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27 JUN 2012

Mr Thomas W. Beavin
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Please
ask for:

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Your ref:

Our ref: NPCU/EIASCR/B3410/70555

Date: 25 June 2012

Dear Mr Beavin

**TOWN AND COUNTRY PLANNING ACT (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2011
REQUEST FOR A SCREENING DIRECTION
PROPOSED REDEVELOPMENT – RESIDENTIAL DEVELOPMENT FOR
APPROXIMATELY 300 DWELLINGS, LAND OFF FOREST ROAD, BURTON
UPON TRENT**

1. I refer to the request dated 14 June 2012 made pursuant to regulation 5(7) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("the 2011 Regulations"). The Secretary of State has taken account of the information set out in the request.
2. This request seeks the Secretary of State's screening direction on whether or not the proposed development is 'EIA development' within the meaning of the 2011 Regulations.
3. On 28 May 2012 East Staffordshire Borough Council issued a screening opinion which concluded that the cumulative impact, having regard to other large scale residential schemes currently being assessed by it, in terms of the effects of traffic in the locality and on the wider network is likely to have significant impacts on the environment, justifying the submission of an environmental statement.
4. The Secretary of State considers that the development proposed falls within the description at paragraph 10(b) of Schedule 2 to the 2011 Regulations and exceeds the threshold in column 2 of the table in Schedule 2. Therefore the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations.

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5. In considering this request, the Secretary of State has considered the characteristics of the development in combination with the proposed location in order to determine whether there are likely to be significant environmental effects. In determining whether a particular development is likely to have such effects, the Secretary of State has taken account of the selection criteria in Schedule 3 to the Regulations. Three categories of criteria are listed:

- Characteristics of the development
- Location of the development
- Characteristics of the potential impact

Secretary of State's Formal Decision

6. For the reasons given below, in exercise of the powers conferred on him by the 2011 Regulations, the Secretary of State hereby directs that the proposed development is not EIA development within the meaning of the 2011 Regulations.

7. The Secretary of State notes that the proposed development is outline residential development including means of access, woodland amenity planting and open spaces for approximately 300 dwellings on 17.16 hectares of previously undeveloped land off Forest Road, Burton upon Trent.

8. On the basis of the information provided, it does not appear that the site falls within or near to a 'sensitive area' as described by Regulation 2 of the 2011 Regulations or that any significant environmental effects are likely having regard to the relative abundance, quality, regenerative capacity and absorption capacity of natural resources and natural environment in the area. Additionally, on the basis of the information provided it does not appear that there are likely to be any significant environmental effects in terms of use of natural resources, production of waste or risk of accidents.

9. In terms of pollution and nuisance, the Secretary of State notes that the Council has had regard to potential increase in traffic and the emissions to air and noise pollution associated with this. He notes that while the Council does not consider the impacts in terms of traffic would be significant if the development is viewed in isolation, when considered cumulatively with other large scale residential schemes currently being assessed, the Council concludes that the effects are likely to be significant. In general, the Secretary of State considers it is appropriate to have regard to the possible cumulative effects with any existing or approved development, but that less weight should be afforded to the cumulative effects with other applications which have yet to be determined, since there can be no certainty that they will receive planning permission. Moreover, while the information provided suggests that there will be an increase in traffic, particularly on Forest Road, the site does not lie in an Air Quality Management Area and the Secretary of State is not persuaded that the impact will be such that a significant environmental effect is likely.

10. Overall, on the basis of the information provided, the Secretary of State is not persuaded that the proposed development when considered by itself or in cumulation with other existing or proposed development is likely to result in a

significant environmental effect necessitating the submission of an environmental statement.

11. You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

12. I am sending a copy of this letter to East Staffordshire Borough Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dave Moseley', with a long horizontal flourish extending to the right.

DAVE MOSELEY

Signed

(With the authority of the Secretary of State)