

**Luton Town Centre Design Guide  
SPD**

**Strategic Environmental Assessment  
Screening Report**

(Updated December 2022)

## Contents

1. Introduction.....	3
2. Legislative background.....	3
3. Policy context.....	4
4. The screening process.....	5
<b>Table 1: Screening assessment establishing the need for SEA .....</b>	<b>6</b>
<b>Table 2: Assessment of likely significant effects on the environment: SEA     Directive Annex II: Criteria for determining likely significance of effects     referred to in Article 3(5) .....</b>	<b>8</b>
5. Screening determination .....	12
6. Next steps .....	12

## 1. Introduction

- 1.1 Allies and Morrison and Luton Borough Council have produced a draft Luton Town Centre Design Supplementary Planning Document (SPD) to provide practical direction in the design of residential development and related uses in Luton town centre. The SPD provides design guidance to supplement policies within the adopted Luton Local Plan.
- 1.2 This screening assessment determines whether the SPD requires a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004.

## 2. Legislative background

- 2.1 The need to carry out a Strategic Environmental Assessment (SEA) is set out in the EU Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (hereafter referred to as the SEA Directive). This was subsequently transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the SEA Regulations).
- 2.2 The SEA Regulations apply to any plan or programmes which are prepared for town and country planning or land use and which set the framework for future development consent for certain projects, as noted by the Practical Guide to the Strategic Environmental Assessment Directive published by the Office of the Deputy Prime Minister (2005).
- 2.3 The requirement to undertake a Sustainability Appraisal (SA) specifically for SPDs was removed in the 2008 Planning Act. However, National Planning Policy Guidance (paragraph 008, reference ID 61-008-20190315) explains that in exceptional circumstances, a Strategic Environmental Assessment may still be required when producing an SPD if it is likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. In addition, SEA is unlikely to be required where the SPD deals only with a small area at a local level unless it is considered that there are likely to be significant environmental effects (National Planning Policy Guidance, paragraph 008, reference ID11-008-20140306).
- 2.4 Before concluding whether significant effects are likely, the local planning authority is required to take into account the criteria specified in Schedule

1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the relevant consultation bodies (the Environment Agency, Natural England, and Historic England). This is stated in National Planning Policy Guidance (Paragraph: 008 Reference ID 11-008-20140306).

### **3. Policy context**

- 3.1 The Luton Local Plan (2011 – 2031) was adopted in November 2017, setting a vision and approach for the sustainable growth of Luton for the period up to 2031. It sets out the policies, development allocations and actions to meet the environmental, social and economic challenges facing the area over the 20-year plan period, and is the statutory development plan for the area.
- 3.2 The Local Plan and the policies contained within were subject to the SEA and HRA (Habitations Regulations Assessment) process as part of a Sustainability Appraisal (SA).
- 3.3 Local Plan Policy LLP3 (Luton Town Centre Strategy) sets out the preferred policy approach for Luton Town Centre, and commits to the Council updating the Luton Town Centre Development Framework and / or producing individual development briefs to provide further site specific guidance.
- 3.4 Local Plan Policy LLP25 (High Quality Design) highlights the council's approach to design and the requirement for buildings and spaces to be of high quality design, with distinctive character, and to be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough. Par 9.11 adds that further consideration will be given to the need and appropriateness of producing a Supplementary Planning Document (SPD) for the design of new development.
- 3.5 On 28 June 2021, Luton's Executive approved a new Luton Town Centre Masterplan Framework and this was further endorsed by Full Council on 13 July 2021. The masterplan will guide how the town centre will change over the next 20-30 years, and was subject to extensive consultation, with over 1700 consultation responses. The masterplan provides an update to the existing Local Plan Policy LLP3 (Luton Town Centre Strategy) and although not forming part of the development plan, is a material consideration with regard to planning proposals and decisions in the town centre.

- 3.6 The Luton Town Centre Design Guide SPD (the subject of this SEA screening) supports the masterplan vision by providing practical direction in the design of residential development and related uses in the town centre. It focuses on the town centre and its purpose is to provide a clear sense of Luton's priorities for the built environment, with the aim being to deliver quality homes in the town centre, set within a safe and attractive public realm, offering ample outdoor amenities for residents to make it a great place to live and be proud of.
- 3.7 It also sites comfortably with the national policy drive on design with references to the National Design Guide and national Model Design Code.
- 3.8 Once adopted, the SPD will not be part of the development plan, but will be a material consideration in decision-making.
- 3.9 The SPD does not introduce new policies, but supports a number of policies in the Local Plan, in particular providing guidance on how to meet the policy requirements of the following key policies:
- Policy LLP25 – High Quality Design
  - Policy LLP3 – Luton Town Centre
  - Policy LLP15 – Housing Provision
- 3.10 In addition to the above, the SPD provides further guidance on how to meet the following policies for sites in the town centre:
- Policy LLP16 – Affordable Housing
  - Policy LLP27 – Open Space
  - Policy LLP28 – Biodiversity
  - Policy LLP30 – Conservation
  - Policy LLP31 – Sustainable Transport
  - Policy LLP32 – Parking
  - Policy LLP36 – Flooding
  - Policy LLP37 – Climate Change
  - Policy LLP38 – Pollution and Contamination

## **4. The screening process**

- 4.1 Guidance on the Screening Process can be found in the 'A Practical Guide to the Strategic Environmental Assessment Directive', published by OPDM (2005).
- 4.2 The screening process can be split into two stages. The first stage of the screening process is to establish whether a plan or programme requires

SEA in relation to its status as a plan or programme (Table 1). The second stage considers whether the plan or programme is likely to have a significant effect on the environment using criteria drawn from Schedule 1 of the SEA Directive and the SEA Regulations (Table 2).

**Table 1: Screening assessment establishing the need for SEA**

Stage	Yes / No	Reason
1. Is the PP (plan or programme) 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 being prepared by and will be adopted by a local planning authority (Luton Borough Council).
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The preparation of this SPD is supported by the Luton Local Plan, which is the statutory development plan for the area. However, the production of the SPD is optional. Luton Local Plan Policy LLP25 notes that supplementary guidance through SPDs and Development Briefs on high quality design <i>may</i> be produced to expand and complement the principles established in the local plan to provide clear guidance to applicants.
3. Is the PP 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	Yes	The SPD has been prepared for town and country planning uses. The SPD adds detail to existing policies within the Luton Local Plan, which is the statutory development plan that sets the framework for development within the area. The policies which the SPD supplements mainly relate to design and do not specifically apply to the projects mentioned in Annexes I and II the EIA Directive (Art 3.2(a)), although should such projects be applied for in the design guide

Stage	Yes / No	Reason
II to the EIA Directive? (Art 3.2(a))		application area, the guidance within the SPD will apply.
4. Will the PP, 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	It is not anticipated that the SPD will have any likely effects on any European Sites. The SPD supplements existing policies within the Luton Local Plan, which was subject to SA / SEA and HRA Screening. The assessments within the above screenings found that further consideration of HRA was not required.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	No	The SPD does not determine the use of small areas at a local level and it does not modify existing adopted policies. The SPD provides additional guidance in terms of design quality and Luton's priorities for the built environment. The SPD is not a minor modification of a plan or programme.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	No	The framework is already set within the adopted development plan (Luton Local Plan).  However, the SPD will still be a material consideration in the determination of all planning applications within the Luton Centre, specifically in relation to encouraging good design.
7. Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	No	No

Stage	Yes / No	Reason
8. Is it likely to have a significant effect on the environment? (Art 3.5)	No	See Table 2.

**Table 2: Assessment of likely significant effects on the environment: SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)**

The characteristics of plans and programmes, having regard, in particular, to:	Comment
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 supports the existing policies within the Luton Local Plan, in particular policies LLP3, LLP15 and LLP25. The Local Plan and the policies contained within have already been subject to SEA within a Sustainability Appraisal. The SPD provides design guidance within the town centre area and supplements and supports existing policies rather than setting a new framework for projects or activities. The SPD will therefore sit within the existing framework within which planning applications are determined. The SPD does not allocate new sites or resources.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is <i>influenced</i> by other plans within the planning policy hierarchy, rather than <i>influencing</i> plans itself. It will have less material weight than the policies in the Local Plan, which have been subject to SEA.  It is in conformity with the National Planning Policy Framework, national planning policy guidance regarding design, and the Luton Local Plan.



<b>The characteristics of plans and programmes, having regard, in particular, to:</b>	<b>Comment</b>
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD is relevant to the integration of environmental considerations with a view to promoting sustainable development, as it aims to promote good design within Luton Town Centre. The SPD will be a material consideration when assessing planning applications within the town centre. However in doing so the SPD does not introduce new policies in itself and instead supplements policies contained within the Luton Local Plan, which has already been subject to SEA.
(d) Environmental problems relevant to the plan or programme	There are a number of environmental problems that the SPD aims to mitigate, many of which are linked to climate change. These include but are not limited to: energy efficiency, creating a good microclimate and passive design strategies.
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD is not linked to the implementation of Community (EU) legislation on the environment. It does, however, supplement policies within the Luton Local Plan which are linked to the environment, including (but not limited to): LLP28 (Biodiversity), LLP36 (Flooding) and LLP37 (Climate Change). These policies aim to protect and conserve biodiversity, mitigate and adapt to climate change, and minimise the impact of flooding. These policies (and all other policies in the Local Plan which this SPD is relevant to) have all been subject to SEA through the Local Plan process.

<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>	<b>Comment</b>
(a) The probability, duration, frequency and reversibility of the effects.	The SPD adds detail to existing policies within the Luton Local Plan. Such effects arising from the relevant policies in the Local Plan have been already subject to SA / SEA. However, it is noted that the SPD aims to raise standards of development and this in itself should have positive effects.
(b) The cumulative nature of the effects	The effects of the SPD, including cumulative effects, are anticipated to be largely beneficial, as the SPD aims to achieve sustainable development through design through a variety of means (materials, good design, orientation, greening, etc). The SPD adds detail to existing policies within the Luton Local Plan. The policies within the Local Plan have been subject to SA / SEA and cumulative effects have already been considered within the SA.
(c) The trans-boundary nature of the effects	The SPD is highly unlikely to result in any trans-boundary effects as it applies only to the town centre of the borough of Luton.
(d) The risks to human health or the environment (for example, due to accidents)	There are unlikely to be any risks to human health or the environment as a result of the SPD. The SPD does not allocate new sites and instead supplements existing policies. It seeks to achieve sustainable development within Luton Town Centre, which will in turn have positive impacts on human health and the environment.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will only apply to Luton Town Centre and some surrounding areas. As such the effects of the SPD will be felt

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	Comment
	at a local scale – for example, on site or on adjoining / nearby sites.
<p>(f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>i i) Special natural characteristics or cultural heritage;</li> <li>ii ii) Exceeded environmental quality standards or limit values;</li> <li>iii iii) Intensive land-use.</li> </ul>	<p>The SPD applies to Luton Town Centre. Two Conservation Areas (Town Centre, and Plaiters Lea) are located fully within the design guide application area. Small elements of Rothesay Road and High Town Conservation Areas are also located within the design guide application area, in addition to a number of listed buildings.</p> <p>The design guide application area is also partly situated within an air quality management area.</p> <p>However the SPD supports existing policies and adds detail to existing policies which are contained within the Luton Local Plan. The value and vulnerability of the area (and of the borough) has been considered already as part of the full SA / SEA of the Luton Local Plan, which included a HRA screening.</p>
<p>(g) The effects on areas or landscapes which have recognised national, Community or international protection status.</p>	<p>No parts of the area that the SPD covers fall into landscapes with recognised national, community or international protection status. A small part of the borough falls within the Chilterns AONB however does not apply to the area covered by the SPD. Given the SPD only covers the town centre area, it is not anticipated that there will be an effect on any of the areas listed. In addition, the SPD supplements policies already adopted within the Luton Local Plan, which has already been subject to SA / SEA.</p>

## 5. Screening determination

- 5.1 The SPD does not introduce new policies and rather supports existing policies within the Luton Local Plan, providing more detailed guidance to developers in relation to design within Luton Town Centre. The council considered that the Luton Town Centre Design Guide Supplementary Planning Document is unlikely to have significant effects on the environment which would not have been taken into account in the assessments of the associated policies within the Luton Local Plan SEA / SA. For this reason, the council considers that a further SEA is not required.
- 5.2 Consultation took place with the relevant bodies (Natural England, Historic England, and the Environment Agency) commencing on 22 November 2022. All three bodies confirmed that further SEA is not required. A summary of the comments received by the three bodies are as follows.
- 5.3 Environment Agency (EA) – no key environmental concerns, and agree with the conclusion that the SPD will not require SEA. As a design SPD, the contents mainly fall outside of the remit of the EA no detailed comments are provided at this time. The references to urban greening, biodiverse roofs, connected green spaces, structural tree planting, Sustainable Urban Drainage Systems, multi-level planting strategies and opening up the River Lea for outdoor amenity is welcomed. Although unlikely to have further comments on the draft submitted for final consultation, the opportunity to review the final iteration of the SPD will be welcomed.
- 5.4 Historic England – On the basis of the information provided, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations (Annex II of ‘SEA’ Directive), agree that preparation of SEA is not required. This opinion does not reflect obligation to provide further advice later on in the SEA process or to object to specific proposals that may arise where these may have an adverse effect upon the environment. Request a copy of the determination to be provided.
- 5.5 Natural England – On the basis of information provided, agree that SEA is not required for the SPD.

## 6. Next steps

- 6.1 It is now proposed to commence formal public consultation on the SPD in accordance with the Town and Country Planning (Local Planning)

(England) Regulations 2012.

- 6.2 Following public consultation, any representations received will be considered and changes may be made to the SPD to produce a final version. This will then be considered for adoption through the council's internal democratic processes.