

22 October 2010

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Tim Furnell  
East Staffordshire Borough Council  
Town Hall  
King Edward Place  
Burton-on-Trent  
DE14 2EB

www.dpplp.com

P/2010/01312

Dear Tim

**Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999  
Request for Screening Opinion for a Proposed Retail Superstore at Land North of Hawkins Lane, Burton-upon-Trent**

We write to you to request a screening opinion under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 to establish whether or not the development proposed should, in the Council's opinion, fall to be treated as EIA development. As you are aware the proposed retail superstore is on a site over 0.5 hectares which falls within the category of an urban development project under Schedule 2, 10 (b), which includes the construction of shopping centres and car parks that most closely approximates the development.

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.

**The 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 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. There is an extant planning permission (outline OU/00229/060) for B1/B2/B8 redevelopment of the site and reserved matters (RM/00229/062/CLF) approval for one 44,000 ft<sup>2</sup> unit adjacent to

Bedford  
Belfast  
Cardiff  
Dublin  
Edinburgh  
Glasgow  
Leeds  
London  
Manchester  
Newcastle-upon-Tyne



LRQ 400 3060

Hawkins Lane within the site.

The site is unallocated in the East Staffordshire Local Plan and is situated to the north of the defined town centre. The area is within an area of flood risk as shown on the Proposals Map (Policy NE26) and above a protected aquifer, which covers a large proportion of the Town Centre. 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.

### **Commentary on Environmental Issues**

Whilst the proposed development will inevitably raise a number of planning-related issues, these will not be so significant in environmental terms to warrant classification of the proposal as EIA development. There is no reason why any environmental issues cannot be addressed through the preparation and submission of supporting studies and assessments as part of or following the planning application process, as is often the case with large scale planning applications.

The EIA Regulations indicate that requests for Screening Opinions should be accompanied by an appropriate level of information to assist the authority in reaching its decision. Such information should include the following and we deal with each of these matters in turn:

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

### ***Purpose of Proposed Development***

The purpose of the proposed development is to create an attractive new superstore that will reuse previously developed land on the edge of Burton town centre. The superstore will meet an identified need for additional floorspace for convenience and comparison 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 standalone superstore, together with associated car parking, petrol filling station, recycling facilities and new access and servicing arrangements. An indicative site layout plan is enclosed.

It is intended that high standards of architecture, sustainability and energy efficiency, 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 for nearby listed buildings.

It is considered that this edge of town centre site presents a suitable and sustainable location for a new superstore 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 superstore 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***

Paragraph 32 of Circular 02/99 (EIA) states that the key question for any local planning authority should be whether the development is likely to have significant effects on the environment. We maintain that the redevelopment of this previously developed site that had accommodated a large scale industrial/commercial business will not have significant effects on the environment. It is also important to note that the site also benefits from extant planning permission for a new industrial unit that was approved in 2009 and that this application was approved without need for EIA.

Another key issue is whether the site is located in a 'sensitive area' as defined in Regulation 2(1)(paragraph 36) of the Circular. Sensitive areas include SSSIs and other designated sites of nature conservation value. The site does not fall within a designated 'sensitive area'.

A further consideration is whether the development is of more than local significance (ref: paragraph 35 of 02/99). This proposal will serve to regenerate and revitalise this site, whilst also generating wider benefits for Burton itself. It will however not be of a scale or nature to be considered as being of more than local significance.

A further criterion is whether the development is unusually complex or potentially hazardous. As aforementioned, the site was previously occupied by a number of structures and buildings in industrial / commercial use and storage. The redevelopment of the site will in no way be unduly complex, nor will it be potentially hazardous.

Schedule 3 of the EIA Regulations sets out the criteria to be considered as part of any Screening Opinion. These include details of the characteristics of development; the location of the development; and, of course, potential impacts of the development.

In terms of the ***characteristics of the proposal***, this is set out in broad terms above, and also illustrated on the enclosed indicative layout plan. Whilst the redevelopment of the site will inevitably raise planning and environmental considerations, we contend that these will not be significant enough to warrant or necessitate an EIA. The site is located within a mixed use urbanised context within close proximity to Burton Town Centre. It is previously developed land and has consent for commercial redevelopment on part of the site.

Considering the characteristics of the development as set out in Schedule 3 of the Regulations, 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. There are no other recent or proposed developments nearby which would cumulatively raise environmental concerns. The proposal will not consume any valuable natural resources; similarly there will be no significant production of waste, nor any material pollution or nuisance. Any necessary design, transport, contamination, flood risk, noise and air quality analysis will be fully considered and addressed as appropriate during the planning application process.

Concerning the ***location of the development***, this cannot be considered 'sensitive'. As reiterated above, the site must be viewed in its context on the edge of Burton Town Centre, close to railway lines, industrial / commercial area and in an urban area identified by planning policy as being suitable for redevelopment. The location of a site above the aquifer has been considered in detail with regard to the proposed petrol station.

Turning to the ***potential impacts of the development***, we maintain that the environmental impacts of the redevelopment of the site will not be so significant to warrant EIA. The site's urban setting and surroundings must be taken into consideration and the type of development proposed. The potential environmental impacts can be summarised as follows:

#### *Traffic & Transport*

Traffic and transport related issues will need to be comprehensively addressed; the potential environmental impacts however are expected to be minimal. A detailed and thorough Transport Assessment will be prepared and submitted as part of the planning application process.

#### *Contamination*

Where appropriate, contamination issues will be addressed as part of the application process, or alternatively can be dealt with through the appropriate use of conditions. Initial analysis suggests that the likelihood of severe contamination on the site is negligible from past site activities.

#### *Noise*

It is not expected that the noise impact of the proposal will be of concern, however this will also be assessed during the planning application process, including consideration for mitigation for neighbouring residential uses where appropriate. It is intended that a noise assessment would accompany any planning submission.

#### *Air Quality*

Related to traffic and transport issues the potential impact on local air quality will be comprehensively assessed. A detailed and thorough Air Quality Assessment will accompany any application.

#### *Ecology*

There are no significant ecological issues on the site. A Phase 1 Desk Study will be undertaken to accompany any application. Any application will also be accompanied by detailed landscaping proposals.

### *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. Any planning application will be accompanied by a Heritage Statement to be considered through the application process and to avoid any risk to any aspects of heritage significance.

### *Water*

The site is within an identified Flood Risk Area. The Flood Risk Report – Level 2 (Royal Haskoning, 2008) states the site is protected by existing flood defences. A full flood risk assessment will be carried out as part of the planning application and any mitigation or design measures will be put into place where necessary. We can confirm the proposed parking areas will comprise of pervious paving in the parking spaces to significantly reduce surface water runoff and therefore mitigate 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 will be designed to incorporate either part submerged or surface level fuel tank, 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 EIA for the purpose of this part of the development proposal.

## **Conclusion**

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.

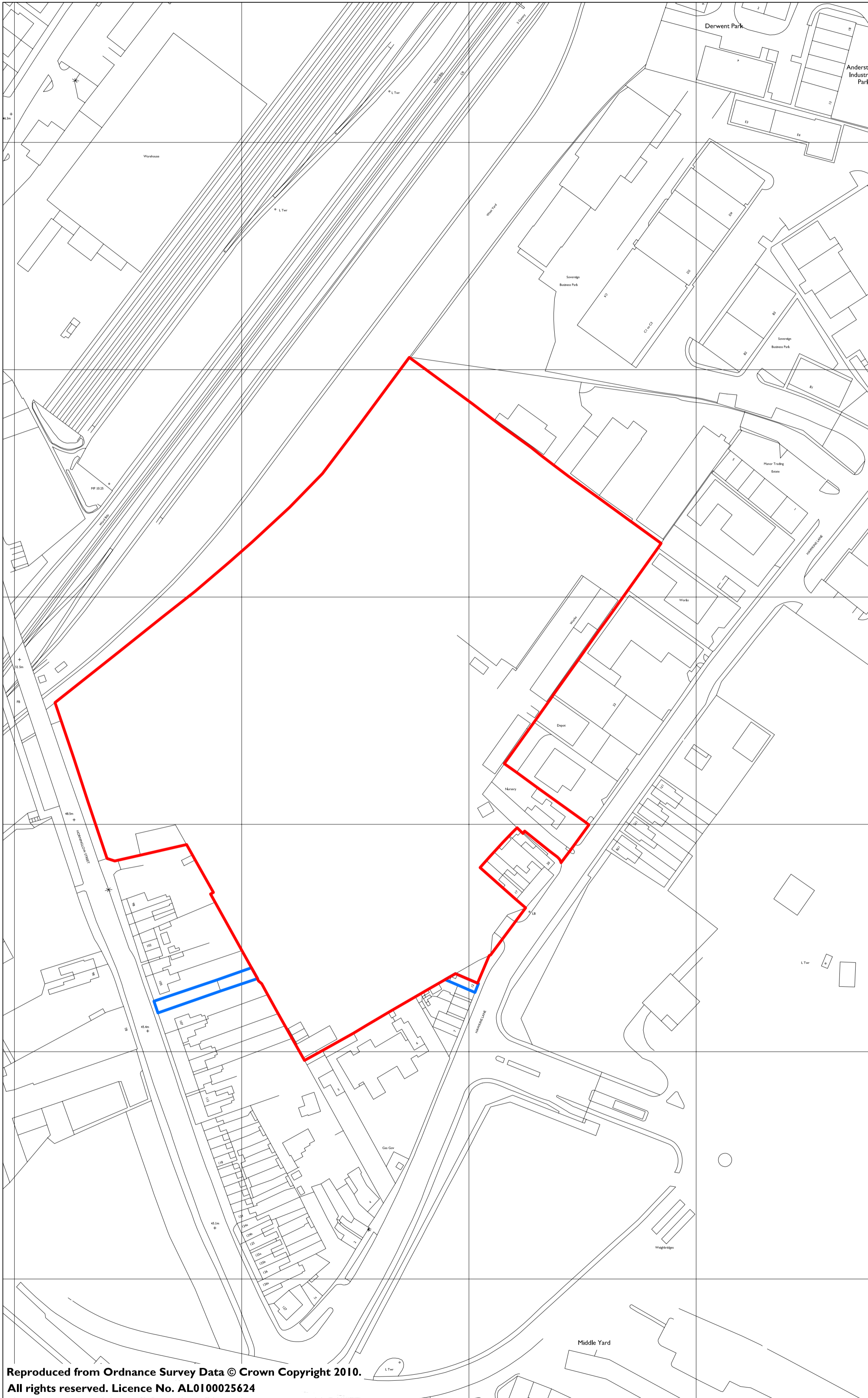
I look forward to hearing from you due course, but in the meantime please do not hesitate to contact me if I can assist further.



Yours sincerely

Sebastian Tibenham  
([sebastian.tibenham@dppllp.com](mailto:sebastian.tibenham@dppllp.com))

**DPP**

Direct Line: 0161 238 9875



-  Application Site
-  Other Land in Applicant's Ownership



**PLAN TITLE**  
Location Plan

**CLIENT**  
Tesco Stores Limited

**PROJECT**  
Hawkins Lane  
Burton upon Trent

**DATE**  
22 October 2010

**SCALE**  
1:1250 @ A2

**DRAWING NO.**  
1102009d16A

**PROJECT LEADER**  
ST

**DRAWN BY**  
JRG





**NOTES**

This drawing to be read in accordance with the specifications/Bills of Materials 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 100mm at 1:1

**NOTES**

- Landscaping is indicative only and to be agreed by Landscape Architect. Refer to latest Landscape Architect drawings for accurate details.
- Highways arrangement shown on our drawings is indicative only. Latest Highways design and detailed highways design is subject to agreement between Highways Authority and Highways Consultant.
- Existing levels have been taken from Ordnance Survey and Topographical Survey information by others.
- Proposed levels to be confirmed by Structural and Civil Engineer and to be agreed with client. Proposed levels subject to change following any remediation work carried out to the site after our drawings have been issued in which instance we advise a revised Topographical Survey is carried out.
- Tesco Store shown is a modified F80 at grade with cafe and staff on mezzanine due to the site constraints.
- Original Store Footprint and figures taken from Tesco Standard Store Footprints UK concept stores, 2010 (2) Footprints (Sheet 2 of 4). Based on information provided by Tesco Stores Ltd.
- KPI figures related to the above standard footprints have been provided by Tesco Stores Ltd.
- Modified Stores vary from standard figures and to obtain accurate figures we would advise a Retail Layout in commission and agreed by Tesco.

**LEGEND**

- Site Boundary
- Proposed Retaining Wall
- Existing trees retained
- RPA of retained trees
- Existing trees removed
- Proposed trees
- Existing levels
- Proposed levels

**KEY PLAN** SCALE 1:3500

**GROUND FLOOR PLAN** SCALE 1:500

REV	DATE	NOTE	BY
E	14/10/2010	CAR WASH REMOVED TO HOUSE STORAGE TANKS	BLW
D	13/10/2010	SITE LAYOUT REVISED TO INCREASE LANDSCAPING	YSW
C	05/09/2010	SITE LAYOUT REVISED TO SLIT TEAM COMMENTS FOLLOWING MEETING	MDW
B	01/09/2010	RECYCLING CENTRE RELOCATED TO COMMENTS RECEIVED WITH SITE LAYOUT TO SLIT	CB
A	23/07/2010	STORE FOOTPRINT RE-ARRANGED WITH LARGER SITE BOUNDARY AND LAYOUT TO SLIT	AK

Project  
**PROPOSED TESCO STORE**  
**HAWKINS LANE**  
**BURTON UPON TRENT**

Title  
**PROPOSED SITE LAYOUT**

Scale 1:500 @A0 Date MAY 10  
 Drawn AK Checked -  
 Drawing Number **6604 PI01** Revision **E**