

**Screening Statement for the Draft Planning Obligations Supplementary Planning Document**

**Strategic Environmental Assessment  
Appropriate Assessment**

**Milton Keynes Council  
August 2020**

## **Supplementary Planning Document (SPD) Planning Obligations**

### **1. Title of SPD:**

Planning Obligations

### **2. Subject:**

Milton Keynes Council (MKC) has prepared a draft Planning Obligations SPD setting out the Council's approach towards development contributions, which are required to provide infrastructure and facilities to support new development within the Borough. The SPD identifies the planning obligations that will be sought by MKC to mitigate the impact of unacceptable development and to make it acceptable in planning terms. Additionally, this SPD will also be considered as a material consideration in the determination of planning applications submitted to the Council.

### **3. Consultation:**

Public consultation on the draft Planning Obligations SPD will take place for an eight-week period in August to September 2020.

### **4. Consultation Address:**

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## **1. Introduction**

- 1.1 The requirement for a Strategic Environment Assessment (SEA) is set out in the Office of the Deputy Prime Minister's (ODPM) – now Housing, Communities and Local Government – practical guidance on applying European Directive 2001/42/EC, and in the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 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.”
- 1.3 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.
- 1.4 To assess whether a SEA is required the local planning authority must undertake a screening process based on a standard set of criteria. This must be subject to consultation with the three consultation bodies: Historic England, the Environment Agency and Natural England.
- 1.5 Following consultation, the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public.
- 1.6 Previously all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) required Sustainability Appraisal (SA). SA incorporated the requirements for SEA. The Regulations were amended in 2009. These amendments removed the requirement for the SA of SPDs.
- 1.7 It is anticipated that all DPDs are likely to require a SEA because they contain statutory planning policies used to determine applications however; there is no such certainty for SPDs. Though not part of the statutory Development Plan, SPDs cover a range of issues, which generally provide further details on policies in the Development Plan and are a material consideration when considering planning applications.
- 1.8 If an SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that the preparation of a SEA is not necessary.
- 1.9 Following consultation with the statutory bodies, the results of the screening process will be detailed in this Screening Statement and will be made available for public scrutiny.
- 1.10 This document will therefore be updated when the consultation response of the three consultation bodies have been received and evaluated.

## **2. Policy context**

- 2.1 Milton Keynes Council prepared and adopted Plan:MK 2016-2031, a Local Plan for the Borough of Milton Keynes, in March 2019 in accordance with the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012, and national planning policy set out in the National Planning Policy Framework 2012<sup>1</sup>. Plan:MK now forms part of the statutory Development Plan for Milton Keynes and replaces the saved policies of the Local Plan 2005 and Core Strategy 2013.
- 2.2 The NPPF (February 2019) states that SPDs are “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.”

## **3. Sustainability Appraisal (SA) of Plan:MK (November 2017)**

- 3.1 SA is a mechanism for considering and communicating the likely effects of an emerging plan, and alternatives, with a view to avoiding and mitigating negative effects and maximising the positives. SA of Local Plans is a legal requirement.
- 3.2 In-line with the Environmental Assessment of Plans and Programmes Regulations 2004, a report (known as the SA Report) must be published for consultation alongside the draft plan that essentially ‘identifies, describes and evaluates’ the likely significant effects of implementing ‘the plan, and reasonable alternatives’. The report must then be taken into account, alongside consultation responses, when finalising the plan. A Sustainability Appraisal incorporating SEA has been undertaken during the preparation of Plan:MK and has been examined as part of the Examination in Public of Plan:MK. The Council, at the request of the examination Inspector, prepared an Addendum to the SA/SEA to present information on the proposed modifications, and alternatives, with a view to informing the current consultation and subsequent plan finalisation.

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<sup>1</sup> At the time Plan:MK was prepared the prevailing national planning policy was set out in the NPPF (published in March 2012). In accordance with paragraph 214 of the revised NPPF (published in July 2018 and subsequently updated in February 2019, Plan:MK was examined against the 2012 NPPF and accompanying Planning Practise Guidance (PPG).

#### **4. Planning Obligations SPD**

4.1 This Planning Obligations SPD is being prepared for several reasons including:

- a) To reflect current national and local planning policy including Plan:MK;
- b) To update the Council's existing planning obligations guidance contained within a number of elderly Supplementary Planning Guidance and Supplementary Planning Documents and consolidate it into a single document.

4.2 This SPD identifies how the Council will use its powers as Local Planning Authority to ensure new development contributes to the infrastructure and facilities that the development generates. In preparing this SPD an extensive round of meetings has taken place with internal and external service providers to check and verify that the infrastructure and facilities being sought is necessary and appropriate.

4.3 Plan:MK contains several policies relevant to planning obligations and the provision of infrastructure and facilities including:

- Policy INF1 (Delivering Infrastructure) which also refers to the preparation of a new Planning Obligations SPD;
- Policy SD1 (Place-Making Principles for Development);
- Policy SD9 (General Principles for Strategic Urban Extensions);
- Policy SD10 which outlines the Council's requirements for providing infrastructure provision in strategic urban extensions;
- Policy HN2 (Affordable Housing);
- Policy CC4 (New Community facilities);
- Policy EH2 (Provision of new Schools-Site Size and Location);
- Policy EH5 (Health Facilities);
- Policy FR2 (Sustainable Drainage Systems (SUDS) and integrated Flood Risk Management)
- Policy L4 (Public Open Space provision in New Estates)
- Policy CC1 (Public Art);
- Policy SC1 (Sustainable Construction);
- Policy NE2 (Protected Species and Priority Species and Habitats) and
- Policy NE3 (Biodiversity and Geological Enhancement).

4.4 The above list is not comprehensive within Plan:MK there are several other policies identifying infrastructure requirements for key strategic sites. This Planning Obligation SPD does not set out the Council's requirements for Affordable Housing, which is the subject of a separate SPD.

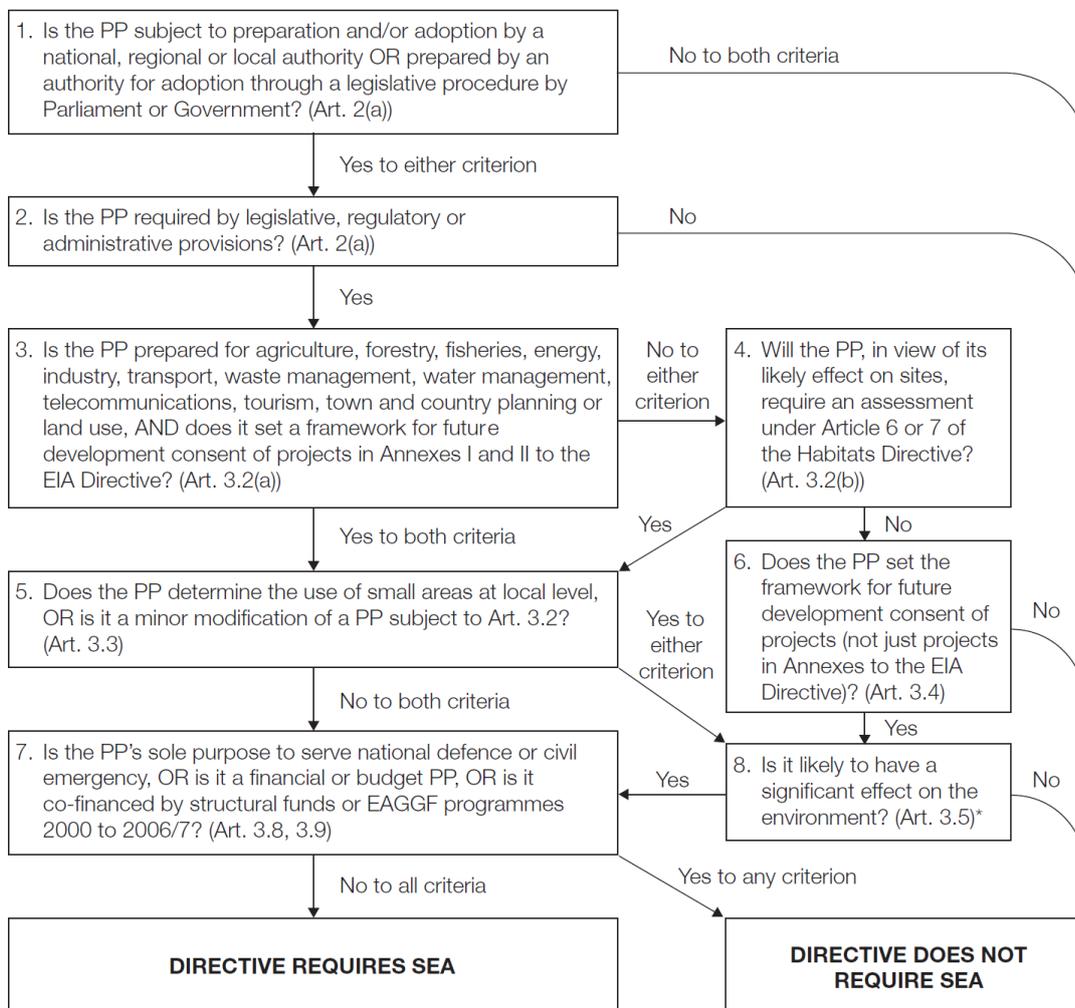
4.5 Further public consultation, in accordance with the relevant regulations and the Council's Statement of Community Involvement (SCI), will take place over

August and September 2020 to inform a final version of the Planning Obligations SPD expected to be adopted later in 2020 by Milton Keynes Council.

## 5. The Screening Process

- 5.1 The key to the 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 SEA Directive. These criteria are set out in the table in Appendix 1 together with the Council's response in relation to the SPD.
- 5.2 Plan:MK has been subject to the preparation of a Sustainability Appraisal, incorporating SEA.
- 5.3 Despite no longer requiring sustainability appraisal, SPDs may still require SEA. 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 below.

**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**

<b>Stage</b>	<b>Answer</b>	<b>Reason</b>
<b>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))</b>	Yes	The SPD is to be prepared and adopted by Milton Keynes Council, a unitary authority in England.
<b>2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))</b>	Yes	Policy INF1 in the adopted Local Plan for Milton Keynes (Plan:MK 2016-2031) states that the Council will prepare a new Planning Obligations SPD to cover infrastructure and service requirements, including site-specific infrastructure to be delivered through section 106 agreements. SPDs can be prepared and adopted by Local Planning Authorities provided the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 are met.
<b>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))</b>	Yes	The SPD is for town and country planning purposes and sets a framework of guidance for future development consent of projects in Annexes I and II to the EIA Directive (Urban Development Projects)
<b>5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3)</b>	No	This SPD does not determine the use of small areas at a local level nor is a minor modification of a PP subject to article 3.2.
<b>7. Is the PP's sole purpose to serve national defence or civil emergency, OR is a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?</b>	Yes	The SPD does not serve national defence or civil emergency nor is it co-financed by structural funds or EAGGF programmes. However, it is a

<b>(Art. 3.8, 3.9)</b>		financial PP as it sets out the financial (and/or in kind) contributions required from developers for the provision of infrastructure and facilities.
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## **6. Statement of Reasons for Determination**

- 6.1 This SPD is being prepared by Milton Keynes Council and its preparation is a consequence of the adoption of the Local Plan for Milton Keynes (Plan:MK 2016-2031) in March 2019. The SPD is being prepared for the purposes of town and country planning. This SPD does not determine the use of small areas at a local level and is not for national defence or civil emergency purposes nor is it co-financed by structural funds or EAGGF programmes. The SPD sets out the Council's approach towards financial contributions, which are required to provide infrastructure and facilities to support new development within the Borough.
- 6.2 This SPD is not setting a new policy framework; it is supplementing and providing further guidance on existing policies within Plan:MK such as policy INF1.
- 6.3 The Plan:MK SA does not identify any significant environmental effects associated with the plan or Policy INF1 in particular.
- 6.4 Therefore, the Council considers that an SEA will not be required for this SPD.
- 6.5 Before this presumption can be confirmed, however, it is necessary to consult with the three statutory environmental bodies over this SEA Screening Statement for the Planning Obligations SPD.

## **7. Appropriate Assessment for the Habitats Directive**

- 7.1 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 Appropriate Assessment (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.
- 7.2 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.

## **8. Screening for Appropriate Assessment**

- 8.1 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.
- 8.2 As above with the SEA screening, it is not considered that the Planning Obligations SPD would have any impact on sites covered by the Habitats Directive. A Habitats Regulation Assessment of Plan:MK<sup>2</sup> was undertaken when preparing Plan:MK. This concluded that development in Plan:MK will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. Therefore, an appropriate assessment was not required. The Planning Obligations SPD does not introduce any new plan or project with spatial effects, and it is considered that it would not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. Any impact on any important habitats arising from development within Milton Keynes would be considered through the determination of the development proposal itself. It is considered that a full Appropriate Assessment is not required for the Planning Obligations SPD.

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<sup>2</sup> <https://www.milton-keynes.gov.uk/assets/attach/51223/Habitats%20Regulations%20Assessment%20of%20Milton%20Keynes%20Local%20Plan%20FINAL.pdf>

## APPENDIX 1: Criteria for determining the likely significance of effects

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Significant effect Yes or No and Milton Keynes Council Response
<b>1. Characteristics of the Planning Obligations SPD, having regard to:</b>	
a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	Significant Effect: No While the SPD will establish a framework for projects, it does not determine the detail of the framework i.e. it does not establish policy. It is a compendium of policy established elsewhere.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	Significant Effect: No This SPD adds further detail to existing policies within the Development Plan, it is not intended to influence other plans and programmes.
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	Significant Effect: No The SPD is relevant to the integration of environmental considerations and would assist in the promotion of sustainable development together with other Plan:MK policies and SPDs.
d) Environmental problems relevant to the plan or programme SPD.	Significant Effect: No There are a range of relevant environmental problems locally: however, given that the SPD will not establish policy, it is not thought that there is any potential for significant effects.
e) The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	Significant Effect: No The SPD would assist in the implementation of community legislation on the environment. For example, where planning obligations are sought, where appropriate, for waste and water management.

<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>	
a) The probability, duration, frequency and reversibility of the effects.	<p>Significant Effect: No</p> <p>This SPD will be taken into account when determining planning applications and planning applications have long term implications. However, the SPD will only be taken into account as a compendium of policy established elsewhere. This SPD will not be taken into account as a source of new policy.</p>
b) The cumulative nature of the effects of the SPD.	<p>Significant Effect: No</p> <p>It is possible that this SPD will be considered alongside other documents that deal with contributions and infrastructure e.g. Affordable Housing. But this is not an indication that the SPD is any more likely to result in significant environmental effects.</p>
c) The trans-boundary nature of the effects of the SPD.	<p>Significant Effect: No</p> <p>The SPD will deal with contributions and infrastructure provision to mitigate the impact of the development, which could be of more than local importance.</p>
d) The risks to human health or the environment (e.g. due to accidents).	<p>Significant Effect: No</p> <p>There are no perceived risks to human health or the environment arising from the SPD.</p>
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.	<p>Significant Effect: No</p> <p>No effects identified. The SPD will be taken into account when determining planning applications.</p>
f) The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> <li>• Special natural characteristics or cultural heritage,</li> <li>• Exceeded environmental quality standards or limit values, or</li> <li>• Intensive land use.</li> </ul>	<p>Significant Effect: No</p> <p>The Borough of Milton Keynes does have some special natural characteristics</p>

<p>The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.</p>	<p>Significant Effect: No Milton Keynes has no areas or landscapes with these definitions</p>
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