

**Milton Keynes Council Sustainable Construction
Supplementary Planning Document**

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

**Milton Keynes Council
October 2020**

**Sustainable Construction SPD
Strategic Environmental Assessment Screening Report**

1. Title of SPD:

Sustainable Construction Supplementary Planning Document (SPD)

2. Subject:

Milton Keynes Council (MKC) has prepared a Sustainable Construction SPD to provide more detailed guidance regarding the implementation and interpretation of policies SC1 and CT6 within Plan:MK. The SPD provides additional information on how these policies will be implemented and provides guidance on sustainable construction methods for developers concerned with reducing the environmental impacts and vulnerability of development. Additionally, this SPD will be considered as a material consideration in the determination of planning applications submitted to the Council.

3. Consultation:

Public consultation on the draft Sustainable Construction SPD will take place in November-December 2020.

4. Consultation Address:

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

Luke Gledhill

Development Plans

Milton Keynes Council

Civic

1 Saxon Gate East

Central Milton Keynes

MK9 3EJ

Telephone: 07795 475591

E-mail: Luke.Gledhill@milton-keynes.gov.uk

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Sustainable Construction SPD

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1. Introduction

1.1 This screening report is designed to determine whether the contents of the Sustainable Construction (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 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 Glossary of 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 Sustainable Construction SPD

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

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

- Policy SC1: Sustainable Construction. The wording of policy SC1 is included in Appendix 2 of this report.
- Policy CT6: Low Emission Vehicles. The wording of policy CT6 is included in Appendix 3 of this report.

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3.3 The SPD provides additional information on how policies SC1 and CT6 will be implemented and provides guidance on sustainable construction methods for developers concerned with reducing the environmental impacts and vulnerability of development. The SPD will also provide guidance about the infrastructure required to accommodate use of low emissions vehicles within new developments.

3.4 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 6 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 An appraisal incorporating a 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 Practice 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 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. National Planning Practice Guidance states that: Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects, that have not already have been assessed during the preparation of the relevant strategic policies.

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

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- 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),
- 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 policies SC1 and CT6 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 for this screening report. The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

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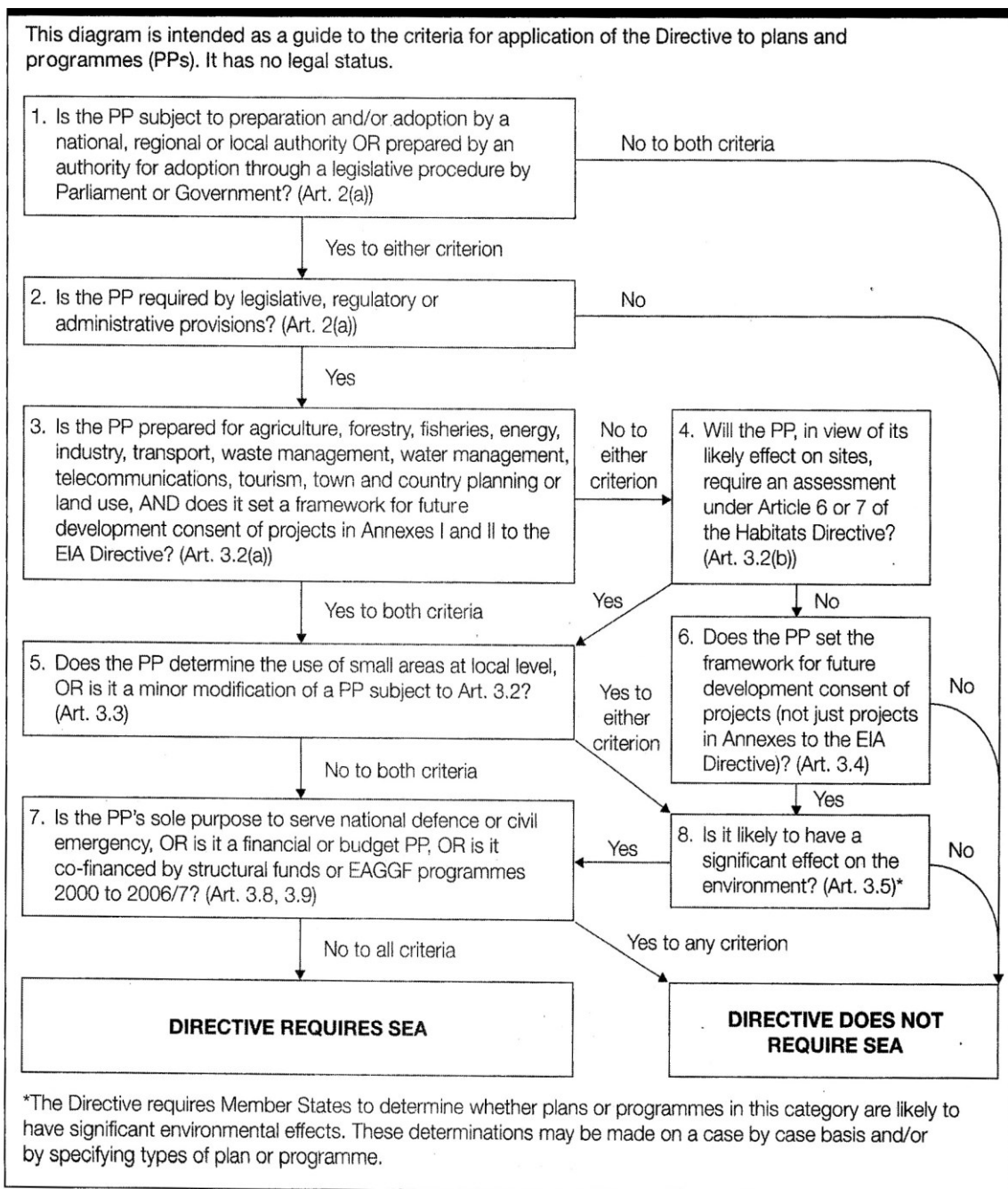


Figure 1. Establishing the need for SEA.

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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.

Table 1: Establishing the Need for SEA		
Stage	Yes /No	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 prepared and 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 policies SC1 and CT6. The SPD is required for administrative purposes and will be used when preparing and assessing planning applications by developers, council Members and officers.
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 sustainable construction methods, carbon emissions reduction, energy use reduction and facilitating sustainable transport 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. The SPD will help Members, officers and developers understand how an existing policy is applied, but it does not create new policies and/or set up a new framework for assessing development projects.

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		The framework for assessing development projects – Plan:MK – already exists and this SPD will not alter Plan:MK.
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 itself does not lead to development; nor will it specify that development will take place on sites of ecological importance. The SPD will provide further guidance and reinforce relevant parts of policies in the local development plan. It provides further guidance to policies SC1 and CT6 of Plan:MK. During its formation, Plan:MK was screened under the Habitats Regulations and possible impacts were investigated.
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)	No	The SPD sits at the lowest tier of the Development Plan system and helps Members, officers and developers to understand the requirements of and how to accord with policies SC1 and CT6 of Plan:MK. The SPD will be a material consideration when assessing planning applications. However, as above, the framework for assessing future development projects has already been set with the adoption of Plan:MK. The SPD will not alter the requirements of

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Plan:MK and therefore does not set the framework for future development consent of projects.

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, including in the adopted Plan:MK.

7.3 The Plan:MK SA does not identify any significant environmental effects associated with Policy SC1 within the Plan. Plan:MK policies and the SPD will have a positive environmental impact in terms of securing the sustainable construction of future developments.

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

7.5 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 Sustainable Construction 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 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

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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 Sustainable Construction 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 Sustainable Construction 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 Sustainable Construction SPD.

10. Consultation Responses

10.1 This section forms the update mentioned in paragraph 4.9. The Environment Agency, Natural England and Historic England all responded to our consultation on the prior version of the SEA Screening Report. All three organisations agreed with our conclusion that a SEA and an Appropriate Assessment for the Habitats Directive are **not** required for the Sustainable Construction 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 Sustainable Construction 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 policies SC1 and CT6 in Plan:MK. It does not establish new policies and/or allocate development sites/resources. The adopted Local Plan was prepared with continuous, iterative input from the SA (incl. 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). Guidance in the SPD regarding Carbon Offset Fund contribution calculations mirrors guidance also set out within the emerging Planning Obligations SPD.	No

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	<p>The SPD, by containing guidance about supporting infrastructure required for low emissions vehicles, will also relate to the emerging Parking Standards SPD. However, crossover between the two documents is expected to be limited. The Parking Standards SPD is expected to focus on the number of parking spaces required for different development types and overall parking strategies for different areas within the borough. Whereas, the Sustainable Construction SPD will focus on the types of technological infrastructure required to enable low emissions vehicles to recharge when they are parked.</p>	
<p>c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>The adopted Local Plan and other higher tier policies set the context for achieving sustainable development in the borough. Options considered through the development of the SPD will not change the higher tier policy requirements (in particular those of policies SC1 and CT6) which have, in themselves, been subject to the SA (incl. SEA) for Plan:MK. The SPD will assist with meeting the SA (incl. SEA) objectives such as: 5. Ensure that everyone has the opportunity to live in an affordable, sustainably</p>	<p>No</p>

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	<p>constructed home; 7. Maintain and improve air quality in the borough; 8. Conserve and enhance the borough's biodiversity; 9. Combat climate change by reducing levels of carbon dioxide; 12. Encourage efficient use of natural resources (in. land/soils); 14. Limit and reduce road congestion and encourage sustainable transportation; 16. Reduce waste generation and encourage sustainable waste management. Given the topics in the SPD, it is not likely that there would be any significant environmental effects arising from the SPD.</p>	
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The Local Plan SA (incl. SEA) identifies climate change mitigation as a global issue. Through providing further guidance and reinforcing relevant parts of policies SC1 and CT6 in Plan:MK, the SPD will help developers develop schemes which implement the energy, water, waste, resources, climate change mitigation and low emissions vehicles infrastructure requirements set out in policies SC1 and CT6 of Plan:MK. As such, the SPD will help reduce the contribution of development to the factors, such as atmospheric greenhouse</p>	<p>No</p>

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	gas and particulate levels, which partly drive anthropogenic climate change.	
(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).	The SPD will complement and support existing policies in Plan:MK relating to water protection, as well as waste management policies contained with the Milton Keynes Waste Development Plan Document 2007-2026. Policy SC1 in Plan:MK, which the SPD will support, encourages the reuse of land, buildings and reuse and recycling of resources in new development, the minimisation of waste during construction of new development and the provision of space for fostering greater levels of recycling of domestic and commercial waste. Policy SC1 also requires the integration of water reuse, recycling and rainwater harvesting technologies in new developments.	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;	As above, policies SC1 and CT6 will reduce the impact of new development in Milton Keynes on the factors which contribute to climate change and support transitions to sustainable transport systems. As such, any effects of the policy will not be significant, and any effects that do arise will be	No

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	positive for the environment.	
(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 policies SC1 and CT6 of Plan:MK. The policy aims to ensure that developments are sustainably constructed, reduce lifetime carbon emissions and resilience to the impacts of climate change.	No
(c) the transboundary nature of the effects;	Due to the interconnectedness and global nature of the carbon cycle, policies SC1 and CT6 of Plan:MK have some indirect transboundary effects. However, as above, the focus of the policies is making new developments sustainable, reducing carbon emissions from those developments and supporting a transition to sustainable transport systems. Therefore, it is considered that the environmental effects of the SPD will not be significant. Indeed, due to the focus on reducing carbon emissions and improving resource efficiency, the effects will be positive.	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 policies SC1 and CT6 of Plan:MK, which aim to	No

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	ensure that developments provide the correct infrastructure to support the rollout and use of low emissions vehicles, are sustainably constructed, reduce lifetime carbon emissions and are resilient to the long-term impacts of climate change.	
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The spatial extent of policies SC1 and CT6 of the Local Plan is the borough boundary; therefore, the spatial extent and relevance of the SPD to new development will be the borough boundary. Therefore, while as noted above some indirect transboundary effects arise as a result of policy SC1, these effects are positive, and in any case, have already been found to be acceptable by the Plan:MK SA.	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; and	The value and vulnerability of the area covered by the Sustainable Construction SPD has already been considered as part of the SA (incl. SEA) of Plan:MK. The SPD reinforces the high environmental standards set in policy SC1 for new development. It contains no plans to intensify existing or proposed land uses or specify the spatial location of different land uses.	No
(g) the effects on areas or landscapes which have a recognised national,	The SPD would not in itself result in effects on any such areas or landscapes. The SPD would not in itself	No

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<p>Community or international protection status.</p>	<p>lead to development or allocate sites for development. As above, the SPD will provide further guidance on and reinforce policies SC1 and CT6 of Plan:MK, which aim to ensure that developments provide the correct infrastructure to support the rollout and use of low emissions vehicles, are sustainably constructed, reduce lifetime carbon emissions and resilient to the impacts of climate change. Any impact on any recognised sites arising from development within Milton Keynes will continue to be considered through the determination of the development proposal itself.</p>	
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Appendix 2

Policy SC1 of Plan:MK (2019)

SUSTAINABLE CONSTRUCTION

A. Development proposals will be required to demonstrate how they have implemented the principles and requirements set out below. With the exception of requirements K.2/3/5, non-residential development of 1000 sq. metres or more that is demonstrated to achieve a BREEAM Outstanding rating will not be required to meet the requirements below.

Materials and waste

B. Reuse land and buildings wherever feasible and consistent with maintaining and enhancing local character and distinctiveness.

C. Reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site.

D. Prioritise the use of materials and construction techniques that have smaller ecological and carbon footprints, help to sustain or create good air quality, and improve resilience to a changing climate where appropriate.

E. Incorporate green roofs and/or walls into the structure of buildings where technically feasible to improve water management in the built environment, provide space for biodiversity and aid resilience and adaptation to climate change.

F. Consider the lifecycle of the building and public spaces, including how they can be easily adapted and modified to meet changing social and economic needs and how materials can be recycled at the end of their lifetime.

G. Space is provided and appropriately designed to foster greater levels of recycling of domestic and commercial waste.

Energy and Climate

H. Implement the Energy Hierarchy within the design of new buildings by prioritising fabric first, passive design and landscaping measures to minimise energy demand for heating, lighting and cooling.

I. Review the opportunities to provide energy storage and demand management so as to tie in with local and national energy security priorities.

J. The design of buildings and the wider built environment is resilient to the ongoing and predicted impacts of climate change.

K. Development proposals for 11 or more dwellings and non-residential development with a floor space of 1000 sq.m or more will be required to submit an Energy and Climate Statement that demonstrates how the proposal will achieve the applicable requirements below:

1. Achieve a 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013, or achieve any higher

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standard than this that is required under new national planning policy or Building Regulations.

2. Provide on-site renewable energy generation, or connection to a renewable or low carbon community energy scheme, that contributes to a further 20% reduction in the residual carbon emissions subsequent to 1) above.
3. Make financial contributions to the Council's carbon offset fund to enable the residual carbon emissions subsequent to the 1) and 2) above to be offset by other local initiatives.
4. Calculate Indoor Air Quality and Overheating Risk performance for proposed new dwellings.
5. Implement a recognised quality regime that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk matches the calculated design performance of dwellings in 4) above.
6. Put in place a recognised monitoring regime to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.

Water

- L. All newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day.
- M. Water reuse and recycling and rainwater harvesting should also be incorporated wherever feasible to reduce demand on mains water supply, subject to viability. Proposals will be expected to maximise the use of the above measures subject to the outcome of the viability assessment.

Retrofitting

- N. Proposals which would result in considerable improvements to the energy efficiency, carbon emissions and/or general suitability, condition and longevity of existing buildings will be supported, with significant weight attributed to those benefits.

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Policy CT6 of Plan:MK (2019)

LOW EMISSION VEHICLES

- A. The Council will maximise the use of sustainable transport in developments, and support low carbon public and personal transport such as electric cars and buses.
- B. The Council will require new facilities for low emission vehicles to be integrated into new major development schemes where local centres are proposed.
- C. All new developments will be required to provide electric charging points in line with standards set out in the Milton Keynes Parking Standards.
- D. Rapid and fast charging points will be located throughout Milton Keynes as well as at key locations including Central Milton Keynes, employment sites, railway stations, major retail and visitor destinations, outside schools, local centres and car parks.
- E. To maximise the use of sustainable modes of transport, new residential developments will be required to provide electric charging points, at a rate of 1 charging point per dwelling at each dwelling.