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Inspector: David Spencer BA(Hons) DipTP MRTPI

EXAMINATION INTO THE SOUNDNESS OF THE HARTLEPOOL LOCAL PLAN

16 May 2017

Dear Ms Binns

Examination into the soundness of the Hartlepool Local Plan

Further to your letter of 10 May 2017 I am responding to the two formal requests you have presented.

Firstly, your representations into the Local Plan Preferred Options document will be taken into consideration as part of the examination, where they are relevant to matters of soundness. The issue of employment land provision will form part of the examination, including the points in relation to paragraph 22 of the National Planning Policy Framework which you have identified.

Secondly, it is my decision that I will not hear oral representations from Walsingham Planning in respect of Policy EMP3 (Brenda Road) at the forthcoming examination hearings. My reasoning is set out as follows and should be read in conjunction with the correspondence through the Programme Officer dated 3 May 2017 (examination document EX/INS/2).

The primary legislation in the Planning and Compulsory Purchase Act 2004 together with the Planning Inspectorate Procedural Practice note (June 2016) cannot be read in isolation from the 2012 Regulations. As has been set out previously Regulation 20 only refers to representations on a Local Plan which the Local Planning Authority (LPA) proposes to submit to the Secretary of State (i.e. the Regulation 19 publication stage). As you have not made representations at this stage on Plan soundness the right to be heard does not apply. My approach is consistent with Paragraph 5.3 of the PINS Procedural Practice Note as set out in correspondence previously.

I have carefully considered your submission that you consider the LPA to have behaved prejudicially such that you/Walsingham Planning, on behalf of your

client, were inhibited from the opportunity to make representations at the important Regulation 19 stage. I do not share that assessment.

The evidence before me is that Walsingham Planning was on the database for inviting representations on plan soundness at the publication stage. I am not persuaded that a generic email account for an established consultancy would not be monitored or correspondence appropriately assigned to the relevant consultant. Furthermore, I note in your email of 2 May 2017 that you were unfortunately off work at the publication stage. In such circumstances I find it difficult that the LPA should be criticised for using a generic email account for your consultancy. The bottom line is that the LPA informed Walsingham Planning at the appropriate stage and the consultancy was not precluded from making submissions.

I understand that the LPA may not be averse to you attending the hearing sessions. It is my decision as to who I need to hear from to examine Plan soundness in accordance with the legislation (including the Regulations) and the PINS Procedural Practice guidance. I appreciate my decision is not the outcome you would have wanted but in adhering to the 2012 Regulations I consider that a fair approach to examining Plan soundness in Hartlepool will be implemented by hearing only from those who made representations at the appropriate Regulation 19 stage.

I consider that the response you received on 3 May 2017 together with this correspondence sets out my position having considered your submissions. Your letter of 10 May and this response will be placed on the examination website for transparency.

Yours sincerely

David Spencer

Inspector.