

**Town and Country Planning (Environmental Impact Assessment) Regulations 2011**

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

<b>Proposed Development:</b>  <b>Redevelopment to provide retail, café and surgery development with associated landscaping and servicing Former Cattle Market, Smithfield Road, Uttoxeter</b>	
<b>Introduction:</b>  The Council has been requested to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.	
<b>Schedule 1:</b> <input type="text" value="No"/>	<b>Schedule 2:</b> <input type="text" value="Yes"/>
The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However, the development falls within Schedule 2, Category 10 (b) as an urban development project. The proposal exceeds the 0.5 hectare threshold laid down by the above regulations beyond which an Environmental Statement may be required.	
<b>Town and Country Planning (Environmental Impact Assessment) Regulations 2011</b>  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. Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.  <ol style="list-style-type: none"><li>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.</li><li>2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular<ul style="list-style-type: none"><li>• the existing land use,</li><li>• the relative abundance, quality and regenerative capacity of natural resources,</li></ul></li></ol>	

- 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, Column 2 adds that in the case of changes or extensions to development listed in paragraphs 1 to 12 an EIA is more likely to be required if the development as changed or extended may have significant adverse effects on the environment: or in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.**

Assessment:

The proposal involves the redevelopment of a previously developed site within an urban area. The proposed redevelopment is not of a significantly greater scale than the previous use and its impacts are not markedly different in nature. It is not considered that the site is highly contaminated.

The site is enclosed on all sides by existing built development. The proposed redevelopment is on a local<sup>scale</sup> rather than regional, and as such the impacts of the proposal will be localised rather than transfrontier. The proposal does not involve any unusually complex or potentially hazardous effects, and does not affect any of the sensitive or vulnerable locations in paragraph 2 of Schedule 3 of the Regulations..

It is not considered that an Environmental Statement is required in this instance.

**Recommendation:**

**A formal screening opinion be adopted that Environmental Assessment is not required**

*JCC 14/11/2011*

**Team Leader/Planning Manager comments:**

**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.**

**TL/PM**

**Signature**

*J. Rodwell*

**Date**

*15th November 2011*

**Philip Somerfield B.A. Dip T.P., D.M.S. M.R.T.P.I**  
**Head of Regulatory Services**

Date : 15 November 2011

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Our Ref: P/2011/01235/JI  
*(please quote this reference on all correspondence with us)*

Bullworthy Shallish LLP  
3 Quayside Place  
Quayside  
Woodbridge  
Suffolk  
IP12 1FA

Dear Sir/Madam

**Re: Screening Opinion, Land at former Cattle Market  
Smithfield Road  
Uttoxeter  
Staffordshire  
ST14 7LG**

I refer to your request for a Screening Opinion relating to the above site, which was received on 20<sup>th</sup> October 2011.

I confirm that the Local Planning Authority has considered the information submitted, and in accordance with Regulation (5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2010 has concluded that the development does not constitute EIA development and as such a formal Environmental Statement will not be required in this instance.

Yours faithfully

*Jonathan Imber*

Jonathan Imber  
Planner  
Planning Delivery

PLANNING AND DEVELOPMENT CONSULTANTS

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CORPORATE SERVICES  
20 OCT 2011  
P/2011/01235 exempt  
Screening Opinion

Our Ref: L05-006

Your Ref:

For the attention of Philip Somerfield

19<sup>th</sup> October 2011

Dear Sir

P/11/01235

**Town & Country Planning (Environmental Impact Assessment) Regulations 2011  
Regulation 5 Request for a Screening Opinion  
Proposed Redevelopment to provide Retail (A1), Café (A3) and Surgery (D1)  
development with associated landscaping and servicing  
Land at and adjoining Cattle Market, Smithfield Road, Uttoxeter**

Introduction

We act for Lingfield Securities Plc who have a contract to acquire land at and adjoining Cattle Market, Smithfield Road, Uttoxeter.

We refer to our Andrew Shallish's recent meeting with your Philip Somerfield and Steve Harley on 30<sup>th</sup> September and hereby request a Screening Opinion from your Authority in relation to our client's proposed redevelopment of the above site.

We enclose the following A3 drawings:

- Location Plan – 1:1250 – Drawing No. B4965 PL P1
- Masterplan – 1:1000 - Drawing No. B4965 (SK) 58 E
- Masterplan – First Floor - 1:1000 Drawing No. B4965 (SK) 59 B

These Masterplan drawings show the layout of the proposed development (and the individual units within it) along with the pedestrian, car parking, servicing and landscaping arrangements. The proposals are more fully described later in this letter. It is anticipated that a full planning application will be submitted early next year with all relevant supporting documentation.

EIA Regulations

The EIA Regulations, in conjunction with Circular 02/99, set out the legal framework in relation to Environmental Impact Assessment. The EIA Regulations contain two Schedules (Schedule 1 Development and Schedule 2 Development).

Schedule 1 contains those developments that will always require EIA. The proposed development does not fall within Schedule 1.

Schedule 2 contains a list of development that will require EIA **only if it is “likely to have significant effects on the environment by virtue of factors such as its nature, size or location”**.

Column 1 description 10(b) at Schedule 2 makes reference to ‘urban development projects’ including the construction of ‘shopping centres and car parks’ with the applicable threshold at column 2 being where the area of the development exceeds 0.5 hectare.

Firstly, the proposal is not for a ‘shopping centre and car parks’ as such. It is more properly described as additional development to provide retail, café and surgery uses within an existing town centre. The proposal does not provide additional ‘car parks’ but merely utilises and includes the additional landscaping of an existing town centre car park.

Secondly, paragraph A18 of Annex A of Circular 02/99 makes it clear that ‘EIA is unlikely to be required for the redevelopment of land unless the new development is on 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’. None of these caveats apply to the proposed redevelopment of this land and furthermore the majority of the land already benefits from a planning permission (ref 03014/032) for retail (A1 and A2), offices (B1), car parking, new and improved service yards and other related infrastructure.

Thirdly, paragraph A19 of Annex A makes it clear that even on sites that have not been previously intensely developed an EIA is more likely to be required if the site area of the scheme is greater than 5 hectares or it would provide a total of 10,000 m<sup>2</sup> or more of new commercial floorspace. The proposed development falls significantly below these thresholds.

Fourthly, it is particularly pertinent to note that the above planning permission (ref 03014/032) which also included the development of 60 residential units was screened in accordance with the EIA Regulations and considered not to require EIA.

**Notwithstanding the above, our client seeks a Screening Opinion and we set out below (along with enclosures) the information required by paragraph 5(2) of the EIA Regulations.**

#### Regulation 5(2) information

##### **The Land**

The land (including existing access roads and car park) is shown edged red on the enclosed Location Plan – Drawing No B4965 PL P1. It is some 2 ha in size and lies within Uttoxeter town centre to the south of Smithfield Road and to the west of High Street.

The majority of the land was formerly used as a cattle market and related car park. The previous Cattle Market buildings have been demolished and the land awaiting redevelopment. The car park element has recently been resurfaced/laid out and is used as a public car park.

The most southerly section of the land adjoining the White Hart Hotel is currently used as a garage for car repairs and sales.

## Description of Development

The enclosed Masterplan drawings show a part single storey/part two storey development fronting a pedestrian walkway between the High Street and the car park.

The pedestrian walkway varies in width and includes the creation of two piazzas towards either end.

The principal car park access to the land is proposed via an improved realignment of the existing roundabout off Smithfield Road.

Servicing access to the northern anchor unit (Unit1) and Units 2 to 5 is provided from an improved existing service yard directly off Smithfield Road.

Servicing to the southern anchor unit (Unit 6) is via a bollard controlled entrance enabling servicing vehicles to arrive at this unit via the main roundabout entrance off Smithfield Road.

The remaining smaller units (Units 7 to 9) and the surgery in the southern section of the proposal are to be served via Drovers Close.

The proposal includes the existing car park which is to be reconfigured and new landscaping added.

The proposal provides two retail anchor units (2806m<sup>2</sup> and 2304.2m<sup>2</sup>), seven further retail units ranging from 158m<sup>2</sup> to 696.8m<sup>2</sup>, and a 718m<sup>2</sup> surgery.

The proposed buildings are principally on a single level albeit the majority (641m<sup>2</sup>) of the proposed surgery is at first floor along with first floor accommodation to retail units 4 and 6 (232.3m<sup>2</sup> and 539m<sup>2</sup> respectively).

The proposal will provide for some 7733.2m<sup>2</sup> (incl fire escape) of commercial floorspace (6856m<sup>2</sup> Class A1, 158m<sup>2</sup> Class A3 and 718m<sup>2</sup> Class D1).

A schedule of gross internal floor areas is enclosed for completeness.

The majority of the Land has already been cleared of buildings, although the proposal includes some limited demolition.

The proposal in terms of scale will respect the existing character of the area and the external appearance/design of the buildings will be such that combined with the careful design of public spaces, it will make a positive contribution to the townscape of Uttoxeter.

## Possible Effects on the Environment

Having regard to the selection criteria for screening at Schedule 3 of the EIA Regulations we comment as follows:-

### 1. Characteristics of Development

#### (a) *The size of the development*

The proposal relates to class A1, A3 and D1 development (7733.2m<sup>2</sup>) on a site of less than 5ha (including the existing access road/junction).

*(b) The cumulation with other development*

There is no other relevant development to consider in terms of cumulative effects.

*(c) Use of natural resources*

The land is not a natural habitat of any significance in terms of flora or fauna. The land form will be the subject of little alteration and there are no water courses on or near the land that would be used or modified. No air quality issues arise in relation to natural resources.

*(d) The production of waste*

The proposed A1, A3 and D1 development generates no identified waste products of any significance. The sustainable design and construction process will ensure that the production of waste is minimised. A substantial part of any waste generated by occupiers of the proposed buildings will be recyclable and a waste management plan will be put in place.

*(e) Pollution and nuisances*

There are no pollution risks directly associated with the proposed A1, A3 or D1 use.

The proposal merely proposes appropriate town centre uses.

Similarly site investigations of the vast majority of the land have revealed that there is no contamination requiring remediation. There is also no known or suspected contamination requiring remediation on the remaining land that would prevent the proposed development.

*(f) Risk of accidents*

There are no specific issues relating to risk of accidents and no hazardous substances will be stored on the land.

**2. Location of Development**

The land is not located within an environmentally sensitive area.

*(a) Existing land use*

Part of the land is used as a public car park. Part of the land is used for an electricity substation/building and garage. The remainder of the land is currently unused having been previously used as a cattle market but now cleared for redevelopment. A footpath link has been constructed on part of the land and will shortly be available for use.

*(b) The relative abundance, quality and regenerative capacity of natural resources in the area*

There are no known natural resources in the area that would be affected by the development.



(c) *The absorption capacity of the natural environment*

The land lies within an existing town centre and therefore not surprisingly does not fall within any of the 8 listed categories identified at paragraph 2(c) of Schedule 3. The land is not designated or protected as any special habitat area or the subject of any environmental quality standards or designation.

The land is also outside any densely populated area and the landscape, both within and around the site, is not of any historical, cultural or archaeological significance.

An archaeological investigation was undertaken in relation to the previous planning permission for the redevelopment of the vast majority of the land and no archaeological concerns were raised.

3. Characteristics of Potential Impact

(a) *Extent of impact*

The proposed development will have no significant impact on the area. The impact will essentially be limited to the visual appearance of the proposed buildings and the traffic associated with their use.

Any visual impact would essentially be confined to the land and its immediate surroundings. Traffic impact will also be localised and within the immediate vicinity of the land.

A Design and Access Statement (DAS) will be submitted with the application which will consider the effect of the development in the townscape. A full Traffic Impact Assessment will also be submitted with the application to assess the transport implications of the proposed development.

(b) *Transfrontier nature of impact*

The development will have no transfrontier impact.

(c) *Magnitude and complexity of impact*

Given the size of the development and its proposed use it is not considered that the identified impacts (visual and traffic) would be significant nor complex.

(d) *Probability of the impact*

With the exception of the visual impact and traffic associated with the development it is not considered that there is any probable impact.

(e) *The duration, frequency and reversibility of the impact*

The visual impact is permanent and in any event likely to be a positive one. Traffic impact is also capable of being managed so as to minimise the impact of vehicle movements on and adjoining the land. The sustainable location of the land from a transport perspective will also minimise the impact of traffic associated with the proposal. Any impact will exist for the life of the development but is ultimately reversible.

Paragraph 43 of Circular 02/99 emphasises “the importance of location in determining whether significant effects on the environment are likely”. In this respect, paragraph 44 advises that **“developments which exceed the thresholds will not in every case require assessment”**. As already highlighted the proposal does not exceed the thresholds at Annex A of circular 02/99.

Furthermore paragraph 44 confirms that **“the thresholds should only be used in conjunction with the general guidance, and particularly that relating to environmentally sensitive locations (paragraphs 36 to 40)”**.

Paragraph 36 makes it clear that **“the relationship between a proposed development and its location is a crucial consideration”**. In this respect, **“the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA”**.

**This land in question is not an environmentally sensitive area.**

We therefore consider that, in the circumstances outlined above, the proposed development is not likely to result in “significant effects on the environment” and therefore EIA is not required.

We therefore look forward to receiving your Screening Opinion.

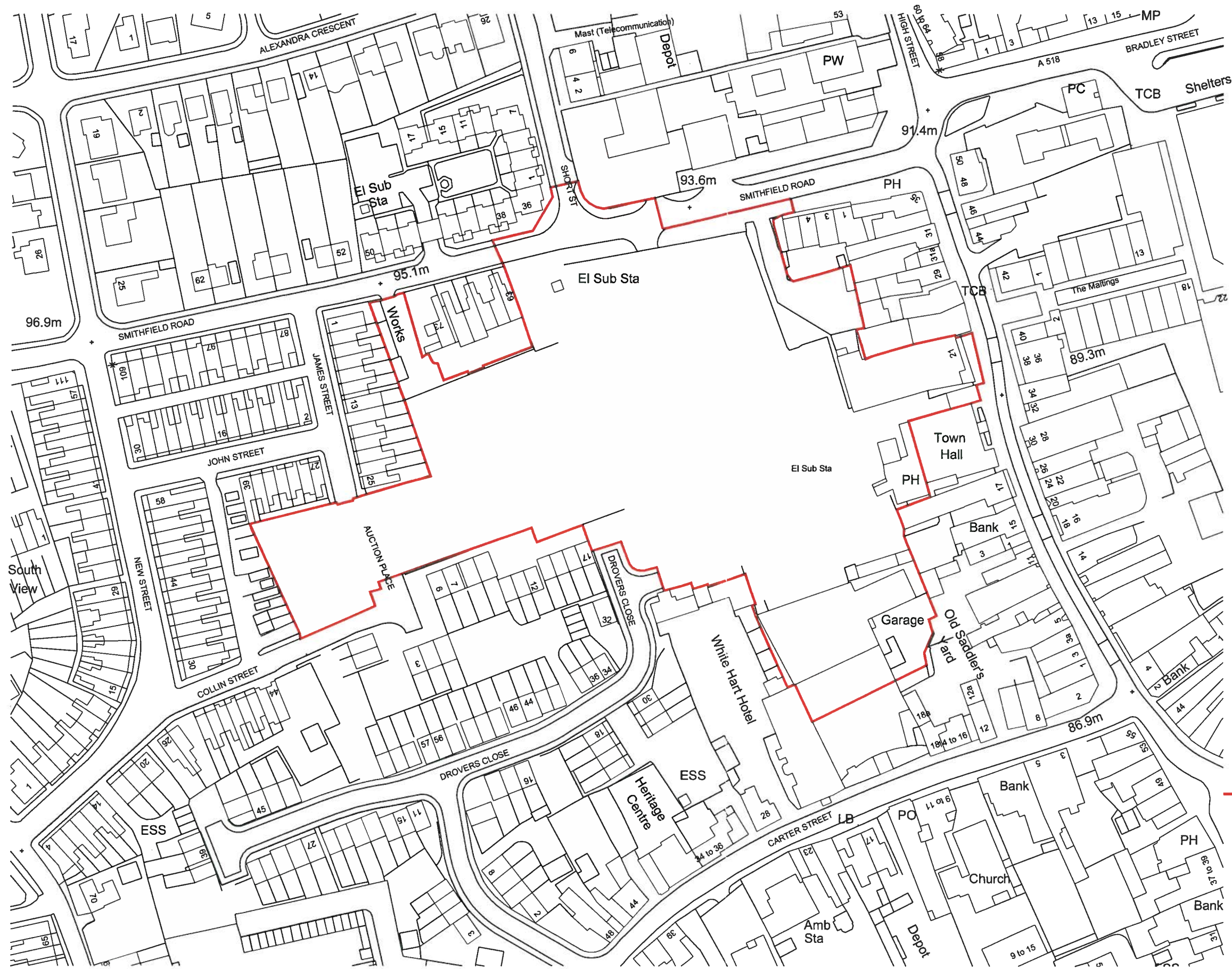
Yours faithfully

**Bullworthy Shallish LLP**

<b>UTTOXETER TOWN CENTRE</b>		<b>B4965</b>
<b>Schedule of gross internal areas based on Nicol Thomas Drawing No. B4965/SK58E and 59B</b>		
<b>Unit No.</b>	<b>Ground Floor</b>	<b>First Floor</b>
1	30,200 sq.ft (2,806 sq.m)	- -
2	1,800 sq.ft (167.2 sq.m)	- -
3	1,800 sq.ft (167.2 sq.m)	- -
4	5,000 sq.ft (464.5 sq.m)	2,500 sq.ft (232.3 sq.m)
5	1,700 sq.ft (158 sq.m)	- -
6	19,000 sq.ft (1,765.2 sq.m)	5,800 sq.ft (539 sq.m)
Surgery	570 sq.ft - Access (53 sq.m)  258 sq.ft - Fire Escape (24 sq.m)	6,900 sq.ft (641 sq.m)
7	2,600 sq.ft (242 sq.m)	- -
8	1,900 sq.ft (176.5 sq.m)	- -
9	3,200 sq.ft (297.3 sq.m)	- -
<b>TOTAL</b>	<b>68,028 sq.ft (6,320 sq.m)</b>	<b>15,200 sq.ft (1,412 sq.m)</b>

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Application Site Boundary

Application Site Area  
= 4.93 Acres. ( 2 ha)

**nicol thomas**

Revision	Date	Details

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Client:		Lingfield Securities Plc	
Job:		Uttoxeter Town Centre	
Drawing title: Location Plan			
Drawing Number: (Job number)	B4965	PL	P1
Scale:	1:1250		
Date:	13.10.2011		
Drawn by/ checked by:	PW		

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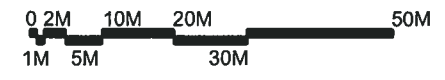
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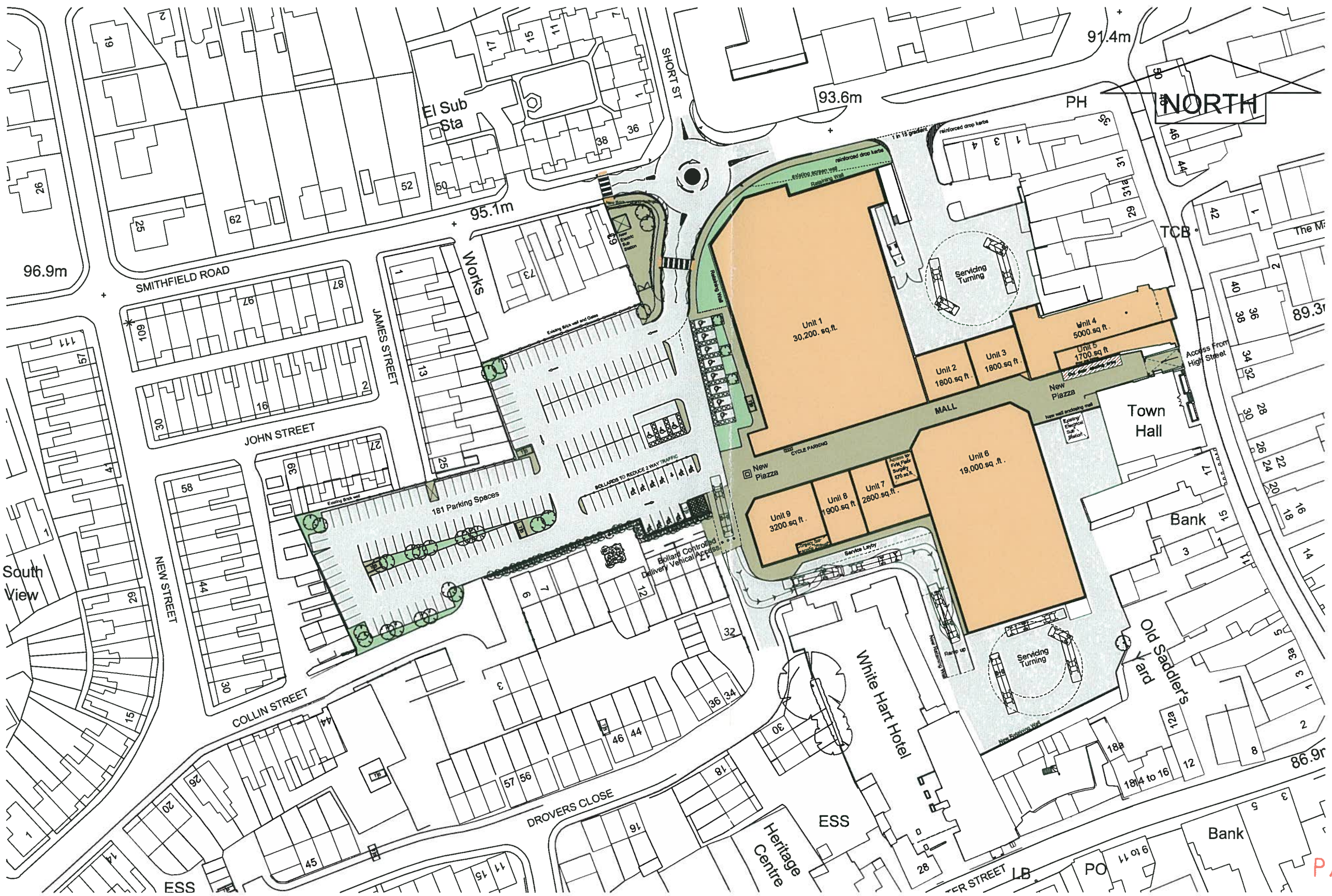
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Client:		Lingfield Securities Pic		
Job:		Uttoxeter Town Centre		
Drawing title:		First Floor Plan		
Drawing Number: (Job number)	B4965	(SK)	59	Revision: B
Scale:	1/1000@A3			
Date:	26.09.11			
Drawn by/ checked by:	PW			



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Revision	Date	Details

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Client:		Lingfield Securities Plc		
Job:		Uttoxeter Town Centre		
Drawing title:		Masterplan		
Drawing Number: (Job number)	B4965	(SK)	58	Revision: E
Scale:		1/1000@A3		
Date:		05.08.11		
Drawn by/ checked by:		JH/PW		