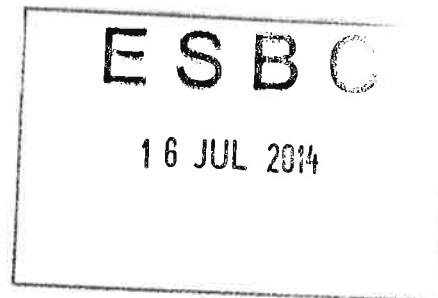


Our ref: JB/JF/1335ma/L001m
Your ref:



Date: 15 July 2014

Charlotte El Hakiem
Planner
Regulatory Services
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
DE14 1LS



P/14/00925

Dear Charlotte,

**Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Request for Screening Opinion for a proposed foodstore, non-food retail unit, petrol filling station
and restaurant/hot food takeaway at Land north of Hawkins Lane, Burton upon Trent**

On behalf of our client, Tesco Stores Ltd, we write to you to request a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations) to establish if the proposed development for a foodstore, non-food retail unit, petrol filling station and restaurant/hot food takeaway at Hawkins Lane should, in the Council's opinion, be treated as an EIA development. As you are aware the proposed development is on a site over 0.5 hectares which falls within the category of an "urban development project" under Schedule 2, 10 (b) of the EIA Regulations.

This letter sets out details of the site, environmental issues, purpose and nature of the development and screening criteria. We conclude that the development does not raise environmental issues of such significance that an environmental impact assessment (EIA) is required.

A previous planning application for a foodstore (10,570m² gross internal floorspace), petrol filling station and associated works was approved in October 2011 (application ref. P/2010/01452/CEH/PO). On this occasion, the Council confirmed that the application was not an EIA development as the development did not raise significant environmental issues. The formal screening opinion (ref. P/2010/01312/CEH) was issued on the 4th November 2011.

The Development Site

The site is situated within the urban area of Burton upon Trent and extends to approximately 4.2 hectares. To the northwest are railway lines and former sidings; to the northeast industrial and commercial units and associated activities, to the southwest along Hawkins Lane are further commercial units and housing to either side of the main site entrance with Coors yard beyond; and, to the southwest housing fronting onto Horninglow Street. The junction of Hawkins Lane and Horninglow Street is distinguished by a bridge flyover connecting the Coors brewery and yard.

The site is previously developed land formerly in use for industrial and commercial uses occupied by large scale buildings, yards and open storage areas most recently used by Alumasc Grundy for the manufacture of aluminum beer casks. The site has been cleared and is currently unoccupied although

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significant areas of hardstanding remain from the site's previous industrial and commercial uses. As already highlighted, there is an extant planning permission (application ref. P/2010/01452/CEH/PO) for a foodstore and petrol filling station on this site.

Development Plan Position

The Development Plan for East Staffordshire consists of: the Adopted Local Plan 2006 and Proposals and Insets Maps (saved policies edition); the Staffordshire and Stoke on Trent Minerals Local Plan 1994-2006 (saved policies); and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026. The site is unallocated in the East Staffordshire Adopted Local Plan (saved policies) proposals map and is situated to the north of the defined town centre. The area is within an area of flood risk as shown on the Local Plan Proposals Map and within the National Forest area. There are no other policy constraints of note affecting the site. Adjacent to the site there are Grade II listed properties and their curtilage along Horninglow Street and Hawkins Lane.

The Proposed Development

The proposed development is for a hybrid planning application, part detailed and part outline. Full planning permission is sought for a foodstore, new non-food retail unit with ancillary car park, petrol filling station, together with service yard, access and ancillary works. Outline planning permission, with all matters reserved, is sought for a restaurant / hot foot takeaway unit (Use Classes A3 / A5) with associated car park, access and ancillary works.

A plan accompanies this EIA screening opinion request letter identifying the location of the proposed development site.

Environmental Issues

The EIA Regulations indicate that requests for Screening Opinions should be accompanied by an appropriate level of information to assist the local authority in reaching its decision and these will be addressed in turn:

- Purpose of Proposed Development
- Nature of Proposed Development
- Consideration of Screening Criteria.

Purpose of Proposed Development

The purpose of the proposed development is to create an attractive new foodstore, non-food retail unit, petrol filling station and restaurant/hot food takeaway that will re-use previously developed land just outside Burton town centre. The foodstore will meet an identified need for additional floorspace for convenience and comparison goods and in particular redress an imbalance in food provision to the northern side of Burton.

The need for additional floorspace is partially driven by the significant new housing growth planned for Burton and the immediate surrounding area as part of East Staffordshire's continued Growth Point status.

Nature of the Proposed Development

It is proposed that the development will comprise a foodstore, non-food retail unit and restaurant / hot food takeaway unit together with associated car parking, petrol filling station, recycling facilities and new access and servicing arrangements. An indicative site layout plan is enclosed with this letter.

As per the previous planning permission on the site, approved in 2011, it is intended that high standards of architecture, urban design and landscaping will be utilised/employed to ensure that the proposal is integrated into the site that was formerly developed for commercial/industrial shed uses. The proposal will also be designed with regard to nearby listed buildings.

It is considered that this site presents a suitable and sustainable location for a new foodstore proximate to the town centre of Burton, and on the northern side of the centre to help redress a current focus of provision to the south. This will also assist the number of households, existing and planned, situated to the northern side of the town access modern, high quality and full range food retail facilities.

Located just to the north west of the town centre, the proposed foodstore will be accessible to town centre facilities and shops to provide for linked trips and is positioned alongside an existing public transport route.

Screening Criteria and Thresholds

National Planning Practice Guidance (NPPG) sets out guidance for screening criteria having replaced Circular 02/99 (EIA). NPPG paragraph 17 (Reference ID: 4-017-20140306) states that screening is required *'to determine whether significant effects are likely and hence whether an assessment is required'*.

Paragraph 018 (Reference ID: 4-018-20140306) advises:

"Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced."

The "indicative thresholds and criteria" are set out in an Annex to the NPPG (paragraph: 057 Reference ID: 4-057-20140306). For urban development projects the Annex states that an 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

The Annex notes that for urban development projects falling within the thresholds set by Schedule 2, the issues most likely to need to be considered are the physical scale of such developments and the potential increase in traffic, emissions and noise.

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The Annex also goes on to set out criteria and thresholds for sites which have not been previously intensively developed. As the site has been intensively developed previously; these criteria are not considered relevant to this site/development project and are therefore not further considered in this letter.

It should be noted that Paragraph 18 (Reference ID: 4-018-20140306) provides additional guidance stated that developments above the indicative threshold will always be subject to assessment and likewise, those falling below thresholds may still be subject to assessment.

Further, Paragraph 032 (Reference ID: 4-032-20140306) highlights that the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment. We confirm that this site does not fall within a designated 'sensitive area' as defined in regulation 2(1) of the EIA Regulations.

NPPG Annex Criteria and Threshold

The following text assesses the development proposals against each of the criterion set out within the NPPG Annex first, before going on to consider the Screening Criteria in Schedule 3 of the EIA Regulations.

Is the new development of a significantly greater scale than the previous use?

As already highlighted, the site was formerly in use for industrial and commercial uses occupied by large scale buildings, yards and open storage areas previously used by Alumasc Grundy for the manufacture of aluminum beer casks. Whilst the site has since been cleared, given the previous intensive use of the site, and the scale of the former buildings and areas of hardstanding which occupied the majority of the site, the proposed development project is not considered to be of a significantly greater scale than the previous use.

Are the types of impact of a markedly different nature?

Whilst the site has since been cleared, the previous use was an industrial / commercial use. Although the proposed development uses are different in nature, there are still similarities between the uses in terms of their hours of operation and non-residential use. The proposed development project uses are therefore not considered to be markedly different in nature to the previous use of the site.

Is there a high level of contamination?

A Combined Phase I/II Environmental Assessment was submitted alongside the previous application on the site and in order to discharge the conditions attached to that permission. This report concluded that although a groundwater remediation programme had previously been undertaken, some groundwater contamination remained present at the site. However, the report concludes that the risks to off-site receptors is minimal as the groundwater is identified as being static. As such, no further specific investigation or additional remediation activities are required on the site. Consequently the level of contamination at the site is not considered high and so does not warrant an assessment.

In conclusion, none of three criteria set out within the NPPG Annex warrant an assessment of the development project.

Schedule 3 Screening Criteria

Schedule 3.1 – Characteristics of Development

The characteristics of the development have been outlined previously, and the development proposals seek to develop a foodstore, non-food retail unit, petrol filling station and restaurant/hot food takeaway unit.

With reference to Schedule 3.1 the specific matters to give regard to are:

- a) the size of the development;
- b) the cumulation with other development;
- c) the use of natural resources;
- d) the production of waste;
- e) pollution and nuisances;
- f) the risk of accidents, having regard in particular to substances or technologies used

The following responds to each of these points in turn:

- a) The proposed development will provide approximately 8,625 m² of gross internal floorspace, split across the foodstore (circa 7,209m²), non-food retail unit (circa 951 m²), petrol filling station kiosk (circa 76 m²) and restaurant / hot food takeaway unit (circa 389 m²). The size and scale of the development is entirely appropriate and suitable in this location and cannot be described as unduly excessive. The development will not be significantly larger than that of the previous structures and built form of the site. Indeed, the form of the development will improve upon the previous layout of the site which sited large buildings and open storage yards close to the neighbouring residential properties.
- b) There are no other recent or proposed developments nearby that would cumulatively raise environmental concerns. We are aware of the Council's intention to include the Molson Coors site to the south of Hawkins Lane as a Strategic Site Allocation for residential development within the emerging East Staffordshire Local Plan. However, there is no certainty as to this potential site allocation or any known timescales for such a redevelopment. Further, the site is within an existing urban area. Any application for the Molson Coors site would be tested against the existing use. It is our view that the impact of a residential development at the Molson Coors site is unlikely to result in greater environmental harm or significance than the current use of that site. In any case, proposals to develop the Molson Coors site would be a subsequent development proposal that would be required to take into account the current development proposals at the proposed development site. As such, it is considered that the potential development of the Molson Coors site does not impact upon the assessment of the current development proposals against criterion 3.1b.
- c) There would not be an unacceptable or harmful use of natural resources; the site is previously developed and benefits from being accessible from a range of means of transport.
- d) Waste production from the planned use would not be unusual for a retail scheme of this type.
- e) No remediation works will be required on the site that are unusually complex or hazardous in nature.
- f) The proposals will be unlikely to result in an increase of accidents.

Schedule 3.2 – Location of Development

With reference to Schedule 3.2, the environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular to:

- a) The existing land use;
- b) The relative abundance, quality and regenerative capacity of nature resources in the area;
- c) The absorption capacity of the natural environment, paying particular attention to the following [relevant] areas;
 - vi. areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
 - vii. Densely populated areas;
 - vii. Landscapes of historical, cultural or archaeological significance.

The following responds to each of these points in turn;

- a) The existing land use is a vacant brownfield site and the site does not fall within a sensitive area as defined by the EIA Regulations. Surrounding land uses are urban in nature and the site is not located in a sensitive location.
- b) The reuse of this brownfield site will not give rise to harm to the quality or regenerative capacity of natural resources within the area.
- c) Whilst the site lies adjacent to an Air Quality Management Area it is important to note that there is an extant planning permission on the site. In any case, issues relating to air quality will be dealt with through the submission of an air quality assessment as part of the planning application. The proposed use is appropriate within a settlement boundary and will cater for a need for foodstore provision to the north of the town. Factors such as highways and parking will be addressed through the Transport Assessment. There are no listed buildings on site and whilst there are listed buildings adjacent to the site, the proposed development will not have a negative impact upon the setting of a listed building. As such, it is our opinion that the site is not of a historic, cultural or archaeological significance to warrant an EIA.

Schedule 3.3 – Characteristics of the potential impact

Schedule 3.3 states that the potential significant impacts of the development must be considered in relation to criteria set out in paragraphs 3.1 and 3.2 already discussed, and with regard to:

- a) The extent of geographical impact (the geographical area and size of the population)
- b) The transfrontier nature of impact
- c) The magnitude and complexity of the impact
- d) The probability of impact
- e) The duration, frequency and reversibility of impact.

Before considering each potential impact of the proposed development, the following responds to each of the points listed in Schedule 3.3 in turn;

- a) Whilst the site is located within the Burton upon Trent settlement boundary, we do not consider that the proposed development would have a negative impact on the related population.
- b) The development project is on a local rather than regional scale and therefore any impacts of the development project will be localised.

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- c) The project and any potential impacts are not overly complex; the relevant issues relating to flood risk, transport, air quality and contamination are not high in magnitude or complex in nature. Such issues are standard considerations with respect to similar development proposals.
- d) & e) The impact of the development will be long term and permanent in nature.

Potential Impacts of the Development

The following summarises the potential environmental impacts of the proposed development project and includes a summary of the reports that have been prepared in support of this development project relating to each potential impact.

Traffic & Transport

The proposed development project is well located to existing residential areas and will promote a range of facilities in order to ensure that visitors will be able to access the development by a range of modes of transport. Whilst the existing Horninglow / Hawkins Lane junction is currently under pressure, the improvements to this junction proposed as part of the mitigation measures will help to increase capacity on certain approaches. Given these proposed measures and the location of the site, it is considered that the development project will have a minimal adverse environmental impact as a result of traffic and transport impacts.

Contamination

As already highlighted, a Combined Phase I/II Environmental Assessment was submitted alongside the previous application on the site and in order to discharge the conditions attached to that permission. This report concluded that although a groundwater remediation programme had previously been undertaken there remained some groundwater contamination present at the site. However, the report concluded that the risks to off-site receptors is minimal as the groundwater is identified as being static. As such, no further specific investigation or additional remediation activities are required on the site. Such existing contamination there cannot be considered to be a significant adverse environmental impact.

Noise

Potential noise sources from the proposed development include vehicle movements, petrol filling station and mechanical services plant. These are all standard potential noise sources from such developments. Any potential noise impacts can be mitigated through the use of planning conditions relating to restrictions to delivery hours or creation of an acoustic barrier and plant noise restrictions to ensure that there is no environmental impact as a result of noise during the operational phase of development. Similar restrictions on construction hours will also mitigate against any potential impact during the construction phase of the development.

Air Quality

The potential impact upon air quality as a result of the development project has been. An Air Quality Assessment has been prepared and concludes that there will be no significant adverse impact on local air quality throughout the construction phase of the development. The operational phase will result in one new exceedance of the NO₂ annual mean objective at 2019. However no new exceedances are predicted for the future year of development (2024). The overall significance of the predicted impacts on NO₂ concentrations will be at worst, 'moderate adverse' for one receptor at the opening year and 'slight adverse' within the future year of development.

Ecology

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The site is not subject to any statutory or non-statutory nature conservation designation and the nearest such designations are well separated from the site by existing developed areas. The current site is of little ecological interest owing to its previous use. No protected species have been found to be present on the site. As such, the development will not result in any adverse environmental impacts in relation to ecology and biodiversity on the site.

Heritage

The site is not within a Conservation Area but there are neighbouring Listed Buildings to be taken into consideration. These factors are acknowledged and high standards of architectural and urban design shall be applied in order to respect the developments setting and prevent any harm.

Water

The site is within an identified Flood Risk Area. Consequently appropriate mitigation will be put in place to significantly reduce surface water runoff and therefore mitigate adverse impacts of climate change.

The protected aquifer has been raised by the EA as an issue to consider when determining the principle of the petrol filling station. Discussions with the EA have revealed that any fuel tanks should not penetrate the water table. As such, the scheme has been designed to incorporate surface level fuel tanks, which can be accommodated on the site. The fact there is a simple design solution to mitigate any impacts indicates it is not necessary to warrant an assessment for the purpose of this part of the development proposal.

Conclusions

In summary, this request for a screening opinion relates to a sustainable development opportunity that will seek to redevelop a previously developed site within close proximity to the centre of Burton and will meet an identified need for additional food retail facilities particularly for northern Burton. The proposal does not raise environmental issues of such proportion to warrant an EIA.

In conclusion, and having regard to all aforementioned factors, we respectfully request the Council's formal confirmation of its determination on this matter in the form of a Screening Opinion.

I look forward to hearing from you due course, but in the meantime please do not hesitate to contact me if I can assist further.

Yours sincerely

Jonathan Burns
DPP

[Redacted signature box]

[Redacted box]

Enc. Site Location Plan

cc. Christina Farrer (ESBC)
John Francis (DPP)
Lucy Thomas (Ashurst)

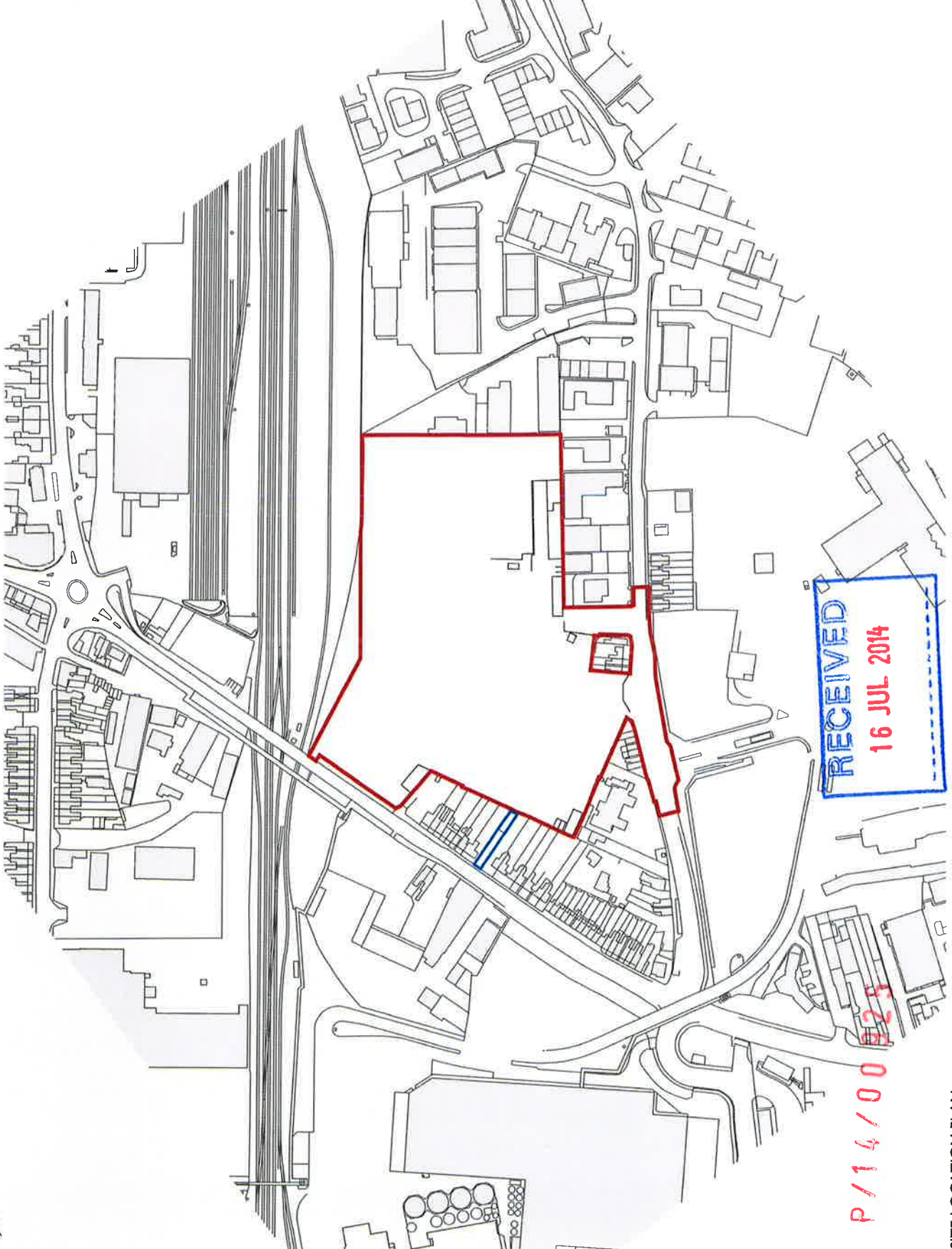
NOTES

The drawings to be read in accordance with the specifications of Quantities and related drawings. No Dimensions to be scaled from this drawing. All stated dimensions to be verified on site and the Architect notified of any discrepancies.

Scale for 30mm at 1:1

LEGEND

	Site Boundary
	Other land in applicants control



Project	PROPOSED MIXED-USE DEVELOPMENT HAWKINS LANE BURTON UPON TRENT
Client	SAUNDERS & SAUNDERS
Drawn	CL
Checked	GW
Revision	A

SITE LOCATION PLAN

Scale 1:2500 @ A3
 Date JUNE 2014
 Drawn CL
 Checked GW
 Drawing Number 7232_P001
 Revision A

SAUNDERS & SAUNDERS
 ARCHITECTS & PLANNERS
 RIBA #
 SAUNDERS