

**Screening Statement for the New Residential Design Guide Supplementary
Planning Document**

**Strategic Environmental Assessment
Sustainability Appraisal
Appropriate Assessment
Equalities Impact Assessment**

**Milton Keynes Council
January 2012**

Supplementary Planning Document (SPD) New Residential Development Design Guide

1. Title of SPD:

New Residential Development Design Guide

2. Subject:

The SPD is required to provide guidance on the design of new residential developments throughout the borough.

3. Consultation:

The formal statutory public consultation for the SPD commenced on 22nd December 2011 and finishes on 13th February 2012.

Over the past few years, there has been ongoing consultation on the emerging Core Strategy, which includes policies that are concerned with the design of residential developments.

4. Consultation Address:

Further information can be obtained, in written or electronic form, from:

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Introduction

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”. 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”.

There are 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 responsible authority determines that the plan is unlikely to have significant environmental effects. The local planning authority has to demonstrate that SEA should not be undertaken by completing a screening assessment. This will determine whether the plan is likely to have significant environmental effects.

In order to make this determination the local planning authority must:

- (a) take into account the criteria specified in Schedule 1 of the Regulations; and
- (b) consult the consultation bodies.

These consultation bodies are Natural England, English Heritage and the Environment Agency.

The Council has also undertaken a screening process for Sustainability Appraisal (SA), Equalities Impact Assessment (EqIA), and Habitats Directive Appropriate Assessment (AA).

Following consultation with the statutory environmental bodies Milton Keynes Council determines that the New Residential Development Design Guide SPD is unlikely to have significant environmental effects and, accordingly, does not require an environmental assessment. In the light of the comments received by the consultation bodies, the Council has also concluded that a SA/AA/EqIA is not required. The full screening opinion report follows.

1. Policy context

- 1.1 Milton Keynes Council is preparing its Local Development Framework (LDF) in accordance with Government advice set out in Planning Policy Statement 12: Local Spatial Planning.
- 1.2 The LDF will be a set of DPDs and SPDs which provide the spatial strategy for the long term future growth of Milton Keynes.
- 1.3 Planning Policy Statement 12 advises that a local planning authority may prepare SPDs to provide greater detail on the policies in its DPDs but they do not have development plan status. They must not be used to allocate land or contain policies that should be subject to independent examination.
- 1.4 The Milton Keynes Local Plan was formally adopted by Milton Keynes Council in December 2005. The Milton Keynes Local Plan, the South East Plan Regional Strategy and the emerging Milton Keynes Core Strategy, provide the statutory long term land use planning framework for Milton Keynes, and contain policies to determine planning applications and proposals. The Council has 'saved' most of the Local Plan policies pending replacement through the documents that make up the LDF.

2. New Residential Development Design Guide SPD

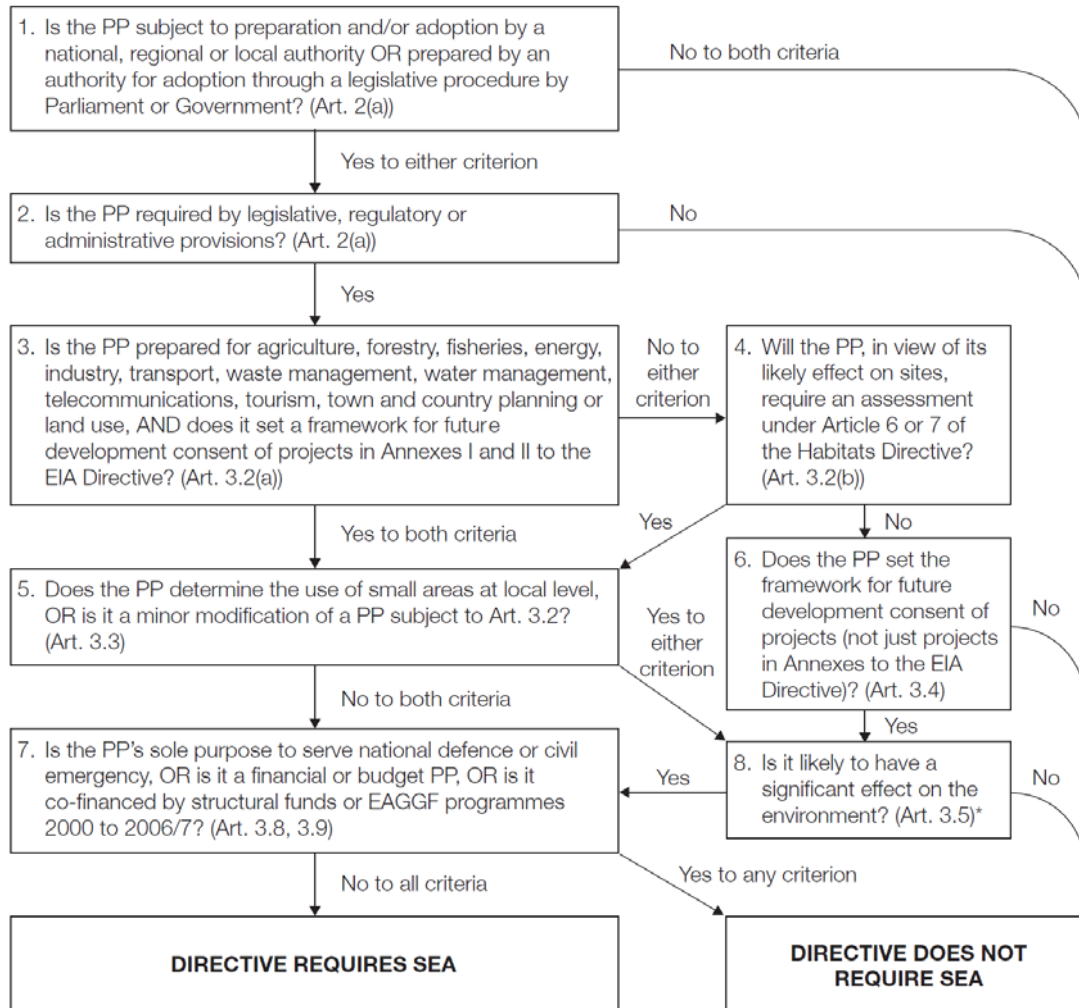
- 2.1 The SPD supports policies in the adopted Local Plan (December 2005), in particular policies D2A (urban design aspects of new development) and D2 (design of buildings).
- 2.2 The emerging Milton Keynes Core Strategy includes a number of general policies on design including policies CS10 (Housing), CS11 (A well connected Milton Keynes), CS12 (Developing successful neighbourhoods), and CS13 (Ensuring high quality, well designed places).
- 2.3 The New Residential Design Guide SPD promotes sustainable development by providing supplementary guidance on good practice in urban design.

3. Strategic Environmental Assessment

- 3.1 The requirement for a Strategic Environmental Assessment (SEA) is set out in the “Environmental Assessment of Plans and Programmes Regulations 2004”. There is also practical guidance on applying European Directive 2001/42/EC produced by the ODPM (now DCLG)¹. These documents have been used as the basis for this screening report. The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out in the table overleaf.

¹ A Practical Guide to the Strategic Environmental Assessment Directive (2005) (ODPM)

Figure 1: Establishing the need for SEA



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Table 1: Establishing the need for SEA

Stage	Answer	Reason
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament of Government? (Article 2(a))	Yes	The SPD is to be adopted by Milton Keynes Council.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	The SPD is required in terms of emerging Core Strategy Policy, and saved Local Plan policies.
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2(a))	No	The SPD is prepared for town and country planning. However, it will not set a new framework and will only give additional guidance to the policy framework that has been established by the Local Plan and emerging Core Strategy.
4. Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	The SPD will be a guidance document. It will not allocate sites for development.
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	No	The SPD will not set a new framework and will only give additional guidance to the policy framework that has been established by the Local Plan and emerging Core Strategy.

4. Statement of Reasons for Determination

- 4.1 The Council believes that the impact of this SPD through responses to the SEA Directive Criteria will not have significant effects on the environment.
- 4.2 Moreover, the SPD is not setting a new policy framework; it is supplementing and providing further guidance on existing policies.
- 4.3 Therefore, the Council considers that a SEA will not be required for this SPD.
- 4.4 Before this presumption can be confirmed, however, it is necessary to consult with the three statutory environmental bodies over this Screening Statement for Draft SPD – New Residential Development Design Guide.

5. Appropriate Assessment (AA) for the Habitats Directive

- 5.1 Legal protection is afforded to habitats and species of European importance through Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna - known as the 'Habitats Directive'. Articles 6(3) and 6(4) of the Habitats Directive require AA of plans to be undertaken. This involves assessing the contents of plans to ensure that their policies and proposals maintain the integrity of Natura 2000 sites. The assessment must determine whether the plan would adversely affect the nature conservation objectives of each site. Where negative effects can be identified, other options should be examined to avoid any potential damaging effects.
- 5.2 The application of the precautionary principle through the Habitats Directive means that plans can only be permitted once it is shown that there will be no adverse effect on the integrity of any Natura 2000 sites. In the rare case of there being no alternatives available or over-riding reasons of public interest why a plan needs to be implemented, plans that do have negative impacts may still be approved.

6. Screening for Appropriate Assessment

- 6.1 The first stage in carrying out an Appropriate Assessment for the Habitats Directive is screening, by determining whether the plan is likely to have any significant effect on a European site, either alone or in combination with other plans and projects.
- 6.2 As above with the SEA screening, it is not considered that the New Residential Development Design Guide SPD would have any impact on sites covered by the Habitats Directive. In addition, the screening process for the Milton Keynes Core Strategy concluded that appropriate assessment was not required. The New Residential Development Design Guide SPD will inform developers about the design considerations in Milton Keynes when submitting applications, or reserved matters. The impact on any important habitats would be considered through the determination of the development proposal itself, and it is therefore considered that a full Appropriate Assessment is not required for the New Residential Development Design Guide SPD.

7. Equalities Impact Assessment

- 7.1 An Equalities Impact Assessment (EqIA) has been carried out which covers all planning policy and guidance work. The EqIA determined that there was no significant negative impact on any of the equality groups covered by the assessment and that in many cases the work would have positive consequences. The New Residential Development Design Guide is not considered to have any significant impact in this regard. Therefore, it is considered that there is no requirement for a separate Equalities Impact Assessment to be carried out for the New Residential Development Design Guide SPD.

8. Sustainability Appraisal

- 8.1 The New Residential Development Design Guide SPD will provide additional guidance to support Policies D2A (urban design aspects of new development) and D2 (design of buildings) of the Milton Keynes Local Plan (adopted 2005). Policies CS10 (Housing), CS11 (A well connected Milton Keynes), CS12 (Developing successful neighbourhoods), and CS13 (Ensuring high quality, well designed places) all contain design issues and when the Milton Keynes Core Strategy is adopted Policy CS13 will replace Policy D2A.
- 8.2 The emerging Milton Keynes Core Strategy has been subject to an ongoing process of iterative Sustainability Appraisal to ensure the policies contained within it are the most suitable. Given that the New Residential Development Design Guide SPD merely provides additional guidance and does not introduce new policy, it is considered that the implications have been adequately assessed by that overarching Sustainability Appraisal. Because of this and the results of the screening assessments for SEA, AA and EqIA above, it is considered that there is no requirement for a separate Sustainability Appraisal to be undertaken.

9. Conclusions

- 9.1 The three statutory environmental bodies (Natural England, English Heritage and the Environment Agency) were consulted on the Screening Report. Their comments are detailed below:

Consultation Body	Comments Received
Natural England	<p>Strategic Environmental Assessment</p> <p>We concur with the Council's view that a Strategic Environmental Assessment is not required for this SPD.</p> <p>Habitats Regulations Assessment</p> <p>We concur with the Council's view that a full Appropriate Assessment is not required for the New Residential Development Design Guide SPD</p> <p>Equalities Impact Assessment</p> <p>Natural England has no comment to make as to whether an Equalities Impact Assessment is required for this SPD or not.</p>

	<p>Sustainability Appraisal</p> <p>We concur with the Council's view that a Sustainability Appraisal is not required for this SPD.</p>
English Heritage	No response
Environment Agency	We do not consider that there is a requirement for a Strategic Environmental Assessment (SEA) for this Design Guide. However, we would wish to see the maximisation of the Code for Sustainable Homes (CSH), and incorporation of Energy and Water Efficiency being addressed at the application stage.

9.2 In the light of the comments received by the consultation bodies, it is therefore considered that a SEA/SA/AA/EqIA is not required.