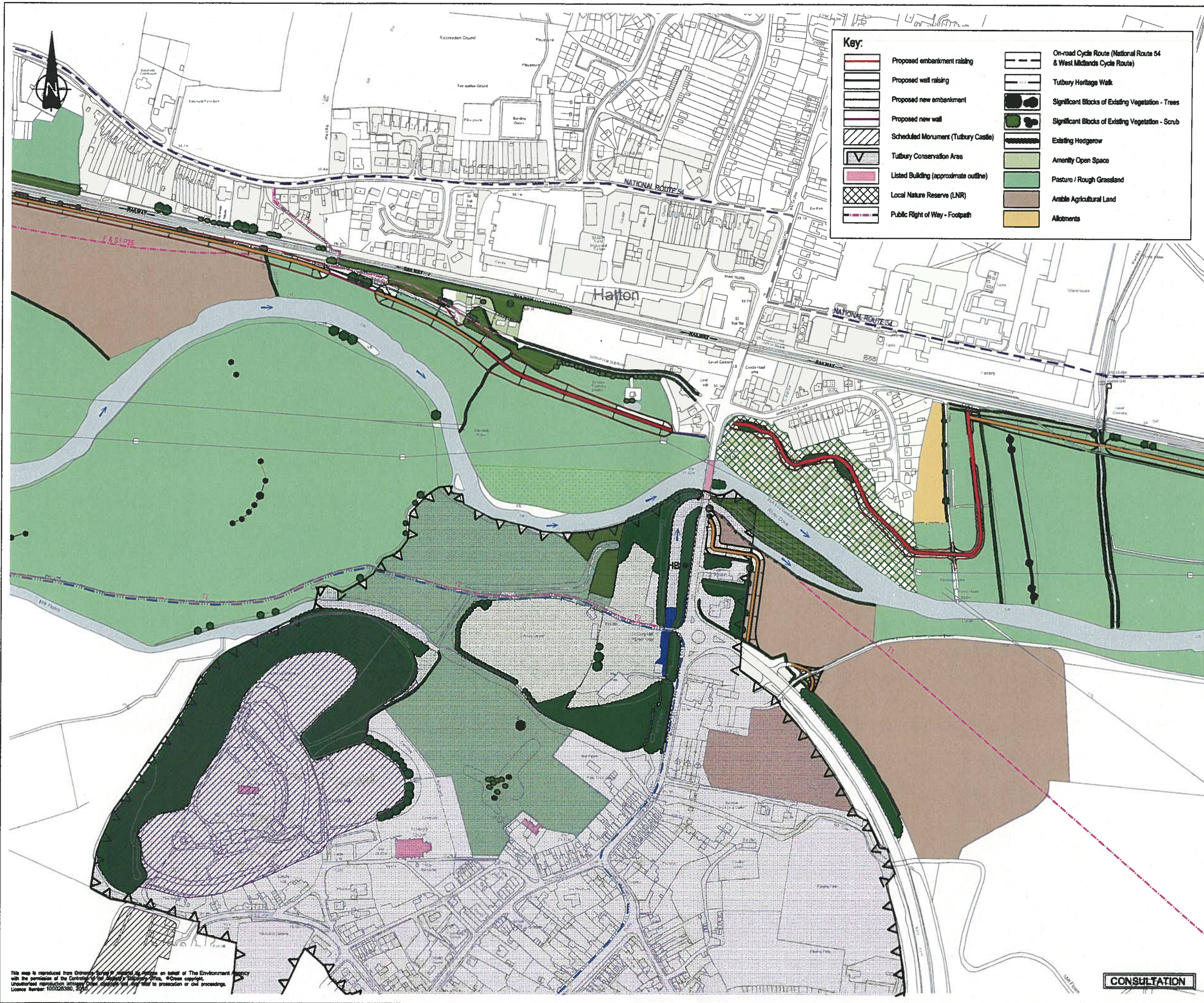
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Client: **Environment Agency**

Drawn by: MPW Date: OCT 10
 Checked by: K1 Date: OCT 10
 Approved by: - Date: -
 Drawing No: WNLDFS/SCD/001 Revision: 1

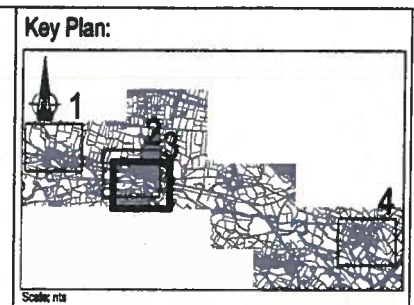
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Key:

	Proposed embankment raising		On-road Cycle Route (National Route 54 & West Midlands Cycle Route)
	Proposed well raising		Tutbury Heritage Walk
	Proposed new embankment		Significant Blocks of Existing Vegetation - Trees
	Proposed new wall		Significant Blocks of Existing Vegetation - Scrub
	Scheduled Monument (Tutbury Castle)		Existing Hedgerow
	Tutbury Conservation Area		Amenity Open Space
	Listed Building (approximate outline)		Pasture / Rough Grassland
	Local Nature Reserve (LNR)		Arable Agricultural Land
	Public Right of Way - Footpath		Allotments



Notes:

1. Footpath numbers are prefixed by F & S (Foston and Scropton), H (Hatton) or T (Tutbury).

Rev	By	Chkd	Apprv	Date	Description

Client

Environment Agency

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 Doreway Technology Centre, Walslow Road, Handon, Crewe, Cheshire, SK3 3PS
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Halcrow

Project

LOWER DOVE PAR

Drawing

TUTBURY PROPOSALS

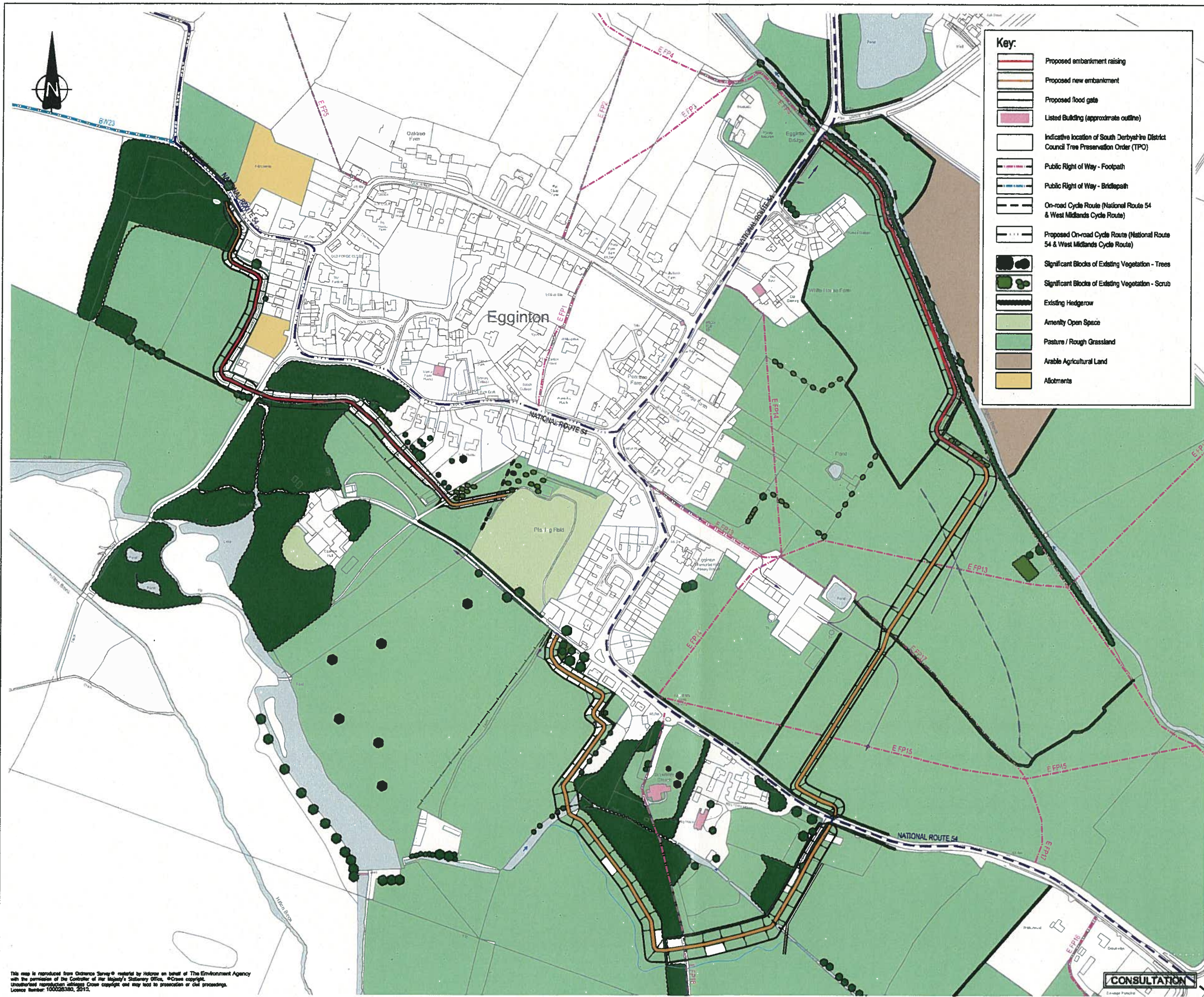
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Checked by: MJ	Date: DEC 10
Approved by: JH	Date: DEC 10
Drawing No.	Revision

WNLDFS/ENV/033

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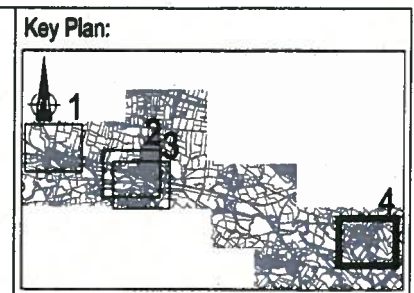
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CONSULTATION



Key:

- Proposed embankment raising
- Proposed new embankment
- Proposed flood gate
- Listed Building (approximate outline)
- Indicative location of South Derbyshire District Council Tree Preservation Order (TPO)
- Public Right of Way - Footpath
- Public Right of Way - Bridlepath
- On-road Cycle Route (National Route 54 & West Midlands Cycle Route)
- Proposed On-road Cycle Route (National Route 54 & West Midlands Cycle Route)
- Significant Blocks of Existing Vegetation - Trees
- Significant Blocks of Existing Vegetation - Scrub
- Existing Hedgerow
- Amenity Open Space
- Pasture / Rough Grassland
- Arable Agricultural Land
- Allotments



Rev	By	Chd	Apprd	Date	Description

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Project

LOWER DOVE PAR

Drawing

EGGINTON PROPOSALS

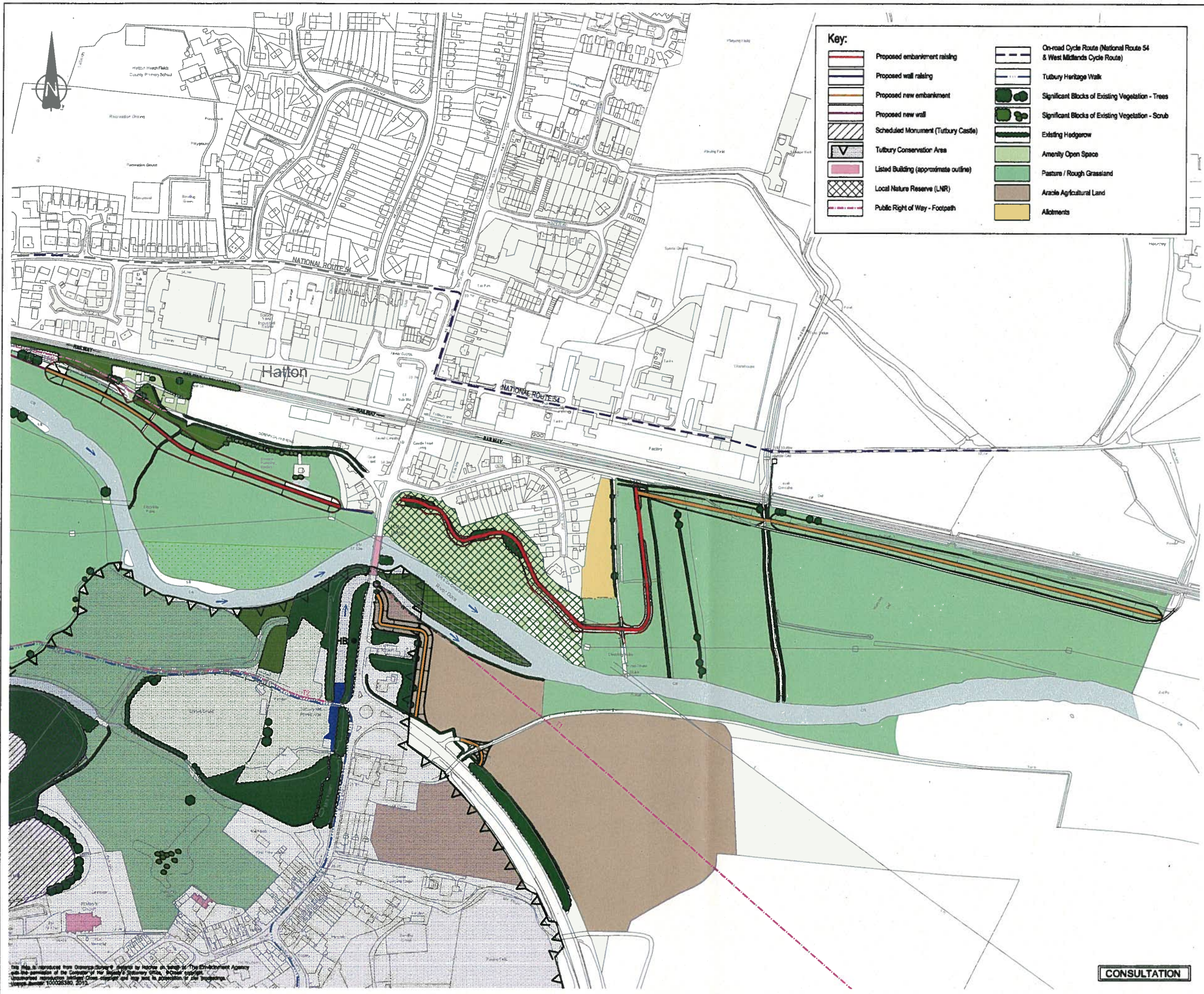
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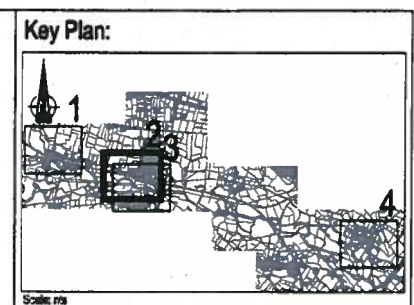
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CONSULTATION



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	Proposed wall raising		Tubury Heritage Walk
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	Local Nature Reserve (LNR)		Arable Agricultural Land
	Public Right of Way - Footpath		Allotments



Rev	By	Chkd	Appvd	Date	Description

Client: Environment Agency

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Halcrow

Project: LOWER DOVE PAR

Drawing: **HATTON PROPOSALS SHEET 2 OF 2**

Drawn by: N/R	Date: DEC 10
Checked by: M/J	Date: DEC 10
Approved by: R/H	Date: DEC 10
Drawing No: WNLDFS/ENV/032	Revision:

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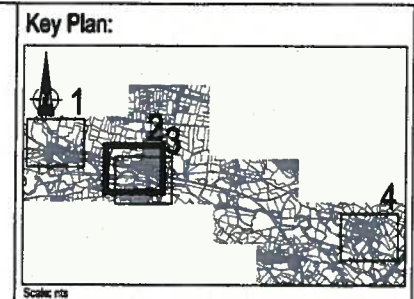
CONSULTATION

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Rev	By	Chkd	Apprvl	Date	Description

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Halcrow

Project:

LOWER DOVE PAR

Drawing:

HATTON PROPOSALS SHEET 1 OF 2

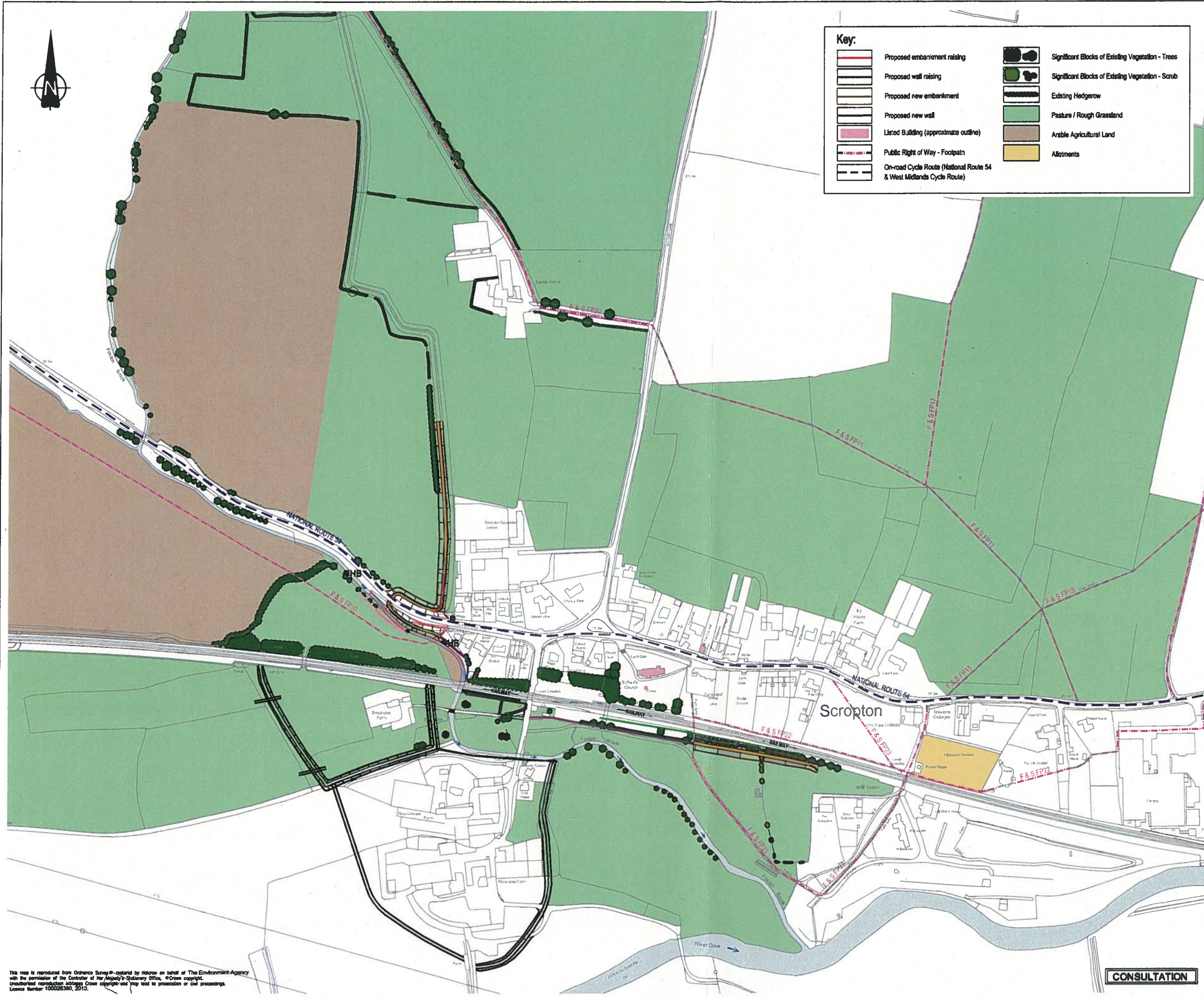
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WNLDFS/ENV/031

Drawing Scale: 1:2,000 @ A1, 1:4,000 @ A3

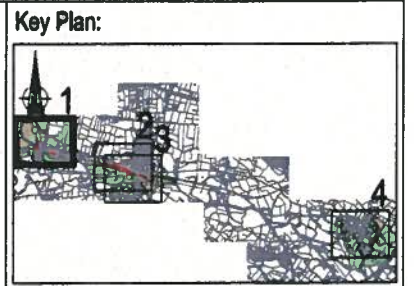
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Key:

	Proposed embankment raising		Significant Blocks of Existing Vegetation - Trees
	Proposed wall raising		Significant Blocks of Existing Vegetation - Scrub
	Proposed new embankment		Existing Hedgerow
	Proposed new wall		Pasture / Rough Grassland
	Lined Building (approximate outline)		Arable Agricultural Land
	Public Right of Way - Footpath		Allotments
	On-road Cycle Route (National Route 54 & West Midlands Cycle Route)		



Scale: m

Notes:

1. Footpath numbers are prefixed by F & S (Foston and Scropton).

Rev	By	Chd	Appr	Date	Description



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Project: **LOWER DOVE PAR**

SCROPTON PROPOSALS

Drawn by: NR Date: DEC 10
 Checked by: MJ Date: DEC 10
 Approved by: KH Date: DEC 10

Drawing No: **WN/DFS/ENV/030** Revision:

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**South
Derbyshire
District Council**

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Environment Agency
Oulton Court
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Head of Planning Services

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Typetalk: (0870) 2409598
DX 23912 Swadlincote
E-mail: ian.bowen@south-derbys.gov.uk

Our ref:
Your ref:

Date: 11 March 2011

Dear Jane

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES REGULATIONS) 1999 (SI1999/293) REGULATION 5
REQUEST FOR SCREENING OPINION: LOWER RIVER DOVE FLOOD RISK
MANAGEMENT SCHEME**

I refer to your request for a screening opinion made on the 22nd March 2011 and received by this Authority on the 23rd March 2011.

On the basis of information submitted I can confirm that the development proposed, namely the flood alleviation scheme falls within the description at paragraph 10h of schedule 2 of the 1999 regulations, being an Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works. In addition the proposal exceeds the threshold in column 2 of the table in that schedule (the area of works exceeds 1 hectare), but in the opinion of South Derbyshire District Council, having taken into account the criteria in schedule 3 to the 1999 regulations; would not be likely to give rise to significant environmental effects on the environment by virtue of factors such as its nature, size and location.

Accordingly the District Council does not consider the proposed scheme to be EIA development and will not require the submission of an Environmental Statement in support of the scheme proposed.

A copy of this Screening Opinion has been placed on the Councils public planning register, in accordance with regulation (20 (1)) of the 1999 regulations). In addition a screening matrix setting out the issues considered by the District Council in making this screening decision has also been placed on the register and is available to view at the Council offices during normal opening hours. I have also attached a copy of this matrix to this letter for your records.



The LPA notes the intention of the EA to prepare an LVIA, appropriate species and habitat surveys, a desk based archaeological assessment as well as the development of a construction traffic management plan. Whilst all of these surveys would be useful in determining any application for this development, I would recommend that the EA contact Derbyshire County Council's Highways team to discuss whether a full transport assessment would need to be submitted alongside any planning application given the nature of the development project. DCC Highways can be contacted directly on 01629 580000.

Finally, please note that this opinion has been issued on the basis of information supplied by the EA on the quantity and type of material to be imported to allow this development to proceed. Based on the information submitted, we are satisfied that this is a District matter (see attached note from DCC). Should the quantity or the type of materials to be used on site change notably, I would recommend that you notify this Authority in order that we can reassess whether the environmental impacts associated with the proposal have altered, and reappraise whether we remain the correct Authority to determine any forthcoming planning application.

I hope this information is of use, if you require any further assistance or information regarding the content of this letter please do not hesitate to contact either Kevin Exley on 01283 228717.

Yours sincerely

Ian Bowen
Planning Policy Manager.

Enc.



