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East Staffordshire Borough Council,
Midlands Grain Warehouse,
Derby Street
Burton upon Trent,
DE14 2JJ

For the attention of Tim Furnell

Our ref PI/EPRB/26/0202

18th June 2010

Dear Sir

**Pirelli Redevelopment site, Burton-upon-Trent
Formal Screening Opinion**

St Modwen Developments Ltd in partnership with Pirelli Tyres Ltd, is intending to submit an application for outline planning permission on land off Beech Avenue and fronting Derby Road and for full planning permission for works to the Pirelli Tyres UK Ltd factory, comprising of approximately 20.1 hectares. In accordance with the Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 (EIA Regulations), Part II, Regulation 5, we would be grateful for your formal Screening Opinion to confirm whether an Environmental Impact Assessment will be required to accompany the planning application.

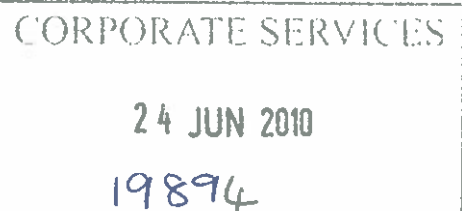
In support of this request for a Screening Opinion, we enclose the following:

- plans of the site location (Figure 1) and the application site boundary (Figure 2); and
- a brief description of the nature and purpose of the development and of its possible effects on the environment (outlined below).

The Proposals

The application comprises an outline application for the whole site with detail for the proposed works to the Pirelli Factory. The site is split into three distinct development areas:

Land fronting Derby Road is surplus to Pirelli's requirements and it is proposed that a new employment site including courtyard offices, Light industrial warehousing, public house/restaurant/hotel and car showrooms.



On the retained Pirelli site a one-way traffic system will be implemented for Pirelli including a new internal estate road and rationalisation of existing infrastructure including drainage, utilities, sprinkler systems, pump house, boiler house, new staff car and lorry parking.

The Beech Avenue land is also surplus to Pirelli's requirements and most of the buildings are either vacant or are rented on short-term leases. It is the intention for St Modwen Developments Ltd and Pirelli Tyres U.K Ltd, to submit an application for outline planning permission to build approximately 200 residential units on the Beech Avenue land. The proposals are to incorporate an extensive landscaping buffer between housing and the retained Pirelli buildings. The proposals will substantially add to the allocation of quality public open space throughout the development including, integrating the canalside public realm scheme to enhance the waterfront, maximising and improving access to the canal and towpath and providing new public open space adjacent to the canal with play areas.

The whole site is located to the North-East of Burton-upon-Trent. The site is currently occupied by industrial and distribution buildings of varying dimension, car parking and ancillary works associated with Pirelli. The site is enclosed by Beech Avenue to the North, Princess Way to the West, the Trent and Mersey Canal to the North. To the South-East of the rationalised site is former industrial and warehouse land and open space, beyond which is Derby Road.

In summary, the proposals comprise approximately 7.9 hectares of residential development on the Beech Avenue land and 8.4 hectares retained for the rationalised Pirelli site with a further 3.8 ha of redevelopment of land on the Derby Road application site.

The access to the proposed residential site on the Beech Avenue land is being discussed with Staffordshire County Council Highways Department and is proposed to consist of an access off Princess Way. This will take the form of a simple turning head designed in accordance with local authority guidance and the county council. The access to the Pirelli retained site and Derby Road employment land will be from a combination of access points from Beech Avenue and directly off Derby Road

The Policy Context

The Screening decision should be made with consideration to the planning policy context of the area. The site currently comprises, former and operational industrial buildings, surrounded predominantly by hardstanding with approximately 1ha of the Derby Road land being grassed. Given the urban industrial nature of the site that exists, it is considered that the redevelopment of the site would not be of a significantly greater scale than the current use. The application site is within a well established mixed use residential/industrial area.

EIA Development

With reference to Schedule 3 of the EIA Regulations and guidance provided in Circular 02/99 *Environmental Impact Assessment* which refers to the site and its context, the nature and scale of the

development proposed, and the likely impact of the proposals, it is our view 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, in accordance with the indicative thresholds provided in Annex 1, Circular 02/99 the proposals do constitute a Schedule 2 development by virtue of its size. EIA is not mandatory for all Schedule 2 developments but guidance states that formal EIA is required for Schedule 2 developments which are:

- a) major developments which are of more than local importance;
- b) proposed for a particularly environmentally sensitive or vulnerable location; and
- c) with unusually complex and potentially hazardous environmental effects.

The Pirelli site is being rationalised for economic reasons. Given the urban industrial nature of the site that exists, the redevelopment of the site would not be of significantly greater scale than the current use. Therefore it is not considered that redevelopment of this site is of a sufficient scale to be categorised as a *major development*.

It has been considered whether the proposal is in a sensitive area. A sensitive area is defined in the Regulations as including: Sites of Special Scientific Interest (SSSI); land subject to nature conservation orders under section 29 of the Wildlife and Countryside Act 1981; a national park or the Broads; a property on the World Heritage List; a Scheduled Monument; and Area of Outstanding Natural Beauty (AONB); a site given protection under the Conservation (Natural Habitats etc.) Regulations 1994 (Habitats Directive). The site of the proposed redevelopment is not within an *environmentally sensitive area*.

Finally, the nature of the scheme which is proposing to redevelop a site of approximately 20.1 hectares of land is not considered to be unusually complex or is expected to provide *potentially hazardous environmental* effects.

We are aware there is currently consultation on the Department for Communities and Local Government on the subject of EIA: a) proposed amendments to Circular 02/99 on EIA and b) the new draft EIA procedural and good practice guidance to replace the current Departmental publication 'EIA Guide to Procedures'. The proposed development has also been reviewed against the criteria and checklists contained within Annex A & B of the Amended Circular on Environmental Impact Assessment to identify the characteristics of potential impacts. It is not thought that these will be significant.

It should be noted that we submitted a formal screening opinion to East Staffordshire Borough Council for a mixed use development in September 2007 for a similar scheme, and it was concluded that in that instance a formal EIA was not required (correspondence from Jim Malkin, Planning Officer, ESBC, 22nd October 2007, ref SR/00127/089).

In assessing the potential environmental impacts from the development the following key issues will be considered:

- ecology and nature conservation;
- landscape and visual effects;
- noise;
- air quality;
- ground conditions;
- water resources;
- transport

Ecology and Nature Conservation

The application site comprises predominantly man-made habitats. No statutory wildlife sites would be directly or indirectly impacted upon as a result of the proposed development. An Extended Phase 1 habitat survey of the application site was undertaken in 2007, was updated in 2009 and is in the process of being updated again in 2010. This baseline ecological survey included a walkover survey of the whole site by qualified ecologist, identifying and mapping the habitats and boundaries according to the Phase I Habitat Survey Guidelines (Joint Nature Conservation Committee, 1990). In addition, protected species surveys have been undertaken for badgers and bats and the presence of these species were not confirmed. The updated ecology report will be submitted in support of the planning application. It is considered that the proposed re-development of the application site will be implemented without significant adverse ecological impacts and will be in accordance with relevant legislation and planning policy.

Landscape and Visual Effects

Whilst existing views of the area to be redeveloped are limited from the east, there are direct and indirect views into the site from the north and northwest, particularly adjacent residential properties and from the Trent and Mersey Canal towpath.

A Landscape Strategy will be prepared for the proposed development to ensure that it has a robust landscape structure coherent with the surrounding environment. The landscaping will be designed to ensure integration of the development with the surrounding landscape whilst minimising any residual visual intrusion on surrounding sensitive receptors.

Noise

The scope of the noise assessment will be agreed with Environmental Health Officers at East Staffordshire Borough Council (ESBC). The noise assessment estimates the noise climate that will occur as a result of the proposed development both in terms of the noise and vibration.

Water Resources

An appraisal of the water resources throughout the site will be undertaken. Providing the recommended Environment Agency (EA) methodologies are adopted during design and construction, it is considered that the development will have no significant negative impact on water resources throughout the site.

The application site has existing foul and surface water connections. As part of the planning process we would undertake a Flood Risk Assessment and Drainage Strategy, as the site is currently largely previously developed land. The scope of a drainage strategy and Flood Risk Assessment will be agreed with the Environment Agency and Local Authority during the planning process.

Ground Conditions

A Ground Contamination Report was undertaken on behalf of Pirelli Tyres Ltd in 2004 for the Beech Avenue and retained Pirelli site. In addition a review of Landmark and Geological data has previously been undertaken by Halcrow in 2005 on behalf of St Modwen Developments Ltd and Pirelli Tyres Ltd to assess the potential for contamination in part of the application site. The audit has been based on the following:

- a desk study in accordance with the recommendations of the Association of Geotechnical Specialists (AGS) Guide to Geo-environmental Reports but excluding at this stage utilities searches; and
- searches of publicly accessible geo-environmental records.

The aim of the audit has been to identify hazards in relation to potentially harmful substances and to determine from published information the geological and hydrogeological conditions both beneath the site and in its immediate vicinity. These findings are then used to theorise a conceptual model for the site from which constraints and opportunities relating to future site redevelopment are drawn.

The previous ground investigation and supplementary testing undertaken by Solmek on behalf of Pirelli has also been reviewed and St Modwen Developments Ltd have undertaken further testing on groundwater and soils in specific areas acting on the results of the first investigations.

The surface at the site comprises Pleistocene and recent floodplain and terrace deposits from the confluence of the River Trent and the River Dove. The ground in the centre and west/southwest of the site is composed of clay and gravel river terraces, whereas the eastern half of the site and the northwest corner are underlain by alluvium. Beneath these deposits lie Triassic mudstones, sandstones and gypsum beds of the Mercia Mudstone Group, underlain at depth (250-300m) by westward dipping sandstones and thin mudstones of the Bromsgrove Sandstone Formation (formerly Keuper Sandstone).

The area around the site also has a moderate-high compressible ground subsidence risk, low landslip subsidence risk and a low swelling clay subsidence risk.

Further intrusive ground investigations and monitoring may also be undertaken on the site including any areas not covered sufficiently in the previous investigation. This will enable the characteristics of the soil, ground gas and groundwater conditions of the site to be ascertained.

Transport

A Transportation Assessment (TA) will be provided as part of the supporting information to determine the potential impact of the proposed development on the existing transport infrastructure and surrounding area.

The TA will take account of the developments proposed for this site along with other committed developments in the locality and will provide a comprehensive analysis of the impact of these developments on the pedestrian, cycle, and public transportation facilities of the area and will also assess the impact on the traffic network. Enhancements to the local sustainable transport network will be integrated with the scheme proposal.

Summary

In testing the proposal against the general screening criteria provided at Schedule 3 of the EIA Regulations and paragraph 33 of Circular 02/99, it is considered that providing the aforementioned studies are submitted as part of the planning application and any identified mitigation measures are implemented, the proposed redevelopment should not require a formal Environmental Impact Assessment in accordance with the EIA Regulations 1999.

The following documents will form part of the planning submission to ensure that the appropriate information feeds into the design process and to highlight the best practice techniques are incorporated where necessary:

- Ecological Assessment
- Tree and Landscape quality survey
- Noise Assessment
- Air Quality Statement
- Drainage Strategy and Flood Risk Assessment
- Geo-environmental Reports
- Transport Assessment and Access Layouts
- Design and Access Statement
- Planning Strategy

- Employment Land Study
- Statement of community Involvement

If you require any further information or wish to discuss the above proposals, please do not hesitate to contact me.

Yours sincerely



Simon Casey

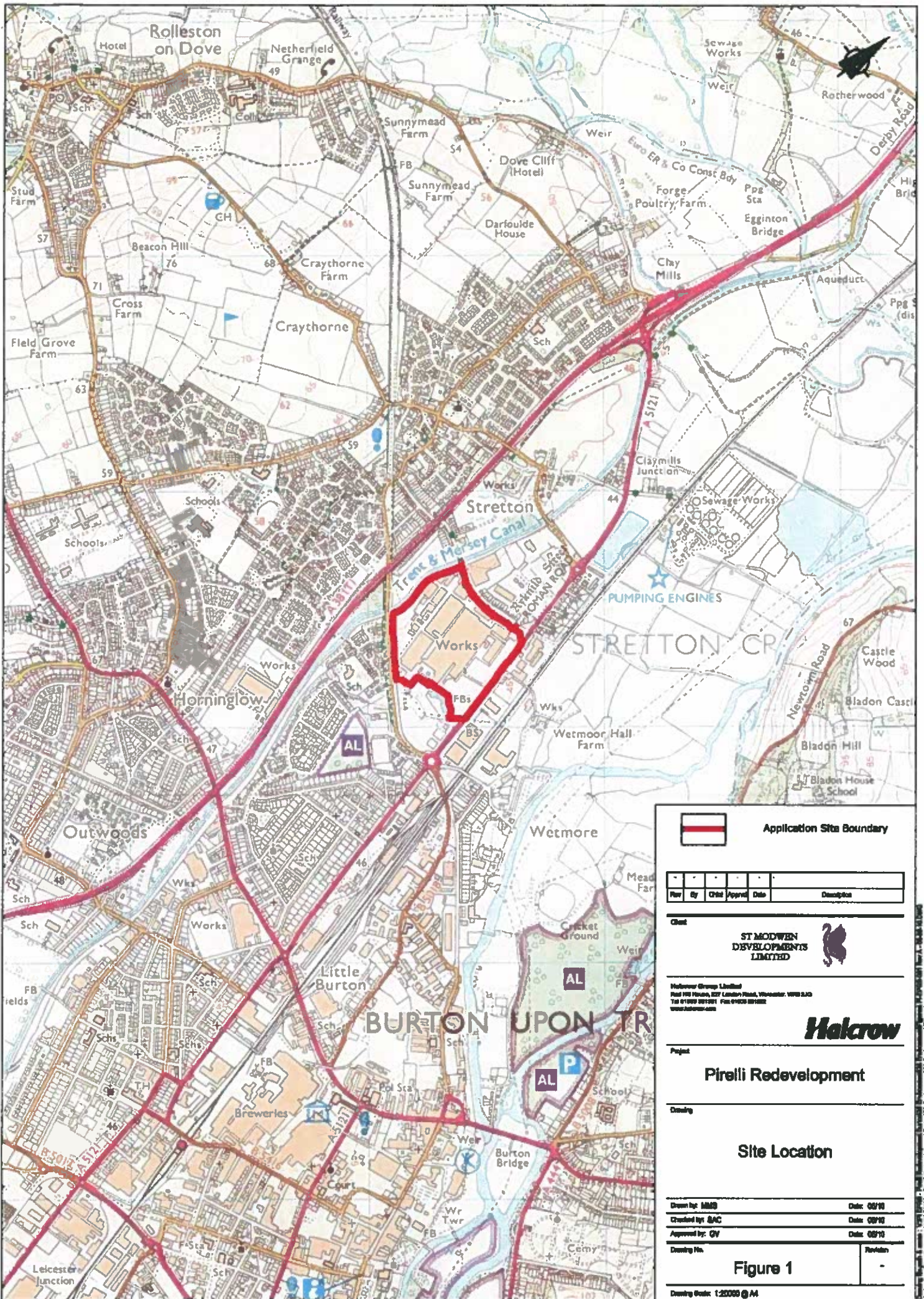
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Enc.

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Matthew Walton, BNP Paribas



Application Site Boundary

Rev	By	Date	Appr'd	Date	Description

Client: **ST MODWEN DEVELOPMENTS LIMITED**

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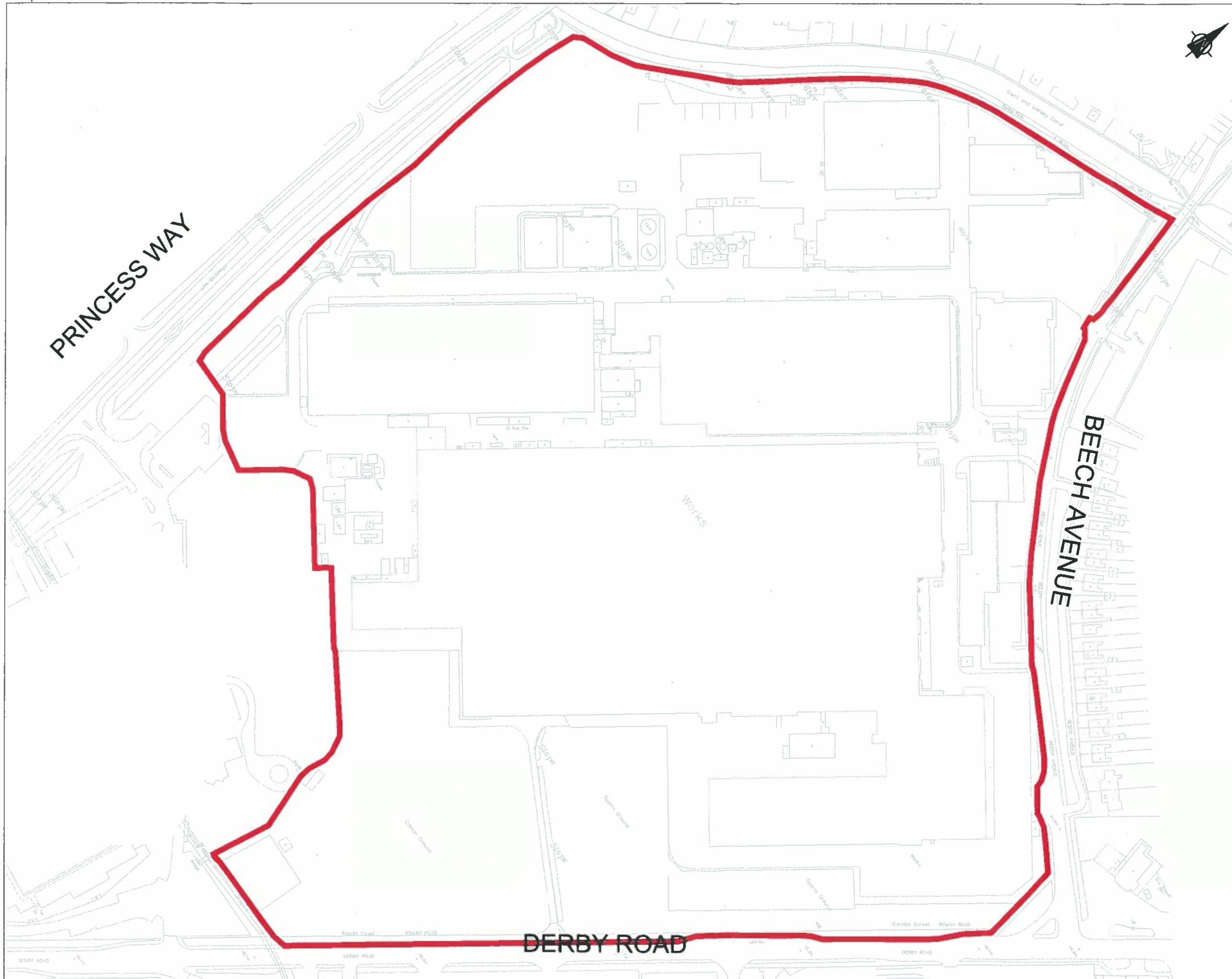
Project: **Pirelli Redevelopment**


Drawing: **Site Location**

Drawn by: MMB	Date: 03/10
Checked by: SAC	Date: 03/10
Approved by: CV	Date: 03/10
Drawing No.	Revision
Figure 1	-

Drawing Code: 1:20000 @A

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Key:
 Application Site Boundary

Rev	By	Chkd	Apprvd	Date	Description

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Project
Pirelli Redevelopment

Drawing
Application Site Boundary

Drawn by: MMS Date: 06/10
 Checked by: SAC Date: 06/10
 Approved by: GV Date: 06/10

Drawing No. **Figure 2** Revision -

Drawing Scale: 1:2000 at A3