

# **Fitzrovia West Neighbourhood Plan 2019-2034**

**Strategic Environment Assessment  
Screening Report  
and  
Habitats Regulations Assessment Screening Report  
January 2020**

Prepared by Westminster City Council for FitzWest Neighbourhood Forum



**City of Westminster**

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# 1. Introduction

## 1.1. Legislative background

One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations, including under the Habitats Directive and the Strategic Environmental Assessment (SEA) Directive.

The Habitats Directive is transposed into English law under the Conservation of Habitats and Species Regulations 2010, and seeks to avoid negative impacts on European protected sites.

The SEA Directive has been transposed into English law by the Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the SEA Regulations), and seeks to make sure that the environmental implications of a plan or programme are taken into account.

## 1.2. HRA requirements for neighbourhood plans

The purpose of a Habitats Regulations Assessment (HRA) is to identify whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The first step of the appropriate assessment process is a screening assessment, which' purpose is to screen out if any significant effect is likely for any European site, based on objective information. Where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects, then there will be a requirement to progress to an Appropriate Assessment.

## 1.3. SEA requirements for neighbourhood plans

Draft neighbourhood plan proposals are required to be assessed to determine whether the plan is likely to have significant environmental effects, which is commonly referred to as a "screening" exercise. If likely significant environmental effects are identified, a Strategic Environmental Assessment will be required in accordance with the SEA regulations.

The National Planning Practice Guidance provides examples of when a strategic environmental assessment may be required:

- 'a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.'

If the requirement for a Habitat Regulations Assessment is identified, then a plan will normally also require a Strategic Environmental Assessment.

## 2. Summary of the neighbourhood plan

Name of the neighbourhood plan	Fitzrovia West Neighbourhood Plan <sup>1</sup>
Geographic coverage of the plan	<p>The Fitzrovia West Neighbourhood Area covers an area in the west of Westminster, which includes Oxford Street as its southern boundary, the properties east of Great Portland Street as its western boundary, and Westminster's boundary with Camden to the east, for a large part following Cleveland Street.</p> <p>London Underground stations Tottenham Court Road and Oxford Street are located just outside of the area, marking the south-eastern and south-western extents of the areas. Great Portland Street station marks the furthest northern point in the area.</p>
Vision of the plan	<p>The vision of the plan is as follows:</p> <p>'This Plan aims to ensure that Fitzrovia West develops as a habitable, sustainable and neighbourly community in which to live and work through all means available, including planning, collaborative working and community enterprise.'</p>
Key issues/objectives	<p>The plan identifies 16 objectives across 5 themes:</p> <p><u>Promoting Regeneration</u></p> <ol style="list-style-type: none"> <li>1. To achieve a vibrant residential and business community which promotes excellent design in terms of height, scale, density, use of materials, and a mix of uses which complements the architectural, cultural and heritage qualities of the area;</li> <li>2. To ensure that development is sympathetic to the local character and history and aims to maintain and enhance a strong sense of place. New development should be fully integrated with existing heritage assets without causing undue harm and without loss of local distinctiveness;</li> <li>3. To promote and support the provision of new housing to meet the needs of all through a mix of housing types, sizes, tenures as well as provision for those with special needs;</li> <li>4. To ensure that tourism, entertainment and night-time uses are carefully integrated in the area and do not cause additional noise, nuisance or adverse environmental conditions for other users;</li> <li>5. To protect existing community facilities and where possible to increase the provision for all sections of the community.</li> </ol> <p><u>Supporting Business Uses and Development</u></p> <ol style="list-style-type: none"> <li>1. To protect and support provision for all business uses but in particular new and small business spaces and retail shops;</li> <li>2. To enable all businesses to thrive through the efficient and sustainable management of servicing and deliveries;</li> </ol> <p><u>Protecting and increasing Green and Open Space</u></p> <ol style="list-style-type: none"> <li>1. To protect and increase existing publicly accessible open space, green space and play space provision;</li> <li>2. To encourage and support an increase in the provision of private amenity space in housing, green walls, green roofs, street landscaping and street closures;</li> <li>3. To support the provision of meanwhile uses such as housing, open space, landscaping and other uses in vacant buildings and on sites.</li> </ol> <p><u>Promoting Environmental Quality</u></p>

<sup>1</sup> Draft plan available at: <http://fitzwest.org/>

	<p>1. To ensure that the amenity of the area is protected and enhanced for the benefit of all those living, working and visiting the area;</p> <p>2. To be an exemplar in sustainable city living by applying the highest environmental standards, particularly on energy conservation and reducing the emission of greenhouse gases and particulates.</p> <p><u>Mobility and Transport</u></p> <p>1. To reduce and minimise the adverse impact of through traffic in the area;</p> <p>2. To support the improvement of provision for public transport, walking and cycling;</p> <p>3. To support the rationalisation of deliveries to businesses and residents in the area in order to minimise the number of vehicular journeys particularly of diesel vehicles;</p> <p>4. To ensure that the adverse impact of any major transport developments or projects are minimised and that amenity standards are increased for residents and businesses.</p>
Summary of policies	<p>The plan includes 12 policies, which are summarised below:</p> <p>Policy PR1 Promoting Regeneration seeks to manage redevelopments, refurbishments and extensions of existing buildings, having regard to architectural design, heritage, open space, frontage design housing tenure, open space provision and sustainability. The policy also sets out the context for all building proposals to be assessed.</p> <p>Policy PR2 Housing Provision protects existing housing provision, making sure housing developments are appropriately designed and meet the needs of the local population. The policy also introduces a principal residence requirement for new homes.</p> <p>Policy PR3 Tourism, Arts, Culture and Entertainment Uses seeks to manage such uses in the plan area, supporting and encouraging particular uses in parts of the area, and seeks to manage tables and chairs on the pavement.</p> <p>Policy PR4 Retaining and Expanding Community Facilities protects existing community and leisure uses, encourages the reuse of redundant social infrastructure and supports proposals for new facilities.</p> <p>Policy B1 Small Business Units seeks to protect and provide small business units, and encourages small business spaces at below market rents.</p> <p>Policy B2 Retail and Related Uses protects A1 retail uses and parades of shops, and supports the delivery of small retail units.</p> <p>Policy GS1 Protecting and Enhancing Existing Green and Open Spaces seeks to protect and enhance green space in the area.</p> <p>Policy GS2 Creating New Green and Open Spaces seeks to provide new green and open spaces through provision in major developments and the conversion of existing streets.</p> <p>Policy EN1 Promoting Improved Environmental Sustainability and Air Quality seeks to improve air quality and reduce emissions of greenhouse gases and the urban heat island effect.</p>

	<p>Policy EN2 Renewable Energy seeks to maximise energy efficiency and resource efficiency, including when heritage assets are affected.</p> <p>Policy T1 Pedestrian Movement and Sustainable Transport seeks to achieve increased efficiency and sustainable movement of people and goods, including by supporting a ‘super-grid’ directing traffic to main distributor roads.</p> <p>Policy T2 Improving the Distribution and Delivery of Goods to Local Businesses aims to rationalise the delivery of goods in the area, supporting distributor hubs.</p>
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### 3. HRA Screening

#### 3.1. Potential impacts on European sites from proposals in the Neighbourhood Plan

There are no European sites in Westminster. For this assessment four Special Areas of Conservation (SACs) and two Special Protection Areas outside of the borough have been identified for consideration in accordance with the requirements of the Habitats Directive. These are:

- Wimbledon Common SAC
- Richmond Park SAC
- Epping Forest SAC
- Essex Estuaries SAC
- Thames Estuary and Marshes Special Protection Area and Ramsar
- Lee Valley Special Protection Area and Ramsar

Epping Forest SAC is located 11km from the plan area, and the Thames Estuary Marshes SPA and Ramsar site is located 37km from the plan area. These two sites are considered to be too far from the plan area to be given further consideration.

Westminster City Council has conducted a screening exercise for the whole of Westminster as part of the revision of its City Plan which concludes<sup>2</sup>:

*'No likely significant impacts on Wimbledon Common SAC and Lee Valley Special Protection Area and Ramsar have been identified, as Westminster is outside of the core recreational catchment of these sites. No likely significant impacts on Richmond Park SAC have been identified as development in Westminster is unlikely to impact on habitats on the site.'*

*'Overall, no likely significant impacts on any European sites have been identified, either alone or in combination. Therefore, no amendments to the City Plan are required and it will not be necessary to progress to the Appropriate Assessment stage.'*

The Fitzrovia West Neighbourhood Plan does not contain any proposals that impose a potential impact pathway to any European sites. The area is outside of the recreational catchment of the sites identified above and it is unlikely that any policies, plans or projects in the plan will result in an impact on traffic movement to or from any of these sites. The conclusions of the screening for the City Plan 2019-2040 therefore also apply to the proposals in the Fitzrovia West Neighbourhood Plan.

In terms of further 'in combination' effects, consideration needs to be given to the future arrival of Crossrail at Tottenham Court Road and the transformation of the Oxford Street District. These projects will improve the accessibility of the area from across London and the wider South East, and improve the public realm and movement in the area. Due to the scale and nature of the proposals in the Fitzrovia West Neighbourhood Plan, it is unlikely that any proposals in the plan result in any significant effects to European sites in combination with these projects.

#### 3.2. Screening outcome

It is concluded that no full HRA needs to be undertaken as there are no likely effects on European sites. This is consistent with the outcomes of the HRA screening for the Westminster City Plan 2019-2040 and the draft new London Plan.

The views of Natural England will be sought in December 2019.

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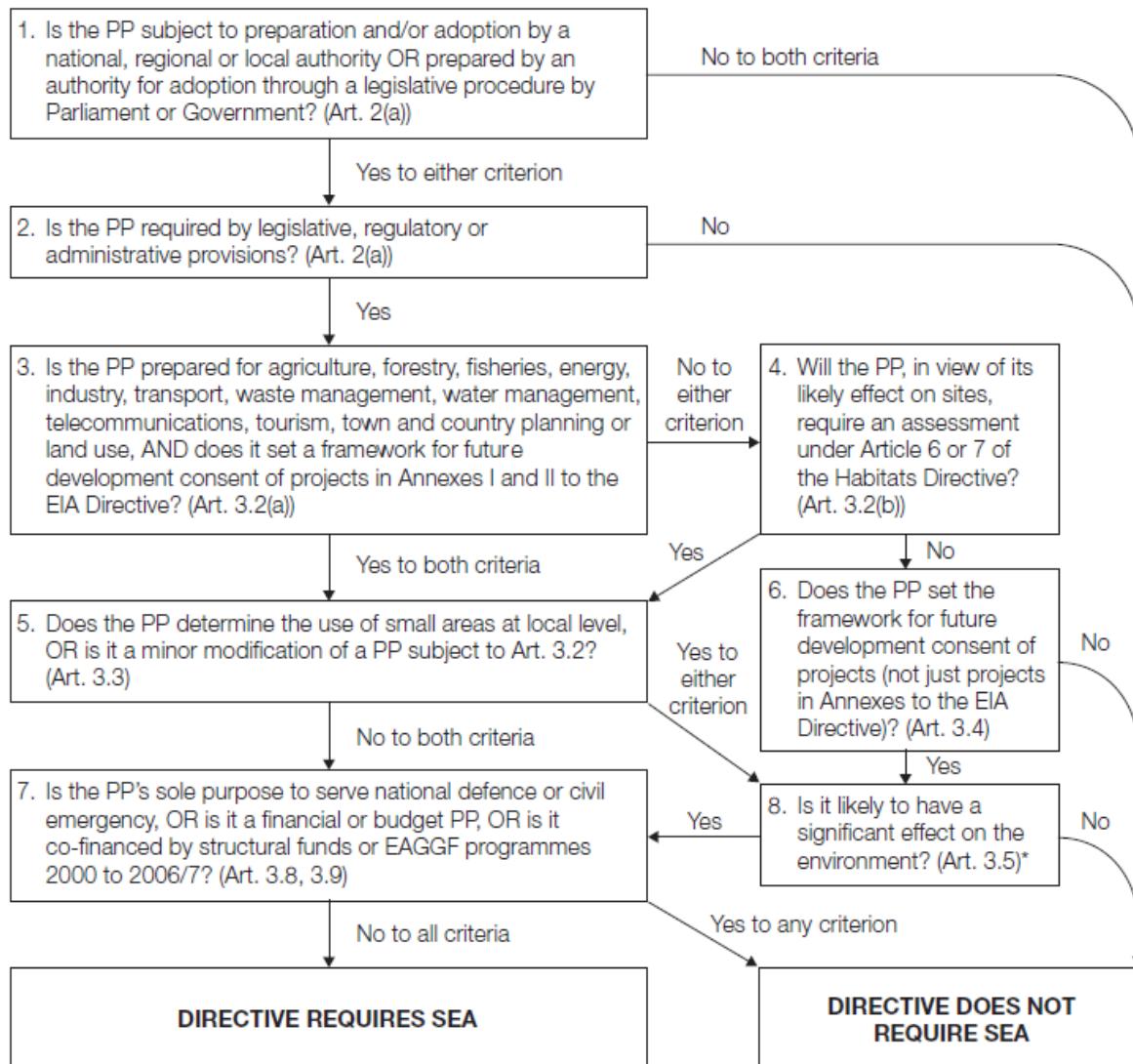
<sup>2</sup> [HRA Screening Report, Westminster City Council \(June 2019\)](#)

## 4. SEA Screening

### 4.1. Establishing the need for SEA

Practical guidance on the application of the SEA Directive published in 2005 by the predecessor of the Ministry of Housing, Communities, & Local Government sets out a flow chart to establish the need for SEA. This flow chart is duplicated below, after which the need for SEA for the Fitzrovia West Neighbourhood Plan is established.

Figure 1 SEA flowchart



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Table 1 Establishing the need for SEA

Assessment criteria	Assessment	
Is the Plan 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))	The Plan is being prepared by the FitzWest Neighbourhood Forum under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and will be "made" by Westminster City Council under the Planning and Compulsory Purchase Act 2004.	Yes
Is the Plan required by legislative, regulatory or administrative provisions? (Art 2(a))	There is no requirement to produce a neighbourhood plan, however, they are subject to formal procedures and regulations laid down by Government.	Yes
Is the Plan 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))	The Fitzrovia West Neighbourhood Plan 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.	No
Will the Plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	The Fitzrovia West Neighbourhood Plan could potentially have an impact on European protected sites protected by the Habitats Directive.	Yes
Does the Plan determine the use of small areas at local level OR is it a minor modification of a Plan subject to Art 3.2? (Art 3.3)	The Fitzrovia West Neighbourhood Plan seeks to direct and shape future uses, building upon the City Plan and will provide a framework for future development consent of projects in the area.	Yes
Is it likely to have a significant effect on the environment? (Art 3.5)	See the results of table 2 'Determining the likely significant effects'	No

## 4.2. Determining the likely significant effects

The likely significant environmental effects of a neighbourhood plan depend on the contents of the plan. The criteria for assessing any likely significant effects on the environment are specified in Schedule 1 of the SEA Regulations.

The table below sets out these criteria, along with a consideration of the likely impact of the neighbourhood plan against each of the criteria.

Table 2 Determining the likely significant effects

SEA Regulations Criteria	Comments	Likely Significant Effects?
<b>1. The characteristics of the neighbourhood plan, having regard, in particular, to:</b>		
1a) The degree to which the neighbourhood plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	Once 'made', the FitzWest Neighbourhood Plan will set out a framework with which to manage development and change in the area including: - Introducing a principle residence requirement for new housing developments - Protecting and encouraging small business and retail units - Providing additional green and open spaces by transforming the public realm	No

	<p>- The sustainable movement of people and goods in the area, including by supporting a 'super-grid' approach and distributor hubs.</p> <p>However, the Fitzrovia West Neighbourhood Plan does not allocate any development sites in the plan. All the projects outlined above are of a local scale and link in with wider initiatives.</p>	
1b) The degree to which the neighbourhood plan influences other plans and programmes including those in a hierarchy	The Fitzrovia West Neighbourhood Plan will form part of the development plan for the City of Westminster and will – together with the City Plan and London Plan – be used to determine planning applications. The Fitzrovia West Neighbourhood Plan is required to be in general conformity with the City Plan. The plan area is affected by the Oxford Street District Place Plan. The public realm aspirations of the plan broadly align with the ambitions for the wider area as set out in the Oxford Street District Place Plan, but will need further co-ordination for their implementation.	No
1c) The relevance of the neighbourhood plan for the integration of environmental considerations in particular with a view to promoting sustainable development	Achieving sustainable development is at the heart of the National Planning Policy Framework, and is one of the basic conditions that Neighbourhood Plans must meet. Fitzrovia West Neighbourhood Plan seeks to improve the local environment and policies give recognition to the challenges around heritage assets.	No
1d) Environmental problems relevant to the neighbourhood plan	There are no flood risk zones within the area. Large parts of the area are deficient in open space, play space and/or access to nature. Air quality is poor along main roads. Oxford Street in the South and Marylebone Road in the north are identified by the Mayor as Air Quality Focus Areas. The plan also recognises the need to address the heat island effect. The plan's ambitions to create new green and open spaces, high standards of sustainable design, and ambition to enhance sustainable travel seek to address these environmental problems.	No
1e) The relevance of the neighbourhood plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Fitzrovia West Neighbourhood Plan has to be in general conformity with Westminster's City Plan, which already is in conformity with such legislation. The Fitzrovia West Neighbourhood Plan does not contain any proposals of relevance for the implementation of Community legislation on the environment.	No
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
2a) The probability, duration, frequency and reversibility of the effects	Improvements to the quality and function of the public realm and the high quality sustainable design that the plan are seeking to achieve will be long term and permanent, but are dependent on wider initiatives including the delivery of the City Plan, the opening of Crossrail at Tottenham Court Road and investment in the Oxford Street District.	No
2b) The cumulative nature of the effects	The Fitzrovia West Neighbourhood Plan will together with the City Plan and London Plan form part of the development plan. The City Plan is being revised and includes many similar aspirations as the plan. The public realm aspirations of the	No

	Fitzrovia West Neighbourhood Plan broadly align with the Oxford Street District Place Plan but further co-ordination in the implementation stages will be required. Any cumulative effects of these plans and policies and the proposals in Fitzrovia West Neighbourhood Plan are unlikely to have any further significant effects on the local environment.	
2c) The transboundary nature of the effects	The effects of the Fitzrovia West Neighbourhood Plan will be limited to the neighbourhood planning area, although alignment with further public realm aspirations in the wider Oxford Street District will be necessary.	No
2d) The risks to human health or the environment (for example, due to accidents)	The Fitzrovia West Neighbourhood Plan is likely to have a positive or neutral effect on human health by as the risk of accidents is likely to decrease due to changes to movement patterns resulting from the plan's policies.	No
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	There are approximately 3,848 people living Fitzrovia West (approximation based on Census, 2011). Although the area has strong geographical links with neighbouring areas including the eastern part of Fitzrovia in Camden and other parts of the West End, proposals in the Fitzrovia West Neighbourhood Plan are not considered to affect areas beyond the neighbourhood planning area.	No
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; or (iii) intensive land-use	There are no significant natural assets in the area. A large part of the area is a designated conservation area, with various listed buildings. The plan seeks to maximise environmental standards, whilst recognising the challenges around historic buildings. The plan also seeks to protect heritage assets and important architectural features.	No
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status	The southern part of the area is covered by the Great Estates Architectural Priority Area. A Scheduled Monument is located just outside of the area. Two protected vistas identified in the Mayor's London View Management Framework cover the area. Proposals in the plan are not expected to significantly impact on these areas and designations.	No

#### 4.3. Screening outcome

Having reviewed the Fitzrovia West Neighbourhood Plan against the requirements in the SEA Directive, it is concluded that the Plan is unlikely to have significant environmental effects and accordingly should not be subject to Strategic Environmental Assessment.

#### 4.4. Next steps

The screening determination is subject to consultation with the statutory consultation bodies. The consultation bodies are specified in the Environmental Assessment of Plans and Programmes Regulations 2004 and are as follows:

- Historic England;
- Environment Agency; and
- Natural England.

Consultation responses from the consultation bodies have been included in Annex 1.

## **5. Conclusion**

### **5.1. Habitats Regulations Assessment Screening**

The HRA screening assessment concludes that there are no likely significant effects in respect of European sites. Further stages of Appropriate Assessment are therefore not required.

### **5.2. Strategic Environmental Assessment Screening**

The SEA screening assessment concludes that the Fitzrovia West Neighbourhood Plan is unlikely to have significant environmental effects. The Fitzrovia West Neighbourhood Plan therefore does not need to be subject to a Strategic Environmental Assessment.

The outcomes of these screening exercises are subject to the views of Natural England, Historic England and the Environment Agency.

## Annex 1 Consultation responses



Mr L van der Steen  
Policy, Performance and Communications  
Westminster City Council  
64, Victoria Street  
London SW1E 6QP

Our ref: PL00656664

By email: [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk)

10<sup>th</sup> January 2020

Dear Mr van der Steen,

### Fitzrovia West Neighbourhood Strategic Environmental Assessment Screening Report (December 2019) consultation

Historic England is the Government's advisor on all matters relating to the historic environment and a statutory consultee on a broad range of applications including the Strategic Environmental Assessment (SEA) of plans. Accordingly, we have reviewed your document in the light of the Environmental Assessment of Plans and Programmes Regulations and the National Planning Policy Framework (NPPF), with particular regard to the NPPF's core planning principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Having done this Historic England is pleased to offer the following advice.

On the basis of the information provided, namely that the Neighbourhood Plan does not allocate new sites and does not contain policies that are likely to have significant environmental effects, we agree with the City Council's conclusion that SEA would not be required. Please note that this advice is based on the information that has been provided to us and does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from this Neighbourhood Plan, and which may have adverse effects on the environment.

Yours sincerely,

A handwritten signature in black ink.

David English

Development Advice Team Leader

E-mail: [david.english@HistoricEngland.org.uk](mailto:david.english@HistoricEngland.org.uk)

Direct Dial: 020 7973 3747



Historic England, 4th Floor, Cannon Bridge House, Dowgate Hill, London, EC4R 2YA  
Telephone 020 7973 3700  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.



Date: 20 January 2020  
Our ref: 304099  
Your ref: HRA & SEA Screening



Mr L Van der Steen  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London, SW1E 6QP

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**  
[neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk)

T 0300 060 3900

Dear Mr Van der Steen

**Fitzrovia West Neighbourhood Planning HRA and SEA Screening consultation**

Thank you for your consultation request on the above dated and received by Natural England on 19<sup>th</sup> December, 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Natural England considers that there is no need for further stages of Appropriate Assessment or for a Strategic Environmental Assessment.**

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Sharon Jenkins  
Operations Delivery  
Consultations Team  
Natural England

**From:** HNL Sustainable Places <HNL SustainablePlaces@environment-agency.gov.uk>  
**Sent:** 09 January 2020 16:35  
**To:** Neighbourhood, Planning: WCC  
**Subject:** RE: Fitzrovia West Neighbourhood Planning HRA and SEA Screening consultation

Dear Lukas,

Thank you for consulting us on the Habitat Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) for the draft Fitzrovia West neighbourhood plan.

Based on a review of environmental constraints for which we are a statutory consultee, there are no areas of fluvial flood risk or watercourses within the neighbourhood plan area. Therefore we do not consider there to be potential significant environmental effects relating to these environmental constraints or other environmental sensitivities of interest to us.

Your Surface Water Management Plan will indicate if there are any critical drainage areas from local sources of flood risk (e.g. surface water, groundwater and sewerage) which coincide with the neighbourhood plan area.

We encourage the neighbourhood forum to use the neighbourhood plan to improve the local environment. For information, together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

<https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

Kind regards,

**Demitry Lyons**

Planning Advisor | Sustainable Places | North London

**Environment Agency** | 2 Marsham Street London SW1P 4DF

☎ 0207 7140 578

✉ Team email account: [HNL Sustainableplaces@environment-agency.gov.uk](mailto:HNL Sustainableplaces@environment-agency.gov.uk)