



Hartlepool Local Planning Framework

Local Plan

Hartlepool Flood Risk Exception Test



August 2017



Introduction

- 1.1 The application of the Exception Test is set out at NPPF paragraph 102. The Exception Test is applicable if, following application of the Sequential Test; it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. For the Exception Test to be passed:
- **The first part of the Test:** It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared (the first part of the Test); and
 - **The second part of the Test:** A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (the second part of the Test).
- 1.2 Both elements of the test will have to be passed for development to be allocated or permitted. Following the application of the sequential test, the following sites have been determined as requiring the Exception Test.

Strengthening the Local Economy

- Policy EMP4b West of Seaton Channel
- Policy EMP4c Philips Tank Farm
- Policy EMP4g Able Seaton Port
- Policy EMP5 Safeguarded for Nuclear Power Station
- Policy EMP6 Underground Storage

Retail and Commercial

- Policy RC2: The Town Centre
- Policy RC5: The Brewery and Stranton Edge of Town Centre Area
- Policy RC7: Lynn Street Edge of Town Centre Area
- Policy RC11: York Road South Edge of Town Centre Area
- Policy RC12: The Marina Retail and Leisure Park
- Policy RC14: Trincomalee Wharf Retail and Leisure Park
- Policy RC16: Northgate/Union Street Local Centre
- Policy RC16: Seaton Front Local Centre
- Policy RC17: Late Night Uses Area

Leisure and Tourism

- Policy LT1: Leisure and Tourism
- Policy LT2: Tourism Development in the Marina

Application of the Exception Test

2.1 Table 1 shows the results from the application of the Exception Test. This has been reviewed by the Council’s Principal Engineer and the Environment Agency. All of the sites / areas have been assessed as having passed the 1st part of the Exception Test. All of the sites / areas have also been assessed as being able to pass the 2nd part of the Exception Test but this will need to be further assessed through a flood risk assessment in the event of a specific development proposal.

Table 1: Application of the Exception Test

<p>EMP4b West of Seaton Channel</p>	<p>Exception Test: Part One Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <hr/> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for specialist industries. These include the following:</p> <ul style="list-style-type: none"> • The creation of new jobs and inward investment in specialist industries over the plan period (Supports economy SA objective) • Improving the accessibility to jobs for local residents (Supports transport SA objective). <p>This policy is considered very positive economically and positive from a social perspective. The existing operational user is Huntsman Tioxide which is a global manufacturer and marketer of differentiated chemicals. The site manufactures titanium dioxide pigments which requires the import of raw materials and then exports the finished product globally, in both instances via Tees Port. In the event of there being new development at this location it would almost certainly be an expansion of the existing activity. The optimum location to minimise environmental impacts for this use is one that is away from residential communities and is accessible to port facilities.</p> <p>Conclusion</p> <p>It is important for the economic aspirations of the Council to retain employers of this calibre and this supports the economy sustainability appraisal objective. The site forms part of an existing industrial area (the Southern Business Zone) with existing infrastructure and with minimal impact on residential communities and which is the main employment</p>
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	<p>area in the Borough. The Council’s Economic Regeneration Strategy (2011 – 2021) states ‘The continued development of key employment sites such as the Southern Business Zone and improved business infrastructure activity across Hartlepool, has significantly contributed to attracting investment, encouraging growth in indigenous companies and increasing the number of new start up businesses.’ There are no realistic alternative locations for this type of economic activity and the economic benefits and the associated social benefits from the employment opportunities created mean that the 1st part of the Exception Test has been passed.</p>
<p>EMP4b West of Seaton Channel</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 100% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment. With reference to the viability of development, the LPA note that the existing occupier of the site is a multi-national company. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘The site is predominantly located within Flood Zone 3a where the typical depth of flooding (undefended scenario) is currently in excess of 1.2m with a significant hazard rating.’ This would need to be taken account of and mitigated against through a site specific flood risk assessment which would need to demonstrate safe access and egress. • The SFRA states ‘Access (including emergency access) across the site will need to take account of future flood levels. It is noted that the Tees Road is inundated to similar depths as the site within the undefended situation.’ The LPA is aware that once Climate Change is taken account of the existing A178 Tees Road is at risk of inundation. Regardless of site designations this is something that will require addressing as this carriageway forms one of only three key highway infrastructure routes into Hartlepool. • The SFRA states ‘Development in areas covered by Flood Zone

	<p>3a may be difficult and land raising may result in a reduction in available flood storage, however in this instance, it is noted that this is a defended site within an area of tidal flood risk and land raising is unlikely to impact on tide levels. Without reference to the protection provided by the existing defences, land raising would need to be higher than the current industrial unit to reduce flood risk to an acceptable level.'</p> <ul style="list-style-type: none"> • The LPA notes that this assessment is without reference to the protection provided by the existing defences. Advice from the Council's Principal Engineer is that a Flood Risk Assessment associated with a specific development proposal, which took into account the existing defences, may determine that the site could be developed safely. • Any future essential infrastructure will need to take the impacts of climate change into account to ensure the safe operation throughout the lifetime of the development. • The policy will be amended to state 'Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development'. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test can be passed but this will need to be further assessed through a flood risk assessment in the event of a specific development proposal.</p>
<p>EMP4c Philips Tank Farm</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for specialist industries. These include the following:</p> <ul style="list-style-type: none"> • The creation of new jobs and inward investment in specialist industries over the plan period (Supports economy SA objective). • Improving the accessibility to jobs for local residents (Supports transport SA objective). • This policy is considered very positive economically and positive from a social perspective. <p>The existing operational user is ConocoPhillips, a major international oil and gas exploration company. In the event of there being new development at this location it would almost certainly be an expansion of the existing activity. The site links to an oil pipeline which runs from the coast and is essential in order to refine the stored substances. The</p>

	<p>optimum location to minimise environmental impacts for this use is one that is away from residential communities and is linked to an oil pipeline. In addition, this location minimises societal risk from the pipeline as the further the oil is transported, the greater the potential for accidents. The LPA considers that there is a demonstrable need for the allocation to be in this location.</p> <p>Conclusion</p> <p>It is important for the economic aspirations of the Council to retain employers of this calibre and this supports the economy sustainability appraisal objective. The site forms part of an existing industrial area (the Southern Business Zone) with existing infrastructure and with minimal impact on residential communities and which is the main employment area in the Borough. The Council’s Economic Regeneration Strategy (2011 – 2021) states ‘The continued development of key employment sites such as the Southern Business Zone and improved business infrastructure activity across Hartlepool, has significantly contributed to attracting investment, encouraging growth in indigenous companies and increasing the number of new start up businesses.’ There are no realistic alternative locations for this type of economic activity and the economic benefits and the associated social benefits from the employment opportunities created mean that the 1st part of the Exception Test has been passed.</p>
<p>EMP4c Philips Tank Farm</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is it anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 19% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. With reference to the viability of development, the LPA note that the existing occupier of the site is a multi-national company. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Access (including emergency access) across the

	<p>site will need to take account of future flood levels. It is noted that the Tees Road is inundated to similar depths as the site within the undefended situation.’ The LPA is aware that once Climate Change is taken account of the existing A178 Tees Road is at risk of inundation. Regardless of site designations this is something that will require addressing as this carriageway forms one of only three key highway infrastructure routes into Hartlepool.</p> <ul style="list-style-type: none"> • The SFRA states ‘Development in areas covered by Flood Zone 3a may be difficult and land raising may result in a reduction in available flood storage however in this instance it is noted that this is a defended site within an area of tidal flooding and land raising is unlikely to impact on tidal levels. Without reference to the protection provided by the existing defences, land raising would need to be set higher than the current industrial unit to reduce flood risk to an acceptable level.’ The LPA notes that land raising is unlikely to impact on tidal levels and that the need for land raising to be set higher than the current industrial unit is without reference to the protection provided by the existing defences. • Any future essential infrastructure will need to take the impacts of climate change into account to ensure the safe operation throughout the lifetime of the development. • The policy will be amended to state ‘Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development’. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>EMP4g Able Seaton Port</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for specialist industries. These include the following:</p> <ul style="list-style-type: none"> • The creation of new jobs and inward investment in specialist industries over the plan period. (Supports economy SA objective) • Improving the accessibility to jobs for local residents. (Supports transport SA objective) • This policy is considered very positive economically and positive from a social perspective.

	<p>Existing operational uses include the dismantling of marine infrastructures including those associated with hazardous uses. Able UK are recognised as being a world leader in this highly specialised field. In a global context the process of dismantling marine infrastructures associated with hazardous uses has important environmental benefits and there are few operators who are able to carry out this process with comparable expertise to Able UK.</p> <p>Conclusion</p> <p>It is important for the economic aspirations of the Council to retain employers of this calibre and this supports the economy sustainability appraisal objective. The site forms part of an existing industrial area (the Southern Business Zone) with existing infrastructure and with minimal impact on residential communities and which is the main employment area in the Borough. The Council’s Economic Regeneration Strategy (2011 – 2021) states ‘The continued development of key employment sites such as the Southern Business Zone and improved business infrastructure activity across Hartlepool, has significantly contributed to attracting investment, encouraging growth in indigenous companies and increasing the number of new start up businesses.’ There are no realistic alternative locations for this type of economic activity and the economic benefits and the associated social benefits from the employment opportunities created mean that the 1st part of the Exception Test has been passed.</p>
<p>EMP4g Able Seaton Port</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • Approximately 20% of this Designation Area is at risk of tidal flooding and currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA also states ‘Given the depth of flooding, and nature of

	<p>the development proposals mitigation measures such as land raising and flood defences may need to be considered. Owing to the coastal location, it is unlikely that land raising will increase flood risk elsewhere. However, the site specific FRA will need to demonstrate any interactions with adjoining land and flow routes. 'The LPA notes that it is unlikely that land raising will increase flood risk elsewhere.</p> <ul style="list-style-type: none"> • The SFRA states 'The site will be afforded an additional level of flood protection in the form of the raised defences. The Standard of Protection provided by the crest level of these defences has not been confirmed by this assessment. The site may, therefore, be reconsidered on this basis; subject to confirmation of residual risks and overtopping assessment as part of a detailed Flood Risk Assessment.' The LPA notes that the site may be reconsidered on the basis that it is afforded an additional level of protection in the form of raised defences. • Any futures essential infrastructure will need to take the impacts of climate change into account to ensure the safe operation throughout the lifetime of the development. • The policy will be amended to state 'Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development'. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>EMP5 Nuclear Power Station</p>	<p>Exception Test: Part One Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for a nuclear power station. These include the following:</p> <ul style="list-style-type: none"> • Strongly encouraging economic growth through provision of jobs locally and the north east region as a whole. • There is a possibility that the new nuclear power station will provide apprenticeships and training programs for workers and hence contribute to education and skills at that level • Less reliance on non-renewable sources of energy through nuclear energy provision. <p>The National Policy Statement for Nuclear Power Generation identified Hartlepool as one of 10 sites potentially suitable for the deployment of a new nuclear power station by the end of 2025. The Council were</p>

	<p>required by the Government to safeguard the land covered by Policy Emp5 for a potential new nuclear power station.</p> <p>It is a priority site for the Council due to its importance to the Government’s energy strategy and to the local economy. The Council’s Economic Regeneration Strategy identifies the following job opportunities in relation to the allocation:</p> <ul style="list-style-type: none"> • 350 new jobs from the decommissioning of the Hartlepool Nuclear Power Station and up to 3000 from the construction of a new facility over a five year period. • The new Nuclear Power Station requiring up to 750 employees. <p>Conclusion</p> <p>It is important for the economic aspirations of the Council to retain employers of this calibre and this supports the economy sustainability appraisal objective. The site forms part of an existing industrial area (the Southern Business Zone) with existing infrastructure and with minimal impact on residential communities and which is the main employment area in the Borough. The Council’s Economic Regeneration Strategy (2011 – 2021) states ‘The continued development of key employment sites such as the Southern Business Zone and improved business infrastructure activity across Hartlepool, has significantly contributed to attracting investment, encouraging growth in indigenous companies and increasing the number of new start up businesses.’ There are no realistic alternative locations for this type of economic activity and the economic benefits and the associated social benefits from the employment opportunities created mean that the 1st part of the Exception Test has been passed.</p>
<p>EMP5 Nuclear Power Station</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • The Designation Area is currently approximately 60% within Flood Zones 2 and 3a. The LPA considers that the criteria for Exception Testing are achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment. 3. Can the site, and any residual risks to the site, be safely managed to

	<p>ensure that its occupiers remain safe during times of flood if developed?</p> <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, and nature of the development proposals mitigation measures such as land raising and flood defences will need to be considered. Owing to the coastal location, it is unlikely that land raising will increase flood risk elsewhere. However, the site-specific FRA will need to demonstrate any interactions with adjoining land and flow routes.’ The LPA notes that it is unlikely that land raising will increase flood risk elsewhere. • Any future essential infrastructure will need to take the impacts of climate change into account to ensure the safe operation throughout the lifetime of the development. • The policy will be amended to state ‘Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development’. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test can be passed but this will need to be further assessed through a flood risk assessment in the event of a specific nuclear related development proposal.</p>
<p>EMP6 Underground Storage</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for storage. These include the following:</p> <ul style="list-style-type: none"> • The policy will support the economy sustainability appraisal objective as it could lead to some limited job creation, possibly within waste storage but there may be other waste storage options not solely linked to waste. • The policy will support the built and natural environment sustainability appraisal objective as it will ensure the natural environment is protected as it only allows non-toxic storage and its seeks to protect the aquifer. <p>Conclusion</p> <p>Opportunities for underground storage are very limited. The only other site that the LPA is aware of is the Anhydrite mine on the eastern edge of the Headland. However, given that this is in close proximity to residential communities, it is not seen as suitable for underground storage of waste. The proposed allocation is ideally located to provide</p>

	<p>storage facilities for the cluster of industrial uses in the area. The allocation of the site provides an opportunity to have a site specific policy which fully recognises that the mitigation of flood risk would be a priority for any development proposal and that only non-toxic substances should be considered for storage, as well protecting the aquifer and watercourses. There are no realistic alternative locations for this type of economic activity and the support that the policy provides for the built and natural environment objectives means that 1st part of the Exception Test has been passed.</p>
<p>EMP6 Underground Storage</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • The Designation Area is 100% within Flood Zones 2 and 3a. The LPA considers that the criteria for Exception Testing are achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, and nature of the development proposals mitigation measures such as land raising and flood defences will need to be considered. Owing to the coastal location, it is unlikely that land raising will increase flood risk elsewhere. However, the site-specific FRA will need to demonstrate any interactions with adjoining land and flow routes.’ The LPA notes that it is unlikely that land raising will increase flood risk elsewhere. • Any future essential infrastructure will need to take the impacts of climate change into account to ensure the safe operation throughout the lifetime of the development. • The policy will be amended to state ‘Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development’. • The policy will be amended as follows: <ol style="list-style-type: none"> a. Proposals for the storage of toxic substances will not be allowed.

	<p>b. Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development’.</p> <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test can be passed but this will need to be further assessed through a flood risk assessment in the event of a specific storage related development proposal.</p>
<p>RC2 The Town Centre</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • A vibrant and successful town centre will encourage new businesses and help to diversify the local economy. (Supports the economy SA objective) • A vibrant town centre will contribute to a feeling of safety and security with plenty of people around and fewer empty premises. Image and perception are important elements of safety and security. (Supports the safety and security Sa objective) • The policy can have a positive impact on the SA housing objective of securing decent, good quality homes by: <ul style="list-style-type: none"> ○ Allowing residential uses in areas that are marginal or unsuitable for retail or other commercial uses ○ Helping to create sustainable communities in association with other types of use e.g. in the Church St area where residential can support business and workspace uses ○ Providing facilities for vulnerable people and those that need support ○ Encouraging good design as part of the overall ambition to raise quality standards for the town centre • Accessibility of services to most sections of the local community is a positive element of the policy. (Supports the transport SA objective) • A vibrant town centre will contribute to the environmental quality and character of the townscape and streetscape. (Supports the built and natural environment SA objective) • Implementation of the policy will improve accessibility of services and facilities, including retail, culture and leisure. (Supports the liveability and place SA objective) <p>This policy will provide a number of significant sustainability benefits,</p>

	<p>including good accessibility for most of Hartlepool’s population to key services and facilities by a variety of means of transport. The policy presents opportunities for improving the quality of the town centre and catering for different needs over time. In order to achieve a vibrant and vital town centre, it is necessary not only to have an attractive physical environment for shops and services but also opportunities for residential living which will support the evening economy, sustain a broad mix of day-time uses and providing additional levels of self-policing, security and safety.</p> <p>Conclusion</p> <p>It is important for the economic and social aspirations of the Council to have a vibrant and vital town centre and the allocation supports these aspirations. The Council’s Economic Regeneration Strategy states ‘The Town Centre and Marina areas provide a key focus in creating a vibrant and successful central area that supports economic investment and growth.’ No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council’s Economic Regeneration Strategy and the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC2 The Town Centre</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 5% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • Flood outlines are based on the Environment Agency undefended model which may be conservative in terms of the defined flood risk extent.

	<ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’ <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC5 The Brewery and Stranton</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site as retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • It should be significantly beneficial in helping to diversify the local economy. (Supports the economy SA objective) • The policy will be implemented in conjunction with appropriate design policies, including Secure by Design. A positive approach, including re-use of vacant buildings, will contribute towards safer and cleaner communities and help to maintain and keep clean public space. (Supports the safety and security SA objective) • The close proximity of this area to the town centre and its easy access by public transport mean that the policy will contribute positively to minimising transport barriers, helping to reduce the need to travel and distance travelled, and help to maximise use of the existing transport network. (Supports the transport SA objective) • The inclusion of education and training facilities will help to tackle worklessness, while other leisure and cultural uses can help contribute towards social inclusion and community cohesion. (Supports the Equity, Diversity, Equality and Participation SA objective) <p>This policy will provide a number of significant sustainability benefits, including improved access to jobs and training, and the range of retail, cultural and leisure facilities have the potential to expand to meet the needs of the local community. The emphasis on design and character</p>

	<p>should assist in creating a sense of place and encourage community ownership. In order to achieve a vibrant and vital area, it is necessary not only to have an attractive physical environment for shops and services but also opportunities for residential living which will support the evening economy, sustain a broad mix of day-time uses and provide additional levels of self-policing, security and safety.</p> <p>Conclusion</p> <p>It is important for the economic and social aspirations of the Council to have vibrant and vital retail and commercial centres and the allocation supports these aspirations. No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council’s Economic Regeneration Strategy and the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC5 The Brewery and Stranton</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 21% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood

	<p>Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.</p> <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC7 Lynn Street</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • It should be significantly beneficial in helping to diversify the local economy. (Supports the economy SA objective) • The policy will be implemented in conjunction with appropriate design policies, including Secure by Design. A positive approach, including re-use of vacant buildings, will contribute towards safer and cleaner communities and help to maintain and keep clean public space. (Supports the safety and security SA objective) • Close proximity to the railway station and the transport interchange. (Supports the transport SA objective) • The inclusion of education and training facilities will help to tackle worklessness, while other leisure and cultural uses can help contribute towards social inclusion and community cohesion. (Supports the Equity, Diversity, Equality and Participation SA objective) <p>This policy will provide a number of significant sustainability benefits. Its proximity to the town centre, railway station and transport interchange means new development is easily accessible by sustainable modes of transport. There should be opportunities to improve and re-use existing buildings, and there are opportunities to involve the local community and help to create a sense of ownership and place. In order to achieve a vibrant and vital retail and commercial area, it is necessary not only to have an attractive physical environment for shops and services but also opportunities for residential living which will support the evening economy, sustain a broad mix of day-time uses and providing additional levels of self-policing, security and safety.</p> <p>Conclusion</p> <p>It is important for the economic and social aspirations of the Council to have vibrant and vital retail and commercial centres and the allocation</p>

	<p>supports these aspirations. No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council's Economic Regeneration Strategy and the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC7 Lynn Street</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 68% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment . 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • Flood outlines are based on the Environment Agency undefended model which may conservative in terms of the defined flood risk extent. • The SFRA states 'Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.' • The policy will be amended to state that 'More Vulnerable' (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test can be passed. This will need to be further assessed through a flood risk assessment in the event of a proposal for 'more vulnerable' development within Flood Zone 2 and 3a.</p>

<p>RC11 York Road South</p>	<p>Exception Test: Part One Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <hr/> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • This policy significantly contributes to the economy and the associated leisure uses will diversify the economy. (Supports the economy SA objective) • The policy provides sufficient retail facilities for local people. (Supports the liveability and place SA objective) • The Policy creates opportunities for employment hence ensures futurity. (Supports the futurity SA objective) <p>This policy will provide a number of significant sustainability benefits. This policy is strongest on the economy/liveability and place sustainability appraisal objectives and is strong on most other objectives. In order to achieve a vibrant and vital retail and commercial area, it is necessary not only to have an attractive physical environment for shops and services but also opportunities for residential living which will support the evening economy, sustain a broad mix of day-time uses and providing additional levels of self-policing, security and safety.</p> <p>Conclusion</p> <p>It is important for the economic and social aspirations of the Council to have vibrant and vital retail and commercial centres and the allocation supports these aspirations. No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council’s Economic Regeneration Strategy and the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC11 York Road South</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <hr/> <p>1. Is flood risk associated with the site considered too high; and will this mean; and will this mean that the criteria for Exception Testing are unachievable?</p> <ul style="list-style-type: none"> • 16% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. <p>2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable</p>

	<p>Drainage Systems without compromising the viability of the development?</p> <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. <p>3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed?</p> <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development. <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC12 The Marina</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • The policy is positive in terms of providing jobs and economic benefit and to help the Marina develop. (Supports economy SA objective) • The Marina R&L Policy does allow residential within the area, all of which would be on previously developed land and would be beneficial if delivered as part of a wider mixed use development. (Supports housing SA objective) • The area is well located adjacent to the public transport interchange. (Supports transport SA objective) • It is positive the policy seeks to protect the water bodies at the Marina which are crucial to the area. (Supports Built and Natural Environment SA objective) • The policy will lead to the creation of additional jobs in the sectors supported by the policy. It will create additional non-food retail that can’t be located in the town centre as well as a range of other tourist uses which increases access to cultural

	<p>facilities. (Supports the Liveability and Place SA objective)</p> <p>The policy is extremely positive from an economic and social viewpoint. The site occupies a prime location within Hartlepool, adjacent to the popular, 500 berth marina and key town centre facilities. The waterfront offers commanding views across the marina and the site presents an exciting opportunity to be involved in the creation of a premier regional visitor destination anchored by the presence of the National Museum of the Royal Navy and the iconic sailing ship HMS Trincomalee. A concept masterplan has been developed for the Waterfront and the Council is committed to investing in public realm works to provide good pedestrian links around the site and act as a framework for individual development sites. The aim is to create a landmark destination that will become a focal point for the town with improved connections between the waterfront and the town centre through a multi-million pound investment programme in the nearby Church Street heritage area.</p> <p>Conclusion</p> <p>The Council’s Economic Regeneration Strategy states ‘The Town Centre and Marina areas provide a key focus in creating a vibrant and successful central area that supports economic investment and growth.’ The Council, working with local partners and adjacent land owners, is seeking to achieve development of this unique site taking full advantage of its superb waterfront setting. The vision for the site is for:</p> <p><i>“The Waterfront to be the beating heart of Hartlepool’s Waterfront: a vibrant year round destination, with superb attractions, restaurants, hotel, conference, exhibition and events space – set in a high quality, landscaped environment with a backdrop of iconic architecture inspired by Hartlepool’s maritime heritage”</i></p> <p>The support that the policy provides for the Council’s Economic Regeneration Strategy and a number of the objectives in the sustainability appraisal means that the 1st part of the Exception Test has been passed.</p>
<p>RC12 The Marina</p>	<p>Exception Test: Part Two:</p> <p>Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <p>1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable?</p> <ul style="list-style-type: none"> • 19% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable.

	<p>2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development?</p> <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. <p>3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed?</p> <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage. However, in this instance, it is noted that this is an area of tidal flood risk and land raising is unlikely to impact on tide levels.’ • The LPA notes that land raising is unlikely to impact on tide levels . The LPA also notes that the proportion of development categorised as ‘More Vulnerable’ in its draft development strategy for the site forms approximately 20% of the dock area and so the entire site would not need to be raised if land arising formed part of the mitigation strategy. • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’ <p>Continued</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC14 Trincomalee Wharf</p>	<p>Exception Test: Part One Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <hr/> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • The policy is likely to lead to significant inward investment and jobs into the area and will help to diversify the local economy (Supports economy SA objective) • The area is well located in close proximity to the public transport interchange and bus stops on Marina Way. (Supports transport SA objective)

	<ul style="list-style-type: none"> • The policy links to the Green Infrastructure Policy which is important in improving the links from the Marina back towards the town centre. (Supports transport SA objective) • The policy is positive in that it seeks to protect the character, appearance, function and amenity of the property, any adjacent properties and the surrounding area. (Supports built and natural environment SA objective) • The area will provide a range of jobs and employment and will improve access to retail and other leisure and tourist facilities for residents and visitors helping to add to the offer within the Marina area of Hartlepool. New housing on Trincomalee Wharf should help to bring more vibrancy to the area. (Supports liveability and place SA objective) • New housing on Trincomalee Wharf should help to bring more vibrancy to the area. (Supports housing SA objective) • The policy should be highly beneficial to existing and future generations by helping to realise the development of this vacant brownfield area for a mix of uses including new homes, businesses and leisure opportunities providing jobs and a boost to the economy whilst also improving the vibrancy of the area. (Supports futurity SA objective) <p>The site is located next to the Marina which is a key regeneration priority for the Council and which includes the National Museum of the Royal Navy and HMS Trincomalee amongst its attractions. The allocation of this site with support for a mix of new homes, businesses and leisure opportunities, assist in creating a visitor hub and bringing vibrancy to the area.</p> <p>Conclusion</p> <p>No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council’s Economic Regeneration Strategy and a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC14 Trincomalee Wharf</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is it anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <p>1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable?</p> <ul style="list-style-type: none"> • 20% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception

	<p>Testing are still achievable.</p> <ol style="list-style-type: none"> 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFR Flood outlines are based on the Environment Agency undefended model which may be conservative in terms of the defined flood risk extent. • It states 'Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.' • The policy will be amended to state that 'More Vulnerable' (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.' <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC16 Northgate / Union Street Local Centre</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • It has the potential to have a positive impact on the local community and economy. (Supports the economy SA objective) • It potential to have a positive impact on health if people have the option to walk to meet their daily service needs. (Supports the health SA objective) • Provision of a range of services within communities may reduce transport barriers for some people in accessing these (Supports the transport SA objective) • The policy refers to improving the character of the area. (Supports the built and natural environment SA objective.)

	<ul style="list-style-type: none"> • The policy promotes local centres as spaces which have a key role within the local community. (Supports the liveability and place SA objective). • If local centres are well used, this has the potential to encourage community ownership of these spaces. (Supports the Equity, Diversity and Participation SA objective). • The policy will support the development of additional facilities/services; this increases choices for residents in localities. (Supports the futurity SA objective). <p>Conclusion</p> <p>No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC16 Northgate / Union Street Local Centre</p>	<p>Exception Test: Part Two</p> <p>Subject to full Flood Risk Assessment, is it anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 99% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’

	<p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC16 Seaton Front Local Centre</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • It has the potential to have a positive impact on the local community and economy. (Supports the economy SA objective) • It potential to have a positive impact on health if people have the option to walk to meet their daily service needs. (Supports the health SA objective) • Provision of a range of services within communities may reduce transport barriers for some people in accessing these (Supports the transport SA objective) • The policy refers to improving the character of the area. (Supports the built and natural environment SA objective. • The policy promotes local centres as spaces which have a key role within the local community. (Supports the liveability and place SA objective). • If local centres are well used, this has the potential to encourage community ownership of these spaces. (Supports the Equity, Diversity and Participation SA objective). • The policy will support the development of additional facilities/services; this increases choices for residents in localities. (Supports the futurity SA objective). <p>Conclusion</p> <ul style="list-style-type: none"> • No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.
<p>RC16 Seaton Front Local Centre</p>	<p>Exception Test: Part Two</p> <p>Subject to full Flood Risk Assessment, is it anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <p>1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable?</p> <ul style="list-style-type: none"> • 13% of this Designation Area is currently located within Flood

	<p>Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable.</p> <p>2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development?</p> <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. <p>3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed?</p> <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’ <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>RC17 Late Night Uses Area</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • It will help to support the establishment of a range of uses which together form the night time economy, creating a large number of associated jobs over the plan period. (Supports the economy SA objective) • It helps support the location of new development in a location that minimises the need to travel – the public transport interchange is located within the area. (Supports the transport SA objective) • It will improve access to jobs within the sector, will improve access to culture, leisure and recreational facilities and will diversify the offer within the locality. (Supports the transport SA objective)

	<ul style="list-style-type: none"> • It will help to create a late night uses zone which is an important element of the economy which will serve future generations and will minimise impact on residential areas. (Supports the futurity SA objective) <p>The Council’s Economic Regeneration Strategy states ‘The main regeneration priorities include the development of the Innovation and Skills Quarter, which is to the south of Church Street and east of Middleton Grange Shopping Centre and builds on the investment in the Colleges.’ This policy is focused on the Church Street area and supports the development of the evening economy which complements the Council’s regeneration priorities. Its location next to the town centre also compliments the aim of achieving a vibrant and vital town centre.</p> <p>Conclusion</p> <p>No alternative locations for retail and commercial centres have been identified or suggested through the Local Plan process. The support that the policy provides for the Council’s Economic Regeneration Strategy and a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>RC17 Late Night Uses Area</p>	<p>Exception Test: Part Two</p> <p>Subject to full Flood Risk Assessment, is it anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 17% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’

	<ul style="list-style-type: none"> The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’ <p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>LT1 Leisure and Tourism</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> This policy is a positive policy which seeks to allow appropriate inward investment development in tourism and other related recreational and leisure developments in key locations around Hartlepool. (Supports the economy SA objective) It is considered that this policy will result in the development of further catering and hospitality businesses – as a result of strong markets in these areas, the college has developed opportunities for training in these areas and the continued development of these will continue to benefit the colleges. (Supports the education and skills SA objective) The policy supports the development of leisure facilities across the borough which will have strong long term health benefits. (Supports the health SA objective) The policy directs major leisure developments to locations well served by public transport. (Supports the transport SA objective) The policy is also likely to lead to an improvement in the provision of walkways and green infrastructure links. (Supports the transport SA objective) The policy will help to improve access to nature conservation sites whilst still protecting designated areas and seeks to support green tourism in a way which minimises disturbance. (Supports the biodiversity and geodiversity SA objective) The policy will ensure access to good quality leisure and recreational facilities along with access to related jobs in the sector. (Supports the liveability and place SA objective) The policy supports the development of a range of uses covering the leisure and tourism sectors leading to the creation of new jobs. (Supports the futurity SA objective)

	<p>The SA concluded that the policy is very positive both socially and economically and is balanced environmentally. Objective 5 of the Council’s Economic Regeneration Strategy is ‘To boost the visitor economy’ and the policy supports this objective.</p> <p>Conclusion</p> <p>Opportunities for tourism and leisure allocations are largely determined by the characteristics of the tourism industry within the Borough. The support that the policy provides for the Council’s Economic Regeneration Strategy and a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>LT1 Leisure and Tourism</p>	<p>Exception Test: Part Two: Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • Approximately 26.44% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development? <ul style="list-style-type: none"> • This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1. 3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed? <ul style="list-style-type: none"> • The SFRA states ‘Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage.’ • The policy will be amended to state that ‘More Vulnerable’ (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.’

	<p>Conclusion</p> <p>The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.</p>
<p>LT2 The Marina</p>	<p>Exception Test: Part One</p> <p>Demonstrating that the wider sustainability benefits to the community outweigh flood risk to satisfy the first part of the Exception Test</p> <p>The Sustainability Appraisal demonstrates the wider benefits to the community of allocating the site for retail and commercial development. These include the following:</p> <ul style="list-style-type: none"> • This policy is a positive policy which seeks to allow appropriate inward investment development in tourism and other related recreational and leisure development at the Marina. The policy also supports a range of other uses all of which will support the economy. (Supports the economy SA objective) • The policy supports a range of uses at the Marina and could lead to opportunities for healthier lifestyles and open air recreation. (Supports the health SA objective) • The policy allows for residential development within the Marina which may help to utilise brownfield land and will help to ensure residents have access to a choice of types of homes in a sustainable location near to the railway station and the public transport interchange and also in vicinity to the town centre and facilities in and around the area. (Supports the housing SA objective) • The policy supports development in an area which minimises the need to travel, and given the proximity to the railway station and interchange may encourage more sustainable forms of travel. (Supports the transport SA objective) • Development of the under-used and vacant sites the policy supports will have a positive impact on the townscape at the Marina. (Supports the built and natural environment SA objective) • The policy supports the development of a range of uses covering different sectors, all of which would lead to the creation of new jobs. (Supports the liveability and place SA objective) • It will lead to new retail to serve the local area and would support the development of recreational and leisure facilities. (Supports the liveability and place SA objective) • The policy supports the ongoing development of the marina which will be a crucial element in the future economic success of Hartlepool and will provide a range of jobs and recreational activities which current and future generations will benefit from. (Supports the futurity SA objective) <p>The policy is extremely positive from an economic and social viewpoint.</p>

	<p>The site occupies a prime location within Hartlepool, adjacent to the popular, 500 berth marina and key town centre facilities. The waterfront offers commanding views across the marina and the site presents an exciting opportunity to be involved in the creation of a premier regional visitor destination anchored by the presence of the National Museum of the Royal Navy and the iconic sailing ship HMS Trincomalee. A concept masterplan has been developed for the Waterfront and the Council is committed to investing in public realm works to provide good pedestrian links around the site and act as a framework for individual development sites. The aim is to create a landmark destination that will become a focal point for the town with improved connections between the waterfront and the town centre through a multi-million pound investment programme in the nearby Church Street heritage area.</p> <p>Conclusion</p> <p>Opportunities for tourism and leisure allocations are largely determined by the characteristics of the tourism industry within the Borough. The Council’s Economic Regeneration Strategy states ‘The Town Centre and Marina areas provide a key focus in creating a vibrant and successful central area that supports economic investment and growth.’ The Council, working with local partners and adjacent land owners, is seeking to achieve development of this unique site taking full advantage of its superb waterfront setting. The vision for the site is for:</p> <p><i>“The Waterfront to be the beating heart of Hartlepool’s Waterfront: a vibrant year round destination, with superb attractions, restaurants, hotel, conference, exhibition and events space – set in a high quality, landscaped environment with a backdrop of iconic architecture inspired by Hartlepool’s maritime heritage”</i></p> <p>The support that the policy provides for the Council’s Economic Regeneration Strategy and a number of the objectives in the sustainability appraisal means that 1st part of the Exception Test has been passed.</p>
<p>LT2 The Marina</p>	<p>Exception Test: Part Two:</p> <p>Subject to full Flood Risk Assessment, is anticipated to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.</p> <ol style="list-style-type: none"> 1. Is flood risk associated with the site considered too high; and will this mean that the criteria for Exception Testing are unachievable? <ul style="list-style-type: none"> • 19% of this Designation Area is currently located within Flood Zone 2 and 3a. The LPA considers that the criteria for Exception Testing are still achievable. 2. Can risk be sustainably managed through appropriate development

techniques (resilience and resistance) and incorporate Sustainable Drainage Systems without compromising the viability of the development?

- This would need to be demonstrated through a Flood Risk Assessment and development proposals should be encouraged to locate within Flood Zone 1.

3. Can the site, and any residual risks to the site, be safely managed to ensure that its occupiers remain safe during times of flood if developed?

- The SFRA states 'Given the depth of flooding, More Vulnerable development in areas covered by Flood Zone 2 and 3a may be difficult. Given the existing layout, mitigation measures such as land raising may be difficult and may result in a reduction in flood storage. However, in this instance, it is noted that this is an area of tidal flood risk and land raising is unlikely to impact on tide levels.'
- The LPA notes that land raising is unlikely to impact on tide levels. The LPA also notes that the proportion of development categorised as 'More Vulnerable' in its draft development strategy for the site forms approximately 20% of the dock area and so the entire site would not be raised if land raising formed part of the mitigation strategy.
- The policy will be amended to state that 'More Vulnerable' (See National Planning Practice Guidance flood risk vulnerability classification) development will not be allowed within Flood Zone 2 and 3a unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.'

Conclusion

The LPA considers that the 2nd part of the Exception Test has been passed through the proposed change to the policy.