

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

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

**Proposed Development:**

**Re-development of site for up-to 660 dwellings and 71,553m<sup>2</sup> of employment floorspace including a local centre, landscaping, open space, flood attenuation and access**

**Introduction:**

The Council has received a request for a formal screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of the above proposals.

**Schedule 1:**

No

**Schedule 2:**

Yes

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “wide scope and broad purpose”, I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (b) as an Urban development project, with the area of development, 68.8 hectares, exceeding the 0.5 hectare threshold.

**Circular 2/99:**

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. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

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.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
  - the existing land use,
  - the relative abundance, quality and regenerative capacity of natural resources,
  - 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, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would have significant urbanising effects (e.g. a new development over 1,000 dwellings or provide a total of more than 10,000 square metres of new commercial floorspace).**

**Assessment:**

In assessing the proposal in the context of the above, the Council's view is that while the development is of a significant scale, it is a major development of local importance. The site area is 68.8ha, set on the outskirts of the urban area, enclosed by the A38 and Derby-Birmingham mainline railway; the site also has significant planning history, and has an extant planning permissions on the land to the west of the railway (the only area to be built on under this proposal) for B1, B2 and B8 uses, and a new graded junction from the A38; a previous residential permission for 50 dwellings to the north of the site adjoining Branston has been constructed. It is therefore not considered that the site would have significant urbanising effects.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. In this instance it is considered that these issues can be adequately covered by the comprehensive documentation necessary to be submitted with the application, and an EIA is therefore unnecessary. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. The site is within Flood Zone 3, but any flood related issues will be assessed as part of the application process, and again it is considered that any adverse impacts to be mitigated will be localised in nature.

The Environmental Health Manager has advised that despite the made-up nature of the ground concerns regarding this can be adequately covered by relevant documentation, including a detailed site investigation which should include remediation measures, without the need for an EIA. Issues in relation to noise and air quality can also be covered via the submission of specialist reports.

It is considered that the environmental effects of the development will not add significantly to the current position. The Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

**Recommendation:**

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

**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.**

**Team Leader/Planning Manager**

**Signature:**



**Date: 28<sup>th</sup> September 2011**



Mr J Malkin  
East Staffordshire Borough Council  
Town Hall  
Burton Upon Trent  
Staffordshire  
DE14 2ED

**BY EMAIL & RECORDED DELIVERY**

CORPORATE SERVICES

- 7 SEP 2011

19078/A3/GS/sjs

6 September 2011

Dear Mr Malkin,

**LAND SOUTH OF BRANSTON**  
**REQUEST FOR SCREENING OPINION UNDER REGULATION 5 OF THE TOWN AND COUNTRY**  
**PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 ("THE 2011**  
**REGULATIONS")**

We write in respect of the above site on behalf of St Modwen Developments Ltd to request your Council's formal Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of draft proposals for Land South of Branston.

This request is made further to our recent request in April and your Council's subsequent Screening Opinion dated 13<sup>th</sup> May, in order to reassess the Proposed Development in light of an increase in the number of dwellings proposed and an increase in the quantum of floorspace proposed.

The site comprises approximately 68.8 hectares (170 acres) of land located to the south of Branston village, near Burton-upon-Trent. The site was part of a larger area formerly used for gravel extraction and some areas have subsequently been filled with Pulverised Fuel Ash (PFA) from the nearby former Drakelow Power Station to the east of the site. Following the closure of the gravel extraction works, there have been a series of planning permissions for both residential and employment uses on the site. The extent of land is defined by the red line on the enclosed plan, with adjoining land which is controlled by St Modwen outlined in blue.

An outline planning application is being prepared for submission later this year to include the comprehensive redevelopment of the site for up to 660 new dwellings, 71,533 sq. metres (770,000 sq. ft) of employment floorspace, a local centre, landscaping, open space, flood attenuation and access.

We have considered the site and its context, the nature and scale of the development proposed, and the likely impact of the proposals. As a result, it is our view that the proposed development is not 'EIA development' for the purposes of the 2011 Regulations. In coming to this conclusion, we have followed the procedure set out in Figure 1 of Circular 02/99: Environmental Impact Assessment:

- (i) The proposed development is not Schedule 1 development;

Certificate No. FS 29637



- (ii) The proposed development is Schedule 2 development by virtue of the size of the site where an EIA is discretionary. (The 2011 Regulations advise that the criteria and thresholds applied to Schedule 2 development are intended to be indicative in determining whether significant effects are likely and they do not automatically trigger the need for the EIA);
- (iii) We do not however consider that the development comprises Schedule 2 development requiring an EIA, as it is not in a sensitive area and there would be no significant effect on the environment; and
- (iv) Technical reports which will be submitted with the application (as outlined below) will demonstrate that development will not give rise to significant environmental effects by virtue of its size, nature or location.

In accordance with paragraph 34 of Circular 02/99, the basic test of need for EIA in a particular case is the likelihood of significant effects on the environment. The site is bounded to the north by residential properties on Main Road, Branston which is a village to the south of Burton-upon-Trent and adjoins the main built up area of the town. It comprises approximately 1,700 homes together with a range of local facilities including a doctors' surgery, public house, local convenience stores and a post office. The village is served by Rykneld Primary School and Paget High School which are located on Main Street and Burton Road respectively. The A38 runs to the west of the site and the eastern boundary is marked by the River Trent. The Derby-Birmingham railway line bisects the site and separates the proposed built development to the west from the open space and landscaping areas to the east. The site has clearly defensible boundaries, is well contained, and accordingly we do not believe that the proposed development will have 'significant urbanising effects' on this already urbanised area.

In addition, the site has been the subject of a number of planning applications for redevelopment which were accompanied by extensive environmental and engineering studies. Of significance is outline planning permission reference OU/20679/001/PO dated March 1993 for B1, B2, B8 and residential development on the northern part of the site. Reserved Matters for the residential element of this permission were agreed (reference RM/02679/008/PO) in 1998 and the dwellings have since been built out and occupied. The balance of the outline planning permission has been subject to a number of renewal applications, the most recent of which was in 2004 (reference PC/20679/019/PO). This permission remains extant to 5<sup>th</sup> August 2011.

In relation to the southern part of the site, outline planning permission reference OU/20180/001 was granted in 1991 for B1, B2 and B8 development, and a further outline permission was granted in 2004 (reference OU/20180/004/PO) which included a grade separated junction off the A38. A Reserved Matters application pursuant to the 2004 outline planning permission was submitted in 2007 and is still before the Council.

The planning application will be supported by a comprehensive evidence base which will inform the masterplan and the development proposals. The evidence base will cover, amongst other things, the following principal issues.

### **Flood Risk and Drainage**

The site lies adjacent to the River Trent and all of the land to the east of the railway line is included within the flood plain, however land to the west of the railway line is largely above the flood levels.

A Flood Risk Assessment has been prepared which demonstrates that there are a number of options for mitigating against flood risk and providing an effective drainage solution, including the use of balancing ponds and swales. In addition it is envisaged that some localised reconfiguration of the flood plain will be undertaken to provide appropriately shaped development plateaus, however there will be no overall net loss of flood plain area.

All storm water flows from the site will be balanced to 'Greenfield' run off levels. This will involve the use of storage ditches, swales and ponds.

## **Ground Conditions / Contamination**

The site has previously been subject to extensive gravel extraction works and the resulting voids have been filled with PFA. An outline remediation strategy has been developed which demonstrates that the site is developable for mixed uses, including residential uses, subject to implementation of the strategy. The strategy includes placing clean cover in areas identified for private gardens or landscaping.

## **Ecology**

An Extended Phase I Ecological Assessment has been carried out and a number of further species specific studies will determine the nature and extent of valued ecological resources in order to inform the masterplan such that these can be incorporated, or where necessary mitigation devised. We consider however that the site could be developed without significant harm to ecological resources. Indeed, land to the east of the railway line provides opportunities for biodiversity enhancements, habitat creation and new amenity space. This could include a network of footpaths to include integration with the Trent Valley Way, the creation of wetland habitats and opportunities for canoeists and anglers to access the River Trent.

## **Noise and Vibration**

The site lies in close proximity to two principal noise and vibration sources, the A38 and the Derby – Birmingham railway line, both of which have potential to influence the masterplan. Whilst commercial uses are less noise sensitive, the proposed residential uses will need to incorporate appropriate stand off zones and potentially noise bunds / barriers.

## **Highways**

It is proposed that the northern part of the site will be served from Main Street and the existing road network in Branston. As the development progresses there may be a requirement to upgrade the existing highway network to provide additional capacity and a comprehensive Transport Assessment will be prepared in order to consider the impact of the proposals.

It is proposed to access the southern part of the site by upgrading the existing left in / left out access off the A38. The Transport Assessment will seek to demonstrate that this is achievable.

The existing network of public footpaths, which run within and adjacent to the site, will be maintained and incorporated in to the proposed development.

## **Landscape and Visual Impact**

The Landscape and Visual Impact Assessment will demonstrate that views of the site from the surrounding area are limited and are seen in the context of the existing village, the railway line and the A38. As such it is considered that the site does not form an important or highly visible component of the landscape.

## **Archaeology**

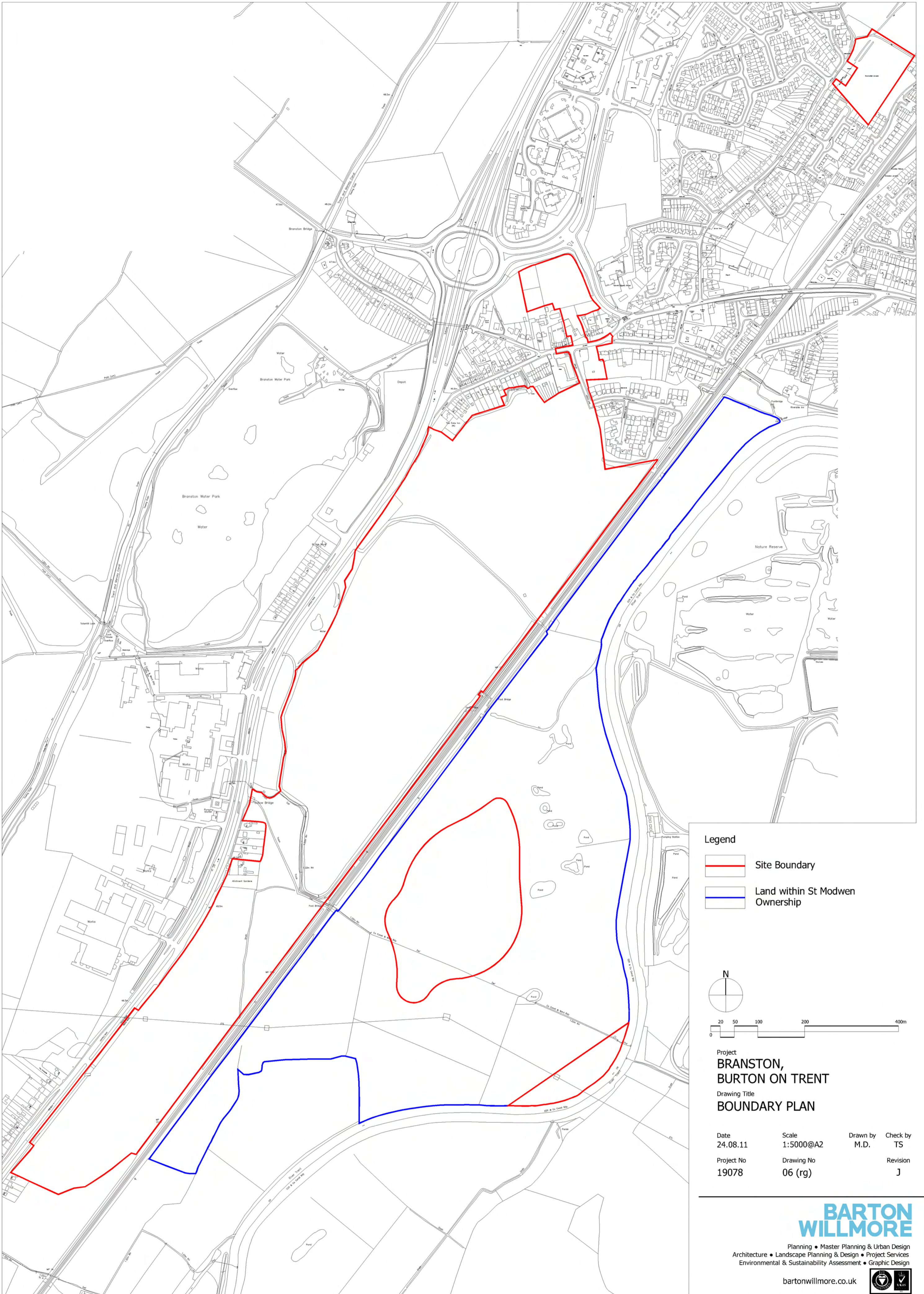
Given the previous extensive quarrying use, it is not considered that there will be any archaeological remains on site. Existing background data will be reviewed and, if appropriate, further investigation will be carried out to confirm that there are no remains which would be impacted by the proposed development.

## **Air Quality**



Given the site's location on the edge of Burton-upon-Trent and adjacent to the A38, there are unlikely to be any significant impacts on air quality resulting from the proposed development. We







**Legend**

-  Site Boundary
-  Land within St Modwen Ownership



Project  
**BRANTON,  
 BURTON ON TRENT**  
 Drawing Title  
**BOUNDARY PLAN**

Date 24.08.11	Scale 1:5000@A2	Drawn by M.D.	Check by TS
Project No 19078	Drawing No 06 (rg)	Revision J	

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