

Proposed Main Modifications – 2nd June 2017 (Issue 1)

The modifications below are expressed either in the form of striketrough for deletions and underlining for additions of text or through *a description* if more appropriate. The page numbers and paragraph numbering below refer to the Local Plan Publication Version (2016) as originally submitted to the Secretary of State and do not take account of the subsequent changes caused by the potential deletion or addition of text through any proposed modification. All paragraphs, policies, figures, tables, appendices and cross-referencing throughout the plan will be renumbered to take account of modifications set out in the Proposed Main Modifications and Additional Modifications schedules.

Exam Mod Ref	Page No.	Policy/Site/Para /Fig	Text with Proposed Modification	Reason for change
MM/CHP06/01	23	Para 6.26	The Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green Infrastructure assets of the Borough. <u>Recreational disturbance can result from new housing, but also from new leisure and tourism opportunities. Mitigation, for the recreational disturbance of European site birds needs to be effective and should be chosen from a range of diverse and flexible measures. These include, but are not limited to, Sustainable Alternative Natural Green Space (SANGS), a financial contribution to the management of coastal issues and information packs. In delivering development, applicants should be required to demonstrate how this type of mitigation will be detailed, how costs have been identified for delivery and should also demonstrate a level of comfort that such initiatives can be delivered effectively and that a suitable delivery method has been identified. Mitigation will be delivered through established frameworks. For example, financial contributions will be used to implement the Durham Heritage Coast Management Plan (2017-2025) management actions. Information and interpretation panels relating to the Teesmouth and Cleveland Coast SPA and Ramsar will be delivered as part of a refreshed European Marine Site Management Plan which INCA will initially co-ordinate.</u>	In response to comments from RSPB regarding seeking of mitigation via the HRA process at detailed development control application stage. As part of the ongoing work to support the plan the Council has agreed to produce a framework where financial contributions can be directed.
MM/CHP08/01	44	Policy INF1 preamble	<i>Insert following new paragraph after 8.5:</i>	To update reference to Tees Valley Combined Authority work

			<p><u>The Tees Valley Combined Authority’s transport vision for the Tees Valley is ‘to provide a high quality, quick, affordable, reliable and safe transport network for people and freight to move within, to and from the Tees Valley’. The Combined Authority is currently developing a Strategic Transport Plan, due for publication in summer 2017. To facilitate the public consultation, ‘Connecting the Tees Valley’ has been developed, which sets out the sub-region’s transport priorities up to 2026 and explain how the Tees Valley Combined Authority wants to improve the Tees Valley’s local transport system. This document sets out the framework for the Strategic Transport Plan and invites stakeholders, interest groups and the public to help shape the final Strategic Transport Plan. In producing the Strategic Transport Plan, the Combined Authority aims to:</u></p> <ul style="list-style-type: none"> • <u>Improve local railways by having more, faster and better trains and stations, so that journeys by rail are quicker and more comfortable;</u> • <u>Maintain and improve roads so that they are safe and less congested;</u> • <u>Provide better bus services that are punctual and reliable, with improved passenger information and facilities, which provide access to where people want to go, when they want to go;</u> • <u>Provide safe walking and cycling routes to make it easier to travel on foot and by bike; and</u> • <u>Make it easier and safer to transport freight by road, rail, sea and air.</u> <p><i>Insert following footnote at page 44:</i></p> <p><u>Connecting the Tees Valley, Tees Valley Combined Authority, November 2016</u></p> <p><i>Insert the following reference in Appendix 3: List of Regional Plans, Policies, Guidance and Strategies:</i></p>	<p>with respect to strategic transport and infrastructure.</p>
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MM/CHP08/02	45	Para 8.11	Highways England (HE) has undertaken a modelling exercise to assess the implications of the development proposals in the Local Plan on the strategic road network (SRN) and its junctions, namely the A19(T) and its various access points. With regard to the likely impact of the key housing allocation in the Local Plan on the strategic network - High Tunstall - the conclusion of the HE modelling was that the development would create “greater than 30 twoway trips – further assessment of potential impacts required”. The impact of the High Tunstall development will be mitigated by the provision of an improved link to the A19(T) at Elwick, including a bypass to the north of Elwick village and a grade separated junction on the A19(T) itself at the northern Elwick access (see policy INF1 ‘Sustainable Transport Network’ and the Local Infrastructure Plan). <u>In relation to housing development at Wynyard, the A689 committed scheme complements the Highways England Pinch Point Programme scheme at the A689/A19 junction, allowing a number of residential schemes at Wynyard to be implemented without further highway capacity improvements however further capacity improvements will be required to enable further development at Wynyard to be acceptable in highway terms and deliverable over the local plan period.</u>	In response to comments from Wynyard Park
MM/CHP08/03	49	Policy INF2	<i>Recommended to insert following text after ‘All schemes identified in the Local infrasturucte Plan will be delivered to conform to policy LS1’:</i> <u>Development proposals which would require the upgrading of the Church Street level crossing in order to achieve pedestrian and/or vehicular access will be expected to contribute accordingly.</u>	In view of Network Rail comments to ensure consideration is given to the upgrade of the Church Street level crossing.
MM/CHP08/04	50	Para 8.22	Based on current pupil projections the Local Education Authority is confident that the existing secondary school sites can cater for the expected growth from new housing development over the plan period. However some developments may be required to contribute towards school enhancements	In response to comments from the Education Funding Agency to clarify how the level of need may be met.

			or extra provision (such as additional classrooms) <u>at these sites</u> on the basis of the cumulative impact that the development may have on schools in that locality.	
MM/CHP08/05	50	Para 8.23	With regard to primary school provision there are concerns over the capacity of existing provision, particularly in the north west of the town. A new, one-form entry primary school will therefore be required as a result of the proposed housing development at High Tunstall. Elsewhere, a one-form entry new primary school is <u>also</u> to be provided as part of the approved South West Extension development on a site that has sufficient land for it to be expanded into a two-form entry primary school in the future. At Wynyard, <u>a temporary primary schools is currently sited within Hartlepool however a one-form entry new two-form entry</u> primary school is to be constructed <u>to the south of the A689</u> , within Stockton-on-Tees. <u>As Wynyard develops out, there will also be a need for an additional new primary school to the north of the A689, within Hartlepool. The scale of new primary school provision, whether these are to be one-form or two-form entry, will be determined based on need and whether these are delivered by the Council or the Education Funding Agency (EFA).</u> In other areas of the town, where housing developments are assessed to have an impact on a local school, whether primary or secondary, in line with the Planning Obligations Supplementary Planning Document, contributions may be required to increase the capacity of existing schools.	In response to comments from the Education Funding agency, to remove direct reference to the size of specific future primary school provision as this is yet to be agreed. Correction of typographical errors.
MM/CHP09/01	64	Policy QP3	<i>Recommended inserting the following text after point 6:</i> <u>7) Recognise the wider benefits that safety improvements at level crossings can bring about</u>	In line with comments from Network Rail.
MM/CHP09/02	72	Policy QP6	... Where appropriate all proposals must ensure that the following matters are investigated and satisfactorily addressed: 1) The status of any agricultural land and its importance to the Borough;	In line with Historic England comments.

			<p>2) Development should take account of previously contaminated land including from historic landfill sites;</p> <p>3) Any matters regarding flood risk, both on and off site, throughout the design life of the site;</p> <p>4) The presence of any landscape features and in particular protected trees;</p> <p>5) The presence of any heritage assets, <u>including any impact upon their significance</u> and the setting;</p> <p>6) The location of any high voltage overhead cables and gas, oil, water and other high pressure pipelines;</p> <p>7) The operation of air traffic and radar systems;</p> <p>8) The effects on, or impact of, general disturbance including noise, vibration, dust, fumes, smell and air quality;</p> <p>9) The water supply system is adequate, surface and foul main drainage is dealt with in a sustainable manner;</p> <p>10) The effects on wildlife and habitat; and</p> <p>11) The requirement to satisfy the relevant planning requirements of statutory consultees.</p>	
MM/CHP09/03	75	Policy QP7	<p>If by virtue of the nature of the development it is not possible to satisfy the above criteria then <u>the Borough Council would encourage</u> an attempt must <u>to</u> be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).</p>	<p>In view of comments from the Home Builders Federation, Gladman Developments and Persimmon Homes, it is agreed this aspect of the policy should not be a requirement.</p>
MM/CHP10/01	85	Policy HSG1	<p>The Borough Council will seek to ensure that new housing provision in the borough is delivered through housing sites that have already been permitted, newly identified sites both within the urban areas and on the edge of the urban area, villages in the rural area and sites elsewhere in the borough to, as a minimum, meet the housing need <u>requirement set below</u>.</p>	<p>To clarify that the Council has a flexible approach to the housing requirement and does not intend to apply it as a rigid ceiling for sites that are consistent with the Locational Strategy and which will deliver</p>

				sustainable development.
MM/CHP10/02	90	Diagram 1	<p>Agree to amend Diagram 1 to show school land under Policy INF4 (Community Facilities).</p> <p>Also agree to amend the key on Diagram 1 to read: <u>Indicative route of land</u> safeguarded land for <u>the</u> future road.</p>	In view of comments from Persimmon Homes, the Council agree to amend Diagram 1 accordingly.
MM/CHP10/03	91	Policy HSG4	4) An access road through the site connecting the A689 and Brierton Lane with appropriate vehicular, pedestrian and cycle linkages to the adjoining urban area will be provided .	In response to comments from Persimmon Homes.
MM/CHP10/04	96	Policy HSG5	The Local Infrastructure Plan gives further detail on the infrastructure requirements linked to the site and Legal agreements will ensure the LGF (or alternative) funding for the road improvements linking to the A19(T) and associated Elwick grade separated junction is paid back by each of the phases <u>of the High Tunstall development, along with contributions from Quarry Farm 2 (HSG5a), Elwick Village (HSG7) and Briarfields (HSG3(3))</u> , on a pro rata basis.	Considered appropriate to reference Quarry Farm 2, Elwick Housing Site and Briarfields in policy wording for clarification.
MM/CHP10/05	98	Policy HSG6	1) No more than 6.7ha of land will be developed for new executive housing and associated infrastructure at the North Pentagon. Densities within this area will be restricted to a maximum of 15 dwellings per hectare. The development will incorporate a minimum of approximately 2.12ha of green infrastructure, informal open space and recreational and leisure land including the provision of a skate park <u>or suitable alternative play provision</u> on land adjacent to the play area associated with the southern pentagon area;	In response to comments from Wynyard Park to ensure the policy allows for an appropriate degree of flexibility.
MM/CHP10/06	102	Policy HSG7	<p><i>Recommended to insert after criterion 5:</i></p> <p><u>6) The development will be expected to contribute, on a pro-rata basis with High Tunstall (HSG5), Quarry Farm 2 (HSG5a) and Briarfields (HSG3(3)), to</u></p>	In view of comments from Cecil M Yuill Ltd, it is agreed that reference to the proposed bypass of Elwick village would

			<u>the provision of the grade separated junction and bypass to the north of Elwick Village.</u>	be appropriate in policy HSG7.
MM/CHP11/01	125	Para 11.36	In the south east of the Borough some of the specialist industrial land is located adjacent to or close to sites of international, national or local importance for nature conservation, including the Teesmouth and Cleveland Coast Special Protection Area/Ramsar site, Teesmouth National Nature Reserve and several Sites of Special Scientific Interest. European and UK legislation require these sites to be protected from development that may have a significant impact on their nature conservation interest. Industrial development near these areas may be restricted or be required to provide appropriate mitigation and/or compensation measures in order to meet the requirements of the Habitat Regulations. <u>In order to demonstrate strategic commitment to conserving European Sites, industrial companies will be encouraged to join INCA and participate in the Tees Estuary Partnership. If EMP4 sites are developed, this is likely to adversely impact upon neighbouring pSPA and SPA land. Construction and operation will need to mitigate adverse impact on European Sites, for example through timing of works and companies should consider this in their long-term planning.</u>	In response to RSPB comments.
MM/CHP11/02	128	Policy EMP6	<u>In order to make any underground storage deliverable, access will need to be from the portion of Greenabella Marsh that has no Natural Environment allocation, which will avoid the need for a structure to be built on the SPA. There is such a piece of land which adjoins the A178 and the EMP6 sites.</u>	In view of RSPB comments, it is considered that this will avoid stages 3 and 4 of the Habitat Regulations.
MM/CHP12/01	132	Para 12.20	In the rural area outside the development limits, beyond the agricultural permitted development rights, development should only <u>may</u> be permitted where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the social needs of the local community. <u>This and</u> other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments may be permitted where it respects the <u>tranquillity and</u> character of the local countryside and does not have a significant impact on	It is considered that reference to tranquillity should be made in view of CPRE comments.

			visual amenity in the setting of the landscape or <u>on</u> the local road network.	
MM/CHP12/02	135	Policy RUR2	The New Dwellings Outside of Development Limits SPD provides detailed guidance on the principle of a new dwelling in the countryside. <u>For new dwellings in the rural area, further to the criteria set out in this policy, the development must have regard to the provisions of the New Dwellings Outside of Development Limits Supplementary Planning Document</u>	To provide greater clarity with respect to the criteria set out within RUR2.
MM/CHP12/03	138	Policy RUR4	<i>Recommended to add following text after criterion 7:</i> <u>8) The proposal does not involve a significant, irreversible loss of the best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.</u>	In response to concerns from Greatham Parish Council and in line with emerging policy RUR3 (Farm Diversification).
MM/CHP13/01	147/ 148	Policy RC1	The Borough Council has identified and defined a hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations and/or locations where connectivity can easily be enhanced throughout the Borough. The defined hierarchy and sequential preference of the centres, for main town centre uses in the Borough are identified in table 14 and on the proposals map and are detailed below: 1) The Town Centre, then; 2) Edge of Town Centre Areas and Retail and Leisure Parks then; 3) Local Centres. Proposals for main town centre uses, not located within a designated centre will be required to provide a robust sequential test. The test must consider all of the Borough’s designated centres and follow the sequential hierarchy. Where it is established that no suitable sites are available within the designated centres, an alternative acceptable location may be a location	Clarification of policy wording.

			<p>accessible by a choice of means of transport and/or which offers significant regeneration benefits.</p> <p>Proposals for main town centre uses, within a local centre, in excess of <u>with a floor area of 300m² floor space</u> or above, will be required to provide a robust sequential test. The test must consider all of the Borough’s designated centres and follow the sequential hierarchy. Where it is established that no suitable designated centres are available to accommodate the proposals, an alternative centre, accessible by a choice of transport and/or which offers significant regeneration benefits, may be acceptable.</p> <p>Proposals for main town centre uses, within an edge of centre or Retail and Leisure Park, in excess of <u>with a floor area of</u> with a floor area of 250m² floor space or above, will be required to provide a robust sequential test. The test must consider all of the Borough’s designated centres and follow the sequential hierarchy. Where it is established that no suitable designated centres are available to accommodate the proposals, an alternative centre, accessible by a choice of transport and/or which offers significant regeneration benefits, may be acceptable.</p> <p>Proposals for retail, leisure and office development located in local centres, in excess of <u>with a floor area of</u> with a floor area of 300m²-floor space or above, will be required to provide a robust retail impact assessment. In some instances it may be necessary to assess the impact of the proposal on the Town Centre, other designated centres and village businesses and community facilities. Proposals which would undermine Town Centre vitality and viability will not be permitted.</p> <p>Proposals for retail, leisure and office development with a floor area of 200m² or above, not located in the Town Centre or a local centre, will be required to provide a robust retail impact assessment. In some instances it may be necessary to assess the impact of the proposal on the Town Centre and other designated centres. Proposals which would undermine Town</p>	
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			Centre vitality and viability will not be permitted.	
MM/CHP13/02	168	Para 13.91	The Marina allocation in this Local Plan includes the water within the Marina. The water and waterfront are important features which the Borough Council seeks to ensure remain attractive features. The Borough Council wish to see the water enhanced with the provision of water based activities, connectivity infrastructure such as water taxis and the waterfront visually improved. Allowing built development on and/or over the water could hamper the opportunities to develop water based activities and the Borough Council will seek to strictly control any development on/over the water. Allowing poor design and poor connectivity along the waterfront could hamper the experience of visitors therefore any development should form a strong relationship between building/s and water's edge. <u>The Estuary Edges: Ecological Design Guidance which has been developed by the Environment Agency will be relevant for some types of development.</u>	Additional wording in line with comments of the Environment Agency.
MM/CHP13/03	169	Para 13.99	Advertising within the Marina plays a vital role in informing visitors what is on offer within the area and assists in capturing visitors for longer stays and increasing the spend whilst in the area. Currently the advertising within the Marina is limited and outdated. The Borough Council will encourage and support applications that seek to improve the overall signage quality across the area, particularly signs that are reflective of the area's history and/or function <u>and that promote the area's internationally important birds</u> . Poor quality signage will be resisted due to the detrimental impact it has on the visual amenity of the area.	This will increase public awareness of SPA birds.
MM/CHP13/04	188	Policy RC18	<i>Recommended that a new section 'Villages' is introduced which will read:</i> <u>A maximum of 1 hot food takeaway will be permitted within the limits to development of each of the villages in order to provide a local service to the village and where this is demonstrably supported locally</u> <i>It is also recommended that the text at 'All other locations' is amended to</i>	It is agreed that the policy needs to be more flexible in balancing the achievement of the policy aims with supporting rural services.

			<p><i>read:</i></p> <p>Hot food takeaways will not be permitted outside of any designated retail or commercial centre <u>or the limits to development of any village.</u></p>	
MM/CHP14/01	196	Policy LT1	<p>Major leisure and tourism developments in Hartlepool which are likely to attract large numbers of visitors will be expected to locate within the Town Centre, <u>the Mill House Edge of Town Centre Area</u> or the Marina.</p>	<p>The Borough Council acknowledges that there is a strong case for Policy LT1 Leisure and Tourism also being applied as an overlapping designation to this area</p>
MM/CHP14/02	196-197	Policy LT1	<p>Seaton Carew will be promoted and developed as a tourism destination which showcases and protects the EU designated bathing waters and Seaside Awards. Regeneration schemes which improve the vitality and viability of Seaton Carew whilst <u>protecting and enhancing the Conservation Area and</u> the settlement's open seaside character and protecting the Conservation Area will be promoted and actively supported by the Local Authority.</p>	<p>Amended to reflect Historic England advice.</p>
MM/CHP15/01	208	Policy HE1	<p>The Borough Council will seek to refuse proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset only in exceptional circumstances unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit.</p>	<p>Amended wording in line with Historic England comments to ensure compliance with NPPF.</p>
MM/CHP15/02	217	Policy HE7	<p>In exceptional circumstances where a heritage asset is at risk and requires significant repairs to maintain or enhance its heritage value and the cost for repair and/or investigation is undeliverable by any other means, the redevelopment of the wider site may be considered. However this will only be an option when the proposed development does not create substantial harm or total loss of significance of a heritage asset. In the case of less than significant harm to the heritage asset it must be demonstrated that any loss and/or harm is necessary and outweighed by the need to achieve substantial public benefit.</p>	<p>Inclusion of caveat in Policy HE7 is considered acceptable in line with Historic England comments.</p>

			<u>Where is it evidenced that risk has come about as the result of deliberate neglect or damage, enablement development will not be supported.</u>	
MM/CHP16/01	218	Para 16.1	<p><u>In line with the Government’s emerging Natural Capital agenda</u>, the Borough Council recognises the important role that Hartlepool’s natural environment plays in enhancing people’s quality of life and improving quality of place. The benefits of a high quality natural environment run as a cross-cutting theme through many of the policies and proposals of the Local Plan. A high quality environment can:</p> <ul style="list-style-type: none"> • Encourage more people to live and work in Hartlepool • Complement efforts to attract new economic growth and investment • Help to increase the number of visitors and boost the tourism economy • Provide more opportunities for leisure and recreation with consequent benefits for people’s health and well-being • Support measures to adapt to and mitigate against the potential impacts of climate change 	To strengthen the preamble to the chapter to include reference to Natural Capital in view of CPRE comments.
MM/CHP16/02	223-224	Para 16.23	<p>The concept of biodiversity accounting or offsetting may offer a future role in providing compensation for development which results in a loss of nature conservation value. Biodiversity accounting is a methodology offering potential to recognise and quantify the environmental impact of development, and generating extra investment for habitat creation by appropriate compensation schemes. A key principle of biodiversity accounting is that it is only after avoidance, mitigation and on-site compensation have been fully investigated that any residual environmental damage can be considered for compensation off-site. Biodiversity accounting needs to show measurable outcomes that are sustained over time. A pilot scheme has been operating with six local authorities in England and the evaluation of this pilot has provided some encouraging lessons for applying biodiversity accounting in practical situations <u>In 2012 Defra</u></p>	In response to comments from the Durham Bird Club to update reference to biodiversity offsetting.

			<u>commissioned eight biodiversity offsetting pilots in six areas and these ran until 2014. Evaluation of the pilot has provided some encouraging lessons for applying biodiversity accounting in practical situations. At least one environmental consultancy is actively promoting biodiversity offsetting in the planning sector and has developed a ‘metric’ for assessing all the relevant criteria.</u>	
MM/CHP16/03	230	Policy NE1	7) Existing woodland and trees of amenity value and nature conservation value are protected, and an increase in tree cover will be sought in appropriate locations in line with the Borough Council’s Tree Strategy. Areas of ancient woodland, including ancient semi-natural woodland (ASNW), plantations on ancient woodland sites (PAWS), and <u>aged ancient</u> or veteran trees outside ancient woodland, will be protected unless there are exceptional circumstances. The Borough Council will also ensure that development does not result in the loss of or damage to ancient woodland (including ASNW and PAWS) by requiring the implementation of a buffer of at least 15 metres between development and the ancient woodland site (depending on the size of the site). <u>For ancient or veteran trees, a buffer 15 times the stem diameter or 5 metres beyond the drip line of the leaf canopy should be maintained, whichever is the greater.</u>	In light of comments from the Woodland Trust and following advice from the Council’s Arboricultural Officer.
MM/CHP16/04	245	Policy NE5	3) where there is up to date, robust evidence (through for example an Open Space/Recreation Assessment <u>or the Playing Pitch Strategy</u>) that demonstrates an excess of provision of playing fields, or their re-location achieves a better dispersal of provision which meets the requirements of users and the local community, or 4) where <u>a proposed development, including</u> school expansion or re-building, takes place and the loss of some playing fields does not adversely affect the quantity, quality or use of those playing fields <u>any playing pitches or any other sporting facilities on the site.</u> <u>5) where the provision of built sport facilities will result in the loss of playing</u>	In light of comments and advice from Sport England and to ensure the policy is in line with Sport England’s exception tests.

			<u>itches, the development is of greater benefit to sport than the playing pitches it will replace and the needs for which clearly outweigh the loss.</u>	
MM/APP01/01	251	Appendix 1: Glossary of Terms	<i>Recommended to insert:</i> <u>Constructive Conservation - Constructive Conservation is a positive, well-informed and collaborative approach to conservation. It is a flexible process of helping people understand their historic environment and using that understanding to manage change.</u>	In response to Historic England comments
MM/APP02/02	256	Appendix 1: Glossary of Terms	<i>Recommended to insert:</i> <u>Natural capital - Natural capital refers to the elements of the natural environment which provide valuable goods and services to people. The Government focus that the state of natural capital matters, not just because people enjoy the aesthetic elements of landscapes and wildlife of England, but because of the wide-ranging economic benefits that natural assets provide when managed well.</u>	In response to CPRE comments.
MM/APP12/01	295	Appendix 12	<i>Inclusion of Monitoring Framework as Appendix to Local Plan document</i>	To ensure monitoring framework is included in Local Plan document in light of advice from the Planning Inspector.