

P/13/01 419

Philip Somerfield
Head of Regulatory Services
East Staffordshire Borough Council
The Malsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 1LS

ESBC

- 2 DEC 2013

Our Ref: GBF/3370

29th November 2013

Dear Mr. Somerfield,

**3370 : LAND SITUATED OFF TUTBURY ROAD AND ROLLESTON ROAD,
BURTON UPON TRENT
TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011 SCREENING OPINION REQUEST**

We write on behalf of our Client, Staffordshire County Council, the landowner, in accordance with the terms of Regulation 5 of the Environmental Impact Assessment (EIA) Regulation 2011 to request an EIA Screening Opinion from East Staffordshire Borough Council (herein referred to as the "Council") with regard to proposals on the above site.

In accordance with Regulation 5(2), this request is accompanied by a plan of the site (Site Location Plan FC/1) and provides a description of the proposal and its possible environmental effects. The following sections of the letter conclude that an EIA and the preparation of an Environmental Statement is not required.

Site Location and Surroundings

The site is located to the east of Tutbury Road (A511) to the west of Rolleston Road and to the north of Harehedge Lane on the northern edge of Burton upon Trent, the principle town in East Staffordshire and the accepted focus for future development and growth.

The site comprises approximately 20.4 hectares of gently sloping and regular shaped land. The site is surrounded on three sides by existing predominantly residential development. To the south off Harehedge Lane there are existing residential dwellings opposite the site and two existing schools, the De Ferrers Academy and Outwoods Primary. The Beacon Hotel/public house and existing residential dwellings adjoin the south western and eastern site boundaries (Tutbury Road and Rolleston Road). The northern boundary adjoins open fields.

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Within the site, accessed off Tutbury Road, a new Primary School is currently under construction by Staffordshire County Council. This is scheduled to open in 2014.

The site is presently occupied under agricultural tenancy agreements issued by Staffordshire County Council.

Given its location and the proximity to existing residential development and access to services and facilities it forms a suitable and sustainable extension to the settlement boundary which will be well defined by natural features. This is demonstrated by the technical reports that will support the application.

Proposed Development

The planning application will be seeking outline planning permission for the following form of development:

“Outline Application (with all matters reserved except access) for mixed use development including up to 500 dwellings (use class C3); local centre providing up to 500 sq. metres of floorspace (use class A1, or public house (use class A5) together with associated car parking and servicing, specialist care housing (use class C2);, public open space; structural landscaping and provision of drainage ; and internal highway network to include the provision of access junctions to the A511 Tutbury Road and Rolleston Road with public realm works to Tutbury Road to replace the existing traffic lights with a roundabout and realignment of Harehedge Lane and formation of two mini-roundabouts together with the construction of an off-street car park

Pre-application discussions have been held with the Local Planning Authority and there was a public consultation exercise held in July 2013, to allow local residents the opportunity to provide their feedback on the proposed development. Comments received will be incorporated into a Statement of Community Involvement that will accompany the application.

The planning application will be accompanied and supported by the following reports.

- Planning Statement
- Design and Access Statement
- Building for Life Statement
- Scale and Massing Statement
- Relevant plans – including site and location plan
- Extended Phase 1Habitat Survey
- Landscape and Visible Impact Assessment
- Topographical Survey
- Preliminary Drainage Strategy and Flood Risk Assessment
- Transport Assessment
- Framework Travel Plan
- Illustrative Schematic Development Plan
- Statement of Community Involvement
- Draft Section 106 Agreement

EIA Screening

The proposed development does not fall within the Schedule 1 of the EIA regulations however it does fall within Class 10 (b) - Urban Development Projects of Schedule 2 of the 2011 EIA Regulations identified in Column 1 and exceeds the specific site size threshold of 0.5 hectares identified in Column 2.

In order to determine the type of Schedule 2 development which is likely to require an EIA, Annex A of Circular 02/99: Environmental Impact Assessment (March 1999) sets out the indicative thresholds and criteria for identification of Schedule 2 development requiring EIA.

With regards to Schedule 2, Class 10 (b), paragraph A.19, the circular states,

“Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

- *the site area of the scheme is more than 5 hectares; or*
- *it would provide a total of more than 10,000 m² of new commercial floorspace; or*
- *the development would have significant urbanising effects in a previously non-urbanized area (e.g. a new development of more than 1,000 dwellings).”*

We have assessed the proposal against these criteria and conclude that whilst the site exceeds the five hectare threshold the proposed development will not have a significant environmental impact on the local area and thus will not require an EIA.

In accordance with the EIA Regulations (2011) and Circular 02/1999, for all Schedule 2 development the LPA must determine whether an EIA is required. To make this decision the LPA must take into account the criteria set out in Schedule 3 of the EIA regulations 2011.

We have assessed the development against the following criteria as required by Schedule 3

1. Characteristics of Development;
2. Location of Development;
3. Characteristics of the Potential Impact.

Characteristics of the development

Size of development

As stated above, the site comprises approximately 20.4 hectares of Greenfield land. The proposed development is for mixed use, including the provision of up to 500 dwellings, and ancillary local retail or public house, with specialist care facility, in a highly sustainable location. The proposal can be suitably accommodated and delivered within the site.

The accumulation with other development

In accordance with guidance in Circular 02/99 Environmental Impact Assessment, cumulative development constitutes existing and approved development. Paragraph 46 of the Circular states:

"The local planning authorities should always have regard to the possible cumulative effects with any existing and approved development."

Planning application (Ref No P2013/00591) for the erection of 24 dwellings was refused by a Council decision dated 5th September, 2013. The reason, amongst other things refers to the application development needing to relate to the *"much larger proposed strategic allocation"*.

In addition Staffordshire County Council is presently constructing a one-form entry, 210-pupil Primary School, on land situated off Tutbury Road. The proposed mixed use development has been designed under a comprehensive master plan to ensure that the facilities proposed under the application are compatible. The new school will be opening for pupils in 2014.

These developments, in conjunction with the site featured within this screening opinion letter, combine to represent the *"much larger proposed strategic allocation"*.

Use of natural resources

The proposed development will be developed to high quality modern standards and will be energy efficient. All buildings will be constructed in accordance with prevailing building regulations. There will be no abnormal use of natural resources beyond those required to deliver the proposed development and it is unlikely to result in the use of natural resources that are considered to be in short-supply.

The production of waste

The development will not produce levels or types of waste greater than that normally associated with mixed use development of the scale proposed.

The production of waste will be dealt with through regular collection by a suitable contractor and future residents will be encouraged to recycle in line with up-to-date Council objectives and arrangements. The production of waste is not sufficient or of a particular significance for the purpose of EIA.

Pollution and nuisance

The new development is very unlikely to give rise to any significant levels of pollution or nuisance. Adequate stand-offs have been incorporated into the illustrative layout to the existing residential development fronting Tutbury Road, Rolleston Road and Harehedge Lane

A noise assessment is not required as there are no noise producing sources near the site and the impact on traffic noise levels from the development and on existing residential properties, will be negligible, due partly to the separation distances available to existing properties.

The risk of accidents, having regard in particular to substances or technologies used

The proposal includes primarily residential development; there is also an element of potential mixed use in terms of the retail development or a public house; however the nature of these uses is not likely to lead to an increase in accidents.

Location of development

Schedule 3 advises that the environmental sensitivity of geographical areas where development is proposed must be considered, having regard, to the following.

Existing land use

The site is currently in agricultural use.

The relative abundance, quality and regeneration capacity of natural resources in the area

The identification of housing requirements in the submitted Local Plan clearly indicates the need to release Greenfield sites in order to meet growth and development targets.

There remains significant Greenfield land surrounding the urban edge of Burton and the development proposal will not impact significantly on the relative abundance, quality and regenerative capacity of natural resources in the wider area. The Council's stance in connection with the release, allocation and development of sites in the Borough will ensure that the majority of new housing is directed to peripheral sites around Burton town as sustainable urban extensions as the most sustainable option to accommodate the planned growth for the area.

The position of the site and its surroundings, together with the propose landscape buffer on the northern site boundary, ensure that there will be no encouragement for expansion beyond the limit of development shown for this application which acts as a strong defensible boundary with sufficient open agricultural land remaining to perform this function.

Absorption capacity of the natural environment

There are no material impacts on wetlands; coastal zones; mountain and forest areas; nature reserves and parks; Directives set by the European Commission; areas with designated environmental quality standards laid down in EU legislation or landscapes of historic, cultural or archaeological significance.

The site is not identified within a statutory designation such as an Area of Outstanding Natural Beauty; World Heritage Site, National Park a Site of Special Scientific Interest or the National Forest.

The site is located adjacent to an existing residential area but will not produce any significant or undesirable impacts upon the amenity of existing residents.

There are no buildings or structures of great historical or architectural significance within the application site, nor is the site within the conservation area. In summary it is not considered that the development proposals will have any material impact on the area.

Characteristics of the potential impact

Schedule 3 further advises that the potential significant effects of the development must be considered in relation to those matters raised above and having regard, in particular to the following.

- The extent of the impact (geographical area and size of the affected population)
- The trans-frontier nature of the impact
- The magnitude and complexity of the impact
- The probability of the impact
- The duration, frequency and reversibility of the impact

The extent of the impact of the proposed development is likely to be limited to the site itself and the immediate land uses adjoining it. The site is well contained and defined by Tutbury Road, Rolleston Road and Harhedge Lane and existing residential development which border the site to the east, west and south. To the north, beyond the site boundary, is open cultivated farmland that is not affected by the proposal.

Good construction and site operations will ensure minimal effects on the local environment. Disruption will be of a temporary nature and be offset by the significant benefits of the development such as the delivery of much needed market and affordable housing and the development as a whole.

Highway impact has been assessed through a comprehensive Transport Assessment and all benefits and impacts have been considered.

The magnitude and complexity of the impact can be assessed through the normal planning application process. It is unlikely that any issues will arise which cannot be dealt with by appropriate mitigation measures which is not unusual for major applications.

The principles of development of the site has been tested and justified through the design and access statement. The overarching principle of design is that the site prioritizes a 'sense of place' by being of a human scale and that transport fits within this rather than dictating it. As part of the proposal, the use of public transport is highly encouraged through the Travel Plan submitted with the application.

In connection with ecology, a Phase 1 Habitat survey was carried out and identified there was no evidence of any protected flora or fauna on the site. The hedgerows on the periphery and within the site will be retained as indicated on the Planning Appraisal drawing, as will the existing trees on the site boundaries. The landscaping scheme for the open spaces will include measures to improve biodiversity.

The Landscape and Visual Impact Assessment concludes that the proposed development can be assimilated into its landscape setting with no damaging environmental effect.

The development will not create any unusually complex or potentially hazardous environmental effects.

The most significant impact of the development could be considered to be in connection to highways and traffic. Although there will be some impacts, it is thought that these can all be dealt with by appropriate mitigation measures.

There will be some impact during the construction phase of the development; however these will be temporary and will cease upon completion of the development. The most likely source of impact will be construction traffic and noise. The impacts of these sources will be controlled through conditions on working hours.

Any impacts created by the development can be mitigated by appropriate measures. Residential development is relatively inoffensive, with little impact on the environment in this instance.

The development will create permanent structures. These will provide the benefit of much needed housing in Burton to meet local needs. The development would result in the loss of existing agricultural land. However, as is already acknowledged Greenfield land is needed to meet the housing target of the Plan for East Staffordshire Borough and Burton as the largest and most sustainable settlement will need to accommodate a proportion of the planned growth.

Conclusion

The site is large enough to accommodate the proposed development. The scheme will be constructed to high quality modern standards and include appropriate mitigation measures, where appropriate, to ensure that any identified impacts can be satisfactorily mitigated.

Having considered the scope of environmental issues associated with the development of the site and its relative low sensitivity, no impacts have been identified that are so significant to require an EIA to be undertaken.

The proposals represent an appropriate use of the site given surrounding land uses and the wider settlement area of Burton. The proposed development will provide a significant number of positive impacts including the provision of much needed family housing, affordable homes, and investment in infrastructure, construction jobs and returns for the Council through the New Homes Bonus scheme.

The information outlined above is in our view sufficient for the Council to assess the impact of the proposed development and to confirm that it is not EIA development. In accordance with Regulation 5(5) we await notification of the Council's Screening Opinion within three weeks of the date of receipt for this request.

Yours sincerely,

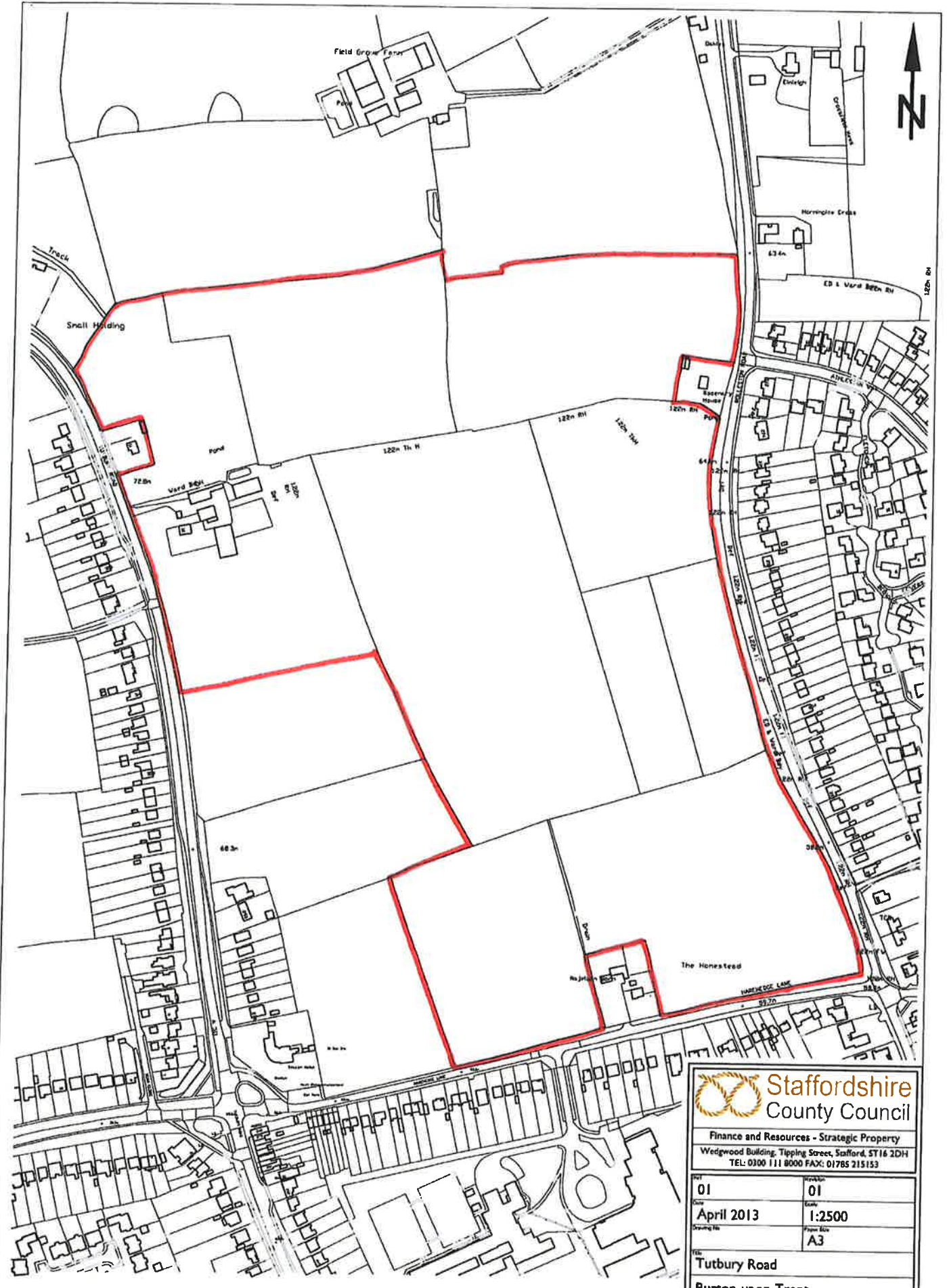



GRAHAM B FERGUS BA (Hons) MRTPI
PLANNING CONSULTANT



Enc.

- Site Location Plan – FC/1.




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Plot	01	Revision	01
Date	April 2013	Scale	1:2500
Drawing No		Frame Size	A3
Site			
Tutbury Road			
Burton-upon-Trent			

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