

# **NEWINGTON NEIGHBOURHOOD PLAN**

NEWINGTON NEIGHBOURHOOD FORUM

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING  
DETERMINATION

Under Regulation 9 & 11 of the Environmental Assessment of Plans and  
Programmes Regulations 2004



**PREPARED BY INTEGREAT PLUS**

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## Abbreviations

HCC -	Hull City Council
HRA -	Habitat Regulations Assessment
LPA -	Local Planning Authority
NNF -	Newington Neighbourhood Forum
NNP -	Newington Neighbourhood Plan
NPPF -	National Planning Policy Framework
NPPG -	National Planning Policy Guidance
SPA -	Special Area of Conservation
SEA -	Strategic Environmental Assessment
SPA -	Special Protection Area
SSSI -	Site of Special Scientific Interest

# 1. DETERMINATION STATEMENT

## 1.1 Introduction

This statement provides the determination (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)) that the draft Newington Neighbourhood Plan (NNP) is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment.

This statement also includes the reasons for this determination (in line with Regulation 11 of the SEA Regulations).

This statement also determines that the making of the draft NNP is unlikely to result in any significant effects on any European sites and therefore the NNP does not require a Habitat Regulation Assessment.

The statement also intends to demonstrate that the NNP is compatible with certain European Union obligations as required by the basic conditions, specifically:

- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment; and
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

This determination has been made on 22 January 2020. Within 28 days of this determination, Newington Neighbourhood Forum will publish this determination statement in accordance with its regulatory requirements (as per Regulation 11 of the SEA Regulations). Statutory consultees will be sent a copy of this statement and copies of the statement will be available for inspection on Hull City Council's website [www.Hull.gov.uk](http://www.Hull.gov.uk) and on the Neighbourhood Forum's website [www.thenewingtonplan.co.uk](http://www.thenewingtonplan.co.uk)

Officers at Hull City Council have been consulted and kept informed of the work that has been undertaken on both the SEA & HRA screening for the NNP. It is expected that HCC will agree with the contents of this report.

# 1. DETERMINATION STATEMENT

## 1.2 Determination Statement

A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinion was prepared on behalf of Newington Neighbourhood Forum for the draft Newington Neighbourhood Plan. This opinion, included in the appendix to this statement was made available to the statutory environmental bodies (Natural England, Historic England and Environment Agency) for comment starting on 24th May 2019. Consultation responses were received from all three bodies. Their conclusions are summarised below and detailed responses are included as Appendix 2.

### Natural England

#### Strategic Environmental Assessment

- It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscape and protected species, geology and soils) are concerned, that there ***are unlikely to be significant environmental effects from the proposed plan.***

#### Habitat Regulations Assessment

- Natural England ***concurs with the conclusions of the assessment and is content that the plan will not have any likely significant effects on European protected sites.***

### Historic England

#### Strategic Environmental Assessment

- On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations (Annex II of 'SEA' Directive), Historic England ***concurs with your conclusion that the preparation of a Strategic Environmental Assessment is not required for the Newington Neighbourhood Plan.***

### Environment Agency

#### Strategic Environmental Assessment

- Having considered the nature of the policies in the Plan, ***we consider that it is unlikely that significant negative impacts on environmental characteristics*** that fall within our remit and interest will result through the implementation of the plan.

In summary, it is determined that the Newington Neighbourhood Plan would not have a significant effect on the environment because:

- It does not allocate land for development
- As detailed in the SEA screening report, the policies were found to have either minor or no impacts on the environmental criteria set out in Schedule 1 of the Environmental Assessment Regulations. Where minor impacts were considered likely these were largely found to be positive.

The HRA screening concludes that the Neighborhood Plan is not predicted to have any likely significant effects on any European site, either alone or in combination with other plans and projects. Based on the screening opinion prepared by Newington Neighbourhood Forum in May 2019 and having considered the consultation responses from the statutory environmental bodies, Newington Neighbourhood Forum determine that the Newington Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a strategic environmental assessment. This screening determination is applicable to the pre-submission version of the Newington Neighbourhood Plan.

# APPENDIX

1. SEA & HRA SCREENING OPINION
2. CONSULTEE RESPONSES

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 1. INTRODUCTION

- 1.1 This report sets out the screening assessment for the Newington Neighbourhood Plan (NNP). The purpose of screening is to establish if the NNP will require a Strategic Environmental Assessment (SEA) and/or a Habitat Regulation Assessment (HRA). Sections 6 and 8 shows the conclusions of the screening assessment.
- 1.2 An SEA is a process for evaluating the environmental effects of a plan before it is made. The SEA screening determines whether the plan is likely to have significant environmental effects. If likely significant environmental effects are identified, an environmental report must be produced.
- 1.3 A Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. The HRA screening will determine whether significant effects on a European site are likely.
- 1.4 This report explains the legislative background to SEA and HRA screening, provides details of the draft NNP before undertaking a SEA and HRA screening exercise and providing conclusions.
- 1.5 Integreat Plus has prepared this screening report on behalf of the Newington Neighbourhood Forum (NNH) who is the qualifying body for the NNP. Hull City Council has a responsibility to advise the NNH if there is a need for formal SEA/HRA of the draft plan. 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 (this includes the SEA Directive).
- 1.6 For the purposes of this assessment the draft version of the plan which was sent to the Local Authority in March 2018 has been screened. This version of the plan is well advanced and is considered to show a firm vision and policy intent therefore it is an appropriate stage for the screening exercise to be undertaken.

## 2. LEGISLATIVE BACKGROUND

### STRATEGIC ENVIRONMENTAL ASSESSMENT

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 2. LEGISLATIVE BACKGROUND

### STRATEGIC ENVIRONMENTAL ASSESSMENT

- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA as discussed within the NPPF at paragraph 165. However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. As a Neighbourhood Plan is not a development plan document it therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA still needs to be undertaken in line with the SEA regulations.
- 2.3 In February 2015 amendments to the Neighbourhood Plan Regulations came into force. Regulation 2(4) of these amendments adds additions to the list of documents that a qualifying body must submit to a local planning authority with a Neighbourhood Plan. The additional document which must be submitted is either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environment assessment is not required. The amendment to the Regulations is to ensure that the public can make informed representations and that independent examiners have sufficient information before them to determine whether a neighbourhood plan is likely to have significant environmental effects.
- 2.4 The legislation advises that draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a 'screening' assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The regulations state that before an authority makes a determination on a plan it should:
- a) Take into account the criteria for determining the likely significance of effects on the environment specified in schedule 1 of the Regulations.
  - b) Consult the environmental consultation bodies.
- 2.5 The National Planning Practice Guidance (NPPG) provides further guidance on SEA screening. It advises that whether a neighbourhood plan proposal requires a Strategic Environmental Assessment, and (if so) the level of detail needed, will depend on what is proposed. A SEA 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 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.
- 2.6 Where it is determined that the plan is unlikely to have significant environmental effects, and accordingly, does not require an environmental assessment, the authority is required to prepare a statement for its reasons for the determination. If likely significant environmental effects are identified then an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 2. LEGISLATIVE BACKGROUND

### HABITATS REGULATIONS ASSESSMENT

- 2.7 Habitats Regulations Assessment (HRA) has its origins in European law under the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2010.
- 2.8 Article 6 (3) of the EU Habitats Directive and regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) require that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.9 The NPPG advises that it is required to determine whether significant effects on a European site can be ruled on the basis of objective information. If the conclusion of the screening is that the plan is likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be undertaken. If a plan is one which has been determined to require an appropriate assessment under the Habitats directive then it will normally also require a SEA.

## 3. NEWINGTON NEIGHBOURHOOD PLAN

- 3.1 Whether a Neighbourhood Plan requires an SEA or HRA depends on what is being proposed in the plan. The draft NNP includes locally specific policies and guidance for the plan area.
- 3.2 This section of the report sets out the context of the NNP and details the characteristics of the Plan Area. The NNP Area is an urban area to the west of Hull City Centre including land both to the north and south of Anlaby Road, a district centre and key route in and out of the city. There are several small green spaces within the plan area, and a larger green space, West Park. Within the Plan area itself there are a number of green spaces with the designations: Sites Likely to Qualify as a Local Wildlife Site (review to be undertaken), Green Networks and Open Spaces. The plan area is roughly 1.5km north of the Humber Estuary which is designated as SAC, SPA and Ramsar as shown on the next page.

There are a number of listed buildings within the NNP area:

- 3.3
- St George's Primary School Grade II
  - Former Carnegie Public Library Grade II
  - Two K6 Telephone Kiosks 15 Metres South Of Carnegie Library Grade II
  - City Of Hull Police Fire Box Number 6 & Gates At South Entrance To West Park Grade II

# APPENDIX 1 - SEA & HRA SCREENING OPINION

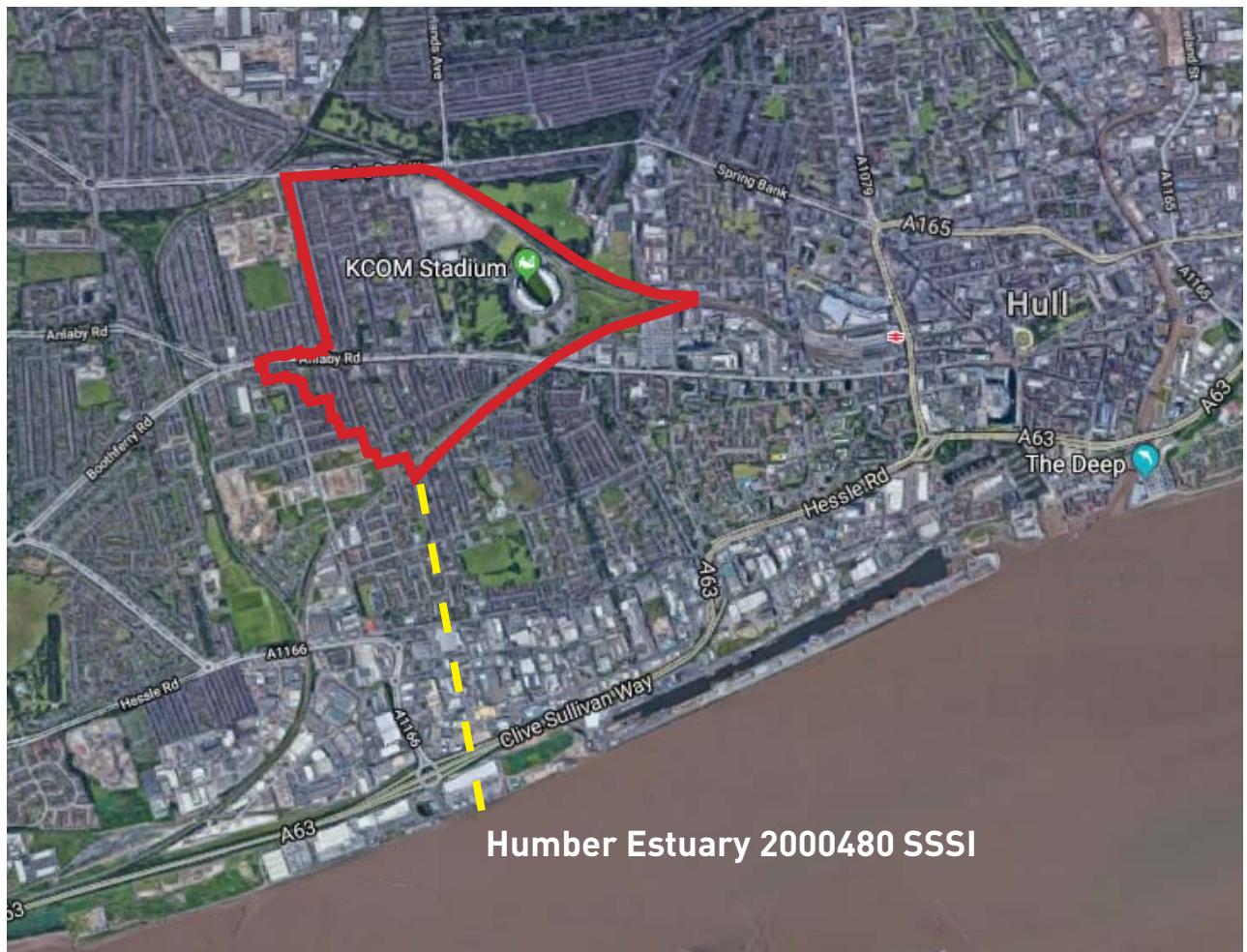
## 3. NEWINGTON NEIGHBOURHOOD PLAN

3.4 There are also 10 Locally Listed Buildings in the plan area, with the majority on Anlaby Road:

- Albert Av - former baths
- Mecca Bingo (former Carlton cinema, Anlaby Rd)
- Three Crowns (former Hull Savings Bank, Anlaby Rd)
- The Eagle, (Anlaby Rd)
- Former Regent Cinema, (Anlaby Road)
- The New Griffin, (Anlaby Road)
- No.45 Anlaby Road
- Trinity House Almshouses (Anlaby Road)
- 419-421 Anlaby Road
- Former Hull & East Riding Club, (Anlaby Road)

The NNP boundary, at its closest is 1.5km north of the Humber Estuary. See map below.

3.5



# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 3. NEWINGTON NEIGHBOURHOOD PLAN

### 3.6 VISION

By 2031 the Newington area of Hull will be recognized as one of the social, economic and cultural centres of the City. It will have a diverse and vibrant economy, providing good quality jobs, and offer a wide range of shops, services and recreational facilities. By 2031- but ideally much sooner - local people will feel they belong to a safe, healthy, and well-integrated community, offering equality of opportunity, good quality housing, and a strong sense of community well-being. Physically, the area will have been transformed into a desirable place to live, work and play, with safe and tidy streets that are not dominated by vehicular traffic, and with a variety of high quality and accessible public open spaces.

### 3.7 AIMS & OBJECTIVES

1. To create and promote a positive image for the area
2. To develop and promote a sense of belonging and community pride within the area
3. To facilitate and encourage job creation in the area
4. To facilitate and encourage participation in community activities and organisations
5. To encourage and improve the visitor experience for the benefit of the community
6. To bring vacant sites and buildings back into viable and beneficial use
7. To improve the appearance of poorly maintained land and buildings
8. To help create a cleaner, healthier, and safer environment
9. To encourage the provision of new and refurbished housing in the right places, of the right type, and at affordable prices
10. To improve existing open spaces and create new green areas encouraging their use for social, recreational and economic purposes
11. To develop the relationship between the local community and the KC Stadium to the benefit of the community
12. To take advantage of and engage with current and future initiatives for the benefit of the community.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 3. NEWINGTON NEIGHBOURHOOD PLAN

### 3.8 POLICIES

#### General Policies

##### **GP1 - Design Guidance**

Development should be undertaken in accordance with principles set out in the design guidance

##### **GP2 - Maintenance & repair**

Policy encouraging maintenance and/or repair of vacant units and premises

##### **GP3 - Local landmarks: maintain, preserve and reuse**

"The preservation, maintenance, and re-use for appropriate purposes of the following "Local Landmark Buildings" as identified on the Proposals Map, will be encouraged and supported: -

- (i) The former Carlton Cinema, Anlaby Road;
- (ii) The former Premiere Bar, Anlaby Road;
- (iii) The former Westwood Club, Walliker Street;
- (iv) The Carnegie Building, West Park;
- (v) The Open Air Theatre (plus curtilage) West Park;
- (vi) Walton Street Leisure Centre, Westcott Street;

##### **GP4 - Improving security**

The provision of suitably-designed and located security gates, fences, walls, lighting, and CCTV equipment will be supported where the need for such facilities can be established (by applicants) and local residents and/or businesses are not inconvenienced to any significant extent.

##### **GP5 - Mixed-use sites**

Residential and / or commercial developments falling within Use Classes A2, B1 C3 and D2 will be encouraged and supported on the following sites within the Neighbourhood Plan area: -

- (a) The Premiere Bar and adjoining land (Anlaby Road);
- (b) Site of the former West Park Club (Walliker Street)
- (c) The former Carlton Cinema (Anlaby Road/Parkfield Drive)

##### **GP6 - New housing sites**

Residential development will be supported on the following sites within the Neighbourhood Plan area. Sites (a) and (b) should retain Urban Green space allocation 76 in the Local Plan.

- (a) Walliker Street Car Park (indicative capacity 1 dwelling)
- (b) Perry Street Car Park (indicative capacity 1 dwellings)
- (c) Lees Walk (indicative capacity 2 dwellings)

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 3. NEWINGTON NEIGHBOURHOOD PLAN

### 3.8 POLICIES

#### GENERAL POLICIES

##### **GP7 - House type & tenure**

Developments on allocated sites of 10 or more dwellings should provide a range of dwelling types and tenures including single-storey dwellings and single-person accommodation. The provision of plots for custom and self-build housing will be encouraged and supported on allocated sites.

##### **GP8 - Discourage further sub-division to flats**

The sub-division of existing dwellings into two or more separate residential units will only be allowed where it can be shown that such development would have no undue adverse effects on the residential or visual amenities of the locality and that adequate car-parking, private open space, and refuse disposal facilities can be provided.

##### **GP9 - Open spaces**

The loss, or reduction in area, of existing open spaces, as identified on the Neighbourhood Plan Policies Map, including spaces within the West Park policy area, will only be allowed where suitable replacement facilities are to be provided to an identical or superior standard and evidence is produced to show that the loss would not create or add to a shortfall in open space provision in the locality.

##### **GP10 - Small scale green spaces & planting**

The provision of additional green spaces and new planting will be encouraged on both public and privately-owned land where such provision will have no significant adverse effects on highway or public safety.

##### **GP11 - Road safety**

Development resulting in a highways or public safety impact, will only be accepted when there are no undue adverse effects or these impacts can be mitigated to an acceptable degree, perhaps through developer contributions.

##### **GP12 - Parking provision**

New developments will be required to make provision for off-street parking in accordance with the City Council's adopted guidance. Additional on-street parking will only be allowed where it forms an integral part of the street scene and does not unduly impact highway safety or the free flow of traffic.

##### **GP13 - Employment opportunities**

There will be a strong presumption against the loss of commercial premises or land which provide employment and are of demonstrable benefit to the local community. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that the commercial premises or land in question have not been in active use for at least 12 months; and there is little or no prospect of the premises or land being reoccupied by an employment generating user. This should be proven through an independent sustained marketing campaign lasting for a continuous period of at least 6 months.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 3. NEWINGTON NEIGHBOURHOOD PLAN

### 3.8 POLICIES

#### GENERAL POLICIES

##### **GP14 - Walking & cycling routes**

The provision of additional routes and facilities for cyclists and pedestrians, including those indicated on the Neighbourhood Plan Policies Map, will be encouraged and supported within the Neighbourhood Plan area.

#### WEST PARK POLICIES

##### **WP1 - Railway triangle**

Proposals within the area defined on the Policies Map as the 'Railway Triangle' that would contribute to improving and increasing biodiversity, wildlife, ecology and food growing opportunities will be supported.

##### **WP2 - Mixed-use space**

The area indicated on the Proposals Map as "The Fairground Site" will be retained for a variety of uses including car parking, open market sales, and Hull Fair. Other temporary uses that are compatible with and complementary to the open nature of the site are encouraged to increase the site's usage and contribution to the local area.

##### **WP3 - Parking & access**

Development associated with existing use(s) within the area indicated on the Policies Map as "The KCOM Stadium" will be supported subject to Local Plan policies including Policy 9, in addition to there being sufficient vehicle parking/servicing space to provide for current and future uses.

##### **WP4 - Planting & landscaping**

The provision of planted / landscaped areas within 'The Fairground Site' as shown on the Proposals Map, will be encouraged and supported where such provision would not prejudice existing or future uses of the land and suitable ongoing maintenance provisions are put in place as part of the development proposals.

##### **WP5 - Existing buildings & management**

Proposals that involve improvements to existing buildings and spaces for the benefit of the general public within the 'Public Recreation Area', as designated on the Policies Map, will be encouraged and supported.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 3. NEWINGTON NEIGHBOURHOOD PLAN

### 3.8 ANLABY ROAD POLICIES

#### **AR1 - Limit hot food takeaways**

Within the Anlaby Road Local Centre, as defined on the Proposals Map, no more than four A5 (Hot Food Take-Away) uses will be allowed within any block of twenty adjoining properties, up to a maximum of 20% within the area as a whole.

#### **AR2 - Accommodation above shops**

The use of upper floors within the Local Centre for residential purposes will be encouraged and supported where car-parking and refuse disposal facilities can be provided to an acceptable standard in line with Local Plan Policy 32 and the residential amenities of the area will not unduly affected.

#### **AR3 - Former Carlton Cinema**

Re-use of the following sites, as identified on the Policies Map, for residential, community, and / or commercial purposes will be encouraged and supported where car-parking and refuse disposal facilities can be provided to an acceptable standard in line with Local Plan Policy 32 and neither the residential nor the visual amenities of the area will be adversely affected.

1. Former Carlton Cinema
2. Former Charleston Club
3. Former Premiere Bar

### COMMUNITY HUB POLICIES

#### **CH1 - Westcott Street car park**

Proposals for the extension and environmental improvement of the Westcott Street car-park, either as free-standing proposals or as part of other local schemes, will be encouraged and supported.

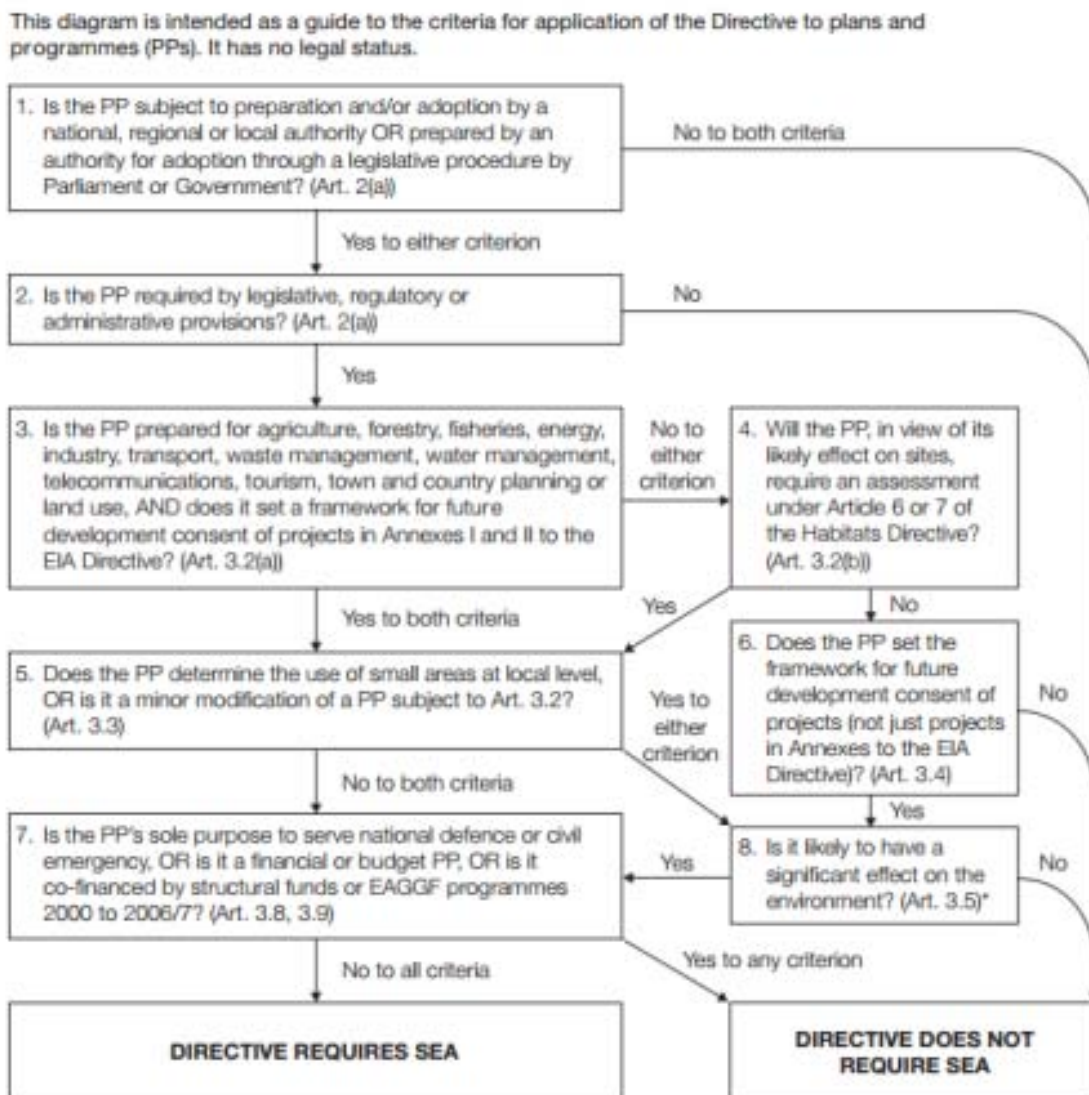
#### **CH2 - Walton St Leisure Centre**

Proposals for the renovation, refurbishment, and re-use of The Walton Street Leisure Centre for community, sporting, and other leisure-related uses will be encouraged and supported where car-parking and refuse disposal facilities can be provided to an acceptable standard in line with Local Plan Policy 32 and neither the residential nor the visual amenities of the area will be adversely affected.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. STRATEGIC ENVIRONMENTAL ASSESSMENT

4.1 The flowchart below illustrates the process for screening a planning document to ascertain whether a full SEA is required:



\*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.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. STRATEGIC ENVIRONMENTAL ASSESSMENT

4.2 Table 1:  
Application of the SEA Directive to the Newington Neighbourhood Plan

STAGE	YES/NO	REASON
1. Is the Plan subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority through a legislative procedure by Parliament or Government? (Article 2(a))	Yes	Neighbourhood Plans are prepared by a qualifying body (Neighbourhood Forum) under the Town and Country Planning Act 1990 (as amended). This Neighbourhood Plan is prepared by Newington Neighbourhood Forum (as the "relevant body") and will be 'made' by Hull City Council as the Local Authority if successful at referendum. The preparation of Neighbourhood Plans is subject to The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012.
2. Is the Plan required by legislative, regulatory or administrative provisions? (Article 2(a))	No	Communities have the right to produce a Neighbourhood Plan. However, communities are not required by legislative, regulatory or administrative purposes to produce a Neighbourhood Plan. However, if 'made', the Newington Neighbourhood Plan would form part of the statutory development plan; it is therefore considered necessary to answer the following questions to determine further if SEA is required.
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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? (Article 3.2(a))	Yes	A Neighbourhood Plan can include these policy areas and could provide, at a Neighbourhood Area level, the framework for development that would fall within Annex II of the EIA Directive. Developments that fall within Annex I are 'excluded' development for Neighbourhood Plans, as set out in Section 61(k) of the Town and Country Planning Act 1990 (as amended). It is not anticipated that the Newington Neighbourhood Plan would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.
4. Will the Plan, in view of its likely effects on sites, require an assessment of future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	The screening section for the HRA is included later in this report.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. STRATEGIC ENVIRONMENTAL ASSESSMENT

4.2 Table 1:  
Application of the SEA Directive to the Newington Neighbourhood Plan

STAGE	YES/NO	REASON
5. Does the Plan determine the use of small areas at local level or is it a minor modification of a plan or proposal subject to Article 3.2? (Article 3.3)	Yes	Once made the NNP will be part of the land use framework for the area and will help determine the use of small areas at the local level.
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Article 3.4)	Yes	The NNP will form part of the statutory Development Plan and will be used in the determination of planning applications in the Neighbourhood Area. Therefore, it sets the framework for future developments at a local level within the context of the Hull Local Plan and the NPPF.
7. Is the Plan's sole purpose to serve the national defence or civil emergency, or is it a financial or budget plan or proposal, or is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	No	The Newington Neighbourhood Plan does not deal with these issues.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	No	<p>The Neighbourhood Plan does not propose any significant development but instead sets out how local people would like to see the area developed. It supports development of brownfield sites in line with Policy 4 of the Hull City Council's Local Plan and the retention and reuse of locally listed buildings.</p> <p>The Plan aims to promote environmental uplift through improvements to green spaces, including additional planting and the inclusion of sustainable urban drainage systems. It seeks improvements to walking and cycling networks to reduce the impact of traffic and associated pollution.</p> <p>It is unlikely the plan will have a significant impact on the environment as the majority of the plan is focussed on better management and stewardship of the area. There are a limited number of policies supporting develop within the plan area on brownfield sites, however these are limited in terms of scope and scale.</p>

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. STRATEGIC ENVIRONMENTAL ASSESSMENT

4.3 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below in Figure 2.

### **FIGURE 2 - CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS**

#### **1. The characteristics of plans and programmes, having regard, in particular, to**

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

#### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to**

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the trans-boundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, community or international protection status.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. Table 2: Assessment of the likelihood of significant effects on the environment

4.4

Criteria (Schedule 1)	
The characteristics of plans and programmes, having regard, in particular, to:	
<b>(a)</b> 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 main framework will continue to be at the Local Plan level, which was itself subject to SEA and HRA. The Newington Neighbourhood Plan gives support for the development of several small brownfield sites, which is in line with policy 4 of the Local Plan. It promotes several small-scale projects relating to green spaces, with the intention on preserving and enhancing them. It also promotes the retention and reuse of existing buildings in the plan area. The framework it sets is in-line the Hull Local Plan and does not propose anything new or different.
<b>(b)</b> the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Newington Neighbourhood Plan dovetails the Hull Local Plan and the NPPF and is in-line with the strategic context of both documents. It adds fine-grain, locally specific policies which complement and add value to higher-level plans. It is unlikely to influence other Plans and programmes as this Plan is at the bottom of the planning hierarchy.
<b>(c)</b> The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Plan promotes sustainable development, defined as "meeting the needs of the present generation without compromising the ability of future generations to meet their own needs." It has an emphasis on protecting the natural environment, wildlife, biodiversity, promoting better flood and water management and protecting heritage and historic assets. It promotes greater use of existing buildings and land. These are included in policy and design guidance.
<b>(d)</b> Environmental problems relevant to the plan;	At this stage it is considered that the plan will not cause any significant environmental effects.  The plan aims to address issues such as flooding and drainage, and promotes better management and safeguarding of wildlife networks, green spaces and biodiversity.
<b>(e)</b> 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)	This criterion is unlikely to be directly relevant in regard to the NP.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 4. Table 2: Assessment of the likelihood of significant effects on the environment

4.4

<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>	
<b>(a)</b> The probability, duration, frequency and reversibility of the effects	Although no specific developments are proposed within the NP the Plan encourages development and provides a framework for guiding any such development. It is likely that development will occur during the duration of the Plan within the area therefore an element of environmental change will take place. However, the Plan policies are designed to encourage new development that is more sustainable and has the least negative and greatest positive environmental impacts.
<b>(b)</b> The cumulative nature of the effects	The cumulative effects of proposals within the NP are unlikely to be significant on the local environment. The effects of the NP need to be considered alongside the Hull Local Plan. The NP is required to be in general conformity with the Hull Local Plan. It is not considered that the NP introduces significant additional effects over and above those already considered in the SA/SEA for the Local Plan. Notably the NP does not propose more development than the Local Plan for the area.
<b>(c)</b> The transboundary nature of the effects	The proposals within the NP are unlikely to have a significant impact beyond the Neighbourhood Area boundary.
<b>(d)</b> The risks to human health or the environment (e.g. due to accidents)	None identified
<b>(e)</b> The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The NP is concerned with development within the Newington Neighbourhood Area. The potential for environmental impacts are likely to be local, limited and minimal.
<b>(f)</b> The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage,</li> <li>• exceeded environmental quality standards or limit values,</li> <li>• intensive land-use,</li> </ul>	The NP is unlikely to adversely affect the value and vulnerability of the area in relation to its special natural characteristics or cultural heritage. The policies within the plan seek to provide greater protection to the character of the area. The NP does not allocate any sites, as such there are unlikely to be any intensive land-use concerns.
<b>(g)</b> The effects on areas or landscapes which have a recognised national, Community or international protection status	It is not considered that the draft policies in the NP will adversely affect areas or landscapes which have a recognised national, community or international protection status. The policies do not allocate land for development and the plan also seeks to protect some local green spaces and the local landscape character.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 5. ASSESSMENT OF NNP POLICIES

### GENERAL POLICIES

- 5.1 This section of the plan contains general policies for the NNP area. In summary it aims to: promote higher quality design (GP1), encourage better maintenance and repair (GP2), preserve, maintain and reuse buildings (GP3), improve security (GP4), promote a mix of uses (GP5), support for housing on brownfield sites (GP6), promote a mix of house types and tenures (GP7), discourage sub-division into flats (GP8), protect open spaces (GP9), encourage small scale green spaces and planting (GP10), improve road safety (GP11), secure adequate parking provision (GP12), safeguard employment sites (GP13), support existing housing renewal schemes (GP14), promote walking and cycling routes (GP15).

### WEST PARK POLICIES

- 5.2 This section of the plan relates to the West Park area. It aims to: designate local green space (WP1), promote mix of uses (WP2), secure adequate parking and access (WP3), encourage planting and landscaping (WP4), encourage better management (WP5).

### ANLABY ROAD POLICIES

- 5.3 This section relates to the local centre, Anlaby Road. It aims to: limit hot food takeaways (AR1), promote accommodation above shops (AR2), retain and reuse existing buildings (AR3, AR4, AR5). It seeks to retain the character of the areas whilst contributing to addressing the rise of hot food takeaways.

### COMMUNITY HUB POLICIES

- 5.4 This section of the plan relates to community uses. It aims to: improve appearance and functionality of car a park (CH1), refurbish or reuse existing leisure centre (CH2) for community benefit.

## 6. SEA SCREENING CONCLUSION

- 6.1 In conclusion, as a result of the assessment carried out in Table 2 above and the more detailed consideration of the draft policies, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Newington Neighbourhood Plan. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome), that an SEA is not required when judged against the application of the SEA Directive criteria.
- 6.2 Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will be significantly affected by proposals within the plan as they seek to protect and enhance them, where possible. The neighbourhood plan's policies seek to guide development within the Neighbourhood Area and are required to be in general conformity with those within the Local Plan. It is unlikely that there will be any significant additional environmental effects that have not already been considered and dealt with through a SEA/SA of the Local Plan.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 7. HRA SCREENING

7.1 The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA will consider if the proposals in the neighbourhood plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC).

7.2 In addition to SPA and SAC sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as Natura 2000 sites.

7.3 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

### RELEVANT NATURA 2000 SITES

7.4 As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within a HRA. There is only one Natura 2000 site within the given boundary, the Humber Estuary 2000480 SSSI.

7.5 The reasons for the designation are as follows:

- 1110 Sandbanks which are slightly covered by sea water all the time
- 1150 Coastal lagoons \* Priority feature
- 1310 Salicornia and other annuals colonizing mud and sand
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- 2110 Embryonic shifting dunes
- 2120 "Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")"
- 2130 "Fixed coastal dunes with herbaceous vegetation ("grey dunes")" \* Priority feature
- 2160 Dunes with *Hippopha rhamnoides*
- 1095 Sea lamprey *Petromyzon marinus*
- 1099 River lamprey *Lampetra fluviatilis*
- 1364 Grey seal *Halichoerus grypus*

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 7. HRA SCREENING

### CONSERVATION OBJECTIVES

7.6 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### IDENTIFIED IMPACTS

7.7 The Humber Estuary is subject to the impacts of human activities (past and present) as well as ongoing processes such as sea level rise and climate change. Management intervention is therefore necessary to enable the estuary to recover and to secure the ecological resilience required to respond to both natural and anthropogenic change. Key issues include coastal squeeze, impacts on the sediment budget, and geomorphological structure and function of the estuary (due to sea level rise, flood defence works, dredging, and the construction, operation and maintenance of ports, pipelines and other infrastructure), changes in water quality and flows, pressure from additional built development, and damage and disturbance arising from access, recreation and other activities. Coastal squeeze is being addressed through the development and implementation of the Humber Flood Risk Management Strategy. All proposals for flood defence, development, dredging, abstractions and discharges which require consent from any statutory body, and land use plans which may have impacts upon the site are subject to assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"). Diffuse pollution will be addressed through a range of measures including implementation of the Waste Water Framework Directive and Catchment Sensitive Farming initiatives. Other issues are addressed via a range of measures including regulation of on-site land management activities and implementation of the Humber Management Scheme, developed by all relevant statutory bodies to assist in the delivery of their duties under the Habitats Regulations.

### ASSESSMENT OF THE LIKELY EFFECT OF THE NEIGHBOURHOOD PLAN

7.8 The following questions will help to establish whether an Appropriate Assessment is required for the emerging NNP:

**a) Is the NNP directly connected with, or necessary to the management of a European site for nature conservation?**

No. At its closest point there is 1.5km between the NNP boundary and the Humber Estuary. Between the two are high density land uses including industrial and manufacturing uses, major highways, commercial and residential development. Despite being 1.5km away there are significant physical barriers between the two.

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 7. HRA SCREENING

### ASSESSMENT OF THE LIKELY EFFECTS OF THE NEIGHBOURHOOD PLAN

#### 7.8 b) Does the NNP propose new development or allocate sites for development?

No. The neighbourhood plan is required to be in general conformity with the policies set out within the adopted Hull Local Plan which set the broad parameters for future development within Hull. The Local Plan and Site Allocations Plan have been subject to HRAs. The plan gives support for certain development which is in line with the Hull Local Plan.

#### c) Are there any other projects or plans that together with the NNP could impact on the integrity of a European site, the 'in combination' impact?

There are a number of plans which could impact "in combination" on the integrity of a European site, such as the Hull Local Plan, East Riding Core Strategy, Hull Joint Waste Strategy, Hull Site Allocations Plan, North East Lincolnshire Local Plan, North Lincolnshire Local Plan. These documents have been subject to their own HRA screening each of which concluded that the particular document is unlikely to impact on the integrity of the Humber Estuary SSSI. The NNP does not propose any development sites, rather the policies will help to shape new development within the area and primarily minimise any negative effect. The policies within the Plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment. The neighbourhood plan does not promote a greater amount of development than the Local Plan. Overall it is considered that the Plan is unlikely to have an 'in combination' impact.

	Is the NNP likely to impact upon this site?	Possible effects in combination with other plans	Assessment of effects and why they are not considered significant
Direct habitat loss	No	None - The site is currently managed as a National Nature Reserve. It would be vulnerable to on site physical alterations to the water quality and quantity. There are many plans still being developed along the length of the River system.	
Impact on protected species	No		
Air quality	No		
Water quality	No		
Recreational pressures	No		
Water quantity	No		
Change in surrounding land use	No		
Invasive species	No		
<b>Conclusion</b>	<b>No likely significant effects</b>		

# APPENDIX 1 - SEA & HRA SCREENING OPINION

## 8. HRA SCREENING CONCLUSION

- 8.1 It is considered that none of the policies in the NNP are likely to have a significant effect on the Humber Estuary SSSI, whether alone or in combination with other projects and programmes. The Plan does not specifically allocate land for development and does not promote more land for development than the Local Plan. Furthermore, the policies within the plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment.
- 8.2 Responses from statutory consultees have been received and are included in the appendix to this report. All three responses received agreed with the conclusions of this report, that there are unlikely to be significant environmental effects from the proposed plan.

# APPENDIX 2 - CONSULTEE RESPONSES

Response from Natural England

Date: 31 May 2019  
Our ref: 283653

[jamie.wilde@integreatplus.com](mailto:jamie.wilde@integreatplus.com)

**BY EMAIL ONLY**



Hornbeam House  
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T 0300 060 3900

Dear Jamie Wilde,

## **Newington, Hull - Neighbourhood Plan SEA/HRA Screening**

Thank you for your consultation on the above, dated and received by Natural England on 24 May 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.

### **Screening Request: Strategic Environmental Assessment / HRA**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

### **Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance 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.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations').

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

Natural England concurs with the conclusions of the assessment and is content that the plan will not have any likely significant effects on European protected sites

For any queries relating to the specific advice in this letter, for any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Danielle Priestner  
Consultations Team

# APPENDIX 2 - CONSULTEE RESPONSES

## Response from Historic England



Historic England

YORKSHIRE

Mr. Jamie Wilde,  
Integreat Plus,  
Unit 25,  
53 Mowbray Street,  
Kelham Island,  
Sheffield,  
S3 8EN

Our ref: PL00582586  
Your ref:  
  
Telephone 01904 601 879  
Mobile 0755 719 0988

3 June 2019

Dear Mr. Wilde,

### **Newington Neighbourhood Development Plan Strategic Environmental Assessment Screening Opinion Consultation**

We write in response to your consultation, seeking a Screening Opinion for the Newington Neighbourhood Plan.

For the purposes of this consultation, Historic England will confine its advice to the question, “Is it likely to have a significant effect on the environment?” in respect to our area of concern, cultural heritage. Our comments are based on the information supplied within the Newington Neighbourhood Plan.

The Draft Neighbourhood Plan indicates that within the plan area there is a wide range and number of designated cultural heritage assets. There are also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England concurs with your conclusion that the preparation of a Strategic Environmental Assessment is not required for the Newington Neighbourhood Plan.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made. We should like to stress that this opinion is based on the information available in the Newington Neighbourhood Plan.

To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the Hull Council and the Humber Archaeological Partnership are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

We look forward to receiving a consultation on the Pre-submission Draft of the Newington Neighbourhood Plan in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CB', is written over a faint, repeating watermark of the word 'electronic'.

Craig Broadwith  
Historic Places Adviser  
E-mail: [Craig.Broadwith@HistoricEngland.org.uk](mailto:Craig.Broadwith@HistoricEngland.org.uk)

## APPENDIX 2 - CONSULTEE RESPONSES

Response from Environment Agency

FW: 190719/JW03 SEA/HRA - Newington NDP

Thank you for consulting the Environment Agency regarding the above mentioned proposed draft plan. We have reviewed the information submitted and we wish to make the following comments

Strategic Environmental Assessment

We note that the Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, **we consider that it is unlikely that significant negative impacts on environmental characteristics** that fall within our remit and interest will result through the implementation of the plan.

Kind Regards

Claire Dennison  
Sustainable Places Planning Advisor

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