

Christina Farrer  
Senior Planner  
East Staffordshire Borough Council  
PO Box 8045  
Burton upon Trent  
Staffordshire DE14 9JG

17 May 2017

Dear Christina

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017  
LAND ADJACENT TO PIRELLI FACTORY, DERBY ROAD, STRETTON, BURTON UPON TRENT  
PROPOSED MIXED USE DEVELOPMENT – PLANNING APPLICATION REF. P/2017/00141  
REQUEST FOR FORMAL ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING OPINION ON BEHALF OF ST  
MODWEN DEVELOPMENTS LTD**

As you are aware, I recently attended a meeting with officers to discuss the above planning application. During that meeting I asked whether the application had been “screened” during your validation process, in line with Part 3, Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which were in force at the time of submission. Your colleagues indicated that this had not taken place. I am also mindful that the relevant legislation has just changed, with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 coming into force on 16 May 2017. Against this background, whilst it is considered very highly unlikely that EIA would be regarded as necessary for this scheme, I wish in any event formally to exclude that prospect through a screening request.

As such, I am now writing to request that the Council adopt a Screening Opinion as to whether the proposed development at land adjacent to the Pirelli factory, Derby Road, Stretton, Burton upon Trent, is EIA development. This request for a Screening Opinion is made in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 2, Regulation 6 (generally here referred to as the EIA Regulations), to confirm whether an Environmental Impact Assessment will be required to accompany the planning application for the development proposed.

In support of this request for a Screening Opinion, the following commentary sets out some background by describing the site, its context, as well as a brief description of the nature of the proposed development and of its possible effects on the environment.

In testing the proposals against the screening criteria provided at Schedule 3 of the EIA Regulations, it is the applicant's view that given the nature of the proposed development and providing the relevant studies, detailed below, are taken into account as part of the planning application and any identified mitigation measures are implemented, the proposed development should not have any significant environmental effects and should not require a formal Environmental Impact Assessment in accordance with the EIA Regulations. I would invite the Council to adopt the same opinion.

**The Site and Proposed Development**

The site is identified edged red in the plan provided here (ref. 16001 0001 E). It extends to approximately 2.89ha. It is an unremarkable, level, vacant and largely featureless site positioned between the retained Pirelli facility and Derby Road. The access into the site has already been formed following earlier permissions. It is

located in the north eastern part of Burton, at Stretton. The A5121 Derby Road follows a south west – north east alignment immediately to the east of the site, providing a link to the town centre to the south, and the A38 to the north. The site forms part of a wider area around the Pirelli factory for which planning permission for mixed use development has previously been granted, and partly built out.

The area surrounding the site is of mixed character. Land immediately to the north west is occupied by the retained Pirelli facility. Land immediately to the north east has been developed for employment use by St Modwen as the initial elements of the “Albion Gateway” scheme. Land immediately to the south east, on the opposite side of the A5121 Derby Road, is predominantly commercial in character, including a petrol station, vehicle dealerships, and employment premises (occupied by Rumenco Ltd).

The wider area includes the Pirelli Stadium to the south; beyond this, land to the west of the A5121 is predominantly in residential use, whilst land to the east of this road is of commercial character. Due east of the site, beyond the Rumenco premises, agricultural land extends down to the River Trent. Areas to the north include a mixture of employment, commercial and residential uses whilst areas to the west, including land beyond the A38, are predominantly residential.

The description of the proposed development is, “Erection of four detached buildings to form foodstore (Class A1), drive through coffee shop/restaurant (Class A1 / A3 / A5), retail and service units (four units within Class A1 / A3 / A5 on the ground floor) and leisure unit as a gymnasium on the first floor (Class D2), builders merchants with outside storage - Units 5/6/7 (Sui Generis), extension of two existing buildings to form five employment units - Units 3/4/8/9/10 (Class B1c, B2 and B8) including associated access, car parking, balancing pond and landscaping.” The scheme, for which full planning permission is sought, is shown on the proposed site layout plan provided here (ref. 16001 0002 J).

It is not considered that there is any particularly notable environmental sensitivity around the areas likely to be affected by this development. The site is embedded within the urban area, the locality is already quite heavily developed in a range of uses, and the proposals are not of a significant scale in this context.

## **EIA Development**

With reference to Schedule 3 of the EIA Regulations and guidance provided in Planning Practice Guidance (PPG) “Environmental Impact Assessment” which refer to the characteristics of the location, the development, and the potential impacts, it is considered that the proposed development is not an “EIA development” for the purposes of the EIA Regulations.

The development proposals do not fall under Schedule 1 of the EIA Regulations. However, the proposals constitute a Schedule 2 development; they can be characterised as an “Infrastructure Project (b) – Urban Development Projects”, where, “The development includes more than 1 hectare of urban development which is not dwellinghouse development”.

EIA is not mandatory for all Schedule 2 developments. In fact, the PPG notes that only a very small proportion of Schedule 2 development will require an assessment. The selection criteria in Schedule 3 of the EIA Regulations indicate that Screening should take into consideration:

- a) The characteristics of the development, e.g. size of the development, production of waste, pollution and nuisances;
- b) Location of the development, having regard to the environmental sensitivity of geographical areas likely to be affected by development; and

c) Characteristics of the potential impact, e.g. its extent, nature, magnitude, probability and duration

It is not considered that development of this site is of a sufficient scale to be categorised as a major development which would have significant environmental effects or consequences to the site or wider area. It addresses unremarkable land within the urban area, surrounded by (but buffered from) other development, for which planning permission has previously been granted for a mixed use scheme. It will introduce additional development at a relatively modest scale.

Equally it should be noted that the site is not within or near an environmentally sensitive area as defined under Regulation 2(1).

The nature of the proposals is not considered to be unusually complex; neither are they expected to provide potentially hazardous environmental effects. This is reflective of an understanding of the site and its environmental issues.

Further guidance is provided in the Annex to the PPG which sets out indicative screening thresholds and criteria. This has not yet been updated since the 2017 Regulations came into force. Nonetheless, it might be noted that the indicative thresholds and criteria provided for Infrastructure Project (b) development include if the area of 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 it would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings). The proposed development does not come close to reaching these indicative thresholds.

The Annex to the PPG also refers to key issues for Infrastructure Project (b) development including physical scale, as well as potential increase in traffic, emissions and noise. In this case, it is not considered that there are any aspects of the environment likely to be significantly affected by the development, having regard to these considerations, or indeed any others.

The proposed scale of development is relatively modest, amounting to a little over 6,000 sq m GIA of new floorspace within a site extending to less than 3ha. The Transport Assessment submitted with the planning application concludes that traffic associated with the proposal can be accommodated within the local highway network, and that the site is accessible by a choice of means of transport. The location of the site, neighbouring uses, and the nature of the proposed development mean that there should be no concerns from a noise perspective.

Our specialist consultant is in discussions with your Environmental Health Officer in terms of the continued value of air quality assessment work previously undertaken for the wider Pirelli site. Through that discussion and a review of the available evidence it has been agreed that we will provide updated work which is expected to provide reassurance in this regard.

From these discussions, the requirement for further, more detailed, air quality analysis is considered unlikely, but also there is currently no expectation in any event from either our consultant or your EHO that there would be any significant environmental effects in this regard. Some, limited, mitigation might be sought, for example through travel planning or installation of vehicle charging points, but again, emissions are not considered likely to be a concern here.

More generally, the scheme will not have significant effects in terms of the production of waste, or the use of natural resources, such as soil, land, water and biodiversity. This is a scheme of relatively modest scale addressing an unremarkable site in an urban setting. For all these reasons, it is concluded that the application should not give rise to the need for Environmental Impact Assessment.

## Planning and Environmental Issues

A suite of supporting assessments and reports has been submitted with the planning application. This records and summarises work which has and (where appropriate) continues to take place, appropriately considering the environmental implications of the proposed development, and any mitigation which might be required.

As issues have, and continue to be, identified by consultees, this suite of documents will continue to be expanded through addendum and update material as required. In particular, some reporting on the outcome of the air quality discussions referred to above will be provided. However, it is considered that the information in front of you through the application, and set out above, is sufficient for you to provide a Screening Opinion.

## Summary

This submission requests the Council's Environmental Impact Assessment Screening Opinion for proposed mixed use development at land adjacent to the Pirelli factory, Derby Road, Stretton, Burton upon Trent. The request is made in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 2, Regulation 6.

The development proposals do not fall under Schedule 1 of the EIA Regulations. However, in accordance with the relevant thresholds the proposals constitute a Schedule 2 development characterised as an "Infrastructure Project".

EIA is not mandatory for all Schedule 2 developments. The development is not in a defined Sensitive Area, nor does it breach thresholds where significant environmental effects would be more likely. The nature of the proposals are not considered to be unusually complex; neither are they expected to provide potentially hazardous environmental effects. Planning permission has previously been granted for the mixed use development of the site.

In testing the proposals against the relevant criteria, it is the applicant's view that given the nature of the proposed development and providing the relevant studies submitted as part of the planning application are taken into account and any identified mitigation measures are implemented, the proposed development should not have any significant environmental effects and should not require a formal Environmental Impact Assessment in accordance with the EIA Regulations 2017.

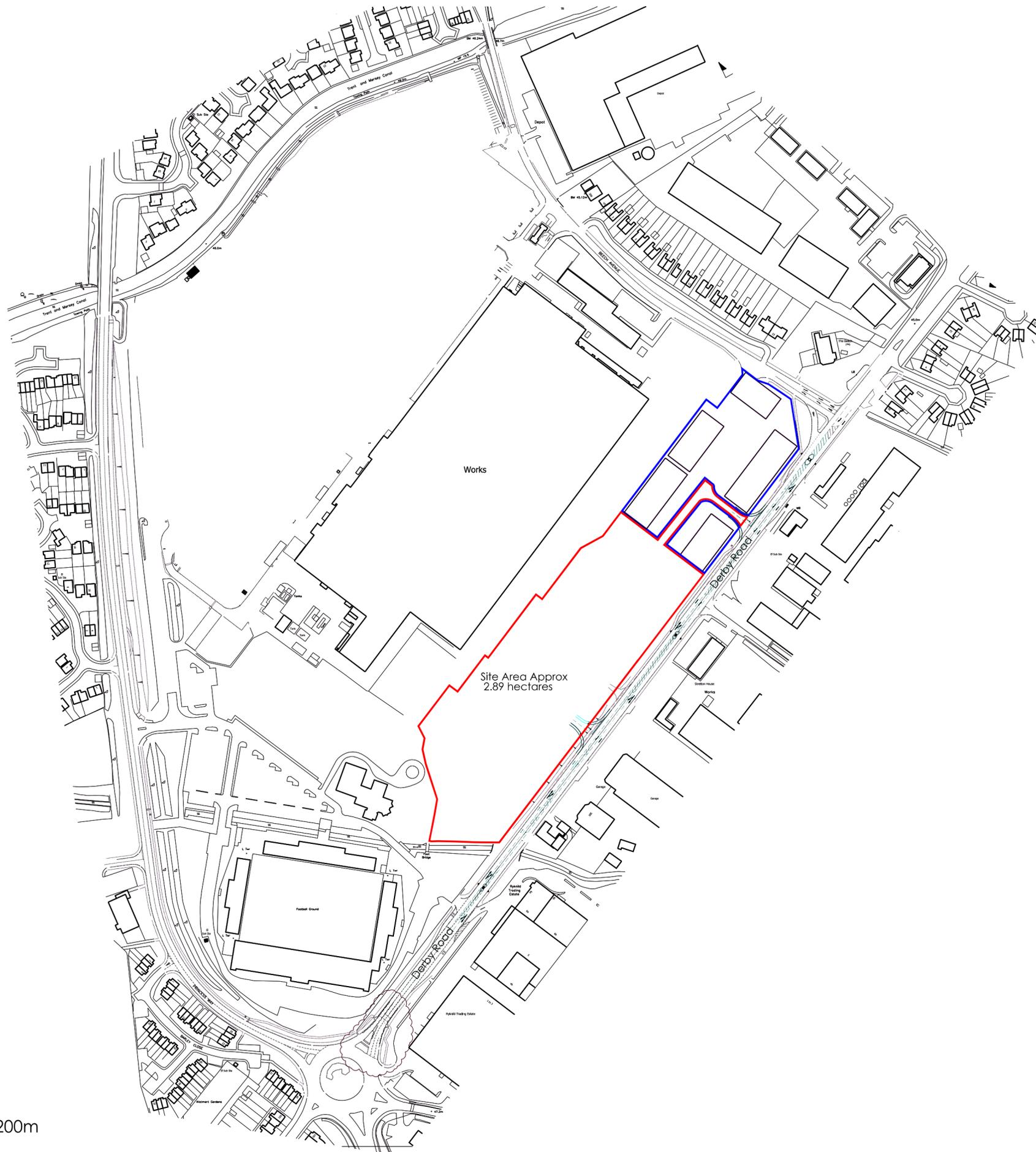
I would invite the Council to adopt the same Opinion. In accordance with the Regulations I look forward to receiving your Council's Screening Opinion within 21 days. In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely



**Robert Barnes - MRTPI, Director  
For and on behalf of Planning Prospects Ltd**

Enc



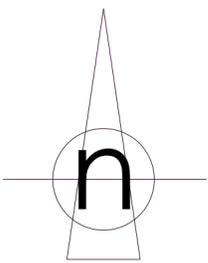
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The contractor to comply with all current statutory legislation, Building Regulations, British Standards, and good building practice.

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Revision		Date	Init
rev	description	date	dr by / ap by
A	Red line updated	05-10-16	kd / jw
B	Site area added	14-10-16	kd / jw
C	Site area revised	18-11-16	kd / jw
D	Scale corrected	13-02-17	kd / jw
E	Planning Boundary amended	03-03-17	kd / jw



client: <b>St Modwen Developments Ltd</b>			
project: <b>Albion Gateway Phase 3</b>			
title: <b>Location Plan</b>			
date: 06-14-16	scale: 1:2500@A2	status: <b>Planning</b>	
drawn by: kd	dwg ref: 16001-0001	rev : E	
checked by: jw			
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**Glancy Nicholls Architects**

■ The Engine Room, 2 Newhall Square, Birmingham, B3 1RU 0121 456 7474  
 □ 26-27 Bedford Square, London, WC1B 3HP 0203 727 5252  
 registration No: 5141809 architects@glancynicholls.com

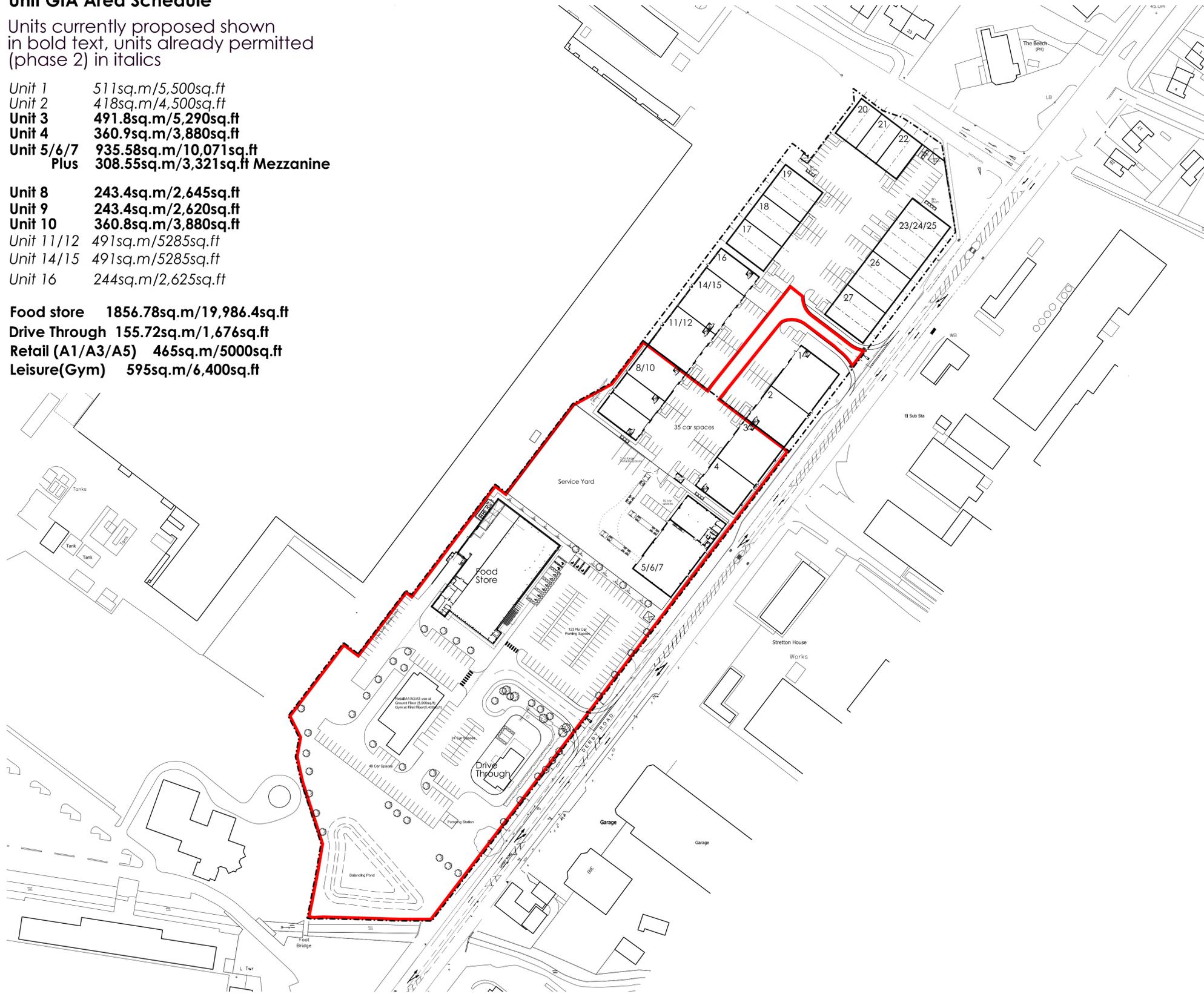
## Unit GIA Area Schedule

Units currently proposed shown in bold text, units already permitted (phase 2) in italics

Unit 1 511sq.m/5,500sq.ft  
 Unit 2 418sq.m/4,500sq.ft  
**Unit 3 491.8sq.m/5,290sq.ft**  
**Unit 4 360.9sq.m/3,880sq.ft**  
**Unit 5/6/7 935.58sq.m/10,071sq.ft**  
**Plus 308.55sq.m/3,321sq.ft Mezzanine**

**Unit 8 243.4sq.m/2,645sq.ft**  
**Unit 9 243.4sq.m/2,620sq.ft**  
**Unit 10 360.8sq.m/3,880sq.ft**  
 Unit 11/12 491sq.m/5285sq.ft  
 Unit 14/15 491sq.m/5285sq.ft  
 Unit 16 244sq.m/2,625sq.ft

**Food store 1856.78sq.m/19,986.4sq.ft**  
**Drive Through 155.72sq.m/1,676sq.ft**  
**Retail (A1/A3/A5) 465sq.m/5000sq.ft**  
**Leisure(Gym) 595sq.m/6,400sq.ft**



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Revision	Date	Init		
rev	description	date	dr by	ap by
A	Gia area schedule added	27-05-16	kd	jw
B	Gia area schedule updated	01-08-16	kd	jw
C	Foodstore position updated	16-08-16	kd	jw
D	Foodstore position updated Bin stores added	20-09-16	kd	jw
E	Pumping Station and Balancing pond relocated, Retail terrace added	05-10-16	kd	jw
F	Retail/Leisure added to schedule	14-10-16	kd	jw
G	Commercial Car Parking increased	19-10-16	kd	jw
H	Red line boundary amended	09-11-16	kd	jw
I	Red line boundary amended	10-11-16	kd	jw
J	Planning Boundary amended Use Class notes added	03-03-17	kd	jw

client: St Modwen Developments Ltd			
project: Albion Gateway Phase 3			
title: Overall Proposed Site Plan			
date: 22-03-16	scale: 1:1000@A1	status: Planning	
drawn by: kd	dwg ref: 16001 - 0002	rev:	J
checked by: jw			

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