



Wardell Armstrong

Land Use, Planning & Environmental Services

Our ref: DMB/NT02260/054

Date: 5 August 2005

Your ref:

Matthew Low
English Nature
Level 2
Renslade House
Bonhay Road
Exeter
EX4 3AW

Dear Mr Low

Scoping report for an Appropriate Assessment Proposed development at Exeter Gateway

A planning application was submitted by the Church Commissioners for England for the development of an intermodal facility for the transfer of freight and a freight distribution centre in July 2000 (Planning Ref: 00/P1394) (see Figure 1.1). The outline application was submitted with an Environmental Statement which was circulated for consultation during 2000/01 when additional reports were prepared by the Applicant, specifically for:

- flora and fauna surveys and assessment;
- water resources and flood risk; and
- cultural heritage.

The proposed development at Exeter Gateway was considered alongside other major development in the Exeter Area of Economic Activity at the Public Inquiry held for the East Devon District Local Plan, which the Inspector published the Part A report in March 2005. In this report the Inspector confirmed the policy position on the proposed development of Exeter Gateway. As a result, East Devon District Council have requested that the Applicants update the Environmental Impact Assessment for the following reasons:

- to take account of the time lapse between July 2000 when the majority of the original baseline data was obtained; and
- to reassess potential impacts and mitigation because the 'link road' connecting the junction at the entrance to Exeter Gateway and the A30(T) is now subject to a specific EIA prepared for the Clyst Honiton bypass.

As a part of the process of updating the EIA for Exeter Gateway, the flora and fauna assessment has considered the potential impacts of the development on the Exe Estuary SPA, Ramsar site and SSSI. In theory there is a range of emissions associated with the construction, development and operation of Exeter Gateway, that could potentially affect the internationally recognised wildlife site within the Exe Estuary, a scoping report for an Appropriate Assessment has been compiled.

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Appropriate Assessment (Regulation 48) the Conservation (Natural Habitats &c) Regulations, 1994).

The methodology used for this scoping report is based on guidance in PPG 9 (Annex C) and the Habitats regulations guidance note prepared by English Nature (1997). An Appropriate Assessment is required by Regulation 14 of the Habitats Regulations 1994 implementing Article 6(3) of the Habitats Directive (92/43/EEC). Regulation 48(1) requires that an appropriate assessment should be considered for any plan or project which:

- either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site; and
- is not directly connected with the management of the site for nature conservation.

Importantly, the plan or project does not have to be located within the designated area and significant effects may occur if the plan or project is located some distance away and even outside any consultation area defined by English Nature.

The stage process of this scoping report considers:

- a) **Stage 1** - the Exe Estuary SPA and its geographic relationship to the proposal development at Exeter Gateway;
- b) **Stage 2** - will the plan or project have a likely significant effect on the European site either alone or in combination with other plans or projects and if this is the case;
- c) **Stage 3** - provide the format for an Appropriate Assessment, which must be undertaken by the Competent Authority (in this case East Devon District Council).

Stage 1

The Exe Estuary supports over 10,000 wintering wildfowl and 20,000 waders and has been designated as a Special Protection Area under the EC Directive on the Conservation of Wild Birds (79/409/EEC) (the 'Bird Directive'). Over 1% of the European population of species such as the dark-bellied brent goose (*Branta bernicla bernicla*), widgeon (*Anas penelope*), ringed plover (*Charadrius hiaticula*) and black-tailed godwit (*Limosa limosa*), and the largest flock of wintering avocets (*Recurvirostra avosetta*) in Britain, are supported by the site. A Bird Sanctuary Order (SI. No. 901 of 1951) covers part of the site.

Nationally significant communities of invertebrates are supported by the sandbanks and mudflats. These provide food for many fish and birds. Species present include lugworm (*Arenicola marina*), peppery furrow shell (*Cardium edule*), razor shell (*Ensis siliqua*) and masked crab (*Corystes cassivelaunus*). The Estuary is also the only site in Britain where the polychaete worm, *Ophelia ostralegus*, exists.

The Exminster Marshes contain several plants rare in Devon such as parsley water-dropwort (*Oenanthe lachenalii*), flowering rush (*Butomus umbellatus*) and frogbit (*Hydrocharis morsus-ranae*) and dragonflies including the nationally uncommon ruddy darter (*Sympetrum sanguineum*) and hairy dragonfly (*Brachytron pratense*).

The proposed Exeter Gateway site is approximately 6.4 km northeast of the Exe Estuary SPA/SSSI/Ramsar site.



Stage 2

The proposed development at Exeter Gateway is adjacent to the River Clyst floodplain; the River Clyst flows into the River Exe. Likely significant effects associated with the proposed development of Exeter Gateway have been considered in the following table:

Table 1 Consideration of likely significant effects			
Emission	Likelihood of effect (without mitigation)		Comments
	Earthworks and construction	Operation of development	
Dust	Low risk during earthmoving, less during construction.	Low risk	Distance from SPA is significant for emissions to be non-measurable above background. Mitigation measures are standard practice on construction sites.
Gaseous / particulates	Low risk	Increase transport on local road (Clyst Honiton bypass) associated with transfer of freight.	Distance from SPA is significant – no measurable effects above background are predicted. No specific mitigation measures.
Noise	Low risk	Low risk	Distance from SPA is significant – no measurable effects above background are predicted. No specific mitigation measures.
Visual	Low risk	Low risk	Exeter Gateway is not inter-visible with the SPA. No specific mitigation measures.
Water resources	Low – Moderate risk due to proximity to floodplain and the potential for contamination of surface waters	Low – Moderate risk due to changes in surface water drainage and the potential for contamination of surface waters	Outline flood risk assessment and sustainable urban drainage designs have demonstrated that with mitigation the risk of adverse impact on River Clyst is low. Distance from SPA is significant, therefore with mitigation no measurable effects above background are predicted. The updated water resources section of the ES and plans has been appended.
Flora and fauna	Low – Moderate risk, due to loss of habitat within the site increasing pressure for retained habitat within floodplain and on River Clyst corridor	Low – Moderate risk due to disturbance of species utilising floodplain increasing pressure on less disturbed habitats up and downstream of the site.	The Exeter Gateway development will result in the loss of 24ha of is primarily agricultural, hedgerows some wetland and woodland habitats. Mitigation measures include planting of new woodland, replacement of a proportion of hedgerows and habitat creation and management within the floodplain of the River Clyst (approximately 20ha of the floodplain is within the application boundary to provided for enhanced habitat as mitigation for that lost as a result of development). With mitigation the risk is low. Distance from SPA is significant, therefore with mitigation no measurable effects above background are predicted. The updated flora and fauna section of the ES and plans has been appended.

The ES has considered the cumulative effects associated with the development of Exeter Gateway in combination with other developments in the Exeter Area of Economic Development, namely:

- Skypark (business park);
- Exeter & Devon Airport development;
- New settlement (Cranbrook); and
- Clyst Honiton bypass

With mitigation and taking account of the distance from the SPA, which is significant the risk of cumulative effects on the SPA is considered low. Therefore, with mitigation no measurable effects above background are predicted within the SPA.

On the basis of this risk assessment approach and the technical reports prepared for the ES (appended to this letter), the plan or project (namely Exeter Gateway) is **unlikely** to have significant effect on the Exe Estuary European site. The assessment of cumulative impacts identifies that with mitigation the plan or project (namely Exeter Gateway), in combination with other developments within the Exeter Area of Economic Activity, is **unlikely** to have a significant effect on the Exe Estuary European site.



On the basis of this assessment **Stage 3** of the process is not required for this project, therefore an Appropriate Assessment **is not required**.

An annotated version of the decision matrix identified in Annex C of PPG 9 has been appended, which identifies the decision pathway taken in this scoping assessment.

This scoping letter will be used as an Appendix to the flora and fauna section of the Exeter Gateway ES and I would be grateful for your comments on the approach adopted and conclusions reached so that they can also be included in the final updated version of the ES. For your information I have enclosed draft copies of the sections to be included in the Environmental Statement on the following:

- flora and fauna;
- water resources; and
- Cumulative effects.

At this stage, I have also copied the letter (and enclosures) to Janthia Olgate (East Devon District Council), if either you or Janthia would recommend that the correspondence be circulated more widely, please contact me.

I look forward to hearing from you in due course.

Yours sincerely

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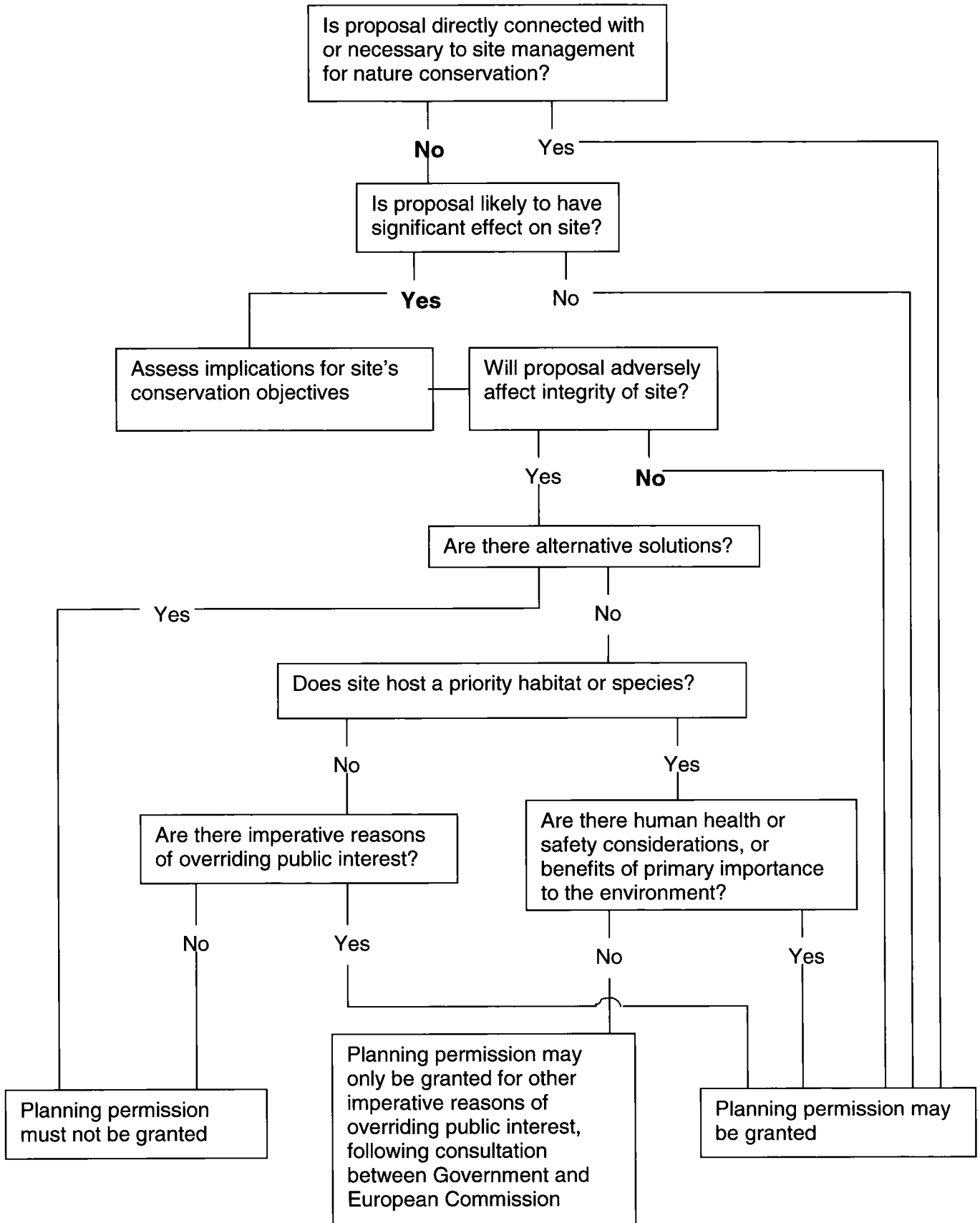
DAVID BRIGNALL
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for Wardell Armstrong LLP

dbrignall@wardell-armstrong.com

cc Janthia Olgate (East Devon District Council)
Steve Melligan (Church Commissioners) (by email)

enc: PPG 9 – Decision matrix
Draft sections from the Environmental Statement:
Section 9 Water resources
Section 13 Flora and fauna
Section 18 Cumulative effects

Consideration of development proposals affecting SPAs and SACs



Blue highlights indicate the decision path followed with respect to proposed development 'Exeter Gateway'



Wardell Armstrong

Independent Environmental Services

Our ref: DMB/NT02260/0060

Date: 18 October 2005

Your ref:

Matthew Low
English Nature
Level 2
Renslade House
Bonhay Road
Exeter
EX4 3AW

Dear Mr Low

Scoping report for an Appropriate Assessment Proposed development at Exeter Gateway

Further to your letter dated 21st September 2005, in response to the Scoping report for an Appropriate Assessment of the proposed development at Exeter Gateway. I have addressed the amendments you identified in the initial scoping report, with specific reference to the construction phase of the proposed development.

Background to the Appropriate Assessment

A planning application was submitted by the Church Commissioners for England for the development of an intermodal facility for the transfer of freight and a freight distribution centre in July 2000 (Planning Ref: 00/P1394). Figure 1.1 for identifies the location of the proposed development and Figure 3.3 provides an indicative masterplan and landscape proposals, (both Figures have been attached to this correspondence).

The outline application was submitted with an Environmental Statement which was circulated for consultation during 2000/01 when additional reports were prepared by the Applicant, specifically for:

- flora and fauna surveys and assessment;
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Table 1 has identified that, in the absence of mitigation, there are two environmental issues where the risk rating has been identified as greater than low. These are the potential effects on water resources and upon flora and fauna. Of these potential effects the risk rating associated with the effects upon flora and fauna are considered to be localised in nature, in particular the loss of habitat, associated with the requirement to relocate protected species to retained habitat in the River Clyst corridor. The mitigation measures identified to address these impacts have been assessed in the Environmental Statement, but it is considered unlikely that the residual impacts will have any direct effect upon the Exe Estuary SPA site.

Water resources

With respect to the potential impact upon water resources, which were also identified as a low to moderate risk of an effect upon the Exe Estuary; English Nature have identified that in the initial scoping report, for an Appropriate Assessment, the likelihood of effects during the operational phase have been adequately assessed. However, EN considered that the construction phase was the period during which the Exe Estuary SPA site was potentially more vulnerable to the likelihood of an effect. The potential impacts and proposed mitigation



during this stage of the development have been considered in more detail in Table 2. In prefix to this assessment, it should be identified that the current application is in outline, at this stage, and therefore the detail design of the schemes for pollution control during the construction phase will be prepared, as a part of the secondary detailed submissions, should planning consent be granted. To this end, certain of the mitigation measures identified depend schemes, to be agreed that would benefit from an integrated design as part of the detailed application. The Environmental Impact Assessment identifies a wide range of potential mitigation measure and schemes that it is anticipated will form conditions to the consent, should planning permission be granted for Exeter Gateway.

Table 2			
Main elements of the construction phase and outline mitigation			
Stage (in order)	Potential impact	Likelihood of effect	Mitigation
Landscape works in floodplain	Increase in suspended solids and sedimentation associated with work to ditches etc	Low	Suspended solids Work undertaken during period of low flow (late spring – autumn) – primary benefit – establish pollution control and monitoring points prior to construction work in Phase 1
Removal of vegetation and soils from the Phase 1 development area	Increase in suspended solids and sedimentation, through surface run-off into ditches. Increase in N & P through removal of vegetation – leaching from soils and green waste and run-off into ditches	Low	Suspended solids Phased removal of soils as land is required for development in the phase 1 area. Perimeter cut-off ditch established prior to works commencing associated with temporary settlement lagoons and controlled outflow to ditch(s), combined with monitoring point. Vegetation Appropriate low / (no) fertiliser agricultural management regime prior to construction phase (details to be agreed). Greenwaste removed from site for compost then reuse.
Landfill mining / remediation	Leachate control / increase in suspended solids and sedimentation through surface run-off into ditches, release of potential pollutants (if non-hazardous wastes encountered)	Low to moderate	Leachate control Groundwater monitoring and risk assessment to be undertaken prior to development, to assess the potential for leachate within the landfill (likelihood is low due to disposal of inert wastes only). Pollution control measures to be agreed with the EA prior to works commencing. Suspended solids Perimeter cut-off ditch established prior to works commencing associated with temporary settlement lagoons and controlled outflow to ditch(s), combined with monitoring point. Release of potentially polluting substances Detailed design for landfill mining will be based upon a source – pathway – receptor risk assessment that will be prepared and agreed with the EA, prior to the design of the detailed remediation strategy. The risk assessment would address the potential effects on the Exe Estuary SPA.
Mineral extraction and ancillary earthworks	Increase in suspended solids and sedimentation, through surface run-off into ditches.	Low	Suspended solids Existing planning conditions attached to consent ref: 07/06/0395/96 provide a framework for control of surface water during future phases of mineral extraction to obtain the development footprint required for Phase 1. As identified above a perimeter cut-off ditch will be established prior to works commencing, associated with temporary settlement lagoons and controlled outflow to ditch(s), combined with monitoring point.



Construction	Increase in suspended solids and sedimentation, through surface run-off into ditches. Pollution control measures relevant to a construction site.	Low	<p>Suspended solids Perimeter cut-off ditch established prior to works commencing associated with temporary settlement lagoons and controlled outflow to ditch(s), combined with monitoring point.</p> <p>Pollution control measures Examples of good site practice have been identified in the EIA, including:</p> <ul style="list-style-type: none"> • Materials such as cement, plaster, paints etc., will be stored in secure containers protected from the weather and sited in a location where damage due to vehicle movements is unlikely. • All fuels, oils etc., for construction plant will be in tanks sited on an impermeable base and be contained by secure bunds. Bund walls should also be impermeable and the bund capacity should be equal to 110% of the volume of the largest drum or tank. Re-fuelling should also take place within the bunded area. When not in use tanks should be securely locked to prevent vandalism and located in an area as far away as practicable from any watercourse and where the potential for damage due to vehicle movements is minimal. • Existing surface water drains on the site convey uncontaminated rainwater to the River Clyst and nothing, which may cause pollution, should be allowed to enter this drainage network. • All wastes produced during the works should be stored in a designated area and isolated from the drainage network. • Silty water arising from excavations, exposed ground, soil stockpiles, washing facilities or site roads should not be drained to any watercourse. <p>A detailed pollution control strategy for the construction phase will be agreed with the EA and EDDC, the strategy will identify the potential risk of site activities having an effect on the Exe Estuary SPA, albeit that the risk has been identified as low.</p>
Additional note:	English Nature has identified that it maybe sensible to boom-off ditches that currently accept surface flow from the development footprint within the floodplain. This has been identified as a mitigation measure listed above and it is recommended that the pollution control strategy includes the use of surface water control measures at the outflow from the temporary settlement lagoons, identified above. Where necessary active control can be maintained by re-circulation of surface water within the development footprint, should the water quality not achieve the minimum standard identified in the control strategy.		

Cumulative impact

The ES has considered the cumulative effects associated with the development of Exeter Gateway in combination with other developments in the Exeter Area of Economic Development, namely:

- Skypark (business park);
- Exeter & Devon Airport development;
- New community (Cranbrook); and
- Clyst Honiton bypass

With mitigation and taking account of the distance from the SPA, which is significant the risk of cumulative effects on the SPA is considered low. Therefore, with mitigation no measurable effects above background are predicted within the SPA.

Conclusion to Stage 2 assessment

On the basis of this risk assessment approach and the technical reports prepared for the ES (appended to this letter), the plan or project (namely Exeter Gateway) is **unlikely** to have significant effect on the Exe Estuary European site. The assessment of cumulative impacts identifies that with mitigation the plan or project (namely Exeter Gateway), in combination with other developments within the Exeter Area of Economic Activity, is **unlikely** to have a significant effect on the Exe Estuary European site.



Stage 3

On the basis of the conclusions to the Stage 2 assessment, **Stage 3** of the process is not required for this project, therefore a detailed Appropriate Assessment **is not** required for the project.

An annotated version of the decision matrix identified in Annex C of PPG 9 has been appended, which identifies the decision pathway taken in this scoping assessment.

- This scoping letter will be used as an Appendix to the flora and fauna section of the Exeter Gateway ES and I would be grateful for your comments on the approach adopted and conclusions reached so that they can also be included in the final updated version of the ES.

The final updated version of the Environmental Statement will be formally submitted on Thursday 20th October 2005. Therefore, at this stage I have copied the letter (and enclosures) to Janthia Algate (East Devon District Council), if either you or Janthia would recommend that the correspondence be circulated more widely, please contact me.

I look forward to hearing from you in due course.

Yours sincerely

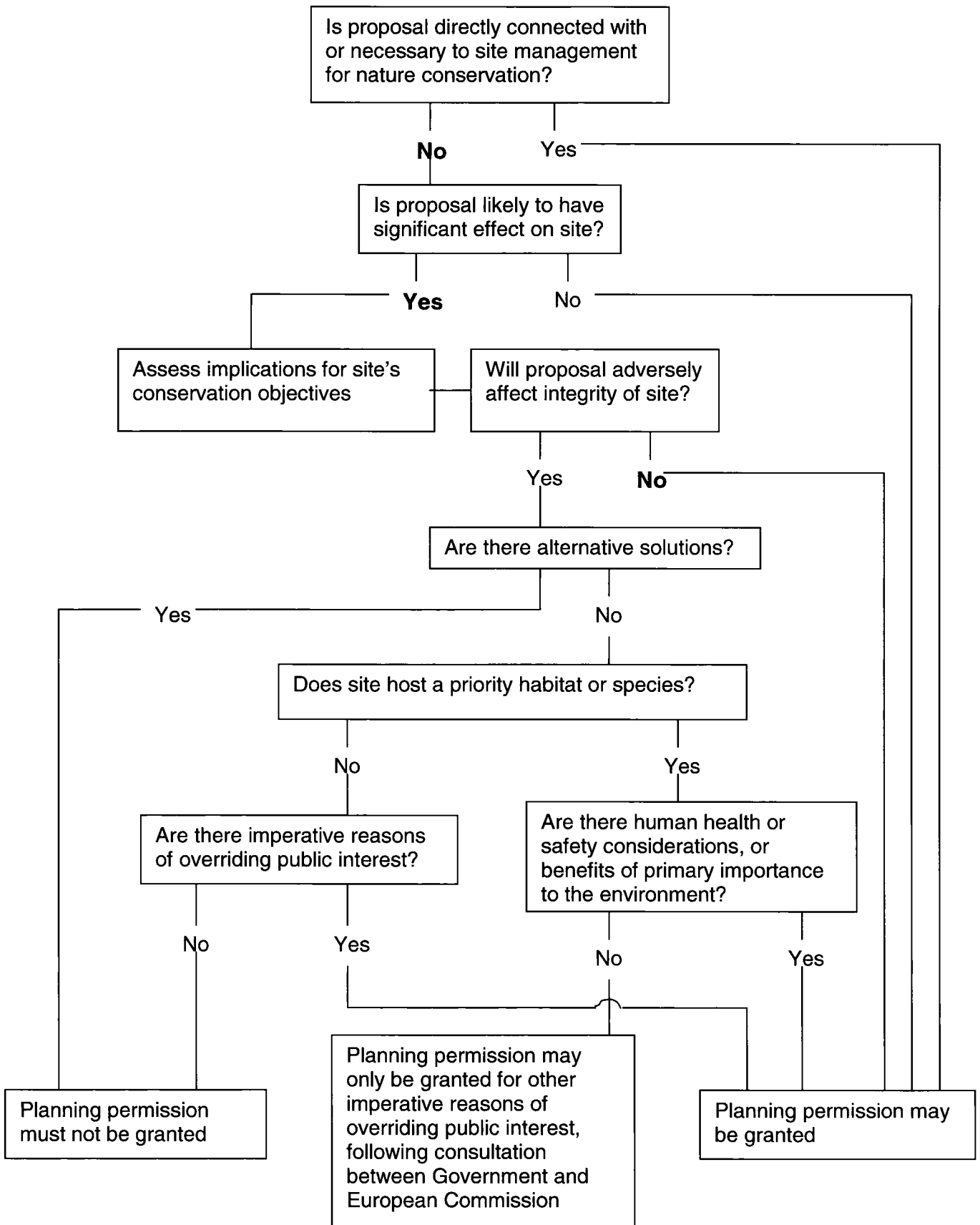
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Technical Director
for Wardell Armstrong LLP

dbrignall@wardell-armstrong.com

cc Janthia Algate (East Devon District Council)
Steve Melligan (Church Commissioners) (by email)

enc: PPG 9 – Decision matrix
Figure 1.1 Site location
Figure 3.3 Proposed landscape measures

Consideration of development proposals affecting SPAs and SACs



Blue highlights indicate the decision path followed with respect to proposed development 'Exeter Gateway'