

# Edgbaston Reservoir Masterplan Supplementary Planning Document

## SEA Screening August 2022

### 1. Introduction

- 1.1 This screening report has been produced to consider whether the Edgbaston Reservoir Masterplan Supplementary Planning Document ('the SPD') prepared by Birmingham City Council should be subject to a Strategic Environmental Assessment ('SEA') in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) ('SEA Regulations').
- 1.2 Birmingham City Council ('the council') as a responsible authority under the SEA Regulations must carry out a screening to determine whether plans or programmes are likely to have significant environmental effects, and hence whether SEA is required.

### 2. Strategic Environment Assessment

- 2.1 SEA is a requirement of the SEA Regulations which transposed into English law European Union Directive 2001/42/EC.
- 2.2 The SEA Regulations were made under section 2(2) of the European Communities Act 1972 which means they are 'EU Derived Domestic Law' within the meaning of section 1B(7) of the European Union (Withdrawal) Act 2018. Under section 2(1) of that Act EU Derived Domestic Law continues to have effect in domestic law after 31 December 2020 (the end of the implementation period under the EU Withdrawal Agreement) as it did immediately before that day.
- 2.3 Detailed guidance of the SEA Regulations can be found in the government publication 'A practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and the Planning Practice Guidance (PPG): [SEA Regulations guidance](#) .
- 2.4 Regulation 5(6) of the SEA Regulations states "environmental assessment need not be carried out—(a)for a plan (...) which determines the use of a small area at local level (...) unless it has been determined (...) that the plan, programme (...) is likely to have significant environmental effects."
- 2.5 Sustainability Appraisal ('SA') is a separate requirement of s.19(5) of the Planning and Compulsory Purchase Act 2004. SA considers the social, environmental and economic impacts of a plan.
- 2.6 SA is not required to be carried out for SPDs. The Planning Practice Guidance states: *'Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environment assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies'*.

### 3. Consultation on draft screening opinion

- 3.1 In accordance with Regulations 9 and 4 of the SEA Regulations on 4 March 2022 the council sent Historic England, Natural England and the Environment Agency ('the consultation bodies') a copy of the draft SPD and its draft screening opinion. The consultation bodies were asked to respond by 8 April 2022. Responses were received

from all three of the consultation bodies. All three consultation bodies advised that they do not consider the SPD likely to have significant environmental effects in relation to their respective areas of concern.

#### 4. Screening for likely significant environmental effects

4.1 The table below sets out the council's assessment of the SPD against the criteria in Schedule 1 of the SEA Regulations for determining the likely significance of effects on the environment.

Criteria (from Annex II of SEA Directive and Schedule I of the SEA Regulations)	Birmingham City Council's response
<b>Characteristics of the plan or programme</b>	
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>The SPD amplifies the existing policies of the Birmingham Development Plan ('BDP'), in particular policy GA2, and provides further guidance for the masterplan area.</p> <p>BDP Policy GA2 (and the adopted policies map) allocates the Tower Ballroom, Icknield Port Loop and Waterworks Road sites for residential development.</p> <p>The BDP has been subject to a SA, incorporating the SEA Regulation requirements.</p> <p>Once adopted the SPD will be a material consideration in the determination of planning applications.</p> <p>The framework for projects within the masterplan area is already set by the higher tier plan.</p>
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	<p>The SPD supplements policies contained within the BDP and must not conflict with the BDP. As such, it is influenced by higher level plans. The SPD will be a material consideration in the determination of planning applications.</p>
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	<p>The SPD will promote sustainable development at Edgbaston Reservoir, including by providing guidance on how the natural environment should be protected and enhanced.</p> <p>The SPD promotes sustainable development in the plan area. It references the need to protect and enhance the Local Nature Reserve, introduce additional green infrastructure and increase the level of sustainable travel to the reservoir.</p> <p>The SPD provides guidance rather than specific policy and will therefore not have a significant effect on environmental considerations which have not already been considered.</p>
(d) Environmental problems relevant to the plan or programme.	None.

Criteria (from Annex II of SEA Directive and Schedule I of the SEA Regulations)	Birmingham City Council's response
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	None.
<b>Characteristics of the effects and of the area likely to be affected</b>	
(a) The probability, duration, frequency and reversibility of the effects.	<p>The guidance set out in the SPD will promote sustainable development and does not conflict with the BDP. It is therefore unlikely that any significant environmental effects will arise from the SPD which have not been considered as part of the production of the BDP, which met the requirements for SEA.</p> <p>Future major development will be required to go through a separate approval process (i.e. planning applications subject if necessary to Environmental Impact Assessment). This will provide an opportunity for any significant environmental impacts to be identified and the effects mitigated.</p>
(b) The cumulative nature of the effects	<p>Significant environmental effects are unlikely to arise from the SPD. It is therefore unlikely that any cumulative impacts will arise. Future major development will be required to go through a separate approval process (i.e. planning applications subject if necessary to Environmental Impact Assessment). This will provide an opportunity for any significant environmental impacts to be identified and the effects mitigated.</p>
(c) The trans-boundary nature of the effects	<p>No trans-boundary (i.e. affecting other nation states) effects are likely to arise. The SPD covers part of Birmingham City Council's administrative area. As noted above, the environmental effects of projects within SPD area have been assessed in higher tier plans.</p>
(d) The risks to human health or the environment (for example, due to accidents)	<p>There are no significant risks to health or the environment arising directly from the SPD. It is therefore unlikely that any risks to human health or the environment impacts will arise. If these effects were likely to arise, the council will, through the planning process, ensure such issues are appropriately addressed, including through ecology, water quality, and flood risk assessments.</p>

Criteria (from Annex II of SEA Directive and Schedule I of the SEA Regulations)	Birmingham City Council's response
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>The SPD applies to Edgbaston Reservoir, and covers 32 hectares, including 24 hectares of open water. It sits within two council wards: Ladywood and North Edgbaston. The reservoir is located within the Greater Icknield Growth Area (GA2), identified in the BDP. It is also adjacent to the Port Loop development, which will deliver approximately 1,150 houses. This application for the Port Loop development was subject to an Environmental Impact Assessment.</p> <p>The SPD sets out a vision and development principles (activity, connectivity, sustainability and character) for future development of the reservoir. These are in line with policies in the BDP. It is considered that any effects not previously considered as part of the BDP will be limited in magnitude.</p>
(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.	<p>i) National and locally listed heritage assets;            ii) Local Nature Reserve and Site of Importance for Nature Conservation;            iii) None</p> <p>These destinations would have been taken into consideration as part of the SEA undertaken for the BDP. The SPD does not propose development beyond the scale of growth allocated in the BDP. Impact on important habitats and locally listed buildings are considered in the SPD, in line with the policies contained within BDP. The draft SPD does not replace other statutory considerations in this regard, such as the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>A Local Nature Reserve Management Plan has been updated alongside the production of the masterplan. This was in order to support the details within the SPD that look to protect and enhance the natural environment.</p> <p>The impact of any special characteristics will be assessed through the relevant policies as set out in the NPPF, BDP, and other adopted planning policy.</p>
(g) The effects on areas or landscapes which have recognised national, Community or international protection status.	No significant effects are considered to arise on the adoption of the SPD in line with BDP policies.

## 5. Screening outcome

- 5.1 Having reviewed the SPD against the above criteria, it is concluded that it is not likely to have significant environmental effects and accordingly should not be subject to Strategic Environmental Assessment.