

Our Ref: HB/KN0092/16

10 May 2017

Brandon House, King Street, Knutsford,
Cheshire WA16 6DX
Tel: 01565 757500
Email: knutsford@walsingplan.co.uk
Web: www.walsinghamplanning.co.uk

Ms Carole Crookes
Programme Officer
9 Chestnut Walk
Silcoates Park
Wakefield
West Yorks
WF2 0TX

Dear Ms Crookes

**Examination into the soundness of the Hartlepool Local Plan
Representations by Helen Binns, Walsingham Planning – LP0242**

I write further to recent discussions in relation to the Examination into the Hartlepool Local Plan. Specifically, I am contacting you to formally request that our representations to the Local Plan Preferred Options be taken into consideration as part of the Examination into the soundness of the Local Plan and that we may be afforded an opportunity to have our representations heard orally by the Inspector.

This request is made on the basis that my client has been prejudiced on account of the Council not notifying me directly of the publication and resultant consultation period for the Local Plan Publication Stage document. It is also made on grounds that consideration of our representations is necessary to enable the soundness of the Plan and in particular, employment policies, to be properly determined.

In making this request reference is made to guidance published by the Planning Inspectorate - 'Procedural Practice in the Examination of Local Plans' (June 2016) which notes that ***"the Inspector is not precluded from inviting anyone to appear and be heard at a hearing session(s) where he or she thinks that person is needed to enable the soundness of the plan to be determined"***.

Background

At the Local Plan Preferred Options (Regulation 18) stage, I made representations on behalf of my client. It is relevant to point out that the Preferred Options version of the Plan, to which these representations were made, does not differ significantly from the Publication (Regulation



19) version of the Plan. Furthermore, this version of the Plan was not vague or fluid, but rather comprised the full wording of all policies, together with the complete supporting text.

A copy of these representations is attached for reference. Representations were made in relation to four policies: EMP3, RC16, RC1 and RC18. These representations sought three main changes to the emerging Local Plan:

- Deletion of the employment designation in relation to my client's land;
- Allocation of my client's land as an extension to the Belle Vue Local Centre; and
- Changes to the wording of Policy RC18.

These representations were submitted electronically from my email (helen.binns@walsingplan.co.uk) and were duly acknowledged by the Council (also by email). I have attached a copy of these emails for reference.

In December 2016, the Council consulted on the Local Plan Publication Stage Document. As we discussed, I did not receive notification of this consultation and hence no further representations were made to the emerging Plan. Had I been made aware of the consultation period for this stage of the Plan then further representations would have been made. This is on the basis that I consider the plan in its current form to be unsound for reasons I set out below.

Following discussion with Matthew King in Planning Policy at Hartlepool Borough Council, it has become clear that, as I discussed with you, I did not receive notification of the Local Plan Publication Stage (Regulation 19) consultation. This is because the Council amended my contact details on their database, along with a number of other Planning Consultants who made representations to the Local Plan Preferred Option stage, removing individual email addresses and replacing them with general company email addresses. This was done without recourse to the individuals concerned who were unaware that such a change had been made.

In my case, my personal email address was substituted, without my knowledge and without prior notification, for a generic company email address and one which is not actively used or monitored. As a consequence, I did not receive notification of the Local Plan Publication stage (Regulation 19) consultation and was entirely unaware of it taking place. Indeed, I only became aware that such a consultation had taken place when I received your email of 13th April asking whether I wished to appear and present my clients representations orally at the forthcoming examination into the Plan.

A number of significant concerns arise from this:

1. Because I was not notified of the Local Plan Publication stage consultation, I was not afforded an opportunity to comment on the Publication Plan and make representations on behalf of my client. The Council have thus inadvertently failed in their duty to notify all individuals who made representations to the Plan at the Regulation 18 stage of the subsequent Regulation 19 consultation.

2. As a consequence of the above, my client has been severely prejudiced and has not been afforded an opportunity for their concerns regarding the Local Plan strategy and in particular, the soundness of the Plan to be independently considered and examined. This runs contrary to Planning Inspectorate guidance which seeks to ensure fairness in the Plan making process and flexibility in conducting Examinations to accommodate the needs of all those involved to achieve a positive outcome.
3. It is highly irregular that I should receive an email to the address from which I submitted representations to the Local Plan Preferred Options consultation asking whether I would like to appear at the Examination, yet I received no notification of consultation on the Publication Local Plan.

Soundness

Paragraph 182 of the NPPF defines soundness and makes it clear that a sound plan is one which is positively prepared, justified, effective and consistent with national policy.

Having regard to the representations made at the Local Plan Preferred Options stage, I am of the firm view that the emerging Hartlepool Local Plan is unsound in relation to Policy EMP3. This policy allocates a large area of land at Brenda Road, Hartlepool for employment development. It is not appropriate, justified or effective however to allocate part of this land for employment development and to do so runs entirely contrary to Government guidance contained in the NPPF and specifically paragraph 22 which states:

"Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities",

Prejudiced

If representations to the Plan in respect of Policy EMP3 are not fully considered and subject to independent examination, not only would there have been a failure to ensure that the emerging plan is properly tested for soundness, but my client will have been severely prejudiced.

It is clear from the information provided, that I was not advised of the publication and subsequent consultation period for the Local Plan Publication document through the correct means and specifically, by the method by which earlier representations were made. I could thus not reasonably have been expected to have been aware of the consultation period, particularly taking into account the fact that neither myself or my client are based in the northeast.


The result is that my client is unable to put forward their concerns and objection with respect to the allocation of their land for employment development and more importantly, they are not being afforded a fair hearing to put forward their views. Furthermore, as a direct consequence his land will continue to be inappropriately allocated for employment development, which will be prejudicial to any application for planning permission which my clients may choose to make for the redevelopment of the site for non-employment development throughout the plan period Their landholding is also likely to be sterilised for the foreseeable future through no fault of their own.

Having regard to this information, I respectfully request that the representations I made to the Local Plan Preferred Options document be taken into consideration as part of the examination of the Plan and that I be afforded an opportunity to appear at the Examination to present the representations of my client orally. I consider it entirely within the Inspector's discretion to allow this by virtue of paragraph 3.11 of the Planning Inspectorate procedural guidance's which states "***the Inspector is not precluded from inviting anyone to appear and be heard at a hearing session(s) where he or she thinks that person is need to enable the soundness of the plan to be determined***". Such an approach is also supported by paragraph 6 of the guidance which requires "***Inspectors to be positive, flexible and supportive of the objective of getting an up-to-date, sound plan in place***".

I have also discussed the matter with Matthew King in Planning Policy at Hartlepool Borough Council and it is my understanding that he is not averse to this approach, particularly as the publication version of the emerging Plan differs little to the Preferred Options stage version.

I look forward to hearing from you shortly. If you have any queries or you wish to discuss matters further, please do not hesitate to contact me.

Yours sincerely



Helen Binns BA(Hons), MTPL, MRTPI
Principal Consultant
helen.binns@walsingplan.co.uk

Enc. Representations to Local Plan Preferred Options Consultation Document
Email from the Council confirming receipt

cc. Matthew King, Planning Policy, Hartlepool Borough Council