

North Crawley Neighbourhood Plan
Strategic Environmental Assessment Screening Statement
Appropriate Assessment Screening
November, 2018

1. Introduction

1.1 What is the screening statement?

1.2 This report has been produced following consultation with Natural England, Historic England and the Environment Agency to determine the need for a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.3 This document also addresses the need for Appropriate Assessment, in accordance with European Directive 92/43/EEC, commonly known as the Habitats Directive.

1.4 What is the Neighbourhood Plan trying to achieve?

1.5 The Neighbourhood Area covers the whole of the North Crawley Parish Council Area (see Appendix 1), which is a rural parish set in attractive landscape.

1.6 The plan allocates three sites for small scale housing, all located on the edge of the existing settlement to which they are well related. The Plan allocates four Local Green Spaces and a character area appraisal was prepared as part of the background evidence base. Policies are included to protect and enhance the Conservation and the area's heritage assets.

2. Policy context

2.1 The Milton Keynes Local Plan was formally adopted December 2005. Along with the Core Strategy (see below) the Local Plan provides the statutory land use planning framework for Milton Keynes.

2.2 The Council's Core Strategy was adopted in July 2013. The document contains the vision, objectives and strategic policies for the future of Milton Keynes to 2026, replacing the strategic elements of the Core Strategy.

2.3 Milton Keynes Council is currently preparing a new local plan for the whole borough, called Plan:MK, which, once adopted, will replace the current local plan and Core Strategy. Plan:MK is currently at examination and hearings started in July 2018.

2.4 Although the Neighbourhood Plan must be in general conformity with the strategic policies of the Local Plan and the Core Strategy, it can promote more development, but must not propose less. It will also provide a more local context to the non-strategic policies of the Local Plan.

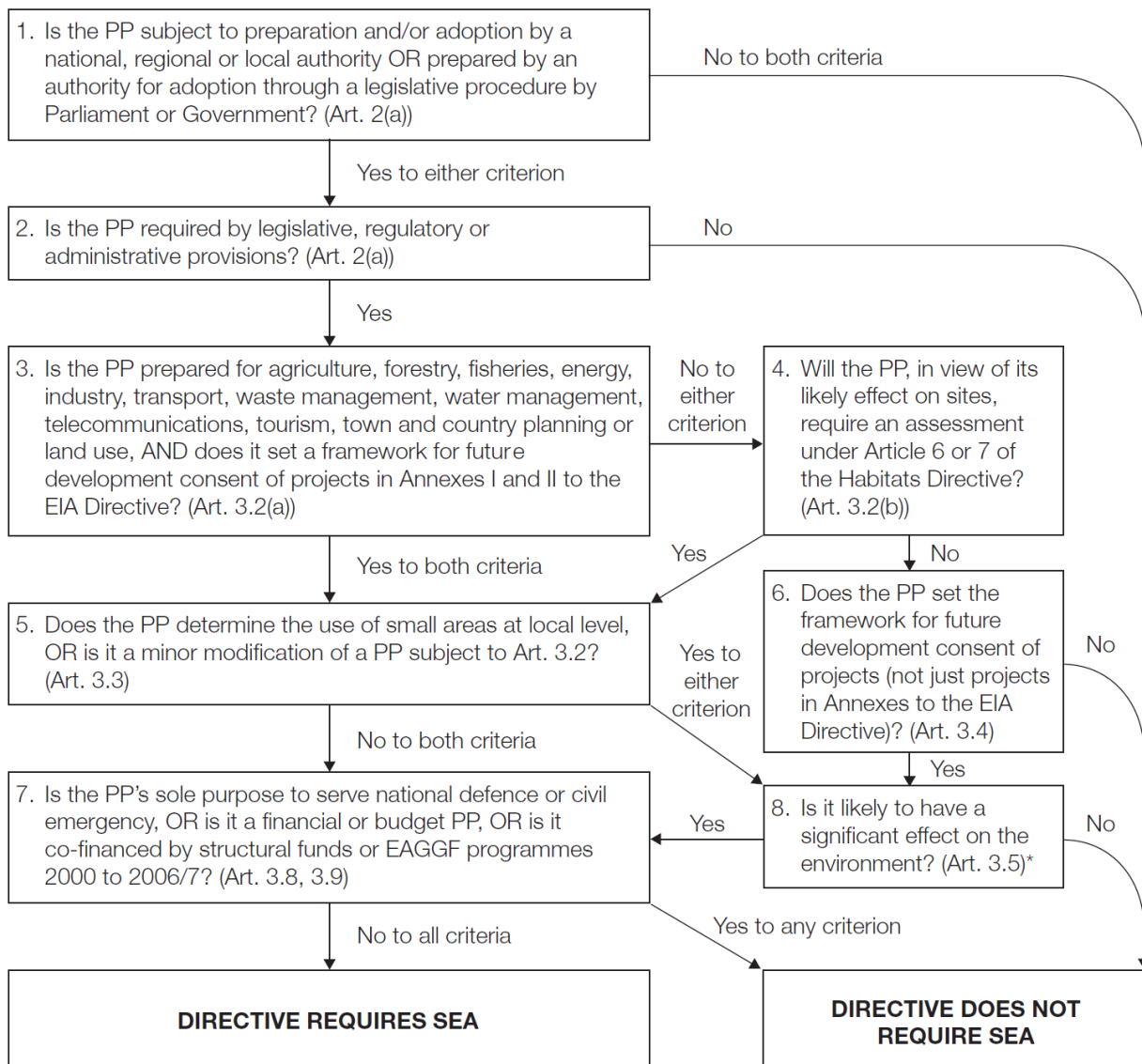
2.4 The Neighbourhood Plan will be subject to public consultation in accordance with the relevant regulations prior to its adoption.

3. SEA Screening

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.

3.2 Neighbourhood Plans must be screened to establish whether or not they will require Strategic Environmental Assessment. 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.

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

Figure 2: Establishing the need for SEA of the Neighbourhood Plan

Stage	Answer	Reason
1. Is the NP 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	It will be prepared by the Parish Council and adopted by Milton Keynes Council under the 2012 Neighbourhood Planning Regulations.
2. Is the NP required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	Although there is no requirement to produce Neighbourhood Plans, they are subject to formal procedures and regulations laid down by national government. In light the European Court of Justice ruling in the Case C-567/10 it is considered that this means the NP is 'required'.
3. Is the NP 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	The NP is prepared for town and country planning purposes but does not explicitly set a framework for future development consent of projects in Annexes I or II of the EIA Directive.
4. Will the plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats directive?	No	<p>The Core Strategy was screened and it was concluded that appropriate assessment was not required. The Neighbourhood Plan must be in general conformity with the Core Strategy and, although it can propose more development, it is unlikely to be significant enough to require assessment under the Habitats Directive.</p> <p>An Appropriate Assessment has been undertaken for the emerging Plan:MK and that has also concluded that the new emerging local plan will not require assessment under the Habitats Directive.</p> <p>The relatively small level of additional development likely to arise from the Neighbourhood Plan, and its containment within an existing built up area means that it is unlikely to require an assessment under Article 6</p>

		or 7 of the Habitats Directive.
6. Does the plan set the framework for future development consent of projects?	Yes	The Neighbourhood Plan will provide a framework for future development consent of projects in the area.
8. Is the NP likely to have a significant effect on the environment?	See results of Figure 3: Determining the likely significance of effects	

Figure 3: Determining the likely significance of effects

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)		
Criteria	✓/x/?	MKC Comment
<i>The characteristics of plans and programmes, having regard, in particular, to:</i>		
1a) 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 NP will set a framework for future development projects, in terms of location, nature and scale/size. However, the plan will need to be in general conformity with higher level plans so the scope of the plan to fully influence projects and activities is somewhat limited.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	✓	The NP will form part of the statutory development plan for MK with the same status in decision making as development plan documents.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	✓	Sustainable development will be at the heart of NPs and policies could make a significant contribution to promoting sustainable development, particularly ensuring any greenfield allocations are planned in a sustainable way.
1d) Environmental problems relevant to the plan or programme	X	None
1e) 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).	X	The NP is unlikely to be directly relevant in regard to this criterion.
<i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i>		
2a) The probability, duration, frequency and reversibility of the effects	X	In the case of new land allocations it is highly probable that policies will lead to development that will have an irreversible impact on the environment, albeit limited in scale. Aside from any new land allocations, any effects of the plan are likely to be

		reversible, as they will influence the general evolution of the townscape, which has been subject to ongoing change over 100s of years.
2b) The cumulative nature of the effects	X	The cumulative impacts of the effects of the plan on the environment are not expected to be any greater than the individual parts.
2c) The trans-boundary nature of the effects	X	Any impacts are only likely to be felt by the local area.
2d) The risks to human health or the environment (e.g. due to accidents)	X	It is unlikely that the nature of any development proposed would impact on human health. Any development is likely to be for housing and ancillary uses.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	X	The effects of the plan are unlikely to be felt in a spatial area wider than the plan area. The plan is also unlikely to affect any population outside the plan area.
2f) 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 III. intensive land-use	✓/X	The NP covers a rural area and the village contains a defined Conservation Area. The Plan includes policies to preserve and enhance the heritage assets of the area. The housing policies seek to protect the surrounding landscape character by limiting development to sites within the settlement boundary. The selection process for identifying the site allocation has had regard to the effect on the historic environment as well as other constraints and the allocation policies sets out criteria to manage the quality of the development as well as its impact on the existing environment. Overall, it is considered that the value and vulnerability of the plan area is unlikely to be affected by the Neighbourhood Plan policies.
2g) The effects on areas or landscapes which have a recognised national, community or international protection status	X	There are no areas or landscapes with these designations in Milton Keynes.

4. SEA Conclusion

- 4.1 The North Crawley Neighbourhood Plan will provide a planning policy framework to be used when considering planning applications in the Neighbourhood Area.
- 4.2 The Plan's effects are unlikely to have any significant impacts beyond the Neighbourhood Area and it is considered that overall the plan will not have significant effects on the

environment. It is, therefore the opinion of Milton Keynes Council that the North Crawley Neighbourhood Plan does not need to be subject to Strategic Environmental Assessment.

5. Consultation on SEA Screening Opinion

5.1 The three statutory bodies for the purposes of SEA Screening are English Heritage, the Environment Agency and Natural England. Following consultation with these bodies, the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public. This Screening Report will be updated with comments from the statutory bodies and will form the Screening Statement. The final statement will be published on the Milton Keynes Council website.

Consultation Outcome

The three statutory bodies for the purposes of SEA Screening are Historic England, the Environment Agency and Natural England. Following consultation with these bodies by email dated 6th August, 2018, the Environment Agency and Natural England agreed with the conclusions in the screening opinion. Natural England commented that:

“In our review of the North Crawley Neighbourhood Plan SEA screening we note that there are no designated sites or protected landscapes within the impacts zones of the Neighbourhood Plan area and there are less than 500 additional dwelling sites or 1000 sqm of commercial sites proposed.

As a result we agree with the assessment that the Neighbourhood Plan does not require an SEA.

However, we would like to draw your attention to the requirement to conserve biodiversity and provide a net gain in biodiversity through planning policy (Section 40 of the Natural Environment and Rural Communities Act 2006 and section 109 of the National Planning Policy Framework). Please ensure that any development policy in your plan includes wording to ensure “all development results in a biodiversity net gain for the parish”.

Further Recommendations

Natural England would also like to highlight that removal of green space in favour of development may have serious impacts on biodiversity and connected habitat and therefore species ability to adapt to climate change. We recommend that the final local plan include policies around connected Green Infrastructure (GI) within the parish. “

Historic England initially responded requesting confirmation as to how the site selection process had regard to the impact on the special interest, character and appearance of the Conservation Area and what the conclusions of that assessment were with regard to site H5. The Parish Council was asked to provide further clarification as to the site assessment approach and they confirmed that site analysis had been carried out both by desk study and a series of site visits by the steering group and their planning consultant. Through the assessment, site H5 was considered to represent an opportunity to complement the Conservation Area and the allocating policy includes criteria to ensure that the design of any development on the site achieves this. When looking at Site H5, the overall conclusion was that it appeared as a ‘leftover’ piece of land and assumed an ancillary domestic use that was not actually part of the special interest of the Conservation Area. This, as well as the character and appearance, could therefore be improved by developing a high-quality scheme that reflected the surrounding buildings.

This additional information was provided to Historic England who replied on 22 October, 2018, commenting that: *“it does appear that the development of this particular site would not cause unacceptable harm to the conservation area - indeed, that it might well enhance it. I think therefore that my concern about the allocation of this site has been allayed. (However, we still believe that a Character Appraisal for the Conservation Area should be an essential component of the evidence base underpinning the Plan, and that this could be a project undertaken by the local community).*

Based on this additional information I am content with the Council’s draft Opinion that the North Crawley Neighbourhood Plan need not be subject to Strategic Environmental Assessment.”

6. Appropriate Assessment (AA) Screening

6.1 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.

6.2 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.

7. Screening for Appropriate Assessment

7.1 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.

7.2 The Neighbourhood Plan will be in general conformity with Core Strategy which itself was screened for Appropriate Assessment. The screening process for the Milton Keynes Core Strategy demonstrated that Milton Keynes lies in an area void of any Natura 2000 sites. The nearest European site is the Chiltern Beechwoods to the south of the Borough although it was determined that the site would not be affected by Milton Keynes planning policy due to the distance of the site from Milton Keynes and there being no obvious impact pathways.

7.3 However, it was determined that there were two sites which could potentially be affected by the Core Strategy, and other Local Development Documents, due to the pathway provided by the River Great Ouse (which feeds in to Natura 2000 sites). These sites were:

- **Ouse Washes SPA /SAC-** The SPA designation is due to the site’s importance as an internationally important assemblage of birds. The presence of the spined loach (*Cobitis taenia*) – the clear water and abundant macrophytes, is particularly important in the Counter Drain, and a healthy population of spined loach is known to occur

- **Portholme SAC-** It is the largest surviving traditionally-managed meadow in the UK, with an area of 104 ha of alluvial flood meadow. Supports a small population of fritillary *Fritillaria meleagris*.

7.4 As a result of the screening process it was concluded that:

- The impact of the Core Strategy on water flow will not be significant primarily because Milton Keynes already has a comprehensive flood management system in place that has ensured the effective control of water flows, alongside the continued growth of the city. The Core Strategy will include a continuation of this approach which, informed by the emerging Water Cycle Strategy, will ensure continued effective management of the flow of water into the Great Ouse from Milton Keynes.
- The Growth Strategy developed for the city has used flood risk maps as a key constraint to directions for growth. As such, the broad locations for growth to be identified in the Core Strategy are away from flood risk areas, further reducing the potential of the plan to have a significant impact on water flow.
- In combination with other proposals in the wider Milton Keynes/South Midlands area, it is noted that the majority of proposals affect the River Nene Catchment area (in the case of Northampton) and ultimately the Thames for Aylesbury Vale.

7.5 Considering the above factors, it was concluded Appropriate Assessment for the Core Strategy was not required. The full screening report is available from:
<http://www.miltonkeynes.gov.uk/planning-policy>

7.6 Since the Appropriate Assessment was undertaken for the Core Strategy, the Upper Nene Valley Gravel Pits have been granted Special Protection Area status. As with the Ouse Washes SPA/SAC and the Portholme SAC, due to the connection with the River Ouse, development in Milton Keynes could have an impact on the SPA. However, for the same reasons as set out above in paragraph 7.4, it is assessed that any development in Milton Keynes would be unlikely to have a significant affect on the new SPA. Therefore, given that the scope of development in the North Crawley Neighbourhood Plan is unlikely to extend beyond that of the Milton Keynes Core Strategy, it is concluded that the Nene Valley Gravel Pits SPA is also unlikely to be significantly affected by the Neighbourhood Plan.

7.7 An Appropriate Assessment has recently been published for the emerging Plan:MK (http://miltonkeynes.objective.co.uk/portal/planmk/plan_mk_submission/planmk_sa_hra?pointId=1510067377589) which covers the period to 2031. This considers the impact of the emerging Local Plan on the Upper Nene Valley Gravel Pits SPA and concludes 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. These conclusions are based on the findings of the AA screening which concludes that no Natura 2000 sites are located within the district and no impact pathways have been identified linking Natura 2000 sites outside of the district e.g. Upper Nene Valley Gravel Pits SPA/Ramsar to development within Milton Keynes Borough. Therefore an Appropriate Assessment is not required.”

8. Appropriate Assessment Conclusion

- 8.1 Given the role of Neighbourhood Plans and the scale of development likely to be proposed in the North Crawley Neighbourhood Plan, it is considered that Appropriate Assessment of the plan is not required.

9. Contact

Further information can be obtained from:

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Appendix 1

North Crawley Neighbourhood Plan area

