



Birmingham Eastside Extension

ES Volume 2 Technical Appendix I: EIA
Scoping Opinion

October 2016

West Midlands Combined Authority



Department for Transport

Mr Duncan O'Connor
Pinsent Masons LLP
30 Crown Place
Earl Street
London
EC2A 4ES

Martin Woods
Head of the TWA Orders Unit
Department for Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
London SW1P 4DR

Enquiries: 020 7944 3196

Email: transportandworksact@dft.gov.uk

Web Site: www.gov.uk/twa

Our Ref: TWA/2/2/136

13 January 2016

Dear Mr O'Connor,

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006: REQUEST FOR SCOPING OPINION

PROPOSED MIDLAND METRO BIRMINGHAM EASTSIDE EXTENSION

1. I refer to your e-mail of 16 November 2015 requesting a scoping opinion under rule 8 of the above Rules.

2. You enclosed with your e-mail an Environmental Impact Assessment ("EIA") Scoping Report dated November 2015 (MMD-300207-HS18-DOC-0000-0001 Rev B) and a Preliminary Ecological Appraisal dated April 2015 (300207/WTD/MID1/001/A). The Scoping Report describes the proposed scope of and methodology for the EIA of the Midland Metro Birmingham Eastside Extension (referred to in this letter as "the scheme"). This will be reported in the Environmental Statement to accompany an application for an Order under the Transport and Works Act 1992 to authorise an extension of the Midland Metro tram system from Snow Hill station to High Street Deritend via the proposed HS2 station at Curzon Street.

3. We have considered your request for an opinion on the proposed scope of the EIA in accordance with rule 8 of the above Rules. In formulating the scoping opinion, we have consulted the following organisations and have considered their responses:-

- Birmingham City Council
- The Environment Agency
- Natural England
- Historic England
- The Canal & River Trust

We received no response from Historic England or the Canal & River Trust.

4. The Secretary of State has considered the assessment of the potentially significant effects of the scheme set out in sections 4 to 17 of the Scoping Report. Subject to the qualifications in paragraphs 7 to 11 below – in particular relating to ecological impacts - he agrees that the scope of the EIA outlined in the Scoping Report is appropriate and agrees with the conclusions set out in Table 18.1 on page 90 of the Scoping Report (copy attached at the Annex to this letter) as to which topics should be scoped in to the EIA – and reported in the Environmental Statement – and which topics can be scoped out.

5. Please note that this scoping opinion is given without prejudice to our consideration of any Order application which may be made for the scheme. The giving of the opinion implies no view on the Department's part about the merits or otherwise of the scheme.

6. We consider that the following matters should also be addressed in the EIA.

Ecology

7. The EIA should include an assessment of the potential impact of increased lighting along the route of the proposed tramway extension on bats in the vicinity of the scheme and on nesting sites for birds.

8. The EIA should include an evaluation of the mature trees that would be lost as a result of the scheme and proposals for replacement planting, for example, in accordance with the Capital Asset Value for Amenity Trees methodology,

9. The EIA should include consideration of the potential for incorporating Green Infrastructure, along the route of the scheme and/or off-site, in order to provide ecological enhancement.

Historic Environment

10. The EIA should also assess the impacts of the scheme on the following areas of archaeological interest: Park Street Gardens (a former burial ground), the area along the former route of Park Street to New Canal Street (which may have pre-historic archaeological interest), and the Digbeth and Deritend Medieval settlement to the south of the Birmingham to Rugby railway viaduct.

Water resources and land drainage

11. The EIA should take into account any development framework for the Southern Gateway regeneration area which may result from the study commissioned by the Environment Agency, Severn Trent Water and Birmingham City Council into improving the environment of this area, should it be available by the time that the Environmental Statement is prepared.

Distribution

12. Copies of this letter are being sent to those organisations which were consulted on the request for a scoping opinion, as listed at the beginning of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Woods', written in a cursive style.

Martin Woods

Table 18.1: Summary of impacts scoped in for further assessment

Topic	Construction	Operation	Comments
Traffic and Transport	✓	✓	Impacts on transportation of hazardous loads have been scoped out of both the construction and operational assessment.
Noise and Vibration	✓	✓	N/A
Air Quality	✓	✓	N/A
Greenhouse Gases	✓	✓	N/A
Townscape and Visual	✓	✓	N/A
Historic Environment	✓	✓	N/A
Soils, Geology and Contaminated Land	✓	x	Impacts to soils, geology and contaminated land have been scoped out of the operational assessment.
Water Resources and Land Drainage	✓	✓	Impacts on the local canal network have been scoped out of both the construction and operational assessment.
Ecology	x	x	A PEA (Appendix C of Scoping Report) has identified low overall ecological value of habitats and species within the BEE Scheme route.
Land Use and Land Take	✓	✓	N/A
Policies and Plans	✓	✓	N/A
Socio Economics	✓	✓	N/A
Electromagnetic Fields	✓	✓	The potential effect of co-located and third party equipment on the BEE Scheme is not included within the scope of this assessment.
Climate Resilience	✓	✓	N/A

Angela Foster

From: Brett Dennett <Brett.Dennett@birmingham.gov.uk>
Sent: 30 December 2015 12:59
To: Angela Foster; caroline.oneil@dft.gsi.gov.uk
Cc: Nicholas Jackson; Peter Adams; Adam Williams (AdamWilliams@centro.org.uk); Searson, Christopher M (Christopher.Searson@mottmac.com); Warren Bellamy; Anne Shaw; Varinder Raulia
Subject: RE: Proposed Midland Metro (Birmingham Eastside Extension) Order scoping opinion consultation

Angela, Caroline,

I refer to the above, your email below and letter dated the 24th November which unfortunately I have no record of receiving. However I would like to make the following comments.

I together with colleagues in Transportation and Planning and Regeneration have been working closely with both CENTRO and their transport consultants Mott MacDonald on the proposed Metro alignment and the Traffic and Transport Assessment (TA) methodology. The scope of the TA has been agreed with CENTRO and their consultant including the study area, additional traffic and pedestrian counts, junction assessment requirements and I have agreed the use of the Birmingham City Centre Traffic Model to assist with this process.

Birmingham City Council officers will continue to work closely with CENTRO but I'm happy with the Traffic and Transport element of the EIA scoping report.

I trust that my response is sufficient but should you require any further information please do not hesitate to contact me.

Kind Regards
Brett Dennett
Development Manager

Access and Development
Transportation Services
Birmingham City Council
1, Lancaster Circus Queensway
Birmingham
B4 7DJ (Navigation)
B2 2JE (Post)

0121 303 7430
Brett.dennett@birmingham.gov.uk

From: Angela Foster [mailto:Angela.Foster@dft.gsi.gov.uk]
Sent: Wednesday, December 23, 2015 4:11 PM
To: Brett Dennett
Cc: Nicholas Jackson
Subject: Proposed Midland Metro (Birmingham Eastside Extension) Order scoping opinion consultation

Dear Mr Dennett,

I understand from Nick Jackson that you never received the consultation request we issued on 24 November. Please find attached a copy of the letter. Nick has kindly said he will get a hard copy of the scoping report over to you.

Kind regards,

Angela

Angela Foster | Transport and Works Act Orders Unit | Legal Service | Department for Transport
Tel: +44(0)20 7944 2474 | Email: angela.foster@dft.gsi.gov.uk
Zone 1/14, Great Minster House, 33 Horseferry Road, London, SW1P 4DR

My usual working hours are 7.30-4.00, Tuesday to Thursday.

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Your Ref: TWA/2/2/136
Our Ref: N/A

Caroline O'Neill
TWA Orders Unit
Legal Service
Department for Transport
Zone 1/14 – 18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

22nd December 2015

Dear Caroline,

Re: Application for an Order under the Transport and Works Act 1992 for the extension of the Midland Metro from Bull Street to High Street, Digbeth.

Thank you for your letter dated 24th November 2015, received on the 26th. I have reviewed the enclosed Scoping Opinion request and the Ecological Appraisal and consider the proposed topics to be largely comprehensive and sufficient to fully explore the environmental impact of the proposed extension to the tramway.

The report need to consider, within the Buried Archaeology section (9.2.6), other areas of archaeological interest:

- Park Street Gardens – the gardens was a former burial ground and is known to have extended beyond the current alignment of Park Street/Albert Street so there will need to be careful research undertaken and an awareness of the processes around the disturbance of bodies. This work will need to be coordinated with the High Speed 2 project.
- The area along the former route of Park Street to New Canal Street may have pre-historic archaeological interest as an area parallel with New Canal Street was excavated and showed pre-historic deposits.
- The whole of Digbeth, south of the Birmingham to Rugby railway viaduct, falls within the Digbeth & Deritend Mediaeval settlement of archaeological interest.

The report also needs to identify what "The Listed Building" which is Grade II* Listed shown on table 9.4 on page 53 is.

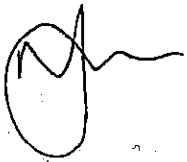
Finally, in terms of the policy framework the Curzon Master Plan; Warwick Bar Conservation Area Character Appraisal and Management Plan 2008 and Digbeth; and Deritend and Bordesley High Streets Conservation Area Character Appraisal and Management Plan 2009 are important policy context.

I note that you have consulted Brett Dennett directly and therefore I have not consulted with Transportation colleagues. I have however consulted with the City's Ecologist who confirms that he is generally satisfied with the contents of the documents and their full comments are attached. I have consulted with Regulatory Services who have not responded at this time. Should I subsequently receive any further information I shall forward this across.

I trust that the above fully answers your query and emphasise that these are the informal views of a planning officer only and do not prejudice any decision made by the Planning Committee. You should also note that under the Freedom of Information Act 2000, the information you have submitted may be made available for public inspection



Yours Sincerely,



Nicholas Jackson
Principal Planning Officer – City Centre

Caroline O'Neill

From: Nicholas Jackson <Nicholas.Jackson@birmingham.gov.uk>
Sent: 13 January 2016 11:00
To: Caroline O'Neill
Subject: RE: Midland Metro Eastside Extension ES Scoping

Caroline,

Apologies, here they are:

Hi Nick

Thanks for the clearer plans, they have been useful. Just as a quick tot up it would look like there would be a loss of at least 15 mature trees. In terms of green infrastructure and Natural Capital Accounting I feel that there should be a CAVAT evaluation (an explanation of this can be found here <http://www.ltoa.org.uk/resources/cavat>) of the trees to be lost and an equivalent value of tree planting put back as replacement. This would be separate from any other GI/ biodiversity enhancements.

regards

Simon Needle

Simon Needle TechArborA. PTI
Ecologist

Birmingham City Council
Sustainability Team, (formerly Climate Change & Environment)
PO Box 14439, 1 Lancaster Circus, Birmingham B2 2JE

For sat nav & location map, use B4 7DJ

simon.needle@birmingham.gov.uk

Tel Mob: 07884 113 894 –

alternatively

contact Nicola Farrin at nicola.farrin@birmingham.gov.uk or Mob: 07766 925 281

and:

Hi Nick

The scan quality is really poor especially for the photos and I'd like to be able to see these. Is your copy like this or can it be re scanned for Photo and text (colour would be good too). The basic layout is fairly standard and follows the CIEEM guidance for layout and content.

Just as an initial observation the plans for the route aren't that easy to follow as the back ground mapping reflects what was there and the aerial photography is the same too. This is especially the case around the east side park area. A clearer idea of the exact route would be useful although perhaps not possible at this point in time.

While the report states that there had been / would be inspection for bats around buildings that would be affected or part demolished during construction no real mention of any impact on the rail bridges has been mentioned, the disused line where it crosses Adderley street is a potential bat corridor, with 27 bat records within 400m of the route showing that there is potential, and no mention of the confirmed bat roost at Ladbrooke House which is just meters from the route, increased lighting along the route may have an impact and is not covered in this report.

Black Redstarts are also a consideration in this area, while they may not be affected by the actual route in terms of loss of habitat and foraging grounds again any increased lighting may have an impact on nesting sites. So the wider impacts should be considered rather than just being confined to anything directly affected within the confines of the route.

Given the loss of trees on corporation street with very little sign of any suitable green infrastructure to replace it on that section of the route, some thought should be given to how GI can be included along the route rather than (potentially) off site. I would normally expect to see an outline of potential ecological enhancement opportunities in a report like this. Examples such as retro fit green walls, retro fit biodiversity roofing and Rain garden SUDS all could be included somewhere along the line. Rain Garden SUDS especially would help alleviate some of the flash increases in the River Rea which runs under part of the route.

I may think of more over the weekend.
regards

Simon Needle

Simon Needle TechArborA. PTI
Ecologist

Birmingham City Council
Sustainability Team, (formerly Climate Change & Environment)
PO Box 14439, 1 Lancaster Circus, Birmingham B2 2JE

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Tel Mob: 07884 113 894 –

alternatively

contact Nicola Farrin at nicola.farrin@birmingham.gov.uk or Mob: 07766 925 281

Please note that I currently work Mondays and Fridays

Nicholas Jackson / Principal Planning Officer / City Centre Team

Click: nicholas.jackson@birmingham.gov.uk Visit: Planning and Regeneration Po Box 28 1 Lancaster Circus
Birmingham B4 7DJ

www.planningportal.gov.uk Check if you need planning permission / make planning applications online

www.birmingham.gov.uk/ Comment on planning applications / search for planning applications and appeals / submit a pre application enquiry / policy information / Regeneration in Birmingham

From: Caroline O'Neill [mailto:Caroline.O'Neill@dft.gsi.gov.uk]
Sent: Wednesday, January 13, 2016 8:45 AM
To: Nicholas Jackson
Subject: RE: Midland Metro Eastside Extension ES Scoping

Good Morning Nick,

Thank you for your response to our consultation on the scoping opinion. We are now finalising our decision for issue tomorrow. Your letter referred to comments from the City's Ecologist which were not attached to your letter. Is it possible that you could forward these as soon as possible so we can take them into account.

Kind regards
Caroline

**Caroline O'Neill | Miss, Transport and Works Act Orders Unit, Legal Service, Department for Transport
1/14-18, Great Minster House, 33 Horseferry Road, London SW1P 4DR | 020 7944 3196 |**

From: Nicholas Jackson [mailto:Nicholas.Jackson@birmingham.gov.uk]
Sent: 22 December 2015 15:02
To: Caroline O'Neill <Caroline.O'Neill@dft.gsi.gov.uk>
Subject: Midland Metro Eastside Extension ES Scoping

Caroline,

Please find my response to the scoping opinion attached.

Kind Regards,

Nick

Nicholas Jackson / Principal Planning Officer / City Centre Team

Click: nicholas.jackson@birmingham.gov.uk Visit: Planning and Regeneration Po Box 28 1 Lancaster Circus Birmingham B4 7DJ

www.planningportal.gov.uk Check if you need planning permission / make planning applications online

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BCC Ecologist

The basic layout is fairly standard and follows the CIEEM guidance for layout and content.

While the report states that there had been / would be inspection for bats around buildings that would be affected or part demolished during construction no real mention of any impact on the rail bridges has been mentioned, the disused line where it crosses Adderley street is a potential bat corridor, with 27 bat records within 400m of the route showing that there is potential, and no mention of the confirmed bat roost at Ladbrooke House which is just meters from the route, increased lighting along the route may have an impact and is not covered in this report. Black Redstarts are also a consideration in this area, while they may not be affected by the actual route in terms of loss of habitat and foraging grounds again any increased lighting may have an impact on nesting sites. So the wider impacts should be considered rather than just being confined to anything directly affected within the confines of the route.

Some thought should be given to how Green Infrastructure can be included along the route rather than (potentially) off site. I would normally expect to see an outline of potential ecological enhancement opportunities in a report like this. Examples such as retro fit green walls, retro fit biodiversity roofing and rain garden SUDS all could be included somewhere along the line. Rain Garden SUDS especially would help alleviate some of the flash increases in the River Rea which runs under part of the route.

It would look like there would be a loss of at least 15 mature trees. In terms of green infrastructure and Natural Capital Accounting I feel that there should be a CAVAT evaluation (an explanation of this can be found here <http://www.ltoa.org.uk/resources/cavat>) of the trees to be lost and an equivalent value of tree planting put back as replacement. This would be separate from any other GI/ biodiversity enhancements.

Simon Needle TechArborA. PTI

Ecologist

Birmingham City Council

Sustainability Team, (formerly Climate Change & Environment)

simon.needle@birmingham.gov.uk

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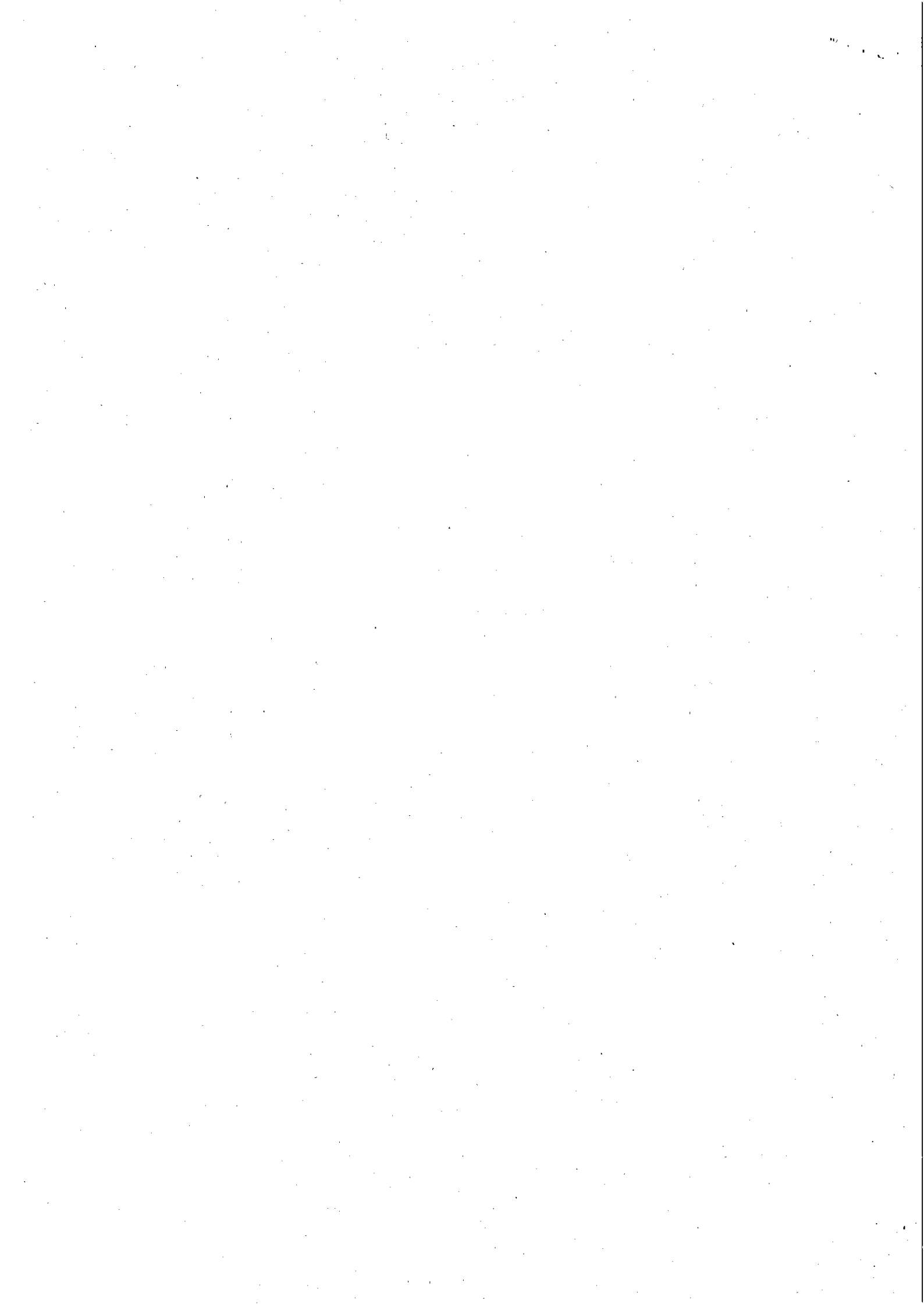
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From: Dingley, John <john.dingley@environment-agency.gov.uk>
Sent: 22 December 2015 14:15
To: Caroline O'Neill
Cc: TRANSPORTANDWORKSACT
Subject: THE PROPOSED MIDLAND METRO (BIRMINGHAM EASTSIDE EXTENSION)
Attachments: dps1.pdf

Caroline,

Please find attached the EA's response to the EIA Scoping Opinion for the proposed Midland Metro (Eastside) Extension.

Regards,

John Dingley

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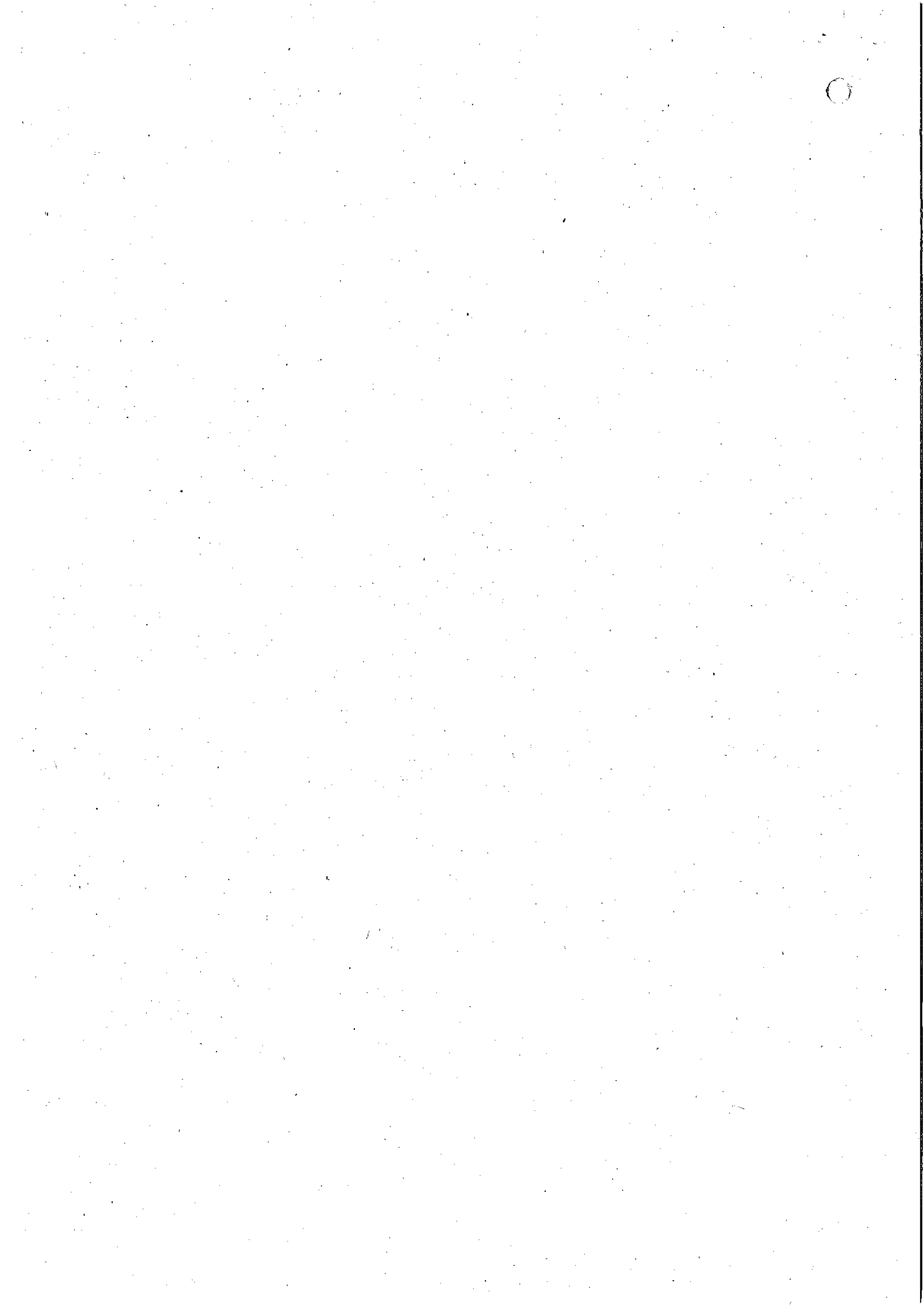
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FAO: Caroline O'Neill
Department For Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: UT/2015/114996/01-L01
Your ref: TWA/2/2/136
Date: 22 December 2015

Dear Madam

THE PROPOSED MIDLAND METRO (BIRMINGHAM EASTSIDE EXTENSION)

We refer to your letter and enclosures received on 25 November 2015.

We have reviewed the EIA scoping report submitted and have further comments to make in respect of Flood Risk/Drainage and Groundwater/Contamination to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal.

The comments we set out below are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

FLOOD RISK

It would appear that part of the route of the proposed Midland Metro extension passes through Flood Zones 2 and 3 of the River Rea. As such, the Scoping Report correctly states that a Flood Risk Assessment will be required to be submitted in support of these proposals.

Under the terms of the Water Resources Act 1991, and the Midlands Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Rea, designated a 'main river'

Please note, the EA is currently working in partnership with Birmingham City Council and Severn Trent Water to explore how the River Rea can form an integral part of the regeneration of this part of the city centre which is known as the Southern Gateway. Arup have been commissioned to see how a better environment can be provided for the people who live, work or visit Birmingham. This is exploratory work which is at an early stage. Once completed it will be used to inform a framework to

Environment Agency
Sentinel House 9 Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

guide the future development and transformation of the area. If you would like further information, please contact Josie Turner at Birmingham City Council via josie.turner@birmingham.gov.uk.

GROUNDWATER & CONTAMINATION

The risk of pollution to either surface or groundwaters as a result of the proposed works should be minimal. However, the applicant/developer must comply with our Pollution Prevention Guidance which is available on our website. If during construction contaminated material is encountered it must be dealt with in an appropriate manner.

Yours faithfully

Mr John Dingley
Planning Advisor

Direct dial 020 3025 3022

Direct e-mail john.dingley@environment-agency.gov.uk

From: Murray, Susan (NE) <Susan.Murray@naturalengland.org.uk>
Sent: 22 December 2015 09:54
To: TRANSPORTANDWORKSACT; caroline.oneill@dft.gsi.gov.uk
Subject: TWA AOPR Birmingham Eastside Extension - Scoping Response from NE
Attachments: 172572 SM 221215 metro.pdf; NE Feedback Form 172572.pdf

To whomever it may concern

TWA AOPR Birmingham Eastside Extension – EIA Scoping

Please find attached NE's response to the above consultation.

Please contact me should I be of any further assistance.

Have a good Christmas!

Regards

Susie M

Susie Murray

Lead Adviser – Sustainable Development

North Mercia Area Team

Natural England

Parkside Court, Hall Park Way

Telford, TF3 4LR

T: 0300 060 2967

M: 07920 594142

Hours of work: Tuesday's and Thursday's

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www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service (**DAS**) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (**PSS**) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

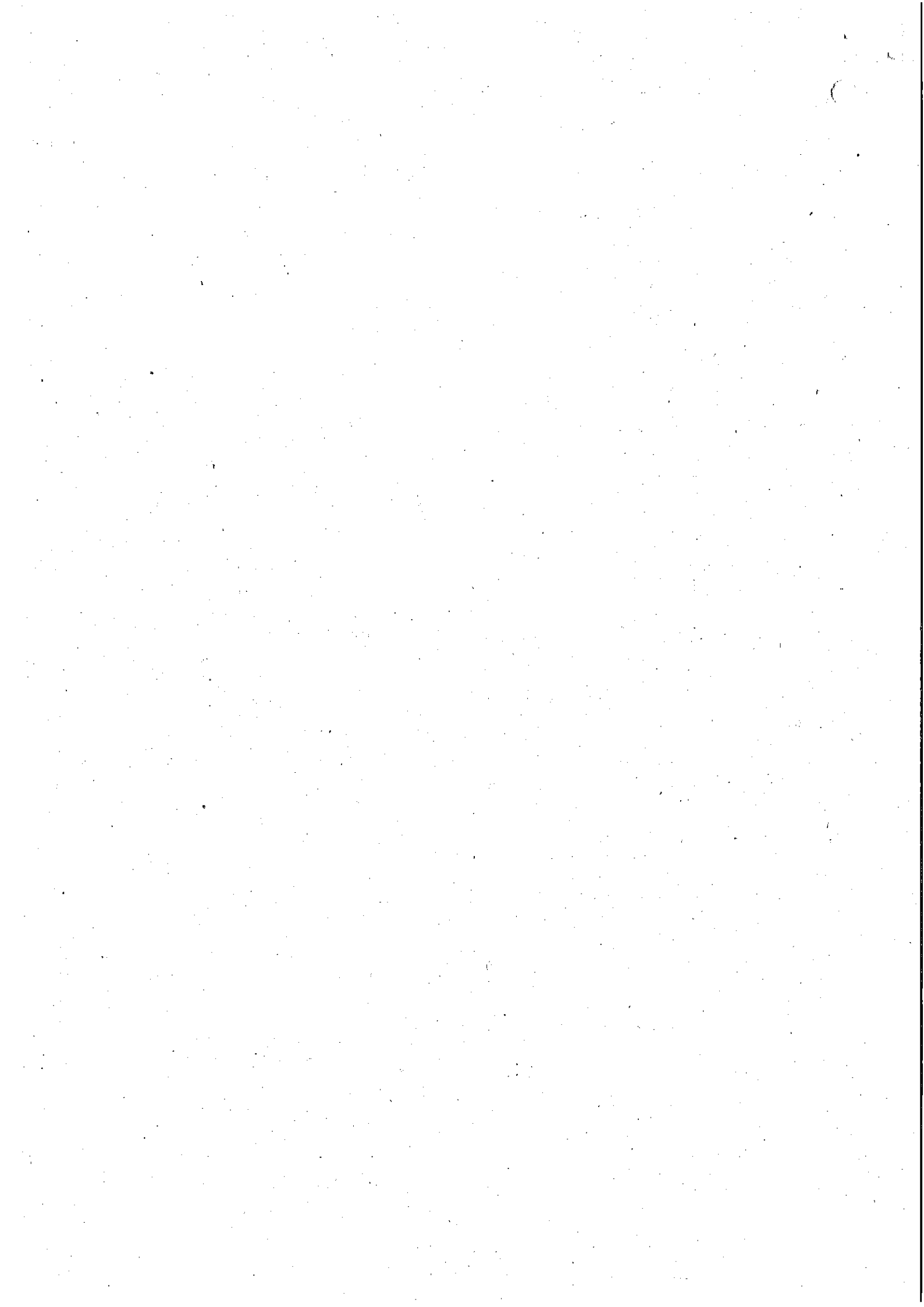
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Date: 22 December 2015
Our ref: 172572 SM 221215 metro
Your ref: TWA/2/2/136



Caroline O'Neill, TWA Orders Unit, DoT via
caroline.oneill@dft.gsi.gov.uk and transportandworksact@dft.gsi.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Caroline

**Transport and Works Act 1992 (TWA)
Transport and Works (Applications and Objections Procedure) (England and Wales) Rules
2006 (AOPR)
Proposed Midland Metro (Birmingham Eastside Extension)**

Thank you for your consultation on the above dated 24 November 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has reviewed:

- EIA Scoping Report, November 2015 for Centro by Mott Macdonald (MMD-300207-HS18-DOC-0000-0001 Rev B) and
- Preliminary Ecological Appraisal, April 2015 for Centro, Mott Macdonald (300207/WTD/MID1/001/A)

We confirm that we find the above a satisfactory basis for an environmental impact assessment.

However, we do wish to make the following additional comments.

Green Infrastructure

Natural England promotes the incorporation of Green Infrastructure into development schemes, where appropriate. Multi-functional GI can involve habitats and green spaces resulting from a need to mitigate or compensate for unavoidable losses or impacts, in addition to spaces which may not be priority habitat but which provide a wide range of functions of benefit to the development and community. Such functions include improved flood risk management, provision of accessible green spaces, climate change adaptation, biodiversity and landscape enhancement (including better functionality of local ecological networks) as well as quality of life benefits for the local community (including health and economic well being and access to wildlife). The provision of GI is supported by the National Planning Policy Framework (NPPF, DCLG March 2012).

Protected Species

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to



enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Susan Murray on 0300 060 2967. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

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