

Appendix 4

SCREENING STATEMENT on the determination of the need for a Strategic Environmental Assessment (SEA) for Draft Wolverhampton Hot Food Takeaway 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: October 2017

Supplementary Planning Document (SPD) Matters

Title of SPD: Hot Food Takeaway
Subject: The document provides detailed advice on the implementation of policies relating to Hot Food Takeaways within the Wolverhampton Unitary Development Plan (2006) and Black Country Core Strategy (2011).
Consultation: To be undertaken during Nov – Dec 2017
Address: Relevant documents can be inspected and further information obtained at:
City of Wolverhampton Council, Planning, Civic Centre
St Peter's Square, Wolverhampton, WV1 1RP
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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 for 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: Hot Food Takeaways

- 2.1 The Draft Supplementary Planning Document has been prepared for consultation purposes. The document provides detail on policies relating to hot food takeaways in the Unitary Development Plan (2006) and Black Country Core Strategy (2011), which have been subject to sustainability appraisal.
- 2.2 The SPD was prepared with multidisciplinary input within the Council, 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 Unitary Development Plan and 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 adopted Unitary Development Plan and 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 relating to Hot Food Takeaways in Wolverhampton, which promotes sustainable development.
Environmental problems relevant to the plan or programme.	There are no identified environmental problems arising from the SPD.

SEA Directive Criteria	Response
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 of the SPD on Hot Food Takeaways 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 stricter controls on the provision of Hot Food Takeaways which aim to improve the vitality and viability of centres and promote improved health and wellbeing.
The trans-boundary nature of the effects.	Any trans-boundary effects are likely to be positive, particularly as adjoining local authorities also have guidance on Hot Food Takeaway provision.
The risks to human health or the environment (e.g. due to accidents).	No obvious risks, though risks outside the planning system (e.g. accidents) cannot be ruled out through the construction process of any development. The SPD aims to promote health and wellbeing.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPD provides guidance on future development of Hot Food Takeaways within Wolverhampton and the effects of this are likely to be restricted to Wolverhampton.
The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> • special natural characteristics or cultural heritage; • exceeded environmental quality standards or limit values; • Intensive land-use. 	It is considered that the SPD will not adversely affect the value and vulnerability of environmental assets in Wolverhampton.
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 Hot Food Takeaway SPD, through responses to the SEA Directive criteria, will not have significant and adverse environmental effects within Wolverhampton. 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. However, before this conclusion can be ratified, it is necessary to consult with the statutory environmental bodies on this screening statement.