

Draft Screening Assessment on the
determination of the need for Strategic
Environment Assessment and
Sustainability Appraisal for the Nuneaton
and Bedworth Air Quality Supplementary
Planning Document (SPD)

October 2019

1. Introduction

- 1.1 Nuneaton and Bedworth Borough Council has prepared an Air Quality Supplementary Planning Document (SPD) which provides advice and guidance in support of policies in the Nuneaton and Bedworth Borough Plan 2011-2031¹.
- 1.2 This document is a screening report to determine if the SPD will require a Strategic Environmental Assessment (SEA) in accordance with the 'European Directive 2001/42/EC'² and associated 'Environmental Assessment of Plans and Programmes Regulations 2004'³.

2. Background

- 2.1 The Nuneaton and Bedworth Borough Plan 2011-2031 was adopted in July 2019. The policies to which the SPD refers have been subject of an integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)⁴ produced in line with the requirements of 'The Environmental Assessment of Plans and Programmes Regulations 2004'.
- 2.2 The Borough Plan policy most relevant to the SPD is Policy HS2 - Strategic Accessibility and Sustainable Transport. However, there are links to other policies such as HS5 – Health, NE1 – Green Infrastructure, BE2 – Renewable and Low Carbon Energy and BE3 – Sustainable Design and Construction.

Policy HS2 – Strategic Accessibility and Sustainable Transport

Transport proposals in line with those identified in the Coventry and Warwickshire Local Enterprise Partnership Strategic Economic Plan, Warwickshire County Council Local Transport Plan 2011 - 2026 and Warwickshire County Council Cycle Network Development Plan will be approved.

¹ Nuneaton and Bedworth Borough Plan 2011-2031 <https://nuneatonbedworthboroughcouncil.sharefile.eu/d-s56969f3fadf4b108>

² European Directive 2001/42/EC <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

³ Environmental Assessment of Plans and Programmes Regulations 2004 <http://www.legislation.gov.uk/ukxi/2004/1633/contents/made>

⁴ Nuneaton and Bedworth Borough Plan Sustainability Assessment August 2018 https://www.nuneatonandbedworth.gov.uk/download/downloads/id/2699/borough_plan_sustainability_appraisal_2018_v2.pdf

Where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport.
2. Whether the development identifies suitable demand management measures.
3. The impact on air quality and measures proposed to ensure the impact is not exacerbated. The council would support measures such as the provision and integration of infrastructure which may help to deal with the issues of air quality, such as electric vehicle charging points.
4. The connectivity of the development to strategic facilities.
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.
6. Whether the proposal will meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

Proposals should target a 15% modal shift to non-car based uses by including provisions which promote more sustainable transport options.

The council supports the provision and integration of emerging and future intelligent mobility infrastructure that may help to deal with the issue of air quality, such as including electric vehicle charging points. Proposals must consider how they accord with the Transport Demand Management Matters and Air Quality supplementary planning documents.

Proposals should be in accordance with the Movement for Growth strategy of Transport for West Midlands, the West Midlands Metropolitan Transport Emissions Framework, as well as associated policies.

2.3 Supplementary Planning Documents are produced to provide detailed advice and guidance on policies in Local Plans.

2.4 The National Planning Policy Framework⁵ (NPPF) describes SPDs as:

“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan”. (page, 72)

⁵ National Planning Policy Framework

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

- 2.5 The Air Quality SPD produced to support the Nuneaton and Bedworth Borough Plan provides information and guidance on the types of developments that may give rise to air quality impacts, including those generating significant vehicle movements, comprising power generation (through thermal combustion or biomass boilers) or where significant demolition and construction works are proposed.
- 2.6 The SPD specifies a 3 stage assessment process: 1. classifying the development proposal; 2. assessing and quantifying the impact on local air quality; and 3. determining the level of mitigation required to make the scheme acceptable. Guidance is provided for each stage. In particular, the SPD addresses the concept of appropriate mitigation, covering issues such as electric vehicle charging points, cycling and walking schemes and infrastructure, low emission vehicles and public transport use.

3. Strategic Environment Assessment

- 3.1 A Strategic Environmental Assessment (SEA) concerns the evaluation of the environmental impacts of a plan or programme. The requirement for an SEA is detailed in the 'European Directive 2001/42/EC' which is adopted into UK legislation as the 'Environmental Assessment of Plans or Programmes Regulations 2004'. Local Plans often comply with SEA requirements by being the subject of a Sustainability Appraisal.
- 3.2 Planning Practice Guidance⁶ states that Supplementary Planning Documents are not required to be accompanied by a Sustainability Appraisal. In exceptional circumstances, a SPD may require a SEA if they are likely to have significant effects on the environment which have not been assessed as part of the Local Plan SA.
- 3.3 A screening process has been followed to assess if the Air Quality SPD produced by Nuneaton and Bedworth Borough Council requires a SEA.

4. Screening Process

- 4.1 To determine if a SPD is likely to have significant environment effects, Planning Practice Guidance recommends local planning authorities consider the criteria specified in [schedule 1 to the Environmental](#)

⁶ Planning Practice Guidance, Paragraph: 008 Reference ID: 11-008-20140306, Revision date: 06 03 2014
<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

[Assessment of Plans and Programmes Regulations 2004](#). Table 1 of this report presents the criteria in table form with a commentary on the SPD under consideration. Section 5 presents the conclusion and rationale for the decision.

- 4.1 Planning Practice Guidance also recommends consulting the consultation bodies cited in the Environmental Assessment of Plans and Programmes Regulations 2004; Historic England, Natural England and the Environment Agency will be consulted to determine if the SPD have a significant environment effect.

Table 1: Criteria for Likely Significant Environment Effect

SEA Directive Criteria	Response	Is there a likely significant environment effect?
<p>1. The characteristics of plans and programmes, having regard, in particular, to—</p>	<p>The Air Quality SPD seeks to support measures to mitigate against and improve air quality impacts through new development. The guidance requires the consideration of air quality at the design stage to mitigate impacts and counter the cumulative impacts of aggregated developments.</p>	<p>No</p>
<p>(a) 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;</p>	<p>The SPD provides supplementary guidance to the Nuneaton and Bedworth Borough Plan policies, which were subject to Sustainability Appraisal/ Strategic Environmental Assessment in 2016, with an update undertaken in 2018. The Borough Plan provides the overall policy framework in terms of sustainable development location, nature, size and condition and use of resources, with the most relevant policies being HS2 – Strategic Accessibility and Sustainable Transport and BE3 – Sustainable Design and</p>	<p>No</p>

	<p>Construction. The SPD therefore provides supplementary policy detail and guidance to the policies in the Borough Plan.</p> <p>Subsequently, the SPD does not set any new framework, but looks to provide additional clarity to maximise sustainability benefits and reduce adverse impacts as far as possible.</p>	
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD does not influence other plans and programmes as such as it provides supplementary advice and guidance to the plans and policies further up in the policy hierarchy. Those plans have been subject to a full Sustainability Appraisal/Strategic Environmental Assessment.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD seeks to promote sustainable development and deliver environmental improvement by supporting measures to mitigate against, and improve, air quality impacts through new development. The SPD seeks to provide additional clarity and guidance to the policies in the Borough Plan.	No
(d) environmental problems relevant to the plan or programme;	<p>The SPD seeks to address impacts from different sources of air pollution, such as dust or emissions from vehicular traffic, furnaces, chimneys, biomass boilers or combined heat and power plants. The SPD requires consideration of:</p> <ul style="list-style-type: none"> - existing and future traffic - potential new pollution sources - exposure risk to the people occupying the development 	No

	<ul style="list-style-type: none"> - pollution sources close to the development site - impacts to sensitive receptors such as designated wildlife sites or habitats 	
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD does not directly relate to Community legislation but is likely to complement plans and programmes linked to water protection. This would be through consideration of potential sources of pollution, receptors and pathways.	No
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is highly likely to have a positive effect on air quality within the Nuneaton and Bedworth Borough area up to 2031. This is through the classification, assessment and mitigation of air quality impacts for new developments. Frequency and reversibility of effects are less relevant as the SPD seeks to consider impacts at the outset and reduce or mitigate as far as possible to deliver an overall improvement in air quality.	No
(b) the cumulative nature of the effects;	The SPD requires consideration of air quality impacts at the design stage to counter the cumulative impacts of aggregated developments, both existing and committed. The SPD also requires consideration of Air Quality Management Areas and Clean Air Zones and this will examine direct and indirect effects which would include the	No

	assessment of cumulative impacts.	
(c) the transboundary nature of the effects;	The SPD covers the Nuneaton and Bedworth Borough Council area, but complements Air Quality SPDs for adjoining authority areas. The SPD also requires consideration of proposals beyond individual proposal boundaries, and so should consider sources of emissions, or potential sensitive receptors, in adjoining authority areas.	No
(d) the risks to human health or the environment (for example, due to accidents);	The SPD seeks to reduce the risk to human health or the environment. Impacts are to be determined through the air quality impact assessment process. Where impacts are envisaged but the development is acceptable in planning term, appropriate mitigation measures will be required through planning conditions.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD is likely to result in benefits which, cumulatively, should have a sizeable impact over the life of the document and cross the Borough. This should not only benefit people visiting, living and working in the Borough, but also those beyond the Council boundary.	No
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use	The SPD seeks to prevent and mitigate impacts upon the Borough's rich natural environment and cultural heritage. The SPD sets out how sensitive receptors should be identified, with an assessment of baseline air quality and predicted air quality impacts. The impacts of the Borough Plan on designated sites and assets has already been assessed (such as through Habitats Regulations	No

	<p>Assessment) – but the SPD seeks to provide more detailed guidance on the policy. The Borough is subject to high levels of congestion and contains 2 Air Quality Management Areas (AQMAs) – Leicester Road Gyratory and Midland Road to Corporation Street. Again, the SPD ensures that the AQMAs are considered as part of the air quality assessment process.</p>	
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>Again, the SPD sets out how sensitive receptors should be identified and that would cover assets of recognised national, community or international protection status. As above, the Ensor’s Pool site in Nuneaton is designated as a Special Area of Conservation (SAC) which is of international importance and afforded special status. A Habitats Regulations Assessment (HRA) would be required for any proposal that could impact the SAC. Similarly, the impacts upon assets of national importance will need to be considered, as per the policies in the Borough Plan. As the SPD seeks to mitigate against and improve air quality impacts, it is likely that implementation of the SPD will have a beneficial effect on assets of recognised importance.</p>	

5. Determination and Reasoning

- 5.1 The SPD is consistent with the Nuneaton and Bedworth Borough Plan which has already been subject of a Sustainability Appraisal. The appraisal found there would be no environmental effects which could not be mitigated and would have positive socio-economic benefits.
- 5.2 The SPD is a lower tier document which provide guidance on local policies and so it cannot be used as justification for non-compliance with national environmental legislation and national and local environmental policy.
- 5.3 Applying the criteria of schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 Nuneaton and Bedworth Borough Council finds that with regards to the Air Quality SPD, **there are no likely significant environmental effects and it does not require a full SEA to be undertaken.**