Strategic Environmental Assessment of the Draft Rea Valley Urban Quarter Supplementary Planning Document

SEA Screening Opinion Report

Update August 2019

1. Introduction

1.1 This screening report has been produced to consider whether the Draft Rea Valley Urban Quarter Supplementary Planning Document (SPD) prepared by Birmingham City Council should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

1.2 Birmingham City Council (BCC) as a Responsible Authority under the Directive and the associate Regulations must carry out a screening process to determine whether plans or programmes are likely to have significant environmental effects, and hence whether SEA is required under the Directive.

2. The requirement for Strategic Environment Assessment

2.1 Strategic Environment Assessment is a requirement of the European Union Directive 2001/42/EC. This Directive sets out the specific types of plans and programmes to which it applies, with Article 3(2) specifying that SEA is mandatory for plans and programmes which are prepared for town and country planning or land use and those which set the framework for future development consent. This was transposed into English Law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

2.2 Detailed guidance of these regulations can be found in the Government publication 'A practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 of the Planning Practice Guidance (PPG) which states that *'Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan'.*

2.3 Sustainability Appraisal (SA) is a separate requirement of the Planning and Compulsory Purchase Act 2004. SA considers the social, environmental and economic impacts of a plan. The Act and the associated Regulations set out the requirement to carry out Sustainability Appraisal on all Development Plan Documents. Development Plan Documents are planning policy documents which set policies for the use of land or allocate sites for development.

2.4 Following the 2008 Planning Act, Sustainability Appraisal is no longer required to be carried out for SPD's, as they purely provide further detail on policies in an adopted development plan. They must there be consistent with adopted Development Plan Documents which will themselves have been the subject of Sustainability Appraisal.

3. The Rea Valley Masterplan SPD: Context

3.1 The Draft Rea Valley SPD sets out further detail on existing policies contained within the adopted Birmingham Development Plan 2031 (BDP) which is the City's statutory planning framework guiding decisions on all development and regeneration activity to 2031. The BDP sets out how and where new homes, jobs, services and infrastructure will be delivered and the type of places and environments that will be created.

3.2 The Draft SPD sets out a vision for a sustainable residential neighbourhood, focused around an improved River Rea corridor, offering a unique waterside development in the heart of the city centre. It will be supported by a range of infrastructure and services, employment opportunities, enhanced public space, green infrastructure, and improved connections to Highgate. The Rea Valley SPD specifically:

- Introduces the area and explains the policy and development context;
- Outlines the 'big moves', the delivery of which will secure the vision for the Southern Gateway;
- Establishes the over-riding development principles which will be used to guide the future layout and design of new development – connectivity, resilience and place; and
- Sets out the approach to the delivery of development, partnerships and the procurement process.

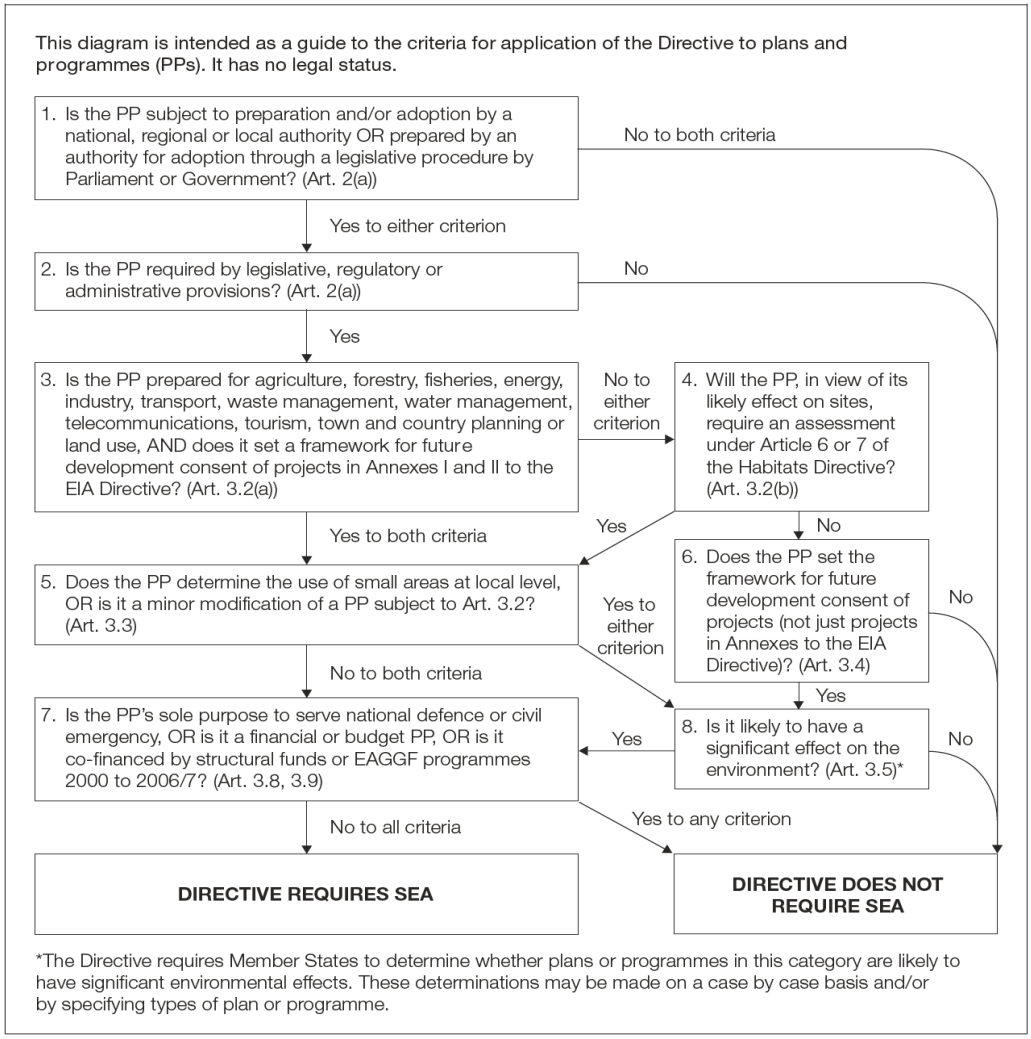
3.3 The SPD is not intended to be a rigid, land use zoning plan and there needs to be flexibility to adapt to changing circumstances to deliver anticipated growth. The Rea Valley SPD sets out how the area should evolve over the next 10 years in terms of land use patterns. The transformation of the area will involve creating an authentic piece of city, integrated into the existing city centre, but distinctive, with a strong sense of place.

4. The Screening Process

4.1 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations.

4.2 The diagram below illustrates where the directive applies and can be used to ascertain whether a full SEA is required for a plan or programme. It is taken from the 2005 ODPM document: A Practical Guide to the Strategic Environmental Assessment Directive.

Figure 2: Application of the SEA Directive to plans and programmes



4.3 Table 1 below sets out the eight questions detailed in the diagram above and provides responses with regards to the Draft SPD.

Table 1: Establishing the need for SEA

Stage	Yes/No	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	**Yes**	**The SPD is being produced by Birmingham City Council and is identified in the Local Development Scheme.**
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	**Yes**	**The Town and Country Planning (Local Planning) (England) Regulations 2012 allows SPD's to contain policy, but it must be justified and must not conflict with the adopted development plan (Reg 8(3)). SPD policy cannot**

Stage	Yes/No	Reason
		supersede development plan policy and is merely a material consideration. **The SPD once adopted would become a material consideration and will provide locally specific guidance to support BDP policy GA1.2 Growth and Wider Areas of Change.**
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	**No**	**The SPD is a 'daughter' document of the adopted Birmingham Plan 2031 which sets the planning framework for development.** **It sets guidance to aid the preparation of projects under Annex II of the EIA Directive. Whist the SPD is a material consideration to the granting of development consent, rather than directly setting the 'framework' through the introduction of new policies, it sets out a series of requirements for development to adhere to.**
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	**No**	**The SPD is not anticipated to have a detrimental impact on any European sites; therefore a HRA of the SPD would not be required.**
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	**Yes**	**The SPD is being developed to support the delivery of the BDP at a local level within the Rea Valley boundary. The SPD will set out development principles to encourage appropriate land use change and integration of infrastructure.**
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	**Yes**	**The SPD will be used to determine planning applications and will aim to ensure that development is of a high quality and contributes to delivering Policy GA1.2 Growth and Wider Areas of Change in the BDP. The SPD will need to comply with the existing BDP policies relating to sustainability and the environment, as well as the NPPF.**

Stage	Yes/No	Reason
		The BDP policies have been subject to SA incorporating SEA throughout its preparation.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	**No**	**N/A**
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	**Yes**	**See sections 5 & 6.**

5. SEA Screening of Likely Significant Effect

5.1 Table 2 sets out the assessment against the SEA criteria for the Draft Rea Valley SPD to determine whether it will have a significant effect on the environment. This provides the reasoning behind the conclusions drawn in Question 8 in Table 1 above and Section of this Report. The criteria against which the screening is carried out are taken directly from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004).

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Response
The characteristics of plans and programmes	
a. The degree to which the plan or programme sets a framework for projects and other activities, with regard to the location, nature, size and operating conditions or by allocating resources. **Is there a significant effect?**	**The SPD will summarise the opportunities to manage constraints including flood risk, as well as support the delivery of new green and blue infrastructure including an enhanced River Rea, new homes, employment sites and transport infrastructure. The SPD will ensure that a holistic approach to design is taken to deliver multiple outcomes to deliver the BDP.** **Yes, a positive impact on the delivery of environmental infrastructure**
b. The degree to which the plans or programme influences other plan and	**The SPD adds detail to existing strategic planning policies set out in**

programmes including those in a hierarchy. **Is there a significant effect?**	**the BDP. It doesn't create new polices.** **No.**
c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development. **Is there a significant effect?**	**The Rea Valley SPD will set out a vision for a sustainable residential neighbourhood, focused around an improved River Rea corridor, offering a unique waterside development in the heart of the city centre. It will be supported by a range of infrastructure and services, employment opportunities, enhanced public space, green infrastructure, and improved connections to Highgate.** **Yes, a positive impact on the delivery of environmental infrastructure.**
d. Environmental problems relevant to the plan or programme. **Is there a significant effect?**	• **Fluvial Flood Risk,** • **Surface water flooding, inadequate SuDS** • **Structurally failing channel of the River Rea (heavily modified)** • **Land contamination – through previous industrial uses** • **Water pollution / water quality due to inadequate waste water infrastructure e.g. combined sewer overflows** • **Fragmentation of existing green infrastructure** • **Pollution from regulated industries within the gateway area** **Yes, the SPD will support significant enhancement of the environment by creating guidance to address constraints to regeneration.**
e. The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	**The SPD will support the objectives of the Water Framework Directive (WFD) (2000/60/EC) which was made law in England and Wales in 2003. The main purpose of the WFD is to establish a framework for the protection and sustainable use of**

	the water environment; its objectives include the prevention of deterioration in ecological status. **The Flood Risk Regulations 2009 transposed the European Floods Directive into law in England and Wales in 2009. The floods directive sets out requirements to manage flood risk from all sources in order to reduce the consequence of flooding on human health, economic activity and the environment.** **Air Quality Clean Air for Europe Directive (2008/50/EC) In order to protect human health and the environment it is particularly important to combat emissions and pollutants at source. Therefore it advocates that air pollutants should be avoided, prevented or reduced.**
Is there a significant effect?	**Yes, positive – these regulations will be scrutinised by the Environment Agency through EIA as a statutory consultee for planning applications, and through their environmental permitting regime.** **The proximity of new residential development close to the city centre and the delivery of new cycling and pedestrian routes will support the objectives of the emerging Birmingham Clean Air Zone, reducing pollution through sustainable co-location of developments.**
Characteristics of the effects and of the area likely to be affected	
a. the probability, duration, frequency and reversibility of the effects. **Is there a significant effect?**	**The SPD will support positive environmental benefits, many of which will be irreversible, but delivered to meet EU legislation as demonstrated by the BDP SEA.** **Yes, positive as they will be in accordance with EU Directives.**
b. the cumulative nature of the effects.	**The SPD supports a whole catchment approach to managing**

Is there a significant effect?	**flood risk from fluvial sources, as well as the improvement and enhancement of green and blue infrastructure, and creation of new public open space with linkages to the wider city.** **Yes, positive.**
c. the trans-boundary nature of the effects. **Is there a significant effect?**	**The SPD is not expected to give rise to any significant transboundary environmental effects.** **No.**
d. the risks to human health or the environment (e.g. due to accidents). **Is there a significant effect?**	**The delivery of new green and blue infrastructure, public open space, cycle and pedestrian routes will have a positive impact on human health, through the promotion of outdoor activities, reduction in reliance on vehicles and through urban cooling / climate change adaptation.** **Yes, positive.**
e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected). **Is there a significant effect?**	**This SPD will cover the Rea Valley Masterplan boundary, potentially delivering up to 6,000 homes on brownfield land within the City Centre. It will be used in the determination of planning applications within this area.** **The SPD will have a positive effect on the environment.**
f. the value and vulnerability of the area likely to be affected due to: i. special natural characteristics or cultural heritage; ii. exceeded environmental quality standards; or limit values; iii. intensive land-use. **Is there a significant effect?**	**The SPD is not anticipated to adversely affect any special natural characteristics or cultural heritage. Nor would the SPD be expected to lead the exceedance of environmental standards or promote intensive land use.** **No.**
g. the effects on areas or landscapes which have a recognised national, Community or international protection status.	**The SPD will not have any adverse effect on areas with national, community or international protection.**

Is there a significant effect?	**No.**

6. Determination of Significant Effects

6.1 Biodiversity, Flora and Fauna

The Rea Valley Urban Quarter boundary doesn't have any recorded protected species within the SPD area. The River Rea flows within a heavily modified channel which is brick lined and offers limited opportunities for vertebrate and invertebrate habitation. Apart from Highgate park to the south west of the area there is no other green public open space.

6.2 The SPD supports the delivery of blue and green infrastructure that will have a positive impact upon improving biodiversity through the creation of new habitat and through the enhancement and naturalisation of the River Rea and new public open spaces.

6.3 Population and Human Health

The SPD supports measures within new development that would be anticipated to be beneficial to the mental and physical health and wellbeing of residents, in particular the requirements to improve and expand the provision of open space, protecting air quality and creating inclusive communities by supporting new pedestrian and cycle routes.

6.4 Soil, Water and Air

The SPD focuses on the regeneration of sites that are likely to have contaminative industrial uses in the past. Over time the contamination is likely to be impacting upon groundwater and consequently water quality with the River Rea. As part of development proposals developers will be required to remediate land to ensure that controlled waters are protected from pollution as a result of previous contamination or through the new development on site.

6.5 The Rea Valley Urban Quarter has a large area of flood risk associated with the River Rea, and the SPD sets out a vision for how flood risk mitigation can be provided to support new development and support the enhancement of the River Rea, through the creation of green infrastructure to safely manage flood water during storm events.

6.6 The SPD highlights the importance of the incorporation of SuDS within new development both to support a reduction in surface water flooding, but also to improve water quality and to create new biodiversity habitat.

6.7 The location of a new community within close proximity of the City Centre, new transport infrastructure including HS2 and supporting new green and blue infrastructure, public open space, cycle and pedestrian routes will have a positive impact on air quality through a reduction in the reliance of private transport such as

car ownership and use. This SPD supports the emerging Clean Air Zone within Birmingham which will ensure improvements to air quality.

6.8 Climatic Factors

The SPD supports the BDPs requirements for new development to reduce Birmingham's contribution towards the causes of climate change. This includes the retention and enhancement of vegetation (Highgate Park) incorporating SuDS, and making space for water to manage flood risk. The approach within the SPD will support the delivery of Policy TP2 – Adapting to Climate Change which also considers how the design of development can have a positive impact in the adaptation and mitigation of climate change by addressing issues such as overheating of buildings and resilience to extreme weather conditions.

6.9 Material assets

The implementation of Community Infrastructure Levy (CIL) for the Rea Valley SPD will enable critical existing infrastructure and services to have the capacity to deal with increased demands for their services. CIL can be reviewed, so the City Council could choose to adopt a CIL rate for some key development types across the SPD area and pool the funds to specifically contribute to the major works.

6.10 Cultural heritage (Inc. architectural and archaeological)

There is not anticipated to be any significant effects due to the need for conformity to BDP Policy TP25 'Tourism and cultural facilities'. BDP Policy PG3 ensures that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place and local distinctiveness. The SPD will therefore help to ensure new development is in accordance with the BDP requirements. The historic environment consists of archaeological remains, historic buildings, townscapes and landscapes. BDP Policy TP12 seeks to manage new development in ways which will make a positive contribution to its character.

6.11 Landscape

The protection, enhancement and management of the character and appearance of the landscape and townscape and its distinctiveness and special qualities depend on design, layout and extent of development. The SPD will establish the overriding development principles which will be used to guide the future layout and design of new development.

7. Consultation

7.1 It is necessary to consult the three statutory environmental bodies (known as Consultation Bodies for SEA): Environment Agency, Historic England and Natural England in order to confirm that a SEA is required or not for the Rea Valley Masterplan SPD. This was done in February to March of this year and none of the statutory environmental bodies challenged the SEA screening conclusion. The Environment Agency commented that there may be insufficient detail to undergo a full SEA assessment at this stage and so recommend that as plans evolve and development proposals come into the SPD area all impacts and measures be assessed cumulatively and on a 'catchment scale' and assessed via the normal planning and EIA processes.

7.2 The Draft Rea Valley SPD and the accompanying evidence base, including the SEA Screening Report were available for public consultation from the 17th May to the 12th July 2019 and no formal representations were made that challenged the SEA Screening Opinion.

8. Conclusion and Screening Recommendation

8.1 This screening report has explored the potential effects of the proposed Rea Valley SPD with a view to determining whether an environmental assessment is required under the SEA Directive. Guidance in the draft SPD, including requirements for development, is consistent with the relevant Birmingham Development Plan policies. The SPD is a 'daughter' document to the adopted BDP and these policies and allocations have been subject to full SA.

8.2 The screening report has explored the potential effects of the proposed Rea Valley SPD, with a view to determining whether an environmental assessment is required under the SEA Directive. It is recommended that the Rea Valley SPD does not require a SEA to be undertaken. In accordance with topics cited in Annex 1(f) of the SEA directive there will not be any significant detrimental environmental impacts as a result of the Rea Valley SPD. The place making principles will support the delivery of significant environmental infrastructure, to improve the existing urban form, and support connectivity to other areas of the city.

8.3 The SPD provides a framework to support the delivery of development; consistent with the policies set out in the BDP. Planning applications which could have an impact on the environment will have to be supported by EIA to ensure that the proposals are acceptable. In addition to the regulation of development through the assessment of planning applications, new development that could impact on environmental assets will also be required to obtain an environmental permit from the Environment Agency. This provides another check and balance to ensure that proposals will have a positive impact on the environment and complies with EU Directives and national environmental legislation.