

**Health Impact Assessment SPD
Strategic Environmental Assessment Screening Report**

**Milton Keynes Council Health Impact Assessment
Supplementary Planning Document**

**Strategic Environmental Assessment Screening Report
and Habitat Regulations Assessment**

**Milton Keynes Council
May 2020**

Health Impact Assessment SPD Strategic Environmental Assessment Screening Report

Health Impact Assessment (SPD)

1. Title of SPD:

Health Impact Assessment

2. Subject:

Milton Keynes Council (MKC) has prepared a Health Impact Assessment SPD to provide more detailed guidance regarding the implementation and interpretation of the policies of the Plan:MK. (EH6). The SPD provides additional information on how this policy will be implemented and provides guidance that can be used to support a Health Impact Assessment. 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 Health Impact Assessment SPD will take place for an eight-week period in Summer/Autumn 2020

4. Consultation Address:

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1. Introduction

1.1 This screening report is designed to determine whether or not the contents of the Health Impact Assessment (SPD) requires:

- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and
- An assessment against the Habitats regulations to establish whether there would be any significant effects on European site(s).

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. 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. Purpose and content of the Health Impact Assessment SPD

3.1 Milton Keynes Council, in its role as Local Planning Authority is producing a Health Impact Assessment SPD. It is anticipated that a consultation on a draft document will take place in Summer/Autumn 2020.

3.2 The geographic area covered by the SPD is the borough of Milton Keynes. The purpose of the Health Impact Assessment SPD is to provide more detailed guidance regarding the implementation and interpretation of the following policies of the Plan:MK:

- Policy EH6: Delivery of Health Facilities in New Development

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3.3 The SPD provides additional information on how this policy will be implemented and provides guidance to individuals and organisations involved in submitting a planning application, as well as those involved in the determination and enforcement of planning applications.

3.4 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of the likely significant environmental effects of the SPD and the need for a full SEA.

4. Legislative Background

4.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

4.2. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into a SA.

4.3 However, the 2008 Planning Act removed the requirement to a Sustainability Appraisal for a Supplementary Planning Document, but not a Strategic Environmental Assessment. This is because SPD's do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal.

4.4 Appraisal incorporating SEA has been undertaken during the preparation of Plan:MK (SA of the Plan:MK November 2017) 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 finalisation¹.

4.5 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

¹ 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).

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- 4.6 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.
- 4.7 If a 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.
- 4.8 Following consultation, the results of the screening process will be detailed in a Screening Statement, which is required to be made available to the public.
- 4.9 This document will be updated when the consultation response of the three consultation bodies have been received and evaluated.

5. The Screening Process

- 3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - 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).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),

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- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

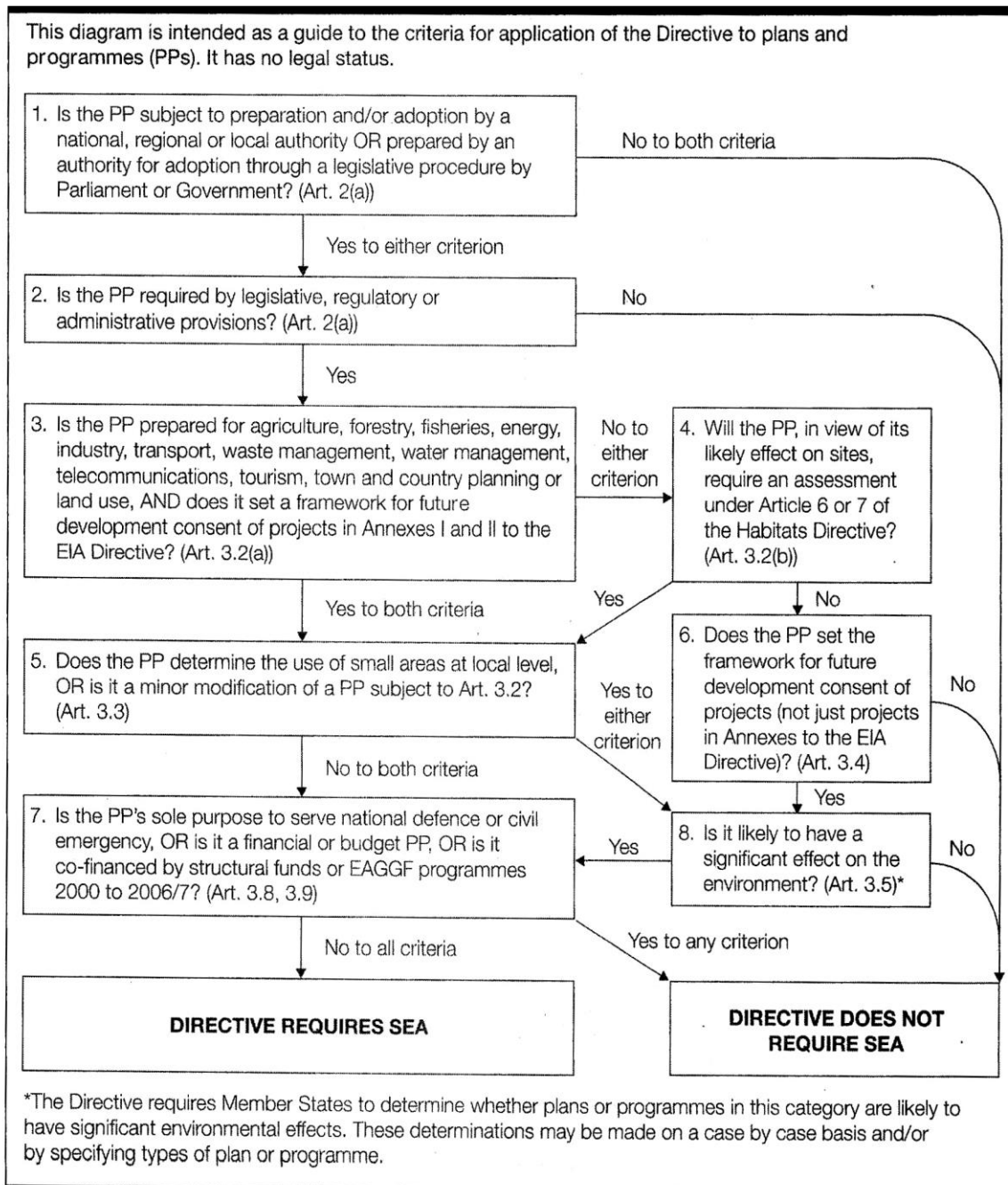
6. The SEA Screening

6.1 The adopted Local Plan (Plan:MK) was subject of Sustainability Appraisal (SA) (incorporating SEA). This included a specific assessment of policy EH6, as well as assessment of all other policies within the Local Plan.

6.2 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.

6.3 This guide has been used as the basis on which to assess. The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

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4.2 The table below shows the assessment of whether the SPD will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/N	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 or Government? (Art. 2(a))	Yes	The SPD is to be adopted by Milton Keynes Council
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The SPD is required in terms of adopted Plan:MK Policy EH6. The SPD is required for administrative purposes and will be used when assessing planning applications.
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? (Art 3.2(a))	No	Although the SPD is prepared for health facilities in new developments, in relation to town and country planning purposes it does not set a framework for future development consent of projects that are required to undergo an Environmental Impact Assessment.
4. Will the SPD, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	The SPD will provide further guidance and reinforce relevant parts of the policies. It provides further guidance to policy EH6 of the Plan:MK which was screened under the Habitats Regulations where possible impacts were investigated. The SPD itself does not lead to development.

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5. Does the SPD Determine the use of small areas at local level, OR is it a minor modification of a SPD subject to Art. 3.2? (Art. 3.3)	No	The SPD itself does lead to development.
6. Does the SPD set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The SPD sits at the lowest tier of the Development Plan system and adds detail to policy EH6 of the Plan:MK .The SPD itself does not lead to development however the SPD will be a material consideration when assessing planning applications and the policies requirements will need to be met in order for consent to be granted.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	No	The SPD does not serve national defence or civil emergency nor is it co-financed by structural funds or EAGGF programmes.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The Plan:MK does not identify any significant environmental effects associated although it does identify some negative environmental impacts in relation to some developments. Plan:MK policies and the SPD will have a positive impact on mitigating these negative impacts. The SPD itself does not lead to development.

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7. Statement of Reasons for screening outcome

7.1 The Council believes that the impact of this SPD through responses to the SEA Directive Criteria will not have significant environmental effects on the local area specifically or on the wider Milton Keynes area generally.

7.2 Moreover, the SPD is not setting a new policy framework; it is supplementing and providing further guidance on existing policies, in particular the adopted Plan:MK.

7.3 The Plan:MK SA does not identify any significant environmental effects associated with the delivery of health facilities in new developments. Plan:MK policy and the SPD will instead have a positive impact.

7.4 The Plan:MK SA does not identify any significant environmental effects associated with the plan or Policy EH6 in particular.

7.5 Therefore, the Council considers that a SEA will not be required for this SPD.

7.6 Before this presumption can be confirmed however, it is necessary to consult with the three statutory environment bodies over this SEA Screening Statement for the Health Impact Assessment SPD.

8. Appropriate Assessment (AA) for the Habitats directive

8.1 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.

8.2 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

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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.

9. Screening for Appropriate Assessment

9.1 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.

9.2 As above with the SEA screening, it is not considered that the Health Impact Assessment SPD would have any negative impact on sites covered by the Habitats Directive. A Habitats Regulation Assessment of Plan:MK² was undertaken when preparing Plan:MK. This concluded that “development in the Milton Keynes Local Plan 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 Health Impact Assessment SPD will inform pre-application advice (and subsequent planning applications) of any potential health-related issues and to be a material consideration, where relevant, to be considered in determining planning applications. 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 Health Impact Assessment SPD.

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

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Appendix 1. Criteria for determining the likely significance of effects

Criteria for determining the likely significance of effects of the environment	Potential effects of the SPD	Is there a likely significant effect?
1. Characteristics of the Health Impact Assessment SPD, having regard to:		
(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;	The SPD will provide guidance on how to apply policy set in the Plan:Mk (most notable EH6). It does not establish new policy. The adopted Local Plan was prepared with continuous, iterative input from the SA (inc. SEA). The Local Plan was considered sound by an independent Inspector.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD sits in a hierarchy of documents. It does not directly affect any other plans or programmes but is influenced by the adopted Local Plan and other higher tier planning policy documents including the National Planning Policy Framework (NPPF).	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 adopted Local Plan and other higher level policies set the context for achieving sustainable development in the borough. Options considered through the development of the SPD will not change the higher level policy requirements which have, in themselves, been subject to SA (inc. SEA).	No

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	The SPD will assist with meeting the the SA (inc. SEA) objectives such as: 4. Protect and improve residents' health and reduce health inequalities, 6. Ensure all sections of the community have good access to services and facilities. Given the topics in the SPD, it is not likely that there would be any significant environmental effects arising from the SPD.	
(d) environmental problems relevant to the plan or programme; and	The Local Plan SA (inc. SEA) identified that policy EH6 has positive impacts against a couple of SA objectives including: 4. Protect and improve residents' health and reduce health inequalities, 6. Ensure all sections of the community have good access to services and facilities. The SPD will provide further guidance and reinforce relevant parts of the policy.	No
(e) 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).	It is unlikely that there would be any significant environmental effects resulting from the further guidance on health planning matters.	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 does not itself lead to development. It provides further guidance	No

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	to policy EH6 of the Plan:MK. Policy EH6 aims to measure the wider impact on healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.	
(b) the cumulative nature of the effects;	There are no likely cumulative effects that would result from the production of the SPD. It provides further guidance to policy EH6 of the Plan:MK. The policy aims to measure the wider impact on healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.	No
(c) the transboundary nature of the effects;	There will be no transboundary environmental effects since it does not in itself lead to development.	No
(d) the risks to human health or the environment (e.g. due to accidents);	The SPD will not result in any risk to human health or the environment. It provides further guidance to policy EH6 of the Plan:MK. The policy aims to measure the wider impact on healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The spatial extent of policy EH6 of the Local Plan is the borough boundary. The spatial extent of the SPD will be the borough	No

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	boundary. The SPD itself does not lead to development.	
(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; and	The value and vulnerability of the area covered by the Health Impact Assessment SPD has been considered as part of the SA (inc. SEA) of the Local Plan. The SPD will provide further guidance and reinforce relevant parts of the policy. It provides further guidance to policy EH6 of the Plan:MK. The policy aims to measure the wider impact on healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD will not have any impact upon areas or landscapes that have a recognised national, community or international protection status. The SPD will provide further guidance and reinforce relevant parts of the policy. It provides further guidance to policy EH6 of the Plan:MK. The policy aims to measure the wider impact on healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.	No

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