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L 150115 - EIA Screening Opinion

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James Malkin
Planning Department
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
DE14 1LS

Savills

Belvedere
12 Booth Street
Manchester M2 4AW

Dear Mr Malkin

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011
REQUEST FOR AN ENVIRONMENTAL SCREENING OPINION
PROPOSED REDEVELOPMENT OF PEEL CROFT, LICHFIELD STREET, BURTON UPON TRENT,
STAFFORDSHIRE, DE14 3RH
BURTON RUGBY FOOTBALL CLUB AND PEEL CROFT BURTON LTD**

Introduction

We write to seek a formal opinion from the Local Planning Authority (LPA) under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to determine whether the proposed redevelopment of land at Peel Croft, Lichfield Street, represents Environmental Impact Assessment (EIA) development.

This screening request follows previous screening opinions issued by the LPA in 2011, confirming that an identical proposal on the site was not considered to be EIA development. The purpose of this is to request an updated opinion in light of the requirement to resubmit the 2011, application to provide further time for the applicant to implement the permission.

The Site and Surroundings

The application site measuring 1.62 hectares, is known as Peel Croft and currently accommodates the administrative and playing elements of Burton Rugby Football Club including the pitch, grandstands, changing facilities, hospitality rooms, and car parking areas. In addition it also contains the former Blockbuster video rental store and servicing and car parking facilities.

Peel Croft is a Town Centre Gateway Site, accessed off Lichfield Street, itself off Orchard Street/St Peter's Bridge (A5189). The site lies within Burton Town Centre, immediately south of the Asda superstore, which forms part of the Octagon Shopping Centre.

The exact location of the application site is shown on Drawing Ref: 5188 – 019 - 'Illustrative Site Layout Plan'.

The Proposed Development

The application seeks outline planning permission for the demolition of existing buildings, and the construction of new buildings for use within Classes A1 (9,476 sq m), and A1/A2/A3/A4/A5 (626 sq m),

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together with car parking and works to the highways to construct a new means of access, plus associated works to landscaping, trees and boundary treatment.

As stated above, the application is an exact duplicate of Permission: P/2011/01093/JPM/JO, granted by the Council on 2 March 2012. Since the previous permission was granted, works has not yet been able to commence due to economic and viability reasons.

Access to the site by both customer and delivery vehicles is from Lichfield Street with a dedicated vehicle servicing area to the rear of Units A-E. A new exit only point is proposed onto Orchard Street.

The proposed car park as shown on the indicative layout has provision for one 191 car spaces and ten motorcycles spaces, and would incorporate a number of trees dispersed throughout the layout. Dedicated spaces for people with disabilities are shown on the layout adjacent to all the proposed new blocks, totalling in 23. A service yard for deliveries to the five larger retail units is proposed at the rear of the site alongside the boundaries with ASDA and Peel House. This service yard would also incorporate four staff car parking spaces. The remaining units would be serviced directly from the proposed car park.

The indicative layout of the proposal is included on the enclosed Drawing Ref: 5188 – 019 - 'Illustrative Site Layout Plan'.

The Environmental Impact Assessment Regulations 2011 and Schedule 2 Development

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the Regulations') implement European Council Directives on the assessment of the effects of certain public and private projects on the environment.

The regulations set out two categories of development: Schedule 1 and Schedule 2. Proposals for development that fall within Schedule 1 always require an Environmental Impact Assessment (EIA), whereas the requirement for EIA for proposals within Schedule 2 is discretionary.

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of Schedule 2 development are set out in Schedule 2 of the Regulations.

The proposed development is best defined as falling within *Category 10(b): Urban Development Projects*.

Schedule 2 of the Regulations states that proposals within Category 10(b) must be over 0.5 hectares to classify as Schedule 2 development. It follows that the proposed development does fall into this category. This however does not necessarily mean an EIA is required.

Circular 02/99 (Environmental Impact Assessment) ('the Circular') was produced to provide guidance on what constitutes EIA development. Although the Circular related to the original Regulations, it has not been cancelled or superseded and still provides a useful tool to assist in assessing whether a proposal comprises EIA development or not.

Paragraph 33 from 'The need for EIA for Schedule 2 development-General considerations' states:

'...the Secretary of State's view is that, in general EIA will be needed for Schedule 2 developments in three main types of case:

- a) for major developments which are of more than local importance;*
- b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations;*
- c) for development with unusually complex and potentially hazardous environmental effects.'*

Annex A of the Circular provides further guidance on establishing whether an EIA is necessary for a particular development.

In respect of '**Urban development projects**' it states at Paragraph A18:

*'EIA is unlikely to be required for the redevelopment of land unless the new development is of a **significantly greater scale** than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination'.*

Paragraph A19 goes on to state:

*'Development proposed for sites which have not previously been intensively developed are more likely to require EIA if: the site area for the scheme is more than 5 hectares; or it would provide a total of more than 10,000 sq. m of **new** commercial floorspace; or the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).'* (Savills emphasis).

The Circular confirms that development is **not** likely to constitute EIA development if:

- a) The site has been previously intensively developed;
- b) The new proposal is not significantly greater in scale than the previous use;
- c) The impacts are not of a markedly different nature; and
- d) The site area does not exceed 5ha or the proposal will not provide more than 10,000 sq. m of new floorspace.

As set out in the introductory part of this correspondence, the site measures 1.62 hectares, and will create 5,364 sq m (GIA) of new floorspace at ground floor and an additional 4,738 sq m of floorspace at mezzanine level, totalling 10,102 sq m of retail floorspace (marginally above the floorspace threshold set out above).

To ensure compliance with the Regulations, we seek confirmation by means of a Screening Opinion that an Environmental Impact Assessment is not required.

Schedule 3 Selection Criteria

Schedule 3 of the Regulations identifies specific selection criteria for screening Schedule 2 development. These are as follows:

- i) Characteristics of development;
- ii) Location of development; and
- iii) Characteristics of the potential impact.

We consider the proposed development against each of these criteria below.

1. Characteristics of Development

In relation to the criteria stated within the Schedule 3, we set out the relevant characteristics of the development:

- a) The proposed floorspace at the site is marginally above 10,000 sq m;
- b) The application site measures approximately 1.62ha however; the land uses proposed are relatively benign and the overall environmental effects are likely to be minimal. The development is not of more than local importance;
- c) The site is previously developed and will not result in the loss of any natural resources;
- d) The proposal will not produce excessive quantities of waste or any hazardous substances;
- e) The proposal is non-polluting and does not involve other unusual potential nuisances; and
- f) The risk of accidents is minimal and the proposed use does not involve the use of any dangerous substances or technologies.

2. Location of Development

Having regard to the environmental sensitivity of geographical areas likely to be affected by development we note that:

- a) The site is located within Burton town centre and is surrounded by similar commercial land uses;
- b) The site is not of a high environmental quality or value. Its redevelopment will have only a minimal impact on the relative abundance, quality and regenerative capacity of natural resources; and
- c) The site is not located within a wetland, coastal zone or any other environmentally sensitive location.

3. Characteristics of the Potential Impact

Given the existing commercial nature of the surrounding area, the proposed development will not have an adverse impact on the immediate or wider environment. It is unlikely that there will be any other significant environmental impacts, especially those that will be irreversible, of a high magnitude, of great complexity, or affect a significant area or population.

Screening Opinion Summary

This correspondence seeks to update the previous screening opinion request submitted in 2011 in relation to the identical proposed development at Peel Croft, Burton upon Trent. Outline Permission was granted on 2 March 2012 under reference P/2011/01093/JPM/JO. The proposed development has not altered at all since that previous scheme.

Having regard to the above, we conclude that:

- 1) The characteristics of the development will not have a major effect on the site, the immediate surroundings or the wider town of Burton upon Trent;
- 2) The application site is located within the wider commercial area and is not therefore environmentally sensitive; and
- 3) Any impact of the development will be minor in terms of magnitude and complexity and will not be of more than local importance.

In light of the above, we conclude that the proposed development does not require an Environmental Assessment but we request that the LPA confirms this by means of a formal Screening Opinion.

If you require any clarification or additional information, please do not hesitate to contact Heather Lindley or Jeremy Hinds at these offices.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Savills", written over a faint, larger version of the Savills logo.

Savills (UK) Limited
Retail Planning

Enc.



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aja architects llp
 1170 Elliott Court
 Herald Avenue
 Coventry Business Park
 COVENTRY CV5 6UB
 E: aja@aja-architects.com
 W: www.aja-architects.com

T: 024 7625 3200
 F: 024 7625 3210

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 client

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project

New Retail Park
 Peel Croft
 Burton Upon Trent

drawing

Illustrative Site Layout Plan

scale 1:500 drawn mjl

checked date 28/11/11

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