Birmingham City Council

Jewellery Quarter Neighbourhood Plan Habitat Regulation Assessment

Screening Determination

May 2021

Prepared by Birmingham City Council

Summary

1.1. The Jewellery Quarter Development Trust Neighbourhood Planning Forum (JQDTNPF) was originally designated in May 2014 with the stated purpose of preparing a Neighbourhood Development Plan. A plan to show the designated Neighbourhood Area is attached as Appendix A.

1.2. As per the Neighbourhood Planning (General) Regulations 2012, the designation is valid for five years from the date it was made and ceases after that. Following the expiration of the previous designation, in June 2019, the JQDTNPF submitted an application to the Council to enable the group to progress the preparation of the Neighbourhood Plan (NP). In October 2019 the JQDTNPF and associated neighbourhood planning area was formally re-designated. A draft plan was produced a pre-submission consultation was undertaken between July and September 2020. The JQDTNPF has asked the City Council to provide a Habitat Regulation Assessment Screening Opinion with respect to the pre-submission version of the Neighbourhood Plan for the Jewellery Quarter.

1.3. This document is the Habitat Regulation Assessment (HRA) Screening Statement for the Jewellery Quarter Neighbourhood Plan (JQNP).

1.4. This HRA Screening Statement concludes that there is no likely **significant effect** on any European Site as a result of the policies contained within the Jewellery Quarter Neighbourhood Plan and as such the JQNP is 'screened out' of the HRA process and no further HRA assessments (including Appropriate Assessments) are deemed necessary.

2. Neighbourhood Planning

2.1. Neighbourhood planning is a new community right introduced by the Localism Act 2011 and guidance on its implementation is provided in the National Planning Policy Framework (NPPF).

2.2. Neighbourhood Plans form part of the Statutory Land Use Plan and as such must be subject to HRA under The Conservation of Habitats and Species Regulations 2017 (as amended) [the Habitats Regulations].

3. Habitat Regulation Assessment

3.1. The Conservation of Habitats and Species Regulations 2017 (as amended) requires an assessment of land use planning proposals associated with neighbourhood plans. The assessment process examines the likely significant effects of the different spatial options on the integrity of the European wildlife sites of nature conservation importance within, close to or connected to the plan area. European wildlife sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA). For the purposes of the HRA, international designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar

wetland sites. Further guidance has been provided by government and Natural England on the process.

3.2. Birmingham City Council has undertaken several stages of HRA during the preparation of the Birmingham Development Plan and has carried out a Habitat Regulation Assessment Screening Report (Submission Version). This HRA Screening Statement follows the process used in the latest HRA report and relies on the evidence gathered during that process.

3.3. Birmingham City Council is the 'Competent Authority' in terms of HRA for the 'making' of the Jewellery Quarter Neighbourhood Plan and has, therefore, produced this HRA Screening Statement to accompany the draft Neighbourhood Plan.

3.4. Natural England will be given an opportunity to formally comment on this HRA Screening Statement and Birmingham City Council will have regard to the representations of Natural England prior to 'making' the Neighbourhood Plan as required under Regulation 63 (3).

3.5. The HRA process assesses the potential effects arising from a plan against the conservation objectives of any site designated for its nature conservation importance. There are no European Sites within the Neighbourhood Area or, indeed, within the City of Birmingham.

3.6. The European Sites situated in close proximity to the Birmingham City Council boundary are set out in the HRA Report of the Birmingham Development Plan (BDP) (Pre -Submission Version). The report concluded that "of those that have been identified from a 20km area of search and others that have been included through hydrological pathways that lie beyond this search zone, none are expected to experience adverse effects from proposals in the BDP". The BDP was not likely to lead to adverse effects on any European sites alone or in-combination with other plans therefore there was no requirement to prepare an appropriate assessment. Neighbourhood Plan regulations require neighbourhood plans to be in conformity with adopted strategic planning policies and in this case JQNP must be in conformity with policies in the adopted BDP.

3.7. HRAs published to date have typically considered European sites with a 10-15km radius around the plan area. Using this approach of a 15km radius, it is concluded that the Jewellery Quarter Neighbourhood Plan will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and therefore does not require a Habitat Regulation Assessment to be undertaken.

3.8. There are no internationally designated wildlife sites within the Neighbourhood Plan area. However, the results show that the closest European site to the neighbourhood plan area is Fens Pools, a 20.2ha SAC site located near to Pensnett in the Dudley Borough. It is about 13.6km from the Jewellery Quarter.

4. HRA Screening

4.1. Each policy within the Neighbourhood Plan has been screened to determine whether it has potential to cause a **Likely Significant Effect** on any European Site.

4.2. Any policy with no Likely Significant Effect will be screened out of the HRA process. Any policy where potential for a Likely Significant Effect is identified will be subject to further, more detailed, assessment (sometimes called an 'Appropriate Assessment) in line with the Habitats Regulations and relevant guidance documents.

4.3. The table below considers the potential impacts arising from each of the policies within the draft Jewellery Quarter Neighbourhood Plan.

5. Further Information

5.1. A copy of this determination will be sent to Natural England and made available on the City Council's website at http://www.birmingham.gov.uk/jqndp

5.2. If you require further information please contact Lawrence Munyuki at Lawrence.Munyuki@birmingham.gov.uk

Section	Policy	Assessment of potential impacts	Potential for Likely Significant Effect
1: Supporting and protecting the jewellery and creative industries.	POLICY 1(a): Providing workspace suitable for the jewellery and creative industries in the Economic Character Zone	The policy seeks to protect against harmful development and requiring future new development to contribute towards the delivery of appropriate and affordable workspaces suitable for the local jewellery and other creative industries. It seeks to retain existing business uses. The policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 1(b): Stimulating improvements in the Economic Character Zone	The policy seeks to give special protection to the Economic Character Zone which is home to an important concentration of character buildings and the jewellery and manufacturing trades. It provides opportunities to redevelop existing buildings that make no positive contribution to the area's character and appearance while ensuring the retention of existing commercial uses and providing other public benefits. The policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 1(c): New development and conserving industrial and built heritage in the Economic Character Zone	The policy provides criteria for mixed use development which protects and enhances the character and appearance of the area. Development should make a positive contribution to the character and appearance of the Conservation Area and/or significance of heritage assets which is in conformity with the adopted Birmingham Development Plan Policy GA1.3 and TP12. The Jewellery Quarter NP itself does not seek to increase the quantum of development proposed in the Birmingham Development Plan and it does not identify future site allocations. Therefore, as the BDP was subject to a full Sustainability Appraisal and Habitat Regulation Assessment, it is unlikely that there will be any significant effects to the environment or European sites	No

		arising from the Jewellery Quarter NP that were not covered at the BPD stage.	
	POLICY 1(d): A Jewellery Quarter Creative Incubator	The policy promotes the creation of a new Jewellery Quarter Creative Incubator that will act as a both a physical space and organisational support for the next generation of craftspeople and business owners. The physical space may take the form of a single centre or a series of peripatetic spaces around the Jewellery Quarter. The policy is not likely to have a significant effect on the integrity of any European sites.	No
2: The Jewellery Quarter as a creative, mixed-use quarter.	POLICY 2(a): Authenticity in the Jewellery Quarter	This policy does not drive land use or location of development but relates to qualitative criteria for developments. It requires development to be authentic, retaining and maintaining historical and cultural character and integrity of the area. No Likely Significant Effect.	No
	POLICY 2(b): Maintaining B1 workspace for jewellery and creative industries	The policy seeks to maintain and avoid losing workspaces for jewellery and creative industries. No new site allocations are being proposed. No Likely Significant Effect.	No
	POLICY 2(c): Major development providing new workspace for the creative industries	The policy seeks to provide flexible workspace suitable for creative industry businesses in the area. Commercial-led major development should provide affordable workspace in line with adopted BDP Policy TP31. The policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 2(d): Conserving heritage assets outside the Economic Character Zone	This policy does not drive land use or location of development but relates to qualitative criteria for developments e.g. conserving heritage assets. It seeks development to make a positive contribution to the character and appearance of the Conservation Area and/or significance of heritage assets which is in conformity with the adopted Birmingham Development Plan policies GA1.3 and TP12. No Likely Significant Effect.	No

	POLICY 2(e): Conserving non-designated heritage assets outside the Conservation Area	This policy does not drive land use or location of development but relates to qualitative criteria for developments e.g. conserving non designated heritage assets. It seeks development to make a positive contribution to the character and appearance of the Conservation Area and/or significance of heritage assets which is in conformity with the adopted Birmingham Development Plan policies GA1.3 and TP12. No Likely Significant Effect.	No
	POLICY 2(f): Diversity in residential space including affordable housing	This policy does not drive land use or location of development but relates to housing sizes, types and tenures. The policy is in conformity with adopted BDP policies TP 30 and TP31. No Likely Significant Effect	No
	POLICY 2(g): Diversity in business space	The policy encourages a range of sizes and types of buildings for business use suitable for start-ups. It is not proposing any site allocations and is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 2(h): Meanwhile uses	The policy encourages temporary use on vacant plots or buildings which contributes to the vitality of the Jewellery Quarter. Meanwhile uses are relatively short term as the plot or building will be pending redevelopment, upgrade or a long-term use. They do not involve permanent installations or modifications to sites. The uses or proposals will need to be in conformity with policies in this plan and the BDP. The policy is not likely to have significant effect on the integrity of any European sites.	No
	POLICY 2(i): Avoiding nuisance	The policy encourages identifying and mitigating any nuisance at design stage. Developers and applicants encouraged to identify and mitigate foreseeable local conditions that may cause nuisance (including but not limited to noise, smells, vibration, traffic, installations (existing or proposed), gulls and vermin) to neighbours and existing or future occupiers of the proposed development. The approach is in conformity with paragraph 182 of the NPPF.	No

3: Moving around the Jewellery Quarter.	POLICY 3(a): Key Routes – active uses keeping streets busy and safe	This policy does not drive land use or location of development but relates to qualitative criteria for developments like creating active frontages along identified key routes. This policy does not provide for any specific site-designations and is therefore unlikely to have a significant effect on European sites.	No
	POLICY 3(b): Nodes – pockets of high-quality public realm and active uses	This policy seeks to encourage improvements to the public realm on identified nodes. No allocations are proposed, so the policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 3(c): Accessibility – step-free access to new buildings	This policy does not drive land use or location of development but relates to qualitative criteria for developments. It requires new build developments to incorporate step free access on the ground floor. No Likely Significant Effect.	No
	POLICY 3(d): Improving mobility around the Jewellery Quarter	The policy is intended to help improve mobility in Jewellery Quarter and removing obstacles like lack of dropped kerbs. This policy does not provide for any specific site-designations and is therefore unlikely to have a significant effect on European sites.	No
	POLICY 3(e): Development adjacent to the canal	The policy acknowledges the existence and benefits coming from the canal. The canal provides important habitat as well as navigability; pedestrian and cycle routes in turn provide significant public health benefits. The policy requires development to promote the use and improve access to the canal. None of the European sites are close to the Jewellery quarter, so the policy is not likely to have a significant effect on their integrity.	No
	POLICY 3(f): Improving permeability by creating new high-quality public	The policy seeks to improve permeability and developments are encouraged to include high quality public routes. Cars in close proximity to sites of importance for nature conservation can cause adverse effects but there are no European	No

	routes	sites in the plan area, nor are likely to be significantly affected by traffic growth associated with the Neighbourhood Plan. In terms of the BDP, the Habitat Regulation Assessment concluded that "direct air quality impacts are not expected to arise from the plan since the BDP includes measures to promote sustainable transport through policies TP37 "Sustainable Transport" and TP7 "Green Infrastructure Network". Any impacts that are likely to result from the plan will be mitigated by BDP policies.	
	POLICY 3(g): Development studies for key parts of the Jewellery Quarter	The policy identifies areas which will benefit with small scale visioning and master planning exercises. The outcome will be in line with the policies in this plan and strategic planning documents like the BDP. No Likely Significant Effect.	No
4: The Jewellery Quarter environment.	POLICY 4(a): Design in the Jewellery Quarter	This policy does not drive land use or location of development but encourages development proposals to have regard to the "Design in the Jewellery Quarter" document. No Likely Significant Effect.	No
	POLICY 4(b): Core design principles	This policy does not drive land use or location of development but relates to qualitative criteria for developments by providing design principles. The policy is not likely to have significant effect on the integrity of any European sites.	No
	POLICY 4(c): High-quality public realm adjacent to development	This policy does not drive land use or location of development but relates to developments contributing to high quality public realm. The policy is not likely to have significant effect on the integrity of any European sites.	No
	POLICY 4(d): Art	This policy does not drive land use or location of development but relates to provision of publicly accessible art. No Likely Significant Effect.	No
	POLICY 4(e): Dereliction and vacancy	The policy encourages efforts to tackle dereliction and vacancy, providing a framework by which derelict or vacant buildings can achieve occupancy whilst making a positive contribution to the Jewellery Quarter. The policy is not likely	No

		to have a significant effect on the integrity of any European sites.	
	POLICY 4(f): Biodiversity in the Jewellery Quarter	This policy does not drive land use or location of development but relates to qualitative criteria for developments like improving access to the natural environment. No Likely Significant Effect.	No
	POLICY 4(g): Signage and advertising	This policy does not drive land use or location of development but encourages advertising to respect the appearance and character of the neighbourhood planning area. No Likely Significant Effect.	No
	POLICY 4(h): Provision of parking on development sites	As the Birmingham Transport Plan aims to reduce reliance on private cars, this policy encourages the efficient use of land which was used for parking. Cars in close proximity to sites of importance for nature conservation can cause adverse effects but this policy will result in a reduction in traffic. The policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 4(i): Promoting the development of vacant land	The policy is not allocating land for future development but encouraging development of vacant land like disused surface car parks. The policy is not likely to have a significant effect on the integrity of any European sites.	No
	POLICY 4(j): Ensuring car parking does not prevent development	The policy is aimed at ensuring that car parking does not prevent development. This will reduce land being converted into car parking and as a result minimise car usage in the neighbourhood area. Increase in traffic has an impact on air quality and will in turn potentially affect protected sites. In terms of the BDP, the Habitat Regulation Assessment concluded that “direct air quality impacts are not expected to arise from the plan since the BDP includes measures to promote sustainable transport through policies TP37 “Sustainable Transport” and TP7 “Green Infrastructure Network”. Any impacts that are likely to result from the plan will be mitigated by BDP policies.	No

6. Conclusion of the HRA Screening of the Jewellery Quarter Neighbourhood Plan

and an 'Appropriate Assessment'

6.1. The policies within the draft Jewellery Quarter Neighbourhood Plan have been screened under the Habitat Regulation Assessment process.

6.2. The conclusion of the HRA Screening Process is that none of the proposed policies within the draft Jewellery Quarter Neighbourhood Plan have potential to lead to a Likely Significant Effect on a European Site.

6.3. The draft Jewellery Quarter Neighbourhood Plan can be 'screened out' of the Habitat Regulation Assessment process

Appendix A - Neighbourhood area

Textual description of boundary line

The Jewellery Quarter Conservation Area covers an area of just under 95 Hectares; starting at the corner of Bond Street and Hampton Street going in a clockwise direction the boundary is.

Along the middle of Hampton Street to join Summer Lane, turn right across Old Snow Hill and onto Water Street under the train tracks.

As soon as the boundary passes the tracks it turns left along the middle of Livery Street, then right along Great Charles Street Queensway.

It continues along Great Charles Street Queensway as far as the University College Birmingham building on Summer Row and then turns right along Summer Row.

The boundary then follows Parade and then joins the B4135, following it along the parts known as Sand Pits and Summer Hill Road to the roundabout where the B4135 joins the Ring Road.

Turning right at this roundabout along the Ring Road the boundary continues until it meets Pitsford Street, turning right the boundary runs for a short distance along Pitsford Street until the end of the Warehouse, which is not included in the Conservation Area.

The boundary runs across the back of the Warehouse and across the adjacent train track, then turning left to re-join the Ring Road.

Where it re-joins the Ring Road it continues to the right until the A41 roundabout, the Conservation Area includes the Jet Petrol Station, but excludes the vacant site on Key Hill, so the boundary follows Cemetery Lane until it joins Key Hill, where it turns right to pass the houses on the opposite side of Key Hill, it then runs around the back of the houses on Hockley Hill as they are included in the Conservation area.

Turning right onto Hockley Hill the boundary continues until it turns left along Well Street, 175 Hockley Hill on this junction is also included.

The boundary takes the first right down Barr Street and runs down the middle, meaning the houses on the right are in the Conservation Area, except 120-124, the Sub Station and the car park next door which are all excluded.

By the University of Law at the end of Barr Street the boundary turns right onto Great Hampton Row and then left onto Constitution Hill, the 2nd left onto Bond Street brings us back to the start of the boundary.