



**Strategic Environmental Assessment of the Draft Sutton
Coldfield Town Centre Masterplan Supplementary Planning
Document**

SEA Screening Opinion Report

Update March 2021

1. Introduction

- 1.1 This screening report has been produced to consider whether the Sutton Coldfield Town Centre Masterplan 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 associated 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 therefore be consistent with adopted Development Plan Documents which will themselves have been the subject of Sustainability Appraisal.

3. The Sutton Coldfield Town Centre Masterplan SPD: Context

3.1 The Draft Sutton Coldfield Town Centre Masterplan 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 the transformation of Sutton Coldfield Town Centre. The SPD specifically:

- Introduces the town centre and explains the policy and development context;
- Provides a strong vision and set of objectives for the masterplan;
- Outlines the 'big moves' to deliver the vision around three headings: Movement and Transport, Economy and Centres, and Built Environment and Identity;
- Sets out several projects, the delivery of which will secure the town centres transformation; and
- Outlines the approach to the delivery of development and partnerships.

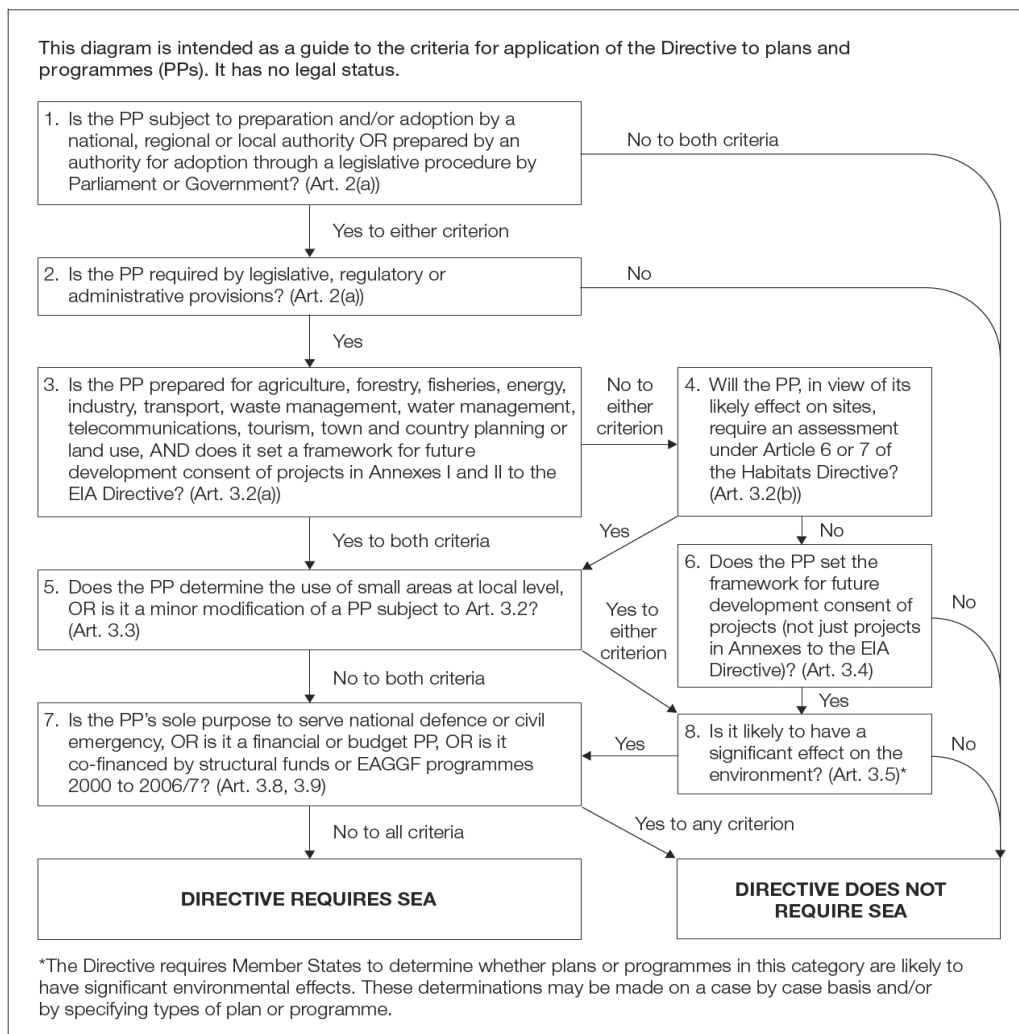
3.3 The SPD is not intended to be a rigid, land use allocation plan as there needs to be flexibility to adapt to changing circumstances within the town centre.

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.
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

Stage	Yes/No	Reason
		<p>8(3)). SPD policy cannot supersede development plan policy and is merely a material consideration.</p> <p>The SPD once adopted would become a material consideration and will provide locally specific guidance to support BDP policy.</p>
<p>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))</p>	No	<p>The SPD is a 'daughter' document of the adopted Birmingham Plan 2031 which sets the planning framework for development.</p> <p>It sets guidance to aid the preparation of projects under Annex II of the EIA Directive. Whilst 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.</p>
<p>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))</p>	No	<p>The SPD is not anticipated to have a detrimental impact on any European sites; therefore a HRA of the SPD would not be required.</p>
<p>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)</p>	Yes	<p>The SPD is being developed to support the delivery of the BDP at a local level. The SPD will set out development principles to encourage appropriate land use change and integration of infrastructure.</p>
<p>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)</p>	Yes	<p>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 the BDP. The SPD will need to comply with the existing BDP policies relating to sustainability and the environment, as well as the NPPF.</p> <p>The BDP policies have been subject to SA incorporating SEA throughout its preparation.</p>

Stage	Yes/No	Reason
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 Sutton Coldfield Town Centre Masterplan 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)	Birmingham City Council's Response
Characteristics of the plan or programme	
(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 draft SPD will support the existing policies of the Birmingham Development Plan (BDP), with particular reference to policy GA4. This policy has been subject to a detailed Sustainability Appraisal, incorporating the Strategic Environmental Assessment (SEA) regulation requirements.</p> <p>The draft SPD will provide further guidance for the plan area and will therefore supplement existing policies rather than set the framework.</p>
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The draft SPD will supplement policies contained within the BDP. As such, it is influenced by higher level plans.

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Birmingham City Council's Response
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The draft SPD promotes sustainable development in the plan area with particular reference to reducing the risk of flooding, introducing more green infrastructure and increasing the levels of sustainable travel. This will be done in line with adopted policies in the BDP, where environmental considerations on the sites were subject to Sustainability Appraisal (see a) above). It will provide guidance rather than specific policy and will therefore not have a significant effect on environmental considerations which have not already been considered.
(d) Environmental problems relevant to the plan or programme.	None
(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
Characteristics of the effects and of the area likely to be affected	
(a) The probability, duration, frequency and reversibility of the effects.	The guidance set out in the SPD will promote sustainable development and be in general conformity 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 of the SEA. Future major development will be required to go through a separate approval process (i.e, planning applications subject to Environmental Impact Assessments). This will provide an opportunity for any significant environmental impacts to be identified and the effects mitigated.
(b) The cumulative nature of the effects	Significant environmental effects are unlikely to arise from the SPD. It is therefore unlikely that

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Birmingham City Council's Response
	any cumulative impacts will arise. Future major development will be required to go through a separate approval process (i.e, planning applications subject to Environmental Impact Assessments). This will provide an opportunity for any significant environmental impacts to be identified and the effects mitigated.
(c) The trans-boundary nature of the effects	The masterplan is not expected to have significant trans-boundary effects. If effects are likely to arise the City Council will ensure they are appropriately addressed through the planning application process.
(d) The risks to human health or the environment (for example, due to accidents)	There are no significant risks of health hazards arising directly from the SPD. If these effects were likely to arise, the City Council will, through the planning application process, ensure such issues are appropriately addressed, including ecology, water quality, and flood risk assessments.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>Sutton Coldfield Town Centre is located to the north of Birmingham and is the largest suburban town centre in the City.</p> <p>It extends from the High Street (A5127) in the north to Birmingham Road to the south, incorporating the train station and Town Hall to the north-west and bounded by Victoria Road and Queen Street to the east and the railway line to the west. Sutton Coldfield has an estimated population of 94,935.</p> <p>The policies in the SPD will be in general conformity with the BDP. Therefore, 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) Nationally and locally listed heritage assets and conservation areas;

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Birmingham City Council's Response
i) Special natural characteristics or cultural heritage; ii) Exceeded environmental quality standards or limit values; iii) Intensive land-use.	ii) SSSI Impact Risk Zone for Sutton Park, Plants Brook Wildlife Corridor, Cross City Line Wildlife Corridor and Flood Zone 2; iii) None. These destinations would have been taken into consideration as part of the SEA undertaken for the BDP. The masterplan does not propose development beyond the scale of growth allocated in the BDP. Impact on the natural environment and statutorily listed buildings are considered in the SPD, in line with the policies contained within BDP. Furthermore, the SPD does not replace other statutory considerations, such as the Planning (Listed Buildings and Conservation Areas) Act 1990.
(g) The effects on areas or landscapes which have recognised national, Community or international protection status.	No significant effects are considered to arise from the masterplan.

6. Determination of Significant Effects

6.1 Biodiversity, Flora and Fauna

The Sutton Coldfield Town Centre boundary doesn't have any recorded protected species within the SPD area.

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 Plants Brook. The SPD looks to increase the level of green infrastructure in the centre which should support the biodiversity of Sutton Park.

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 green infrastructure and air quality and creating inclusive communities by supporting facilities and services in an accessible location and improved pedestrian and cycle routes.

6.4 Soil, Water and Air

The SPD covers land that is not anticipated to be contaminated through industrial uses in the past. The SPD looks to enhance and naturalise the Plants Brook watercourse that runs through the town centre.

6.5 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.

6.6 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 enhancement of green infrastructure and incorporating SuDS. 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.

6.7 Material assets

The SPD proposes enhancements to infrastructure such as public transport interchanges, pedestrian and cycle routes and road layouts.

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 if a SEA is required or not for the SPD. This was done in November 2020 and all the statutory environmental bodies agreed with the SEA screening conclusion.

8. Conclusion and Screening Recommendation

- 8.1 This screening report has explored the potential effects of the proposed Sutton Coldfield Town Centre Masterplan 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 SPD, with a view to determining whether an environmental assessment is required under the SEA Directive. It is recommended that the 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 Sutton Coldfield Town Centre 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.