

Regulation 14 Pre-Submission Kennington Oval and Vauxhall Neighbourhood Plan

SEA Screening Report (Final Version)

July 2024


Lambeth

Introduction

This final Strategic Environmental Assessment (SEA) screening report has been prepared in response to the Regulation 14 Pre-Submission, Kennington, Oval and Vauxhall Neighbourhood Plan (KOV NP). This underwent public consultation between 31 March 2024 - 13 May 2024.

All three bodies responded to the consultation, a copy of the responses are available in Appendix 1.

In summary, Historic England agreed with the Council's conclusion the KOV NP is unlikely to give rise to significant environmental effects and no SEA is required.

The Environment Agency and Natural England both acknowledged receipt of LBL's draft Screening Report, though did not provide specific comments on the content of the KOV NP or the conclusions of the Screening Report.

Having reviewed the above advice, LB Lambeth concludes the KOV NP is unlikely to give rise to significant environmental effects, and no SEA is required

Why is a Strategic Environmental Assessment screening required?

Before a neighbourhood plan (NP) can be 'made' and forms part of the Development Plan it must meet a series of 'basic conditions' and other legal requirements before it can come into force.

One of these is whether the making of the NP is compatible with European Union obligations, including requirements under European Union Directive 2001/42/EC, known as the Environmental Assessment of Plans and Programmes Directive or the 'SEA Directive'. The aim of the SEA Directive is:

to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment (extract from 2001/42/EC).

The Environmental Assessment of Plans and Programmes Regulations 2004 transpose the SEA Directive into UK law and state that a screening determination should be reached by 'the responsible authority'. In this case, the responsible authority is LBL.

The responsible authority must determine whether a plan or programme under assessment is likely to have significant environmental effects. The determination must be made taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, and in consultation with the Environmental Agency, Historic England and Natural England.

In order to decide whether a proposed NP is likely to have significant effects on the environment, and hence requires SEA, it should be 'screened' at an early stage once the NP's remit and objectives have been formulated. Screening is 'Stage A' in the Government's recommended six stage approach to SEA for NPs.

If, after screening assessment and consultation with the statutory bodies, the responsible authority determines that the NP is likely to have significant environmental effects, a full Environmental Assessment will be required. Conversely, if it is determined through screening and consultation with the statutory bodies that the neighbourhood plan is unlikely to have significant environmental

effects, then the neighbourhood forum need not concern itself with subsequent stages of the SEA process.

Overview of the Regulation 14 Pre-Submission KOV Neighbourhood Plan

The Regulation 14 Pre-Submission KOV NP was prepared by the designated KOV Forum. It proposes to cover the period up to 2035. The neighbourhood area is shown in Figure 1 below.

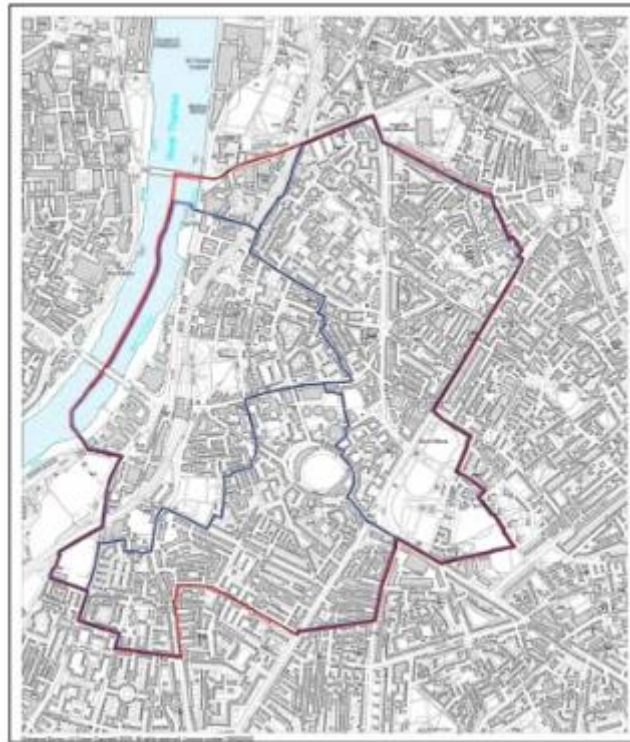


Figure 1: Plan of KOV Neighbourhood Area

In terms of existing planning policy designations, the neighbourhood area:

- Lies within flood zone 3;
- Lies partly within the Thames Policy Area;
- Includes six sites of importance for nature conservation;
- Lies partially within three air quality focus areas;
- Lies within a numbers of strategic and local view corridors; and
- Includes a range of heritage assets.

Once ‘made’, the KOV NP will form part of the statutory Development Plan for the area it covers, sitting alongside the London Plan 2021, Lambeth Local Plan 2021 and Southbank and Waterloo Neighbourhood Plan. Once made, the NP carries the same weight as other Development Plan policies.

The Pre-Submission KOV NP sets out five key objectives and proposes five land use policies. Both of these are set out below for ease:

Proposed Objectives:

- Improve our local air quality
- Protect our network of green spaces and routes
- Protect our important local views
- Support our local shops and community facilities
- Prioritise pedestrian, cyclist and public transport users' experience of our area

Proposed Policies:

- Policy KOV1: Local Green Space
- Policy KOV2: Improving Air Quality
- Policy KOV3: Local Centres
- Policy KOV4: Community Assets
- Policy KOV5: Important Local Views

The Pre-Submission KOV NP does not seek to allocate land for residential development and proposes 10 Local Green Spaces (LGS) and 3 local views.

With respect to LGS, the National Planning Policy Framework (NPPF), paragraph 106, states that the LGS designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

A LGS report is referred to in the support text of the Regulation 14 Pre-Submission KOV NP (para 5.7) however was not made available as part of the Regulation 14 Pre-Submission consultation. Whilst Appendix B provides some details, we have recommended the report is made available at the next stage of consultation. In due course, an Examiner will determine whether the proposed LGS designations meet the requirements of the NPPF.

SEA Screening Methodology

The screening process involves consideration of the anticipated scope of the Plan in question and the nature of environmental issues locally, to assess the likelihood of the Plan leading to '*significant effects on the environment*'.

Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 lists a series of criteria that should be taken into account when establishing the potential for the Plan to result in significant effects. The criteria/issues listed in the Regulations provide a methodological basis for screening.

Whether a NP requires a strategic environmental assessment will depend on what is proposed in the draft plan. National Planning Policy Guidance (Paragraph: 046 Reference ID: 11-046-20150209) on neighbourhood planning states that a strategic environmental assessment may be required, for example, where:

- 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

The purpose of SEA is to provide a high level of protection of the environment and to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development.

SEA must take account of the likely significant effects on the environment, including on issues, such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors.

Significance is an outcome of the characteristics of the impact of the policy or plan, such as its 'scale', and the 'sensitivity' of the area in which the impact is felt.

Screening Assessment of the KOV Neighbourhood Plan

The table below sets out the determination by the LBL of the Regulation 14 Pre-Submission KOV NP (March 2024) against each of the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Table 1: The characteristics of plans and programmes

Schedule 1 Criteria:	Consideration	Likely significant effect?
a. the degree to which the plan sets out a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The Regulation 14 Pre-Submission KOV NP sets out a limited framework for particular projects and other activities, for example, in designating LGS, improving air quality local centres, community assets and local protected views.</p> <p>While the proposed policies would shape and influence future development in the area, the Regulation 14 Pre-Submission KOV NP does not identify any new site allocations, and does not seek to promote development above what is identified in the Local Plan 2021 or London Plan 2021.</p> <p>Policy KOV1: Local Green Spaces proposes 10 areas for designation, comprising:</p> <ul style="list-style-type: none">I. Bonnington Square Pleasure Garden, Langley LaneII. Oval Triangle', Kennington Park RoadIII. Lambeth Walk Open Space, Fitzalan Street/Lollard StreetIV. Old Paradise Gardens, Lambeth High StreetV. Pedlar's Park, Vauxhall WalkVI. Community Garden, Harleyford RoadVII. Vauxhall ParkVIII. Pedlar's Acre Park, Opal Street/Cottington StreetIX. Open Space, Claylands RoadX. Cotton Gardens Park, Kennington Lane	No

	<p>The supporting text, para 5.7, confirms Policy KOV 1 designates these locations as LGS in accordance with paragraph 102 of the NPPF (note we recommend this should read paragraph 105-107).</p> <p>In addition, para 5.7, states the KOV NP has the effect of requiring proposals that will be deemed inappropriate by definition, (unless exempted by paragraphs 149 or 150 of the NPPF), needing to meet the same 'very special circumstances' legal test applying to the Green Belt and Metropolitan Open Land in London</p> <p>Policy KOV5: IMPORTANT LOCAL VIEWS identifies three new local views comprising:</p> <ul style="list-style-type: none"> • Kennington Cross to Gas Holder No.1 • B. Vauxhall Station to the Oval Cricket Ground • Kennington Park Road to the City of London <p>The proposed views policy identifies three new local views to be protected in addition to protected views in the London Plan and Local Plan.</p> <p>It is considered that the objectives and policies proposed for the NP identify a limited framework for determining planning applications in the neighbourhood area, however, the effects are not considered likely to be significant. In addition, the proposed NP does not allocate sites for development.</p>	
<p>b. the degree to which the plan influences other plans and programmes including those in a hierarchy.</p>	<p>It is not expected that other plans or programmes will sit in a hierarchical relationship with this neighbourhood plan once it has been 'made'. It will form part of the statutory development plan for Lambeth and its policies will need to be complementary to policies already adopted in the borough local plan and the London Plan.</p> <p>If the neighbourhood plan does form the context for other documents covering this area in the future, its degree of environmental impact in relation to this criterion is unlikely to be significant.</p>	No

<p>c. the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>A number of the Regulation 14 Pre-Submission KOV NP objectives and policies relate to the integration of environmental considerations in particular with a view to promoting sustainable development, notably, the objectives seek to 'Improve our local air quality' with policy requiring that development proposals set out measures they are taking to contribute to the improvement of air quality in the neighbourhood area (Policy KOV2: Improving Air Quality).</p> <p>Similarly policy KOV1 seeks to protect green areas of particular importance which will also help improve local air quality as well as achieve biodiversity and green infrastructure objectives.</p> <p>Successful implementation of policies will also help improve local air quality as well as achieve biodiversity and green infrastructure objectives.</p> <p>It is considered that the proposed Neighbourhood Plan's likely impact will be to have a positive effect on the environment by providing an additional layer of policy protection. However, it is not anticipated that there is potential for significant positive effects, given the number of factors outside of the neighbourhood plan's control that influence air quality, for example.</p>	<p>No</p>
<p>d. environmental problems relevant to the plan</p>	<p>The Regulation 14 Pre-Submission KOV NP identifies various environmental problems within the neighbourhood area which inform its objectives and policy response. These include protection of LGS and poor air quality.</p> <p>The Regulation 14 Pre-Submission KOV NP through its policies to have a positive effect on these environmental problems, by seeking to ensure measures are taken to contribute to the improvement of air quality in the KOV neighbourhood area (KOV 2). It also seeks to protect green areas of particular importance by designating 10 LGSs (KOV 1).</p> <p>These policies are considered to have a positive effect on the environment of the neighbourhood area in terms of addressing identified environmental problems.</p>	<p>No</p>

	However, given the size of the area and the limited scale of new development, such effects are not considered to be significant.	
e. the relevance of the plan for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection)	The Regulation 14 Pre-Submission KOV NP does not seek to influence or introduce policy relating to waste management or water protection. It is not expected to have a significant effect on the implementation of Community legislation on the environment.	No

Table 2: Characteristics of the effects and of the area likely to be affected

a. The probability, duration, frequency and reversibility of the effects	These policy approaches are not considered to extend significantly beyond policies within the Local Plan which has been assessed through the sustainability appraisal (including SEA) process.	No
b. the cumulative nature of the effects	The KOV NP once made will form part of the Development Plan and will be implemented alongside the Lambeth Local Plan and the London Plan, it is therefore expected to make a contribution to cumulative effects on the environment. However, this contribution is expected to be minor, relative to that of the Lambeth Local Plan and London Plan. In particular, those plans will have a far more significant influence on the overall distribution of development and the overall level of growth taking place in the area.	No
c. the trans-boundary nature of the effects	The Regulation 14 Pre-Submission KOV NP is not expected to have any trans-boundary effects on other Member states. The area it covers falls entirely within London and the UK, far removed from any international borders. Any effects on international populations living in the area would be extremely indirect and are considered unlikely to be significant.	No
d. the risks to human health or the environment (e.g. due to accident)	<p>The Regulation 14 Pre-Submission KOV NP considers various matters relevant to public health and environmental quality.</p> <p>The objectives seek to improve local air quality, protect green spaces and routes, protect important local views, support local shops and community facilities, and prioritise pedestrian, cyclist and public transport users' experience. However, the scope of the proposed NP's policies is limited. Whilst it is anticipated that these may lead to some positive effects on reducing risks to human health or the environment, it is not expected that these will be significant given the number of factors outside the KOV NP's control.</p>	No

	<p>The policies on LGS and air quality that may achieve limited positive effects in this regard are all consistent with the policies of the Local Plan which has been the subject of sustainability appraisal, including SEA.</p> <p>The NP is not expected to have any negative effects on risks to human health or the environment.</p>	
e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>The spatial extent of the Regulation 14 Pre-Submission KOV NP is not large. However, Kennington Oval and Vauxhall is a densely populated area and there are significant numbers of people who work within and visit the area.</p> <p>Whilst it is anticipated that policies protecting LGS and on improving air quality and will have some positive effects on the environment, these will be fairly localised in nature.</p> <p>The scope of the policies in the NP is narrow and does not include the allocation of sites or requirements relating to the bulk, mass, height or density of development. It is therefore considered unlikely that the NP will have a direct effect on the size of the population in the area or the overall level of growth. In addition, whilst the number of people that could be affected by the plan's policies is large, the overall effect of those policies is not likely to be significant. Therefore, no significant environmental effects are expected in relation to this criterion.</p>	No
f. the value and vulnerability of the area to be affected due to <ul style="list-style-type: none"> - special natural characteristics or cultural heritage - Exceeded environmental quality standards or limit values - Intensive land use 	<p>The Regulation 14 Pre-Submission KOV NP area has both value and vulnerability as a result of its cultural heritage (the adjacent Oval Cricket Ground, Oval Theatre house, and gasholders on the Oval Gas Works site, and its proximity to the setting of the Westminster World Heritage Site); its poor air quality; its intensive use of land; and its location in a flood risk zone.</p> <p>However, the scope of the policies in the neighbourhood plan is considered to be limited and, whilst it is anticipated that the plan will have some positive effects on these characteristics of the area, it is unlikely that these effects will be significant. The most important consideration is that the plan does not include site specific allocations and</p>	No

	<p>does not seek to influence the bulk, mass, height or density of development. It does not set limits or targets in relation to the quantum of development to be accommodated in the area. It does not seek to change the existing strategic policy approach on heritage assets or on the management or movement of road traffic through the area.</p> <p>The objective to support local shops and community facilities and KOV 4: Community Assets identifies community assets in the KOV area that will be protected from change of use by application of Local Plan policies S1 and ED8.</p> <p>Whilst the Regulation 14 Pre-Submission KOV NP does seek to mitigate the negative effects of poor air quality on the local population, it is unlikely to be able directly to change the nature of the problem itself in a significant way.</p> <p>As stated under (d) above - these policy objectives are consistent in intent with those in the existing local plans, which have already been subject to sustainability appraisal, including SEA.</p> <p>Therefore, overall the objectives and policies proposed for the neighbourhood plan are not considered likely to have significant environmental effects in relation to this criterion.</p>	
g. the effects on areas or landscapes which have a recognised national, Community or international protection status	<p>The Regulation 14 Pre-Submission KOV NP does not propose to allocate land for development nor does it seek to influence the bulk, mass, height or density of development within its area. It does not set limits or targets in relation to the quantum of development to be accommodated in the area. It does not seek to change or influence the existing strategic policy approach on heritage assets set out in the Development Plan Therefore it is not expected to have significant environmental effects in relation to this criterion.</p>	No

Conclusion

For the reasons set out in Table 1 and Table 2, together with the comments received from the statutory consultation bodies, this final Screening Assessment concludes the Pre-Submission KOV NP is unlikely to cause significant environmental effects and therefore does not require an Environmental Assessment.

Appendix 1: Responses from the Statutory Consultees