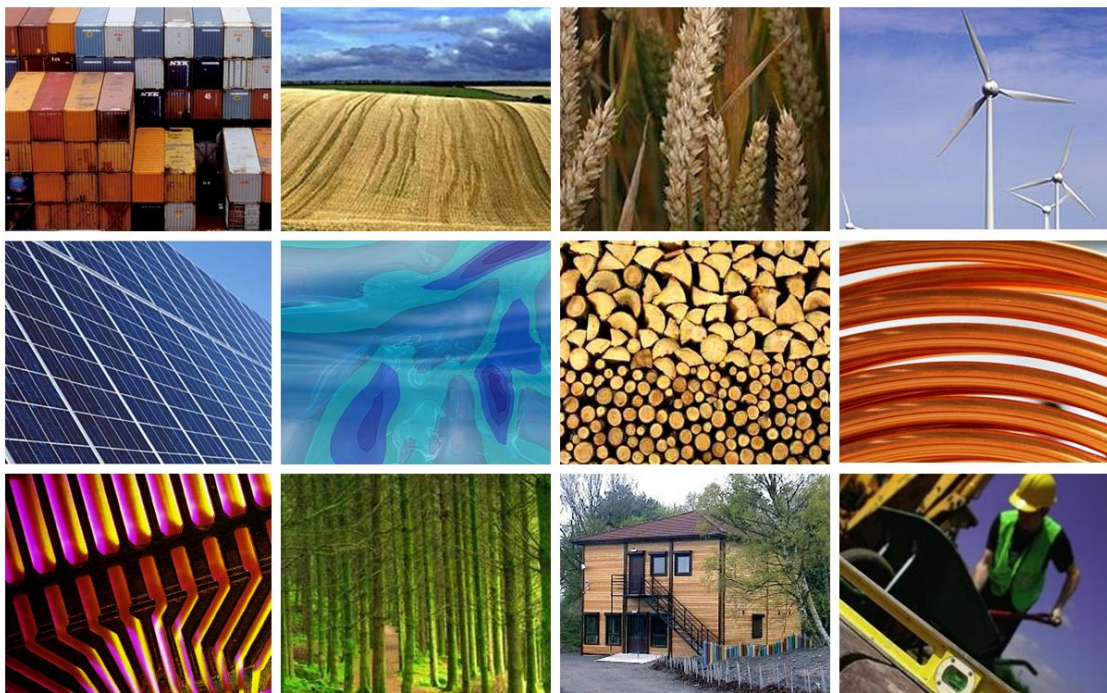


Walsall Council

Review of Sustainability Appraisal of Site Allocations DPD and Town Centre Area Action Plan at Publication Stage

Final Report

16th August 2016



Quality Management

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Prepared by:	Hilary Livesey
Authorised by:	Anna MacGillivray
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URSUS CONSULTING LTD
www.ursusconsulting.co.uk

15 St Marks Road
Leamington Spa
CV32 6DL
Tel. 07720 416 356

57 Balfour Road
London
N5 2HD
Tel. 07989 554 504



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1 INTRODUCTION

1.1 AIMS AND OUTPUTS

This report has been prepared by URSUS Consulting Ltd (URSUS) who have been 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 and Town Centre Area Action Plan.

Following on from the adoption of the Black Country Joint Core Strategy in February 2011, Walsall Council 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 Core Strategy 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 is 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 Sustainability Appraisal Report, which was sent to URSUS in March 2016 after the finalisation of the appraisal report and its publication for consultation. This SA Report corresponds to the Publication Draft Plans of the SAD and AAP.

This is the third in a series of reports produced by URSUS for Walsall Council. The first was an assessment of the SA Scoping Report and was produced in June 2012 and the second was an assessment of the Options Appraisal Report.

1.2 SUMMARY OF FINDINGS

SA and SA reporting invariably require a substantial amount of work, and it is clear that Council officers have put significant work into the SA 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 regularly scrutinised and sometimes challenged on their contents and on the process of preparation through Local Plan examinations and through legal challenge in the High Court. It is therefore essential that the legislation is followed very carefully and that the SA Report is examined fully to ensure compliance.

To this end, we have made an assessment of the SA Report. This identifies one area of non-compliance, relating to the requirements of Annex I of the SEA Directive. The SA Report contains a sub-heading of "Characteristics of Areas Likely to be Affected by the SAD and

AAP”, but it does not describe the areas likely to be significantly affected or their characteristics.

There are also several aspects where, while not an issue of legal compliance, do not follow standard good practice on SA. The implications for this may be not be as severe, however the appointed Local Plan Inspector may request the Council to provide further information to explain parts of the SA. This could have a time and resource implication for the Council at a critical point in Local Plan preparation during the examination period. It is advisable that when such issues are identified these are dealt without outside and before the examination process commences. However, it should be noted that in relation to checklist item 20, in our view it is possible that a case could be made for legal non-compliance.

The following section of the report provides more details on the work we have undertaken in reviewing the SA Report, describes the area of potential non-compliance that has been identified and provides recommendations for addressing 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 Sustainability Appraisal 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. The checklist 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 <ol style="list-style-type: none">1. The plan's purpose and objectives are made clear.2. Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.3. SA objectives are clearly set out and linked to indicators and targets where appropriate.4. Links with other related plans, programmes and policies are identified and explained.5. Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described.
Scoping <ol style="list-style-type: none">6. The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report.7. The appraisal focuses on significant issues.8. Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.9. Reasons are given for eliminating issues from further consideration.
Options/Alternatives <ol style="list-style-type: none">10. Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.11. Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant.12. The sustainability effects (both adverse and beneficial) of each alternative are identified and compared.13. Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.14. Reasons are given for selection or elimination of alternatives.
Baseline information

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>15. Relevant aspects of the current state of the environment and their likely evolution without the plan are described.</p> <p>16. 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.</p> <p>17. Difficulties such as deficiencies in information or methods are explained.</p>
<p>Prediction and evaluation of likely significant effects</p> <p>18. 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.</p> <p>19. Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.</p> <p>20. Likely secondary, cumulative and synergistic effects are identified where practicable.</p> <p>21. Inter-relationships between effects are considered where practicable.</p> <p>22. Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds.</p> <p>23. Methods used to evaluate the effects are described.</p>
<p>Mitigation measures</p> <p>24. Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated.</p> <p>25. Issues to be taken into account in development consents are identified.</p>
<p>The Sustainability Appraisal Report</p> <p>26. Is clear and concise in its layout and presentation.</p> <p>27. Uses simple, clear language and avoids or explains technical terms.</p> <p>28. Uses maps and other illustrations where appropriate.</p> <p>29. Explains the methodology used.</p> <p>30. Explains who was consulted and what methods of consultation were used.</p> <p>31. Identifies sources of information, including expert judgement and matters of opinion.</p> <p>32. Contains a non-technical summary.</p>
<p>Consultation</p> <p>33. The SA is consulted on as an integral part of the plan-making process.</p> <p>34. 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>
<p>Decision-making and information on the decision</p> <p>35. The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan.</p> <p>36. An explanation is given of how they have been taken into account.</p> <p>37. Reasons are given for choices in the adopted plan, in the light of other reasonable options considered.</p>
<p>Monitoring measures</p> <p>38. Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA.</p> <p>39. Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA.</p> <p>40. Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.)</p> <p>41. Proposals are made for action in response to significant adverse effects.</p>

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 we have identified that the information would not comply with the requirements of the legislation, it should be noted that this may require an additional consultation on a revised SA Report to be undertaken.

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 SA Report compare against the Government’s Quality Assurance Checklist?

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
<i>Objectives and context</i>		
1. The plan’s purpose and objectives are made clear.		These are set out clearly in section 1 of the SA Report.
2. Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.		The Scoping stage carried out an extensive review of plans, programmes and policies at all levels, including international and EU, and were taken into account in developing the SA framework. Section 2.4 of the SA Report explains that this was used to develop the objectives of the SA framework and section 3 explains where policy objectives have been taken into account in the SA framework.
3. SA objectives are clearly set out and linked to indicators and targets where appropriate.		SA objectives are set out in Appendix E of the SA report and are linked to indicators and targets.
4. Links with other related plans, programmes and policies are identified and explained.		Section 3 of the SA Report discusses links to other related plans, programmes and policies of relevance to the SAD and AAP.
5. Conflicts that exist between SA objectives, between SA and plan objectives, and between		Conflicts between SA objectives and SAD and AAP objectives are identified and described in sections 2.4 and 5 of the main report. Internal conflicts between SA objectives are assessed in section 7.3 of the Scoping Report.

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
SA and other plan objectives are identified and described.		
<i>Scoping</i>		
6. The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report.	☺	Consultation on the Scoping Report was carried out in line with requirements.
7. The appraisal focuses on significant issues.	☺	The Scoping Report identified the key relevant sustainability issues for Walsall, and these are reflected in the SA objectives.
8. Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.	☺	Section 5.4 of the revised Scoping Report discussed difficulties with data collection. No other technical or procedural difficulties appear to have been encountered, but the revised Scoping Report does indicate where assumptions have been made and uncertainties encountered.
9. Reasons are given for eliminating issues from further consideration.		No issues have been eliminated from further consideration.
<i>Options/Alternatives</i>		
10. Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.	☺	Appendices H and I set out the alternatives considered and gives the reasons for choosing them.
11. Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant.	☺	Some groups of options include a 'do nothing' scenario. Other groups of options have ruled out a 'do nothing' option where this was not reasonable. This is explained in Appendices H and I of the main report.
12. The sustainability effects (both adverse and beneficial) of each alternative are identified and compared.	☺	Appendices H and I summarise the positive and negative effects of each of the options. Section 6 of the main report identifies the positive and negative sustainability effects of the preferred options. It refers to a "Revised SAD Options Appraisal – Completed Matrix and a "Revised AAP Options Appraisal – Completed Matrix" but these are not part of the SA Report.
13. Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.	☺	Inconsistencies between the alternatives and other relevant plans, programmes and policies are identified in Appendices H and I. Options are ruled out as a result of these inconsistencies.
14. Reasons are given for selection or elimination of alternatives.	☺	Appendices H and I explain why options were selected and why some options have been ruled out.

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
<i>Baseline information</i>		
15. Relevant aspects of the current state of the environment and their likely evolution without the plan are described.	☺	Section 4.3 of the SA Report provides baseline information on the state of the environment and section 4.4 describes its evolution without the SAD and AAP.
16. 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.	☹	Section 4.5 of the SA Report contains a sub-heading of “Characteristics of Areas Likely to be Affected by the SAD and AAP”, but it does not describe the areas likely to be significantly affected or their characteristics. 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 of the Directive). The SA Report states that the SAD and AAP could have effects on neighbouring areas of the Black Country, Birmingham and Staffordshire, but no further information than this is provided.
17. Difficulties such as deficiencies in information or methods are explained.	☺	Section 4.2 of the SA Report discusses difficulties with data collection and deficiencies.
<i>Prediction and evaluation of likely significant effects</i>		
18. 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, climatic factors, material assets, cultural heritage and landscape), as relevant.	☺	The SA framework covers Directive issues and therefore Directive effects have been identified.
19. Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.	☺	Appendices H, I, J and K show that the appraisal has assessed positive and negative effects, and section 7.3 discusses short and long-term effects.
20. Likely secondary, cumulative and synergistic effects are identified where practicable.	☹	Sections 7.3 and 8.3 briefly discuss the potential for cumulative effects, but the descriptions are very vague and generalised. There is no evidence that an assessment of these types of effect has been undertaken in a systematic or methodologically robust way. Section 7.3 gives only examples of secondary and synergistic effects rather than a complete list, although the description of effects in section 8.3 appears to be more inclusive rather than only giving examples. No explanation is given in the SA Report as to how these effects have been appraised. It is not clear

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
		whether or not the requirements of the Directive in this regard have or have not been met, but it is possible that a case could be made for non-compliance. Given that the Directive requires these effects to be assessed, the SA Report should explain how they have been assessed to demonstrate clearly that the requirements have been met. Appendix 13 of the published guidance on SA ¹ gives help on assessing secondary, cumulative and synergistic effects.
21. Inter-relationships between effects are considered where practicable.	☹️	Sections 7.3 and 8.3 give some examples of effects that are inter-related. While the authors have probably done enough to demonstrate compliance with the SEA Directive, the report would benefit from an explanation of how the inter-relationships between effects have been considered and assessed, as it is a clear and explicit requirement of the Directive.
22. Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds.	☹️	There is little indication that the appraisal has made use of standards, regulations or thresholds. The SA Report only makes a small number of references to air quality limits being exceeded in parts of the Borough. As the report contains no description of assessment methods, it is not clear where and how the appraisal has used accepted standards, regulations and thresholds.
23. Methods used to evaluate the effects are described.	😊	Assessment methods are described in section 2.6 of the report. The criteria used to evaluate effects are described in table 11.
<i>Mitigation measures</i>		
24. Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated.	😊	Sections 7.3 and 8.3 describe the mitigation that has been incorporated into the SAD and AAP to mitigate identified adverse effects.
25. Issues to be taken into account in development consents are identified.	☹️	None appear to have been identified.
<i>The Sustainability Appraisal Report</i>		
26. Is clear and concise in its layout and presentation.	☹️	The SA Report is clear in its layout and presentation, but it is extremely long, which limits its usefulness and accessibility.
27. Uses simple, clear language and avoids or explains technical terms.	😊	Yes.
28. Uses maps and other illustrations where appropriate.	😊	Maps are used to give spatial specificity to the baseline and to show the geographical scope of the SAD, the AAP and the BCCS.
29. Explains the methodology used.	😊	The appraisal methodology is described in section 2.6 of the report.
30. Explains who was consulted and what	😊	Section 2.3 explains who was consulted and describes the methods used.

¹ Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents: Guidance for Regional Planning Bodies and Local Planning Authorities, ODPM, November 2005

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
methods of consultation were used.		
31. Identifies sources of information, including expert judgement and matters of opinion.	☹️	The SA Report does not identify sources of information. Although not explicitly required by the legislation, this is good practice for demonstrating how the conclusions of the appraisal have been reached. Sources of information should be indicated.
32. Contains a non-technical summary.	😊	A Non-Technical Summary has been produced and contains all elements required by the SEA Directive.
<i>Consultation</i>		
33. The SA is consulted on as an integral part of the plan-making process.	😊	Yes. This is set out in section 2.3 of the SA Report.
34. 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 is set out in section 2.3 of the SA Report.
<i>Decision-making and information on the decision</i>		
35. The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan.	😊	Section 2.3 of the SA Report describes the consultation process and states that a published spreadsheet sets out how comments received have influenced the plan-making process. It also states that the Preferred Options document sets out how the SA has influenced the development of policies and site allocations.
36. An explanation is given of how they have been taken into account.	☹️	The SA Report does not make clear how its findings and recommendations have been taken into account.
37. Reasons are given for choices in the adopted plan, in the light of other reasonable options considered.	😊	The Non-Technical Summary and appendices H and I give reasons for the selection of the Preferred Options and rejection of other options.
<i>Monitoring measures</i>		
38. Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA.	☹️	No measures are proposed.
39. Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA.	☹️	The section on monitoring does not address deficiencies in baseline information.
40. Monitoring enables	☹️	No information is given to demonstrate whether unforeseen

Quality assurance checklist requirements		Comments on how the SA Report and process meets the requirements
unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.)		adverse effects can be identified through monitoring. As an explicit requirement of Article 10 of the SEA Directive, it is important for the SA Report to provide information to demonstrate that this requirement can be met.
41. Proposals are made for action in response to significant adverse effects.	☹	No proposals are made. As an explicit requirement of Article 10 of the SEA Directive, it is important for the SA Report to provide information to demonstrate that this requirement can be met.