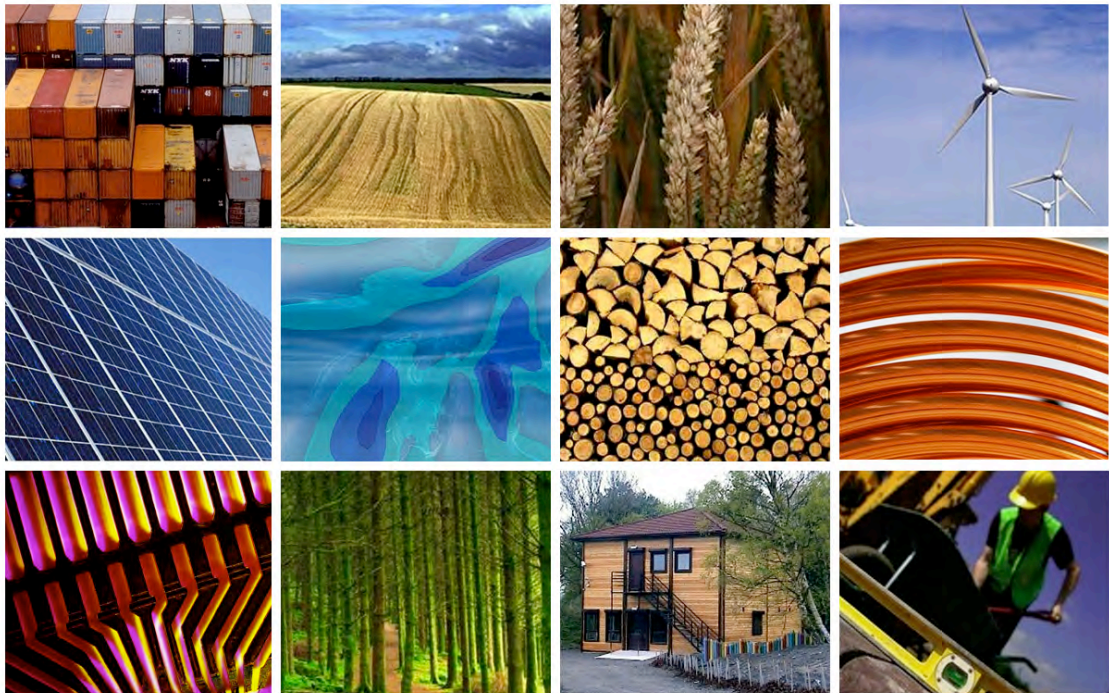


Walsall Council

Review of SA of Site Allocations DPD and Town Centre Area Action Plan

Initial Report

5th June 2012



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1 INTRODUCTION

1.1 AIMS AND OUTPUTS

This report has been prepared by URSUS Consulting Ltd, commissioned by Walsall Council to undertake a review of their in-house Sustainability Appraisal work on two Development Plan Documents: the Site Allocations Development Plan Document (SAD) and Town Centre Area Action Plan (AAP).

Following on from the adoption of the Black Country Joint Core Strategy (JCS) in February 2011, Walsall Council has commenced the production of a Site Allocations DPD (SAD) and a Town Centre Area Action Plan (AAP) as part of the ongoing production of its Local Development Framework (LDF) and to give effect to the development requirements of the JCS as these apply to Walsall.

Each of these plans requires a Sustainability Appraisal (SA) to be carried out, and Walsall Council is undertaking the SA using in-house staff. The purpose of this commission is to provide a peer review and independent verification of the results of the Council's SA reports produced at key stages in the DPD development process. The role of the consultant will be to critically appraise the draft SA reports produced by Council officers at each stage in the plan preparation process, to comment on their robustness, and to recommend further action and revision to the SA reports if necessary.

This report sets out the findings and recommendations of our review of the Draft Scoping Report for these two DPDs, which was sent to the URSUS Consulting Ltd in late January 2012 prior to its finalisation.

1.2 SUMMARY OF FINDINGS

Sustainability Appraisal and SA reporting invariably require a substantial amount of work, and it is clear that Council officers have already put significant work into the Scoping Report for the SAD and AAP. However, legislation on Strategic Environmental Assessment (SEA), and therefore also SA of DPDs, is very specific and detailed about the required contents of the SA Report. As a result, SA Reports are often very long and full of detail, and are also often scrutinised and sometimes challenged on their contents. It is therefore essential that the legislation is always followed very carefully, and that the SA Report is examined fully to ensure compliance.

Some of the content of the SA Report derives from information provided at the scoping stage. Therefore, while the legislation addresses the contents of the SA Report, it is helpful if the Scoping Report supplies the necessary detail to enable the SA Report to meet the requirements of the legislation in later stages of the process. However, it is not essential that this information is contained in the Scoping Report, although it is essential that it is contained in the future SA Report.

To this end, we have made an assessment of the draft Scoping Report that identifies some areas of non-compliance – importantly though, these areas can all be addressed. The key areas of concern are all requirements of Annex I of the SEA Directive, and are as follows:

- The Scoping Report does not describe the purpose and objectives of the SAD and AAP DPDs.
- The baseline data describes relevant aspects of the current state of the environment in detail, but their likely evolution without the DPDs are not covered.
- The SA Report is required to describe the characteristics of areas likely to be significantly affected by the DPDs.
- No information is provided in the draft Scoping Report to confirm that the inter-relationship between effects will be considered.

The following section of the report provides more details on the work we have undertaken in reviewing the draft Scoping Report, describes the areas of potential non-compliance that have been identified and provides recommendations for addressing these shortcomings.

2 QUALITY CHECK

2.1 METHODOLOGY

To assess compliance with the SEA Regulations¹ and accepted good practice in a systematic way, we have reviewed the Scoping Report against the quality assurance checklist published in the Government's guidance on SA of DPDs² (Appendix 4). This is reproduced in Box 2.1 below. This is designed to help local planning authorities ensure that the quality of the process and the SA Report is sufficient to meet the requirements of the SEA Directive and Regulations. It also builds in elements of good practice that, while not explicitly required by the legislation, will contribute to a good quality SA Report that fulfils its purpose under the legislation.

Box 2.1 The Government's checklist for Sustainability Appraisal of DPDs

Quality Assurance Checklist Requirements:
Objectives and context <ul style="list-style-type: none">• The plan's purpose and objectives are made clear.• Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.• SA objectives are clearly set out and linked to indicators and targets where appropriate.• Links with other related plans, programmes and policies are identified and explained.• Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described.
Scoping <ul style="list-style-type: none">• The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report.• The appraisal focuses on significant issues.• Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.• Reasons are given for eliminating issues from further consideration.
Options/Alternatives <ul style="list-style-type: none">• Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.• Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant.• The sustainability effects (both adverse and beneficial) of each alternative are identified and compared.• Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.• Reasons are given for selection or elimination of alternatives.
Baseline information <ul style="list-style-type: none">• Relevant aspects of the current state of the environment and their likely evolution without the

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (SI No. 1663); these implement Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

² Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents: Guidance for Regional Planning Bodies and Local Planning Authorities, ODPM, November 2005

<p>plan are described.</p> <ul style="list-style-type: none"> • Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable. • Difficulties such as deficiencies in information or methods are explained.
<p>Prediction and evaluation of likely significant effects</p> <ul style="list-style-type: none"> • Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant. • Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed. • Likely secondary, cumulative and synergistic effects are identified where practicable. • Inter-relationships between effects are considered where practicable. • Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds. • Methods used to evaluate the effects are described.
<p>Mitigation measures</p> <ul style="list-style-type: none"> • Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated. • Issues to be taken into account in development consents are identified.
<p>The Sustainability Appraisal Report</p> <ul style="list-style-type: none"> • Is clear and concise in its layout and presentation. • Uses simple, clear language and avoids or explains technical terms. • Uses maps and other illustrations where appropriate. • Explains the methodology used. • Explains who was consulted and what methods of consultation were used. • Identifies sources of information, including expert judgement and matters of opinion. • Contains a non-technical summary.
<p>Consultation</p> <ul style="list-style-type: none"> • The SA is consulted on as an integral part of the plan-making process. • The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report.
<p>Decision-making and information on the decision</p> <ul style="list-style-type: none"> • The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan. • An explanation is given of how they have been taken into account. • Reasons are given for choices in the adopted plan, in the light of other reasonable options considered.
<p>Monitoring measures</p> <ul style="list-style-type: none"> • Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA. • Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA. • Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.) • Proposals are made for action in response to significant adverse effects.

2.2

ASSESSMENT OF COMPLIANCE WITH REGULATIONS AND GOOD PRACTICE

Table 2.1 below sets out the items contained in the Government’s checklist, and against each one we provide an assessment of how the SA process to date and reporting has met the checklist’s requirements, where these are relevant to the information provided at the scoping stage and in the Scoping Report.

Where we have identified that the information would not comply with the requirements of the legislation, it should be noted that this may be remedied at the later SA Report stage. It is not essential that the Scoping Report addresses the deficiencies, although it would be good practice to do so.

The following symbols are used to indicate the significance of the assessment.







Symbol	Meaning
	The SA is likely to meet the requirements and is of an acceptable standard for the checklist item. No further work is necessary.
	The SA is not likely to fully meet good practice standards in every aspect of the checklist item, but there are no significant omissions and no issues of legislative compliance. Further work could be undertaken but is not essential.
	The SA is unlikely to sufficiently meet the requirements of the checklist item and may risk non-compliance with the SEA Directive if not remedied. Further work must be undertaken to meet the required standards.

Table 2.1 Compliance Assessment – how does the Scoping Report compare against the Government’s Quality Assurance Checklist?

Quality Assurance Checklist Requirements:		Comments on how the Draft Scoping Report and Process meets the Requirements:
<i>Objectives and context</i>		
<ul style="list-style-type: none"> The plan’s purpose and objectives are made clear. 	☹️	<p>In sections 2.5 and 2.6 the draft Scoping Report gives a very brief explanation of the reasons why it is necessary for the Council to produce the SAD and AAP, but does not describe the purpose and objectives of the DPDs. It is not clear from the information provided in the Scoping Report what the scope of the DPDs will be. An outline of the plan contents and main objectives is required by Annex I of the SEA Directive. Although the objectives of the DPDs are unlikely to be available at this stage in the process, an explanation of the expected scope and purpose of the DPDs would be helpful.</p>
<ul style="list-style-type: none"> Sustainability issues, including international and EC objectives, are considered in developing objectives and targets. 	😊	<p>Annex D sets out an extensive review of Plans, Programmes and Policies (PPPs) at all levels, including international and EU, linked to SA topics, and table 4.3 shows how the identified objectives have been taken into account in the SA framework.</p>
<ul style="list-style-type: none"> SA objectives are clearly set out and linked to indicators and targets where appropriate. 	😊	<p>SA objectives are set out in table 7.1, and targets and indicators are clearly set out in Appendix F.</p>
<ul style="list-style-type: none"> Links with other related plans, programmes and policies are identified and explained. 	😊	<p>Sections 2 and 4 of the draft Scoping Report set out a full explanation of the policy context and its relevance to the SAD and AAP.</p>
<ul style="list-style-type: none"> Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described. 	😐	<p>Section 7.3 of the draft Scoping Report discusses the need to test the SA objectives for any internal conflict, but does not do so at this stage. The 2005 Good Practice Guidance (Appendix 10) recommends that this is done, although it is not essential that it takes place at the scoping stage and can be addressed in the SA Report. It is assumed that the DPD objectives are not yet developed and therefore that any conflicts between these and the SA objectives will be tested at a later stage in the process.</p>
<i>Scoping</i>		
<ul style="list-style-type: none"> The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report. 	😊	<p>Consultation on the Scoping Report was carried out in line with requirements.</p>
<ul style="list-style-type: none"> The appraisal focuses on significant issues. 	😊	<p>The Report identifies the key relevant sustainability issues for Walsall, and these are reflected in the SA objectives.</p>
<ul style="list-style-type: none"> Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit. 	😊	<p>Section 5.4 of the draft Scoping Report discusses difficulties with data collection. No other technical or procedural difficulties appear to have been encountered to date, and no assumptions or uncertainties are referred to at this stage.</p>

Quality Assurance Checklist Requirements:		Comments on how the Draft Scoping Report and Process meets the Requirements:
<ul style="list-style-type: none"> Reasons are given for eliminating issues from further consideration. 		No issues have been eliminated from further consideration at this stage.
<i>Options/Alternatives</i>		
<ul style="list-style-type: none"> Realistic alternatives are considered for key issues, and the reasons for choosing them are documented. 		Not relevant at this stage.
<ul style="list-style-type: none"> Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant. 		Not relevant at this stage.
<ul style="list-style-type: none"> The sustainability effects (both adverse and beneficial) of each alternative are identified and compared. 		Not relevant at this stage.
<ul style="list-style-type: none"> Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained. 		Not relevant at this stage.
<ul style="list-style-type: none"> Reasons are given for selection or elimination of alternatives. 		Not relevant at this stage.
<i>Baseline information</i>		
<ul style="list-style-type: none"> Relevant aspects of the current state of the environment and their likely evolution without the plan are described. 		The draft of Appendix E shows that relevant aspects of the current state of the environment are described, but their likely evolution without the DPDs are not covered by Appendix E. It is an explicit requirement of the SEA Directive that the likely evolution of the environment without the plan is described in the SA Report (see item (b) of Annex I), and it is recommended that a short discussion be added which describes briefly the likely evolution of key aspects of the state of the environment.
<ul style="list-style-type: none"> Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable. 		The SEA Directive requires a description to be provided in the SA Report of the characteristics of areas likely to be significantly affected (see item (c) of Annex I). For example, it may reasonably be expected that the SA Report provide a discussion of sustainability conditions in the 'growth network', and it needs to be in a position to assess the likely effects of development in specific sites or areas.
<ul style="list-style-type: none"> Difficulties such as deficiencies in information or methods are explained. 		Section 5.4 of the draft Scoping Report discusses difficulties with data collection.
<i>Prediction and evaluation of likely significant effects</i>		

Quality Assurance Checklist Requirements:		Comments on how the Draft Scoping Report and Process meets the Requirements:
<ul style="list-style-type: none"> Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant. 	☺	The SA framework covers Directive issues and therefore Directive effects are likely to be identified. However, further assessment against this checklist item will be required at later stages in the process.
<ul style="list-style-type: none"> Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed. 	☺	Appendix G indicates that the appraisal will assess positive and negative effects and their duration. However, further assessment against this checklist item will be required at later stages in the process.
<ul style="list-style-type: none"> Likely secondary, cumulative and synergistic effects are identified where practicable. 	☺	Paragraph 3.6.5 indicates that secondary, cumulative and synergistic effects will be considered. However, further assessment against this checklist item will be required at later stages in the process.
<ul style="list-style-type: none"> Inter-relationships between effects are considered where practicable. 	☹	No information is provided in the draft Scoping Report to confirm that the inter-relationship between effects will be considered. This is an explicit requirement of Annex I of the SEA Directive and must be considered. Further assessment against this checklist item will be required at later stages in the process.
<ul style="list-style-type: none"> Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds. 		Not relevant at this stage.
<ul style="list-style-type: none"> Methods used to evaluate the effects are described. 		Not relevant at this stage.
<i>Mitigation measures</i>		
<ul style="list-style-type: none"> Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated. 	☺	Appendix G indicates that mitigation recommendations will be developed. Further assessment against this checklist item will be required at later stages in the process.
<ul style="list-style-type: none"> Issues to be taken into account in development consents are identified. 		Not relevant at this stage.
<i>The Sustainability Appraisal Report</i>		
<ul style="list-style-type: none"> Is clear and concise in its layout and presentation. 	☹	The draft Report is clear in its layout and presentation, although it is not particularly concise and the main body of the Report could be edited down slightly.
<ul style="list-style-type: none"> Uses simple, clear language and avoids or explains technical terms. 	☺	Yes.
<ul style="list-style-type: none"> Uses maps and other illustrations where 	☹	Only one map is provided in the draft Scoping Report, showing areas of multiple deprivation in the Borough.

Quality Assurance Checklist Requirements:		Comments on how the Draft Scoping Report and Process meets the Requirements:
appropriate.		These would be particularly relevant to the baseline data and should be used to help give spatial specificity to the baseline. See comments above under the section regarding baseline information on the characteristics of areas likely to be significantly affected.
<ul style="list-style-type: none"> Explains the methodology used. 	☺	Yes.
<ul style="list-style-type: none"> Explains who was consulted and what methods of consultation were used. 	☹	The report names the statutory consultees and those who commented on the Scoping Report, although the full list of consultees is extremely long and therefore it is not practicable to list them all. However, methods of consultation are not explained in the Scoping Report. Information about methods of consultation should be provided in the SA Report.
<ul style="list-style-type: none"> Identifies sources of information, including expert judgement and matters of opinion. 	☺	The draft of Appendix E provides a comprehensive list of sources of information for the baseline data.
<ul style="list-style-type: none"> Contains a non-technical summary. 		Not relevant at this stage.
<i>Consultation</i>		
<ul style="list-style-type: none"> The SA is consulted on as an integral part of the plan-making process. 	☺	Yes, this has been achieved to date.
<ul style="list-style-type: none"> The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report. 	☺	Yes, this has been achieved for the scoping stage.
<i>Decision-making and information on the decision</i>		
<ul style="list-style-type: none"> The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan. 		Not relevant at this stage.
<ul style="list-style-type: none"> An explanation is given of how they have been taken into account. 		Not relevant at this stage.
<ul style="list-style-type: none"> Reasons are given for choices in the adopted plan, in the light of other reasonable options considered. 		Not relevant at this stage.
<i>Monitoring measures</i>		
<ul style="list-style-type: none"> Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA. 		Not relevant at this stage.

Quality Assurance Checklist Requirements:		Comments on how the Draft Scoping Report and Process meets the Requirements:
<ul style="list-style-type: none"> Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA. 		Not relevant at this stage.
<ul style="list-style-type: none"> Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.) 		Not relevant at this stage.
<ul style="list-style-type: none"> Proposals are made for action in response to significant adverse effects. 		Not relevant at this stage.