

# **SCREENING STATEMENT**

On the determination of the need for a  
Strategic Environmental Assessment (SEA)

for  
Draft Black Country Air Quality  
Supplementary Planning Document (SPD)

In accordance with the Environmental Assessment of Plans and  
Programmes Regulations 2004 and European Directive 2001/42/EC  
(The SEA Directive)

Consultation Draft: February 2016

The Black Country Authorities:  
Wolverhampton City Council  
Walsall Metropolitan Borough Council  
Sandwell Metropolitan Borough Council  
Dudley Metropolitan Borough Council

## **Supplementary Planning Document (SPD) Matters**

Title of SPD: Air Quality

Subject: The document provides detailed advice on the implementation of policies within the Black Country Core Strategy (2011).

Consultation: To be undertaken during 18th September – 30th October 2015

Address: The relevant documents can be inspected and further information obtained at:

### **Dudley**

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### **Walsall**

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### **Wolverhampton**

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## **Air Quality Supplementary Planning Document**

### **1. Introduction**

- 1.1 The requirement for a Strategic Environmental Assessment (SEA) is set out in the practical guidance on applying European Directive 2001/42/EC, and in the “Environmental Assessment of Plans and Programmes Regulations 2004” (issued by the former ODPM –now the Department of Communities and Local Government). These documents place an obligation on local planning authorities to undertake a SEA on any land use plan or programme “which sets the framework for future development consent of projects”.
- 1.2 There are, however, exceptions to this requirement for plans “which determine the use of small areas at a local level” or which only propose “minor modifications to plans”, if the local planning authority determines that the plan is unlikely to have significant environmental effects.
- 1.3 Therefore, the onus is on the local planning authority to prove that SEA should not be undertaken, and in doing so it must undertake a screening process based upon a standard set of criteria to determine whether the plan is likely to have significant environmental effects. A determination on whether a SEA is required cannot be concluded unless the local planning authority has consulted on the screening process with the three statutory environmental bodies (Natural England, Historic England and the Environment Agency).
- 1.4 Whilst it is anticipated that all Local Plan Documents are likely to require a SEA because they contain statutory planning policies used to determine applications, there is no such certainty for Supplementary Planning Documents (SPDs). If a SPD is considered unlikely to have significant environmental effects through the screening process then a SEA will not be necessary.
- 1.5 Following consultation, the results of the screening process will be detailed in this Screening Statement, which must be made available for public scrutiny. At this stage, the statutory environmental bodies are still to be consulted, and it is therefore unclear if a SEA will ultimately be required. This document will therefore be updated when the views of these bodies are known.

## 2. Supplementary Planning Document: Air Quality

- 2.1 The Draft Supplementary Planning Document has been prepared for consultation purposes. The document provides detail on policies relating to air quality in the Black Country Core Strategy (2011), which have been subject to sustainability appraisal.
- 2.2 The SPD was prepared in consultation with key stakeholders and will be subject to a public consultation exercise prior to its adoption.

## 3. The Screening Process

- 3.1 The key screening decision is the determination of whether the SPD is likely to have significant environmental effects, using the criteria set out in Annex II of the European Commission's SEA Directive. These criteria are set out in the table below, and a response is provided for each.

SEA Directive Criteria	Response
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.	The SPD will not set a new framework: rather it will supplement and provide detail on existing policies in the adopted Black Country Core Strategy.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	As the SPD will have a less significant statutory status in the hierarchy of planning policy than the Black Country Core Strategy, the SPD will have no influence on these plans.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD will ensure effective implementation of policies to protect and promote improvements in air quality across the Black Country, which is a key element of sustainability.
Environmental problems relevant to the plan or programme.	There are no identified environmental problems arising from the SPD.
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 focus on protecting and promoting air quality improvements will support the existing legislative framework for environmental protection and will therefore have a positive effect on the compliance with any relevant legislative framework and programmes.
The probability, duration, frequency and reversibility of the effects.	The anticipated effects on sustainability are expected to be positive and enduring with no negative effects.
The cumulative nature of the effects.	The cumulative nature of the effects will be the delivery of improvements to air quality.
The trans-boundary nature of the effects.	Any trans-boundary effects are likely to be positive.
The risks to human health or the environment (e.g. due to accidents).	No obvious risks, though these can not be ruled out through the construction process of any development.
The magnitude and spatial extent of	The SPD provides guidance on all future development

<b>SEA Directive Criteria</b>	<b>Response</b>
the effects (geographical area and size of the population likely to be affected).	within the Black Country. The effects of this are likely to be restricted to the Black Country.
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage;</li> <li>• exceeded environmental quality standards or limit values;</li> <li>• Intensive land-use.</li> </ul>	It is considered that the SPD will not adversely affect the value and vulnerability of environmental assets in the Black Country.
The effects on areas or landscapes which have a recognised national, Community or International protection status.	As above for effect on the existing and proposed conservation areas and sites of importance for ecological and nature conservation reasons.

#### **4. Statement of Reasons for Determination**

- 4.1 The Council believes that the Air Quality SPD, through responses to the SEA Directive criteria, will not have significant and adverse environmental effects within the Black Country authorities. The SPD is not setting a new framework, it is supplementing and providing further guidance on existing policies in the Local Plan, which itself has been the subject of sustainability appraisal. Therefore, it is considered that a SEA will not be required for this SPD.
- 4.2 However, before this conclusion can be ratified, it is necessary to consult with the statutory environmental bodies on this screening statement.