

REGENERATION SERVICES COMMITTEE

4th September 2017



Report of: Director (Regeneration & Neighbourhoods)

Subject: NEIGHBOURHOOD PLANNING (HARTLEPOOL
RURAL NEIGHBOURHOOD PLAN 2016 – 2031)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key decision (test (ii) – Forward Plan Reference No. RN09/17.

2. PURPOSE OF REPORT

2.1 To consider the recommendations outlined in the Rural Plan examiner's report following the independent examination of the submitted final draft of the Rural Neighbourhood Plan in line with the Neighbourhood Planning Regulations 2012 (as amended).

2.2 To confirm that the Rural Plan, as modified by the examiner's recommendations, can proceed to referendum and to consider the extent of the referendum area as informed by the examiner's conclusions.

2.3 To note that the Local Planning Authority (LPA) must undertake duties in relation to modifying the Rural Plan (as per the examiner's recommendations) and arranging the referendum.

3. BACKGROUND

3.1 Neighbourhood Planning was introduced under the Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.

3.2 Once 'made', a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy (National Planning Policy Framework) and the Local Authority's Development Plan (the Hartlepool Local Plan 2006 and the emerging Local Plan).

- 3.3 To date, over 280 Neighbourhood Plans have been ‘made’ after a simple majority vote at referendum. Once ‘made’ the plans become part of the development plan for the area.
- 3.4 In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations 2012 (as amended), the LPA has a statutory obligation to fulfil a number of duties throughout the development of a Neighbourhood Plan, which include:
- Providing technical assistance, support and guidance to the Parish Council or Neighbourhood Forum. This can include sharing evidence and information on planning issues, providing advice on national and local planning policies, assisting with consultation and facilitating communication with external partners;
 - Formally publicising the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Parish Council or Neighbourhood Forum. During this time, representations from interested parties can be made to the LPA in relation to the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period;
 - To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
 - Should a simple majority vote be gained at referendum, the LPA has a statutory obligation to ‘make’ the Neighbourhood Plan.
- 3.5 Revised arrangements for claiming financial support for neighbourhood planning have been in place since April 2016 and are as follows:
- For all areas: LPA’s can claim £20,000 once they have set a date for a referendum following a successful examination.
- Additional funding is available in certain areas:
- Area Designation: LPA’s can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years).
- Forum Designation: LPA’s can claim £5,000 for the first five neighbourhood forums they designate.
- Business Areas: LPA’s can claim a further £10,000 once they have set a date for a referendum following a successful examination.
- 3.6 There have been various grant support programmes available to support communities in neighbourhood planning, comprising direct support and grant payments with the current programme launched in April 2015 and

effective until March 2018 worth £22.5 million, comprising the following elements.

- *Technical Support:* a range of technical support packages are provided by AECOM to groups facing more complex issues developing their Neighbourhood Plan.
- *Grant Payments:* up to £9,000 per Neighbourhood Plan area towards the costs incurred by a group preparing a Neighbourhood Plan or Order. Groups facing a range of complex issues are able to apply for further support from the programme.

4. HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

- 4.1 In May 2011, Hartlepool was successful in securing £20,000 from DCLG to develop and produce a Neighbourhood Plan for the rural area of Hartlepool. The Hartlepool Rural Plan Working Group publicly consulted on their Neighbourhood Plan boundary in October / November 2012 in line with the statutory requirements as outlined within the Neighbourhood Planning Regulations (General) adopted in April 2012 (as amended). No written representations or objections were submitted to the LPA as part of this consultation process.
- 4.2 The Rural Plan Working Group is supported by the Community Safety and Engagement and Planning Policy Teams throughout their neighbourhood planning journey. The group received funding and professional support through DCLG to develop the Rural Plan. The first draft of the plan was considered by Regeneration Services Committee on 12 March 2015 and the group widely consulted upon it between May and July 2015. Following this, the group amended the plan, incorporating, where appropriate, comments received.
- 4.3 The group submitted the final draft Rural Plan along with the associated documents to the Council in August 2016. The submitted version of the Rural Plan was validated by Regeneration Services Committee on 16 November 2016. The Council then publicised the Rural Plan and its associated documents for an eight week period between 20 February and 17 April 2017 in line with Regulation 16 of the Neighbourhood Planning Regulations 2012 (as amended). At the request of Regeneration Services Committee, this followed the Local Plan publication stage consultation period which ended on 3 February 2017.
- 4.4 During the publication period, the Council appointed an independent examiner, John Slater BA (Hons), DMS, MRTPI of John Slater Planning Ltd in agreement with the Hartlepool Rural Plan Working Group to undertake the examination of the Rural Plan. The purpose of the independent examination is to test whether or not the draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). The plan, associated documents and all of the representations received during the publicity period were sent to the examiner. The examination

commenced in late April and was completed in early July 2017. The examiner confirmed that a public hearing was not required as part of the examination process.

4.5 Under the terms of the Neighbourhood Planning legislation, an examiner is required to make one of three possible recommendations in his report to an LPA, that a plan should:

- proceed to referendum on the basis that it meets all the legal requirements;
- proceed to referendum if modified or;
- not proceed to referendum on the basis that it does not meet all the legal requirements.

In this report, which was submitted to the Council on 4 July 2017, the Rural Plan examiner has recommended a number of changes to the plan to ensure that it delivers sustainable development and has proper regard to national policy and guidance. The examiner's overall conclusions are that the plan, if amended in line with his recommendations, meets all the statutory requirements including the basic conditions test. Also in his report, the examiner has recommended to the Council that the Rural Plan, as modified by his recommendations, should now proceed to referendum. The report to Hartlepool Borough Council on the Examination of the Hartlepool Rural Neighbourhood Plan is attached for consideration by Regeneration Services Committee at **Appendix 1**.

4.6 The Council must now decide what action to take in response to each of the examiner's recommendations outlined in the report. Although the examiner's recommendations are not binding, clear reasons would need to be given for departing from them. If an LPA proposes to make a decision which differs from that recommended by an examiner, it must notify the qualifying body, anyone whose representation was submitted to the examiner and any consultation body that was previously consulted of their proposed decision (and the reason for it) and invite representations for a period of eight weeks.

4.7 The Council's Planning Services Team has reviewed the examiner's report and is satisfied with the recommendations. A table displaying the examiner's recommendations along with comments made by the Planning Policy Team, where appropriate, is attached at **Appendix 2**. The recommended changes to the policies in the plan can be seen clearly in the document attached at **Appendix 3**.

5. RISK IMPLICATIONS

5.1 Any consultation required throughout the Neighbourhood Planning process will be delivered in adherence with the local Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI) for a period of eight weeks, which goes beyond the statutory requirement period for Neighbourhood Plans. As such, the process accommodates the

Neighbourhood Planning Regulations (General) adopted in April 2012 (as amended) which stipulates a minimum six week consultation period.

6. FINANCIAL CONSIDERATIONS

- 6.1 Neighbourhood Plans will be subject to an independent examination and referendum, both of which the LPA has a duty to arrange and fund. As outlined in Sections 3.5 and 3.6, a funding programme currently exists to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning. It is anticipated that this funding stream will support the statutory duties of the Local Authority in terms of the independent examination and referendum.
- 6.2 Members are reminded that significant additional Government Grant cuts will be made over the period 2017/18 to 2019/20. By 2019/20 this means Government funding will have been cut for 9 years. In addition, the Government's current policy in relation to Council Tax, including the Social Care precept, is increasing the proportion of the overall budget funded from Council Tax. An update of the Medium Term Financial Strategy was submitted to the Finance and Policy Committee on 9th January 2017 and informed Members that the Council faces a gross budget deficit over the next three year of £20.8m. The implementation of corporate savings, forecast Council Tax increases, housing growth and increased Better Care Funding reduces this to £8.8 million over the next three years, which equates to 10% of the 2016/17 budget. Detailed savings proposals totaling approximately £6.6m were approved by Finance and Policy Committee on 9th January 2017, which means the Council still needs to make further savings of £2.2m over the next three years. This figure may increase if existing budget pressures cannot be managed by reducing demand for demand led services. Any additional budget pressures that are created will increase the level of budget cuts which will need to be made and will need to be referred to the Finance and Policy Committee for consideration.

7. LEGAL CONSIDERATIONS

- 7.1 Neighbourhood Planning Regulations: General and Referendum (as amended) came in to force on 6 April 2012 and 3 August 2012 respectively and are now law. As outlined in Section 3.4, the Local Authority will have a duty to adopt the Neighbourhood Plan should a simple majority vote be gained at referendum. Once 'made' it will form part of the Development Plan for the borough and the Neighbourhood Plan will have legal status.
- 7.2 The Rural Neighbourhood Plan is deemed to be in general conformity with national planning policy and the Hartlepool Local Plan 2006 and emerging Local Plan, currently being examined with an anticipated adoption in 2018.

8. CONSULTATION

- 8.1 As well as extensive and robust consultation undertaken by the Rural Plan Working Group during the development of the Rural Plan, the Council publicised the submitted version and associated documents for a period of eight weeks between 20 February and 17 April 2017. All representations received during this period were forwarded on to the examiner.

9. CHILD AND FAMILY POVERTY

- 9.1 There are no child and family poverty implications relating to this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 Equality and diversity will be considered through the associated consultation frameworks, and an Equality and Diversity Impact Assessment will be completed prior to the statutory consultation period on the first draft of the Neighbourhood Plans.

11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 11.1 There are no Section 17 implications in relation to Neighbourhood Planning.

12. STAFF CONSIDERATIONS

- 12.1 As outlined in Section 3.4, the LPA has a statutory obligation to provide technical assistance, support and guidance to the Parish Council or Neighbourhood Forum, formally publicise and designate the boundary, validate the plan before organising an independent examination and referendum.

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 There are no asset management considerations associated with this report.

14. RECOMMENDATIONS

- 14.1 Regeneration Services Committee is asked to consider and accept the recommendations outlined in the report to Hartlepool Borough Council on the Examination of the Hartlepool Rural Neighbourhood Plan.

- 14.2 To confirm that the Rural Plan, as modified by the examiner's recommendations, can proceed to referendum and to consider the extent of the referendum area as informed by the examiner's conclusions.
- 14.3 To note that a further update report along with the plan incorporating the examiner's recommendations and arrangements in relation to the holding of a referendum will be brought back to the Regeneration Services Committee for notification.

15. REASONS FOR RECOMMENDATIONS

- 15.1 Hartlepool Borough Council is implementing Neighbourhood Planning Policy in line with the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended).
- 15.2 The Localism Act requires that the independent examiner considers whether the area for any Neighbourhood Plan referendum should extend beyond the neighbourhood area to which the draft plan relates. The examiner has concluded in his report that it is not necessary to extend the referendum area beyond the Rural Plan designated boundary. The LPA is required to make a decision on the referendum area informed by the independent examiner's conclusions.

16. BACKGROUND PAPERS

- 16.1 Regeneration Services Committee (12 March 2015) – Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2015 – 2030).
- 16.2 Planning Committee (21 September 2016) – Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016 – 2031).
- 16.3 Regeneration Services Committee (16 November 2016) - Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016 – 2031).

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Hartlepool Rural Neighbourhood Plan 2016-31

Submission Version

A Report to Hartlepool Borough Council on the Examination of the
Hartlepool Rural Neighbourhood Plan

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Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	5
Regulation 16 Consultation	7
The Basic Conditions	7
Compliance with the Development Plan	8
Compatibility with EU Obligations and Human Rights Legislation	8
The Neighbourhood Plan: An Overview	9
The Neighbourhood Plan Policies	11
The Referendum Area	27
Summary	28

Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the 2006 Hartlepool Local Plan and eventually the Hartlepool Local Plan 2016-31 when it is finally adopted. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by a Rural Plan Group which was appointed to undertake the plan's preparation on behalf of the 4 parish councils that cover the plan area, namely Dalton Piercy, Elwick, Greatham and Hart and the Parish meeting at Newton Bewley. Elwick Parish Council has agreed to be the Qualifying Body and all the respective parishes have confirmed their support for Elwick Parish Council to act in that role. That satisfies the legislative requirements which requires that there is a single "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Hartlepool Rural Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Hartlepool Borough Council, the Local Planning Authority for the neighbourhood plan area.

The Examiner's Role

I was formally appointed by Hartlepool Borough Council in March 2017, with the agreement of the Hartlepool Rural Plan Group on behalf of the Qualifying Body, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head

of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Hartlepool Borough Council, and all the Parish Councils and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries covered by the Hartlepool Rural Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Hartlepool Borough Council, for the Hartlepool Rural Neighbourhood Plan on 18th December 2013.

I can also confirm that it does specify the period over which the plan has effect, namely the period from 2016 up to 2031.

The Plan does not refer to any “excluded development” such as minerals and waste matters or nationally significant projects.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Elwick Parish Council as a parish council is a qualifying body under the terms of the legislation, which has been agreed should act as the lead authority on behalf of the 5 parishes.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing.

I carried out an unaccompanied visit to the Hartlepool area and in particular the main villages in the Plan area as well as spending time travelling around the surrounding countryside between the 8th and 9th May 2017. I saw all the sites referred to in the Plan and walked through a number of the villages.

Following my visit, I had a number of questions that I put to the Steering Group as well as the Borough Council. These are available on the respective websites as is the combined response which I received, via the Borough Council, on 2nd June 2017.

The Consultation Process

The genesis of the idea of preparing a neighbourhood plan for Hartlepool's rural hinterland began in the summer of 2011 through the engagement of the Hartlepool planners with the local councillor and also via the parishes working together in response to the then emerging local plan.

The Rural Plan Working Group was set up at the end of 2011. A neighbourhood area was initially designated by Hartlepool Borough Council in November 2011 but that was later ratified following a process review on 18 December 2013. This is the formal designation that the plan's coverage is based on.

Preparing a neighbourhood plan across such a large area, containing a number of individual settlements must have presented challenges that the working group had to grapple with, with different avenues of communication and variety of venues covering the various communities.

Early work in the plan was assisted by Professor Colin Haylock, the then President of the Royal Town Planning Institute who conducted a “place check walkabout” in each village.

The initial public consultation in May / June 2012 took place with invitations having been circulated to each community inviting attendance at the various sessions. It appears that these events were not particularly well attended so a follow-up survey was carried out in October 2012 which generated a 40% response rate. This allowed the Working Group to draw up the vision, aims and objectives of the Plan.

In March 2014, following a Working Group development day, letters were sent to all Parish Councils seeking invitations for the group to attend village events to publicise the plan and offer the opportunity for public engagement.

The next round of consultation took place in September / October 2014 through a publicity campaign and attendance at the above village events and questionnaires were distributed which generated a 10% response rate.

The Pre-Submission Version of the plan was circulated to all parish councils in April/May 2015 prior to the Regulation 14 Consultation that took place between May and July 2015. This included the letters sent to all households and a housing needs survey questionnaire. The group produced a video which was shown at events and relevant local groups and stakeholders were consulted. The consultation period was extended by an additional two weeks.

A comprehensive analysis of the responses has been prepared along with the working group’s response. This has been submitted as part of the examination documentation. I have seen how the plan has been amended as a result of the responses made.

I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the neighbourhood plan process.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over an 8-week period between 20th February 2017 and 17th April 2017. This consultation was organised by Hartlepool Borough Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 13 individual representations were received. Responses were received from Historic England, Natural England, Hartlepool Borough Council, the Environment Agency, Network Rail, the Coal Authority, Hartlepool Civic Society, National Farmers Union- North East, The Campaign for the Protection of Rural England, 2 planning consultancies - I D Planning and Barton Wilmore, one local resident and a local farmer.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?

- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Hartlepool Local Plan adopted in April 2006. This is now a somewhat dated document but it contains in Chapter 15 policies that deal with the rural areas. There are no housing proposals which are pertinent although Policy Rur1 provides for what is described as an “urban fence” to prevent the spread of development in to the countryside. Policy Rur3 deals with village envelopes being established for Hart, Greatham, Elwick, Dalton Piercy and Newton Bewley. Policy Rur6 protects local facilities in the villages and Rur7 is a criterion based policy dealing with Development in the Countryside. Rur12 is a restrictive policy setting out the presumption against housing in open countryside except in certain cases whilst Rur13 deals with the reuse of rural buildings.

Work is well underway on the preparation of the replacement Local Plan following the withdrawal of an earlier version of a Local Plan in 2013. The current version is the Consultation Document which was published in December 2016. I am advised that the examination is likely to be held later this year with the adoption programmed in for 2018. As the plan has not been tested at examination I can only give its proposals limited weight but it is clear that there has been close working between the Rural Plan Working Group and the Hartlepool planners.

I have found no strategic policies in the adopted Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan and this element of basic condition is met.

Compliance with European and Human Rights Legislation

Hartlepool Borough Council carried out a Screening Opinion on the Submission Draft Version of the Plan and produced a report dated August 2016 which concluded that it is unlikely that there will be any significant effects upon the environment arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental

Assessment of Plans and Programmes Regulations 2004” would not be required. I do note that Historic England in their Regulation 16 consultation response state that they agree with that conclusion, but disagree with the reason for the Council coming to that decision. In my view, that does not affect the basic condition test, which is compliant with European legislation.

The District Council, as competent authority, also carried out at the same time, a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have a significant effect on the European sites which are Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, Durham Coast SAC, Northumbria Coast SPA and Ramsar site, Castle Eden SAC and Thrislington SAC.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

The preparation of the Hartlepool Rural Neighbourhood Plan has been an ambitious project covering a number of parishes. Its primary focus is on the countryside and villages that surround the town of Hartlepool. The plan has faced the challenge of delivering a future planning framework for the villages and the countryside, yet at the same time preparing additional planning guidance for urban extensions on the western edge of town, which extend into the neighbourhood area. Whilst it may have been logical to have excluded these new urban areas from the designated rural plan area, I suspect that the plan group have been forced to respond to developments that have not necessarily been under their control. This has resulted in some cases to a lack of clarity in the policy wording, such as the housing figure in Policy H1 which is to satisfy the needs of the villages and the rural areas rather than the overall housing needs of the Hartlepool area.

Some of these issues are due to the fact that the neighbourhood plan has been prepared in the absence of an up-to-date local plan. The Hartlepool Rural Plan has been prepared in parallel to the emerging Hartlepool Local Plan. However, it is evident that there has been close collaboration between the Rural Plan Working Group and Hartlepool planners. There appears to be a general consensus between the two parties as to the overall anticipated level of housing need required for the villages.

The plan is well written, is based on the clear analysis of the issues and has been informed by public engagement. There is a clear vision for the area. I have had to recommend some changes to the plan’s policies to ensure that they have had a

proper regard to Secretary of State policy and advice. This is to ensure that the plan meets the basic conditions.

Perhaps the most radical change I have had to make is with regard to the affordable housing threshold. Government policy has changed back and forth over the lifetime of the plan's preparation in respect of allowing commuted payments on schemes between six and ten units. This follows the Court of Appeal decision in respect of the case of Secretary of State v West Berkshire DC and Reading BC.

The other major area where I had to make changes is to restrict the ability of planning obligations to seek financial contributions to various projects. In the absence of a Community Infrastructure Levy scheme, the ability to pool developer contributions is now much more restricted than previously would have been the case. These are now restricted in law, both in terms of when they can be sought and also how many contributions can be collected.

Another general comment is that a neighbourhood plan policy must be a policy for the development and use of land. Its purpose is primarily for the determination of planning applications. In a number of places the policy is worded to seek to prioritise spending, whether it be on community infrastructure or transport improvements. That is a budgetary, not land-use planning decision and I have had to recommend that some of the prioritisation of schemes should be moved to a clearly identified, non-development plan part of the neighbourhood plan.

My recommendations are aimed at ensuring neighbourhood plan policy meets basic conditions. They are restricted to the wording of the development plan policy itself. It will be necessary for the plan's authors to revise the text of the justifications and other supporting information to ensure that the plan reads as a coherent development plan document, with a robust justification for the policies. Some parts of the text can also be updated to reflect changes since the submission version was drafted.

I also wish to refer to some other presentational issues. I was initially provided with an A3 version of the Proposals Map. For an area as extensive as the plan area, this is too small and it is impossible to identify proposals and constraints, as they affect individual properties with any confidence. I was provided with an enlarged version of the plan, of a comparable size to the Local Plan's Proposals Map and that should be the size of the plan which is provided with the printed version of the neighbourhood plan.

I have also made recommendations regarding changes to boundaries on the proposals map regarding Village Envelopes / Development Limits. I would also point out that some of the allocations, particularly along the boundary of the Plan Area and

Hartlepool include designations which continue across the plan boundary. A neighbourhood plan can only contain policies and proposals for the area within the designated neighbourhood area. Accordingly, these proposals covering land outside the plan boundary need to be removed from the Proposals Map.

The Neighbourhood Development Policy

Policy GEN1 - Village Envelopes

The policy's title and the wording of the policy refers to "Village Envelopes". However, the key to the Proposal Map shows the blue dashed line as "Development Limits". This not only defines the settlement boundaries of the five villages but also seeks to establish the limit of development along the edge of Hartlepool's urban area. In the case of the latter, I do not consider that the term "Village Envelope" is an appropriate description as it is to mark the urban area and as such the description could be misleading. I consider "Development Limits" to be a much clearer description and I propose to recommend its use in preference to "Village Envelope".

I note that in the majority of cases, the proposed settlement boundaries follow the same lines as that used in the emerging Hartlepool Local Plan. However, there are two situations, where I have some comments to make.

When I visited the village of Elwick, I viewed the allocation site at North Farm from the public footpath. The Development Limit wraps around that site, which is of course totally appropriate. However, immediately to the east of the allocation site there is a field located behind a row of five properties at the eastern entrance to the village. This field is shown as being within the settlement boundary. I could see no logic to its inclusion, as it does not follow the built-up edge of the village nor is it a proposed housing site, but to my mind offered an attractive piece of countryside and the setting to the village. If the line was to remain in the proposed position, no doubt, this field would be vulnerable to a non-allocated housing scheme, which would be difficult to resist as it would comply with policy. I suspect that the reason the site was included within the neighbourhood plan was to follow the boundaries set by the emerging local plan. I did raise this site in my Initial Comments. The Borough Council has now advised me that it will be proposing, in the next version of the emerging local plan, to draw the settlement boundary more tightly around the properties and hence will be excluding that field. That change would be consistent with the conclusions I came to when I viewed this site and I will be recommending accordingly.

The second boundary issue that I wish to address, relates to the land to the west of the village of Hart. The proposed Development Limit does not coincide with the one shown on the emerging local plan in that it excludes the housing site proposed in the

draft local plan- Glebe Farm. I will discuss the inclusion or otherwise of that site under Housing Policy H1. However, to follow the logic of the boundary, if that site were to be allocated in this plan then the Development Limit boundary needs to reflect that change.

I also need to discuss the drawing of the settlement boundary along the western edge of the Hartlepool urban area. In most parts, the boundary has been drawn so as to follow the eastern boundary of the Rural Plan area. I appreciate that this may not be the intention to allow for the expansion of the town up to that line. I would speculate that the purpose of drawing the development limit line to coincide with the plan area is to prevent the expansion of the town into the rural area, i.e. that it should not extend westwards into the plan area beyond the development limit as shown. However, by setting a limit to development, this may have unexpected consequences or at least, it creates uncertainty as to the status of the land on the opposite side of the line. Along much of its length, the drawing of the boundary is not necessary as the land within the plan area is protected by its inclusion within the Green Gap. I believe that it will be clearer in terms of the neighbouring land to define the limits of development only to include those parts of the plan area on the edge of Hartlepool where new development is proposed to extend into the plan area, specifically in the South West Expansion Area but also in two other locations where the plan area boundary does not coincide with the proposed Development Limit, to the south of the A179 adjacent to the plan area boundary and on the south side of Elwick Road immediately to the west of the plan boundary.

With the eventual adoption of the new local plan, this will establish a coherent settlement boundary for Hartlepool which is not required to follow the neighbourhood area boundary.

A final point is that I note that in a number of areas the Development Limit boundary as drawn is slightly set in from the area boundary. I imagine that this was done so the line can be read with clarity, however it does create a gap which could indicate that development could be acceptable within the small margin between the settlement boundary and the neighbourhood plan area boundary. My recommendation regarding the treatment of where the boundaries coincide will resolve that issue.

Recommendations

Replace in the title and text of the policy “Village Envelopes” with “Development Limits”.

Amend the Development Limit boundary on the east site of Elwick Village to exclude the field to the north of the properties on the north side of Elwick Road.

Amend the Development Limit boundary on the western side of Hart Village so as to include Glebe Farm, the boundary of which should follow the same line as proposed by Policy HSG8 of the emerging Hartlepool Local Plan.

Remove the Development Limit boundary line along the western side of Hartlepool wherever the Development Limit boundary coincides with the Plan Area boundary.

Policy GEN2 – Design Principles

This is a very comprehensive policy but I have some concerns regarding specific criteria contained within the policy.

In terms of criterion 2, the policy does not define what would constitute a design which “scores highly”. I believe that it will be helpful for an applicant to have to demonstrate how the scheme relates to the stated criteria, but it is not appropriate to set a particular score or be above a certain threshold to be approved. The criteria set down in Appendix 4 will help decision-makers assess the design qualities of a proposed development.

In terms of criterion 6, this requires the use of the “highest standards of energy efficiency”. Not only is what constitutes “the highest standards” not defined but it also deals with an issue that can no longer be covered by a neighbourhood plan policy according to Government advice. The Secretary of State in a Written Statement to the House of Commons dated 25 March 2015, stated that “neighbourhood plans should not impose additional technical standards or requirements to the construction, the internal layout or performance of new dwellings”. This matter is now covered by Building Regulations in terms of energy performance. As such I do not consider that this policy is consistent with basic conditions, having regard to the Secretary of State guidance and advice.

Similarly, issues of accessibility as referred to in criterion 8, are dealt with by the Building Regulations. The same statement to the House of Commons issued the following guidance “in cases of very specific and clearly evidenced housing accessibility needs, where individual household requirements are clearly outside the new national technical standards, the local planning authorities may ask for specific requirements outside of the access standard, subject to overall viability considerations”. I have seen no evidence to specifically justify any enhanced requirements over and above the requirements set out in the Building Regulations in respect of the Hartlepool Rural Plan area.

The Environment Agency has objected to the wording of criterion 9 as it does not properly reflect their concern regarding the management of surface water *into* fluvial water. I support their suggestion.

I am unclear as to how a planning application will show how “safety and security” has been taken into account, as set out in criterion 10. These are not matters usually covered by planning policy, beyond the usual matters of highway safety, designing out crime, proximity to hazardous installations etc. I find that as written, the policy is too vague and imprecise and it cannot be used with confidence by any decision maker. I will be recommending that this criterion is removed.

The policy to avoid the best and versatile agricultural land being used is not a design principle, it is a locational criterion.

The requirements of applicants to have to submit a Design Criteria Checklist is not something that a development plan policy can actually require. The information which is to be submitted with the planning application is set out within a Council’s Local Validation Checklist. I will be removing that element as this is already covered to some extent by criterion 2 in any event.

In terms of the final requirement, LPAs have their own consultation arrangements, to ensure the applications are screened to ensure that those which have implications for archaeology, receive appropriate consultation responses. It is not necessary to put this as a requirement of development plan policy.

Recommendations

In criterion 2 replace “highly with” with “against”

Delete criterion 6

Delete criterion 8

In criterion 9 replace “including” with “into”

Delete criterion 10

Delete criterion 12

Re-number accordingly

Remove the final two paragraphs of the policy

Policy H1- Housing Development

I detect a certain ambiguity throughout the plan with regard to the relationship

between the planning of development in the villages in the rural area and the proposals for the enlargement of Hartlepool, particularly at the South West Expansion Area, part of which also lies within the plan area. The emphasis through this particular policy is the identification of housing sites in the rural areas to meet the needs of the villages. The housing figure of 170 units quoted under this policy, of which 87 are identified, appears to support this view. The South West Expansion Area is a strategic allocation within the emerging local plan, covered by draft Local Policy HSG4 and will provide approximately 1260 dwellings. Although the plan does not make it clear, I am assuming that the figure of *approximately* 170 dwellings to be accommodated in the plan area, excludes the housing proposed in the South West Extension and the other two locations on the edge of Hartlepool, as the figures bear no relationship to those quoted. I propose to make that clear in my modifications which I will be recommending to this policy.

I am of the view that the figure of 170 should be a *minimum* figure. The NPPF calls for a significant increase in house building in the UK. To set a figure as either a maximum figure, or indeed as an approximate figure could frustrate the delivery of additional homes which could legitimately come forward and for which there is an undoubted need. I will therefore propose the changing of *approximately* to *at least* 170 new homes. Whilst commenting on the drafting of policy, I do not consider it appropriate for individual site allocations to be expressed as *maximum* figures in terms of how much development each site could yield. That will to a large extent depend upon the form and mix on any development being promoted. For example, a site for 12- five bedroom houses could deliver a greater number of 1,2 or 3 bedroom units. I therefore propose changing *maximum* to *approximate* to allow for flexibility.

I also do not believe that the use of the phrase in the policy “Permission *may* be granted” offers the level of certainty that a neighbourhood plan should be giving if it is to be seen to be planning positively for the area. I will recommend the change to “*will* be granted”.

Turning to the individual site allocations, I looked at all the sites during my visit to the plan area. However, whilst the policy refers to two settlements where no sites are identified in the policy, Dalton Percy which is given an allowance of 10 through infill and Newton Bewley, which does not have a figure attached, but which is said to deliver infill development. As these are not site allocations, I propose to delete them from the table but instead will insert a general policy presumption in favour of infill development within the development limits of any of the villages, beyond the allocated sites.

There is one village site which is proposed to be allocated in the emerging Local Plan but which is not allocated in the neighbourhood plan. This relates to land on the opposite side of the road from Nine Acres - the allocation site at Hart – namely Glebe

Farm. The Rural Plan Group stated that the former site had been chosen to meet the housing needs of Hart. It appears that the Glebe Farm site was added to a later version of the draft local plan and in their response, they state that they are seeking to ensure that the villages should expand through gradual incremental growth rather than a scale of new housebuilding that causes villages “to explode”. Their stated aim is to maintain strong community cohesion. My view is that this additional site, which is likely to deliver approximately 20 units, is just as suitable a site for residential development as Nine Acres and whilst it may be closer to the A179, there is similar depth of buffer land between existing properties in Hart and that main road. I do not see how an additional 20 homes would result in the loss of community cohesion but indeed could help sustain local facilities and services. The Borough Council argue in their response, that whilst it is a relatively modest proposal in terms of the housing supply, the site is assessed as deliverable and is part of its declared five-year housing land supply. If it were no longer to be considered suitable for housing, it could put pressure on other sites on the edge of villages to maintain the five-year housing supply. The Hartlepool planners have stated that this is the strategic policy allocation, in terms of the basic conditions. I must point out that the basic conditions test is general conformity with the strategic policies of the **development plan**; note that this is not the *emerging* plan. My conclusion is that the Glebe Farm site will assist in the delivery of sustainable development within the rural area by contributing to the meeting of housing needs for the Rural Plan area as a whole.

I am not satisfied that the evidence contained in the latest statement of housing need is sufficiently robust to be the sole determinate as to the acceptability of a proposal. I will be recommending substituting “should be in line with” by “to have regard to the latest evidence of housing need” so that other factors can also be taken into account.

Recommendations

Replace “approximately” with “a minimum of” in the first paragraph and add at the end after “2031” “excluding the dwellings built on the new developments on the western edge of Hartlepool’s urban area”,

In the second paragraph replace “may” with “will”.

In the table in the third column heading replace “Max” with “Approx.”

Delete all in the row entitled “Dalton Piercy” and “Newton Bewley” and insert another row entitled “Hart” and insert “Glebe Farm” with an approximate figure of 20 dwellings.

Add a new paragraph after the table “There will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies”

In the final paragraph replace “be in line with” by “have regard to”

Policy H2 - Affordable Housing

I have a number of comments regarding this policy and its relationship to the basic conditions test.

1.The policy requires applications for five or more units to provide affordable housing. Following the Court of Appeal’s judgement in respect of the Secretary of State v West Berkshire DC and Reading BC, the Secretary of State has reintroduced advice regarding planning applications having to deliver affordable housing. Advice in the online Planning Practice Guidance, is that in rural areas such as this plan area which are designated under Section 157 of the Housing Act “local planning authorities may choose to apply a lower threshold of or five or less.” It goes on and states “affordable housing and tariff style contributions should be sought from development of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development (Paragraph 031 Ref ID 23b – 031–20161116)

I have not seen any compelling evidence as to why the particular circumstances of Hartlepool’s rural parishes have such a social housing requirement or viability considerations that requires a departure in approach from that set out in Secretary of State advice. The only reference is in paragraph 8.44 of the Plan which states that “given the small number of housing sites in each village it is unlikely to be feasible to use commuted sums to deliver additional affordable housing therefore on-site provision is the preferred method of delivery.”

I do note that in the rest of the Borough, the draft local plan is proposing a threshold of 15 units. Therefore, the reduced threshold is already set at a lower figure. I will be recommending a revision of the policy to allow the option of commuted sums on schemes of between 6 and 10 units, as well as the option of on-site provision, but with the requirement that the commuted sum should be used to deliver affordable housing which is provided within the plan area.

2.The second element of policy starts out by setting out the affordable housing need for the whole of Hartlepool Borough. This extends beyond the plan area and therefore cannot be incorporated within a neighbourhood plan and this information should be moved to the supporting text.

3. There are several elements where there is a requirement for affordable housing to remain affordable in perpetuity. This goes beyond the normal remit of what a development planning policy can deliver. Occupiers of social housing have statutory

rights in law which a policy or indeed a Section 106 Agreement can override. The only possibility of Right to Buy provisions being withdrawn is if development is on a rural exception site, which could be provided in the plan area under the provision of Policy H3. Similarly, the use of affordable housing receipts is not a planning policy consideration.

Recommendations

In criterion 1 replace “five” with “six”. And replace all text after “dwellings” with “For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area”.

In criterion 2 delete the first sentence of the policy.

Delete criterion 5

Policy H3 - Rural Exception Homes for Local Needs

I have no concerns about this policy which accords with the approach set out in the NPPF.

Policy H4 - Housing in the Countryside

I have no objections to this policy from the point of view of the basic conditions test.

Policy H5 - Housing Development on the Edge of Hartlepool

This policy builds upon and is additional to draft Local Plan Policy HSG4. Firstly, I need to be satisfied that the neighbourhood plan policy does not seek to frustrate the delivery of the emerging local plan’s strategic allocation of the site. I do have some doubts as to the ability of the neighbourhood plan to influence this development as I understand that the planning consent has been granted and a master plan agreed. I do however have to address the plan as submitted.

I have a number of detailed points to make on the proposal. In terms of the overall density, the neighbourhood plan was for about 25 dwellings per hectare (or less). The caveat “or less” is not mentioned in the local plan that refers to *approximately* 25 dwellings per hectare. To build at a lower density would mean that the development would not deliver the amount of development that was expected. This will affect the delivery of sustainable development, in terms of meeting the overall housing needs of the area.

I appreciate the public has concerns regarding the traffic implications of these major development sites. Rather than being specific about identified improvements from the villages to the junctions with the A19, A179 and the A689 and traffic restraints in the villages including traffic calming, it would be better for measures to be based on empirical evidence and modelling that will be established by a Transport Assessment which could take account of the total extent of development in terms of scale and character and location. To require specific improvements without evidence, merely based on public concerns, would be speculative. I will be proposing amendments to criterion 9 accordingly.

I do not believe this is the best approach to set a threshold of 450 homes which is based on the population of Greatham, as the benchmark for requiring community facilities. That is an arbitrary figure and I believe the appropriate guidance is already set out in emerging local plan– Policy HSG4- criterion 3.

Recommendations

In criterion 3 delete “or less”.

In criterion 9 delete “includes” and insert “should include mitigation measures identified by Transport Assessments which may include”.

Delete the last sentence of criterion 11.

Policy EC1 – Development of the Rural Economy

This is a positive approach to economic development. I do have a number of small concerns. It could be suggested that the policy around the provision of live work units and small scale businesses suggests that proposals will be supported anywhere within the plan area. I recommend that the correct principle should be that they will be permitted within existing development limits.

The requirements for new livery businesses to be responsible for maintenance of existing equestrian routes/bridleways is too onerous as this imposes maintenance responsibilities on the public rights of way network which cannot be solely put down to the new equestrian business.

Recommendations

In criterion 3 insert at the end “within the development limits of the villages”

In the second paragraph replace “provision and maintenance” with “existence or provision of”

Policy EC2 – Retention of Shops, Public Houses and Community Facilities

I have some concerns that there is an ambiguity in the wording of the policy. In criterion 1 - it refers to “at least one other similar facility” existing in the village. What is not clear is whether it refers to one of the three types quoted in the policy, a village shop or a public house or a community building, or whether the test is whether there is another shop in the village or another pub or community building. I am assuming that the latter is what the policy is seeking to secure in line with the NPPF and I propose to make that clear through an amendment to the policy.

Recommendation

In criterion 1 insert after “facility”, “of that type”

Policy EC3 – Former RHM site to the South of Greetham Station

This policy has raised a significant objection and important and relevant consultation responses. In particular, representations have been made on behalf of the site owners, Darnham Ltd, promoting a mixed use based on a residential development. I have also received comments from Network Rail, which I shall refer to in my comments.

There are number of factors that must be considered in terms of this allocation.

1. Firstly, whilst the buildings on the site have all been demolished, I still consider that the site can be described as previously developed land as defined in the glossary of the NPPF. This is land which was previously occupied by a permanent structure. From my visit to the site I do not consider the site qualifies for the dispensation from that definition, by being “land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”. One of the NPPF’s Core Planning Principles (para 17) is “to encourage the effective use of land by reusing land which has been previously developed (brownfield land) provided that it is not of high environmental standard”. The reuse of brownfield sites for residential development is supported by Local Plan Policy HSG4 and is also referred to in the neighbourhood plan. That could in itself justify development lying outside the existing settlement pattern, which was a concern of the Borough Council in its response to my Initial Comments, subject to the necessary infrastructure being put in place.

2. The Neighbourhood Plan Group point to the poor environmental quality of the site. However, I have seen no evidence that shows that residential development is ruled out in terms of proximity to polluting industry, safety hazards or contaminating land uses. Similarly, I do not have sufficient comfort, based on evidence, that residential

development is suitable in this location and so should be promoted on this brownfield site. In the absence of evidence, I am therefore proposing to adopt a precautionary approach, in terms of my examination of the neighbourhood plan and will not be supporting the representation from ID Planning which urges me to recommend that the list of acceptable uses should include a residential component.

3. In terms of the proposed uses set out in the policy, “community and leisure uses” are promoted. This could cover a wide range of possible uses, but it specifically quotes three elements to be included. One is a park-and-ride facility linked to the reopening of Greatham Station. I am working on the basis that a park-and-ride facility could only proceed if the station were to be reopened. I understand that it was closed in the 1980s. I have been advised that there are no plans from Network Rail or the train operating companies to rebuild a station at this location. I would be surprised if a park-and-ride facility in isolation would provide sufficient patronage to justify a new station, in isolation. I have seen no coherent transport strategy that promotes park-and-ride as a solution to a particular problem. Park-and-ride tends to be used in locations where there is a major constraint on town centre parking or congestion and where adopted relies upon an accompanying car parking pricing policy, to encourage people not to park in a central location but to intercept visitors before they reach the town and then transfer to the bus or train. Without a viable business case, there is no incentive for the train companies to invest in all the associated facilities associated with a new station or justify any revisions to the timetable by providing stopping trains that would offer a realistic frequency of service that would be attractive to users of park-and-ride, thereby offering a realistic choice for visitors to Hartlepool against other options, such as driving into the town centre.

Whilst a neighbourhood plan can be aspirational, there should be a realistic possibility that the policy or proposal, which the community supports, will be delivered. The opposition of Network Rail and the total absence of support from train operating companies, convinces me that the reopening of the station is unlikely to take place within the plan period and without a new station, a park-and-ride facility does not make sense. I also detect a conflict inherent in the policy, between the aspiration for, on the one hand to attract cars to drive through Greatham village to park and catch the train, yet at the same time not to generate a “significant increase in traffic movements through the village”.

I accept that, in principle, a solar energy installation could be an appropriate use of this site, and that this could help fund a visitor centre which is part of the mitigation strategy to support the nearby European sites. I note the concerns of Network Rail based on a national policy to remove, wherever possible, such crossings or reduce risks associated with their use but I do not consider that this scale of usage over the level crossing would be likely to cause such a level of traffic so as to create such

insurmountable problems for train operating companies, especially compared to the level of activity when the former industrial buildings were occupied.

Recommendations

In the first paragraph insert “possibly” after “uses”

Delete criterion 1 and renumber.

Policy EC4 – Service Stations and Travel Related Development

I noted from my site visit that there are already established facilities on both sides of the A19. I consider that all the proposed uses would be appropriate at the strategically important transport facility. I do however consider that it is unreasonable to expect improved or enhanced facilities not to give rise to an intensification of use of the access roads. To have that as a constraint would be a disincentive to invest in new facilities. I am conscious of the advice in Paragraph 32 of the Framework that states “development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe”. Whilst consultation will be required with Highways England it should not be a prerequisite of policy that the support of a statutory consultee to a planning application, must be given. That would usurp the role of the local planning authority or indeed a Planning inspector to determine the planning application/appeal. I will therefore propose to delete that part of the policy.

It is unnecessary to require proposals to comply with all *necessary* policies of this plan as a planning application must have regard to all *relevant* policies in the development plan.

Recommendations

Delete the first sentence of the second paragraph.

Delete the final paragraph.

Policy T1 - Improvements to the Highway Network

A neighbourhood plan policy must be a policy “related to the use and development of land”. A neighbourhood plan sets out planning policies that will be used to determine planning applications (PPG para 002 reference ID 41–0 02–20140306). It goes on to recognise that “neighbourhood planning can inspire local people and businesses to consider other ways to improve the neighbourhood than through the development and use of land. They may identify specific actions or policies to deliver these improvements. Wider community aspirations than those related to the use and development of land can be included in the neighbourhood plan but actions dealing with non-land-use matters should be clearly identified”.

I consider that this policy as written, does not relate to development proposals. In fact, the policy is offering support to the highway authority, not the planning authority, to authorise the securing of various highway improvements. As far as I can tell the measures set out in criteria 1 - 3 and 6 are matters that do not constitute development under the terms of Section 55 of the Planning Act or are permitted development under Part 10 of the Town and Country Planning (General Permitted Development) Order 2015. This will likely be dealt with under highway not planning legislation, especially if the works take place within or adjacent to highway land.

However, development proposals which, if it can be shown through appropriate Transport Assessments, to require contributions to be made to any of these improvements, then it is appropriate for the policy to reflect that, subject to complying with the legal tests for planning obligations.

Recommendation

Replace the first sentence with “Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation”

Policy T2 - Improvements to Public Transport

Again, I am not convinced that that this is a policy for the development and use of land. This is more a call to train operating companies or Network Rail to invest in a new railway station and to stop their trains at Greatham. That is not really a land use policy. If the policy were to be worded that planning permission would be granted for the rebuilding the station, that will be a planning policy. However, the indications from the Network Rail’s Regulation 16 consultation response is that this is unlikely to take place. Furthermore, the requirements imposed in particular by criterion 1, that the station “would not result in an increase in road traffic”, would only be deliverable if access to the station was to be restricted to residents of Greatham only. Similarly, the requirements to have a new bus service and park-and-ride plus new routes to employment sites as a requirement on the new station would not assist its deliverability.

The support for reopening Hart railway station cannot be incorporated in the development plan element of the document, as it is a policy related to land outside the neighbourhood area. The expression of support can be included as a Community aspiration.

The final part of the policy relates to supporting local bus services via planning obligations. A planning obligation can only be used as a reason to grant planning

permission if its provisions meet all three tests set out in paragraph 204 of the NPPF, namely that the financial support required to assist bus services is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind. I do not consider that the neighbourhood plan is envisaging a level of development that would justify the provision of new bus services or support of existing services.

I therefore conclude that this policy does not meet basic conditions and I am accordingly recommending that the policy be deleted.

Recommendation

That the policy be deleted.

Policy T3 - Improvements and the Extension of the Public and Permissive Rights of Way Network.

The first paragraph of the policy is appropriate to land use planning. The rest of the policy is an expression of the priority to be given to improvements to the rights of way network. This is basically as drafted, a budgetary consideration, not a land-use policy i.e. it is seeking to establish priorities for spending. However, it is possible for the new and improved routes to be identified in the plan as these can be achieved through the development of this land. The improvement of pavements is a highway management not a planning issue. Highway signage and other street furniture again come outside the province of planning control. These matters can however still be contained within the plan as community aspirations.

Recommendation

Insert at the end of the first paragraph “and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes.”

Delete the second sentence.

Delete the last two paragraphs of the policy.

Policy C1- Safeguarding and Improvement of Community Facilities

I have no issues with the first two paragraphs on this policy. I do not consider that a neighbourhood plan should be establishing spending priorities, which is a matter for the Borough Council or the relevant parish council.

I have received a representation from North Hart Farm objecting to their agricultural buildings being shown as Community Buildings. The Working Group confirm that this was a cartographical error and I will recommend that it be removed from the Proposals Map as an error.

I believe that the land at the Ghyll in Elwick does meet the criteria to justify designation as local green space. However, the policy, as written, does not actually establish how planning applications relating to that land will be viewed. I will therefore be using the approach set out in the NPPF as the basis of my recommendation to provide clarity in terms of what the designation seeks to achieve.

I do not consider that it is appropriate to seek contributions from all housing developments towards facilities in the rural area unless it can be shown that there is a direct relationship between the specific facility and the proposed development. That is to bring it in line with Secretary of State policy re planning obligation and the Community Infrastructure Regulations. Again, it needs to be noted that only 5 pooled contributions can be made to any particular project.

Recommendation

Insert at the end of paragraph 4 - "Development will not be permitted on this land other than in very special circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available."

In the final paragraph delete "rural area" and replace all subsequent text with "settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development."

Delete the designation of the farm buildings at North Hart Farm at Hart as community buildings from the Proposals Map.

Policy NE1 – Natural Environment

I consider that this policy is a criterion based policy which is based on the advice set out in the NPPF. I have no comments to make on it.

Policy NE2 – Renewable and Low Carbon Energy.

I have no comments to make on this policy which I believe will deliver sustainable development.

Policy HA1 - Protection and Enhancement of Heritage Assets

I am concerned that the first part of the policy relates to “the Rural Plan Working Group working alongside Hartlepool Borough Council to support and encourage investment in heritage assets.” It is not a question of identifying which bodies will support investment in all historic assets but instead should relate, through the policy to planning proposals which invest in historic assets throughout the rural area being supported.

Recommendation

Delete the first paragraph and replace with “Planning applications will be supported which ...”

Policy HA2 – Protection and Enhancement of Conservation Areas.

I have no comments regarding compliance with the basic conditions.

Policy HA3 – Protection and Enhancement of Listed Buildings

Again, I have no comments regarding compliance with the basic conditions.

Policy HA4 – Protection and Enhancement of Locally Important Buildings

I understand that preparation of the list of locally important buildings, which are, in parlance of the NPPF, called non-designated heritage assets has been compiled by Hartlepool Borough Council.

The test of planning policy in respect of these properties, according to the NPPF, is that the harm to importance of the property should be weighed against the public benefits arising from the development. I propose to amend the policy to bring more closely aligned to the approach promoted by the Secretary of State. The requirement to have a scheme for redevelopment in place can only be achieved by the imposition of a planning condition, which presumes a consent for the redevelopment to be in place. There is no statutory protection to prevent the demolition of a non-listed building, unless it is a building in a conservation area”.

Recommendation

After “Locally Important Building” delete “particular regard will be had” and insert “the effect of the application on the significance of the following”.

Replace the final paragraph with “A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.”

Policy PO1- Planning Obligations- Contributions towards Meeting Community Infrastructure Needs

As previously mentioned, a neighbourhood plan policy cannot dictate spending priorities. It can only provide guidance as to how planning applications are to be determined. Therefore, a policy can only deal with developer contributions which are made under the planning obligation. Not only are these required to meet the test of Paragraph 201 of the NPPF but also, as I have already highlighted only five pooled contributions can be made towards any one project. That is a requirement laid down by Regulation 122 of the Community Infrastructure Levy Regulations 2010. Contributions therefore can only be collected towards any of the schemes set out in the policy, if there is a direct relationship to that development. I therefore do not consider that it is appropriate to list all projects in the policy, but these projects can however be set out in the non-land-use policy section of the Plan which could be included in an Appendix or by colour coding the sections so that it is clear that it is not to be taken as development plan policy which can guide the spending decisions of the respective parish councils as well as the Borough Council. I will be recommending changes to the first part of the policy to bring in the Secretary of State advice.

Recommendation

Replace the first paragraph and the list of projects with “Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.”

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. I did actively consider whether the residents of housing estates that lie adjacent to the Plan’s allocation of development sites under Policy H5 adjacent to the Hartlepool urban area should be included. However, I appreciate that these sites have already been promoted by the emerging Local Plan and in many cases consents have already been granted. I have therefore concluded that it is not necessary to extend the referendum area beyond the boundary. Therefore, I can confirm that the area of the Hartlepool Rural Neighbourhood Plan as designated by Hartlepool Borough Council on 18th December 2013, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

The Rural Plan Working Group are to be congratulated for producing a well-focused and locally distinctive neighbourhood plan. It really is an impressive document.

I have had to make a number of changes to the wording of the policies and have made recommendations regarding the Development Limits of settlements and the urban area and have added one development allocation at Hart. I have also had to recommend how the plan seeks planning obligations, ensuring that they are sought where the obligation is required to make a development acceptable in planning terms and is directly related to the particular development. All the changes are required to ensure that the plan delivers sustainable development and has proper regard to national policy and guidance.

I have had to recommend the removal of one policy related to the reopening of Greatham Railway Station which the Group may describe as an aspirational policy but which I am firmly of the view, is non-deliverable, and its inclusion as a plan proposal would be contrary to national guidance.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

I am therefore delighted to recommend to Hartlepool Borough Council that the Hartlepool Rural Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

4th July 2017

Hartlepool Rural Neighbourhood Plan

Addendum Sheet

My report to the Hartlepool Borough Council on the Examination of the Hartlepool Neighbourhood Plan contains the following error.

- In the Regulation 16 Consultation section on page 6 it refers to 13 representations having been received. In fact, only 12 representations were received to that particular consultation and no representations were submitted by Hartlepool Borough Council.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

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10th July 2017

Hartlepool Rural Neighbourhood Plan: Examiner's Recommendations

Report Page Number(s):	Policy:	Examiner's Recommendation(s):	Planning Services Comments:
11-13	GEN1 – Village Envelopes	Replace in the title and text of the policy 'Village Envelopes' with 'Development Limits'.	n/a
		Amend the Development Limit boundary on the east site of Elwick Village to exclude the field to the north of the properties on the north side of Elwick Road.	n/a
		Amend the Development Limit boundary on the western side of Hart Village so as to include Glebe Farm, the boundary of which should follow the same line as proposed by Policy HSG8 of the emerging Local Plan.	Planning Policy supports the inclusion of the Glebe Farm site within the rural plan.
		Remove the Development Limit boundary line along the western side of Hartlepool wherever the Development Limit boundary coincides with the Plan Area boundary.	n/a
13-14	GEN2 – Design Principles	In criterion 2 replace 'highly with' with 'against'.	n/a
		Delete criterion 6.	The Council still has measures in place to ensure that the information in criterion 6 is achieved, therefore there are no concerns regarding deleting this criterion.
		Delete criterion 8.	The Council still has measures in place to ensure that the information in criterion six is achieved, therefore there are no concerns regarding deleting this criterion.
		In criterion 9 replace 'including' with 'into'.	n/a
		Delete criterion 10.	The Council still has measures in place to ensure that the information in criterion 10 is achieved, therefore there are no concerns regarding deleting this criterion.
		Delete criterion 12.	The Council and national policy have measures in place to protect different land grading. There are no concerns regarding deleting this criterion
		Re-number accordingly.	n/a

		Remove the final two paragraphs of the policy.	n/a
14-17	H1 – Housing Development	Replace ‘approximately’ with ‘a minimum of’ in the first paragraph and add at the end after ‘2031’ ‘excluding the dwellings built on the new developments on the western edge of Hartlepool’s urban area’.	A need of 170 dwellings has been established; this need is a minimum and will be delivered through the sites listed below and any other windfall sites. There are no concerns regarding the wording changes.
		In the second paragraph replace ‘may’ with ‘will’.	n/a
		In the table in the third column heading replace ‘max’ with ‘approx’.	n/a
		Delete all in the row entitled ‘Dalton Piercy’ and ‘Newton Bewley’ and insert another row entitled ‘Hart’ and insert ‘Glebe Farm’ with an approximate figure of 20 dwellings.	Planning Policy supports the inclusion of the Glebe Farm site within the rural plan.
		Add a new paragraph after the table ‘there will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies.’	n/a
		In the final paragraph, replace ‘be in line with’ with ‘have regard to’.	n/a
17-18	H2 – Affordable Housing	In criterion 1, replace ‘five’ with ‘six’ and replace all text after ‘dwellings’ with ‘For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.’	n/a
		In criterion 2 delete the first sentence of the policy.	n/a
		Delete criterion 5.	n/a
18-19	H5 – Housing Development on the Edge of Hartlepool	In criterion 3, delete ‘or less’.	n/a
		In criterion 9, delete ‘includes’ and insert ‘should include mitigation measures identified by Transport Assessments, which may include’.	n/a
		Delete the last sentence of criterion 11.	n/a
19	EC1 – Development of the Rural Economy	In criterion 3 insert at the end ‘within the development limits of the villages.’	n/a
		In the second paragraph, replace ‘provision and maintenance’ with ‘existence or provision of’.	n/a
20	EC2 –	In criterion 1, insert after ‘facility,’ ‘of that type’.	n/a

	Retention of Shops, Public Houses and Community Facilities		
20-22	EC3 – Former RHM site to the South of Greatham Station	In the first paragraph, insert ‘possibly’ after ‘uses’.	n/a
		Delete criterion 1 and re-number.	n/a
22	EC4 – Service Stations and Travel Related Development	Delete the first sentence of the second paragraph	n/a
		Delete the final paragraph.	n/a
22-23	T1 – Improvements to the Highway Network	Replace the first sentence with ‘Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation.’	n/a
23-24	T2 – Improvements to Public Transport	That the policy be deleted.	The Council has measures in place to improve public transport across the borough, including the rural area.
24	T3 – Improvements and the Extension of the Public and Permissive Rights of Way Network	Insert at the end of the first paragraph ‘and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes.’	n/a
		Delete the second sentence.	n/a
		Delete the last two paragraphs of the policy.	The Council and Parish Council’s have measures in place to seek improvements to signage, seating and litter.

24-25	C1 – Safeguarding and Improvement of Community Facilities	Insert at the end of paragraph 4 – ‘Development will not be permitted on this land other than in very special circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available.’	n/a
		In the final paragraph, delete ‘rural area’ and replace all subsequent text with ‘settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development’.	n/a
		Delete the designation of the farm buildings at North Hart Farm at Hart as community buildings from the Proposals Map.	n/a
26	HA1 – Protection and Enhancement of Heritage Assets	Delete the first paragraph and replace with ‘Planning applications will be supported which’	n/a
26	HA4 – Protection and Enhancement of Locally Important Buildings	After ‘Locally Important Building’ delete ‘particular regard will be had’ and insert ‘the effect of the application on the significance of the following’.	n/a
		Replace the final paragraph with ‘A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.’	n/a
27	PO1 – Planning Obligations – Contributions towards Meeting Community Infrastructure Needs	Replace the first paragraph and the list of projects with ‘Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation if necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.’	n/a



Hartlepool Rural Neighbourhood Plan 2016 – 2031

Examination Policy Changes

Based on draft submitted to Hartlepool B. C. August 2016

Red text = changes/new text

POLICY GEN1 - ~~VILLAGE ENVELOPES~~ Development Limits

Within the ~~Village Envelopes~~ Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

In the countryside outside the ~~Village Envelopes~~ Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores highly against with the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. ~~how the design incorporates the highest standards of energy efficiency;~~
7. 6.how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
8. ~~how the development has been made accessible to people with limited mobility;~~
9. 7.how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water including into fluvial water;

10. ~~how the design ensures that safety and security has been taken into account;~~
11. ~~8.~~ how the design ensures that homes are flexible to meet the changing needs of future generations, ~~and~~
12. ~~how the agricultural grading of land has been taken into account. Development should avoid areas of best and most versatile agricultural land and those areas classed as Grade 1, 2 and 3A in the Agricultural Land Classification.~~

~~Applicants will be required/encouraged to submit a completed Checklist as set out in Appendix 4.~~

~~An archaeological assessment of the site should be carried out prior to any decision being made on any proposed development.~~

POLICY H1 - HOUSING DEVELOPMENT

To assist in meeting the Borough's housing needs the rural plan area will accommodate approximately a minimum of 170 new dwellings by 2031, excluding the dwellings built on the new developments on the western edge of Hartlepool's urban area.

Permission may will be granted for further new homes on the following sites:

Village	Site Name/ windfall	<u>MaxApprox</u> Number allocated	Planning permission
Dalton Piercy	Infill only	10	n/a
Elwick	North of North Farm/ Potters Farm (43 and 44)	25	25 additional dwellings considered over the 14 already approved.
Greatham	Between Hill View and Saltaire Terrace (106)	12	
Greatham	Mellanby Lane	5	
Greatham	Garden rear of 15 High Street	6	
Greatham	Grove House Nursery	6	
Hart	Eastern part of Nine Acres (eastern part 3)	23	
Hart	Glebe Farm	20	
Newton Bewley	Infill only	NA	
TOTAL		87	

(Note: site numbers refer to HBC SHLAA numbers)

There will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies.

New housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should ~~be in line with~~ have regard to the latest evidence of housing need applicable at the time.

POLICY H2 - AFFORDABLE HOUSING

1. Affordable housing will be required in applications for residential development that consist of a gross addition of ~~five~~ six or more dwellings (or 0.4 hectares). ~~These include residential new build, renewal of lapsed unimplemented planning permissions, changes of use and conversions. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.~~
2. ~~The affordable housing need within the Borough equates to 144 new dwellings per year.~~ Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:
 - applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
 - Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. ~~Units provided shall remain affordable for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.~~
6. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.
7. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

POLICY H3 - RURAL EXCEPTIONS HOUSING FOR LOCAL NEEDS

Rural Exceptions affordable housing will be supported as an exception to other policies concerning the countryside, to meet locally identified affordable housing need, subject to all of the following criteria being met:

1. Sites should adjoin the village envelope;
2. Proposals must be for small schemes of 10 dwellings or fewer. Any such developments must be appropriate in scale, design and character to the locality;
3. A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one. Such an appraisal must demonstrate why the need cannot be met within the urban fence or village envelope;
4. In all cases, proposals for rural exceptions housing schemes must be supported by an up-to-date Housing Needs Survey that identifies the need for such provision within the village or group of villages;
5. Occupancy will be restricted, in perpetuity, to a person in housing need and resident or working in the relevant village, or who has other strong links with the relevant locality in line with the community connection criteria, both initially and on subsequent change of occupancy. This could include Self Build;
6. The locality to which the occupancy criteria are to be applied is taken as the parish (or any adjoining rural parish), unless otherwise agreed with Hartlepool Borough Council and the relevant parish council;
7. To ensure that, in the future, a property is let or sold to a person who either lives locally or has strong local connections, it is expected that a 'cascade' approach to the locality issue appropriate to the type of tenure will be adopted. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the village or adjoining village or group of rural villages.

Cross Subsidy

8. Proposals must consist in their entirety of affordable housing that will be retained in perpetuity. In exceptional circumstances, proposals that intend to include an element of market housing, or plots for open market sale, may be acceptable, if they meet all of the above criteria, along with the criteria below:
 - a. Such proposals will be permitted only where it can be demonstrated that the site would not be viable, as a rural exception site, without cross subsidy. The developer will be required to submit an open book viability assessment to be carried out by Hartlepool Borough Council. In such cases:

- i. **The Council will not accept aspirational land value as justification for allowing a higher proportion of market value units;**
- ii. **The assessment must show that the scale of the market housing component is essential for the successful delivery of the rural exception affordable housing scheme and that it is based on reasonable land values as a rural exception site and must not include an element of profit;**
- iii. **The majority of the development must be for rural exception affordable housing; and**
- iv. **No additional subsidy is required for the scheme.**

NO CHANGE TO POLICY H3

POLICY H4 HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances:

- 1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or**
- 2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or**
- 3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or**
- 4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.**

Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside.

With respect to foul sewage, the first presumption must be to provide a system of foul drainage discharge into public sewer. Only, where having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local authority that connection to a public sewer is not feasible, should non-main foul sewage disposal solutions be considered.

New housing is required to be sensitive to the heritage assets of the area. Building conversions are required to avoid extensive alteration, rebuilding or extension. In respect of both it is necessary to have regard to the impact proposals may have on the significance of any heritage assets, but it is especially the case in respect of the latter, where the building in question may itself be a heritage asset, designated or otherwise.

NO CHANGE TO POLICY H4

POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

1. create distinct new communities designed to instil a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare ~~(or less)~~;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;
7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This includes should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.
10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water run-off from the development.
11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations

and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations. ~~Any such new developments comprising in the region of 450 houses, whether as a single application or as the result of cumulative applications, would be expected to provide a fuller range of community facilities (this figure being based on the size of Greatham village which is able to support a range of facilities).~~

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

New livery businesses will be supported subject to the provision and maintenance existence or provision of equestrian routes/bridleways in and around the business.

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure.

Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area.

All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

POLICY EC2 - RETENTION OF SHOPS, PUBLIC HOUSES AND COMMUNITY FACILITIES

The change of use or redevelopment of a village shop, public house or community building will be supported only where:

1. at least one other similar facility of that type exists within the village; and

2. it can be demonstrated by the applicant that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a business or community facility, and that it is not economically viable; and
3. there is no evidence of realistic intent from the community for the retention of the business or community facility.

Preference will be given to the premises remaining in some form of community or employment use, as long as there are no significant impacts on the rural road network, residential amenity, environment, heritage assets, including conservation areas and their settings.

All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

POLICY EC3 - FORMER RHM SITE TO THE SOUTH OF GREATHAM STATION

The redevelopment of the former RHM site at Greatham will be supported for community and leisure uses, possibly to include:

1. ~~A 'Park and Ride' facility linked to the reopening of Greatham Station;~~
2. 1.A solar energy installation;
3. 2.A visitor centre with associated car parking and improved footpaths links, to inform visitors about the importance of the local environmental habitats, the heritage and archaeological importance of Greatham Creek and renewable energy.

The visitor centre should be of innovative design, suited to its location, and with high sustainability credentials. A comprehensive scheme of landscaping and environmental enhancement should form part of any proposal. Before a decision on any proposed development is made, an archaeological assessment of the site should be carried out.

Development proposals should not lead to a significant increase in traffic movements through the village, sustainable transport options will be encouraged.

Appropriate mitigation measures to address effects arising from the development on the local habitats will be required prior to any development proceeding.

POLICY EC4 - SERVICE STATIONS AND TRAVEL RELATED DEVELOPMENT

Land at the service stations on the A19, as identified on the proposals map, will be safeguarded for the following uses to primarily serve the travelling public:

- Petrol filling station/s with ancillary shop/s
- Premises for the sale of hot and cold food and drinks (A1 or A3)
- Vehicle recovery
- Overnight accommodation
- Parking for cars and heavy goods vehicles.

~~Proposals for new or improved facilities within the safeguarded sites shall not give rise to an intensification of use of the access roads and must have the support of Highways England.~~ Improvements to infrastructure may be necessary. Improvements to the environment and landscaping of these areas must be included in any proposals.

~~All proposals should accord with the all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.~~

POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Support will be given to the relevant highway authority in securing the following highway improvements: Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

~~**POLICY T2 - IMPROVEMENTS TO PUBLIC TRANSPORT**~~

~~The reopening of Greatham railway station will be supported provided that:~~

- ~~1. It would not result in an increase in road traffic accessing the station that would be detrimental to road safety or the quality of life in Greatham village; and~~
- ~~2. The station is served by a new car park and bus service to provide a park and ride service together with new cycle and pedestrian routes to employment sites at Queens Meadow, Graythorp and Seal Sands, Hartlepool.~~

~~The re-opening of Hart Station together with a park and ride facility will be supported.~~

~~Opportunities to support local bus services will be encouraged and secured through planning obligations.~~

POLICY T3 - IMPROVEMENT AND EXTENSION OF THE PUBLIC AND PERMISSIVE RIGHTS OF WAY NETWORK

Improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes:-

~~The following new and improved routes are prioritised:~~

1. New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians;
2. A new traffic light controlled safe crossing point on the A689 at Newton Bewley;
3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool;
4. Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside;
5. A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Saltholme, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorp;
6. A network of bridleways throughout the rural area.

~~Improvements to the pavements in the villages, including improved maintenance, will be sought to provide accessibility for people with mobility limitations and people with young children, to local shops and community facilities.~~

~~The provision of new and improved signage, seating and litter bins will be encouraged.~~

POLICY C1 - SAFEGUARDING AND IMPROVEMENT OF COMMUNITY FACILITIES

Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.

Recreation and associated facilities will be supported where the proposed facilities are of a type and scale appropriate to the size of the settlement.

Priority schemes include:

1. Improvements to Dalton Piercy Village Hall
2. A new equipped children's play area at Dalton Piercy
3. New car park to serve Elwick Church and other heritage assets
4. Improvements to Greatham Community Centre.
5. Improvements to Greatham Sports Field
6. A new multi-purpose community open space with equipped play area, sports pitch, wildlife area, dog walking area and allotments at Hart.

A site at Elwick, the ghyll, shown on the Proposals Map will be designated as Local Green Space in accordance with paras 76 & 77 of the NPPF and Appendix 10. Development will not be permitted on this land other than in very special

circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available.

Contributions will be sought from new housing development towards the improvement of leisure, community and recreation facilities and open spaces serving the rural area, ~~either through developing new facilities on site or contributions towards the improvement of existing facilities in the vicinity. For further information please see policy PO1 settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development.~~

POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

- a. Development that would affect internationally important sites will be permitted only where it meets all the relevant legal requirements.**
- b. Development that would affect nationally important sites will be permitted only where it meets all the relevant legal requirements**
- c. Development which would negatively affect a locally designated site will be supported only where the reasons for the development clearly outweigh the harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures will be required to maintain and enhance conservation interests. In the first instance compensatory measures should be as close to the original site as possible. Compensatory measures may include biodiversity offsetting where on-site compensation is not possible.**

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.

1. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.

2. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;**
- b. Provide screening around any non-agricultural uses;**
- c. Use a mix of local native species appropriate to the landscape character area;**

d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

No changes to this policy

POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment to reducing CO2. Any medium/large wind turbine proposals should be directed to High Volts or Red Gap.

- 1. The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:
 - a. The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;**
 - b. The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.**
 - c. Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;**
 - d. The operation of air traffic operations, radar and air navigational installations and**
 - e. Highway safety.****
- 2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.**
- 3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.**

All proposals should accord with all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

No changes to this policy

POLICY HA1 – PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS

~~The Rural Plan Working Group will work alongside Hartlepool Borough Council to proactively support and encourage investment in all Heritage Assets including those of archaeological importance, throughout the rural area, aiming to:~~ Planning applications will be supported which:

1. preserve and enhance their physical character and facilitate new uses for buildings at risk.
2. ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;
3. ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;
4. protect, conserve or enhance the area's Listed Buildings by preventing unsympathetic alterations, encouraging appropriate physical improvement work, supporting viable proposals to secure their re-use and restoration, and supporting the local authority's continued review and management of these assets.
5. encourage the retention of heritage assets on the List of Locally Important Buildings, particularly when viable, appropriate uses are proposed.

A list of heritage priorities within the rural area is set out in Appendix 5.

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. The scale and nature of the development;
2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;
3. The retention of original features of special architectural interest such as walls, gateways and other architectural details;
4. The retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals;
5. The protection of important views and vistas;
6. The location of appropriately designed car parking, landscaped in such a way as to minimise impact on the character of the area, and
7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.

Proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions.

Where any demolition in conservation areas is proposed, the Rural Plan will support proposals only if it can be demonstrated that:

1. The removal would help to conserve or enhance the character or appearance of the Conservation Area;
2. Its structural condition is such that it is beyond reasonable economic repair, or
3. Retention and restoration through some form of charitable or community ownership is not possible or suitable, and
4. The removal is necessary to deliver a public benefit which outweighs the removal.

No changes to this policy

POLICY HA3 - PROTECTION AND ENHANCEMENT OF LISTED BUILDINGS

In determining applications for Listed Building Consent for alteration or partial demolition, the following criteria will be applied, where appropriate:

1. traditional materials and sympathetic designs which are in keeping with the character and special interest should be used.
2. internal features and fittings which comprise an integral part of the character and special interest of the building should be retained and re-used, and,
3. The works would support the enhancement or viable use/re-use of the remaining part of the building.

Works within the setting of a Listed Building should be of a design which is sympathetic to, and takes advantage of opportunities to enhance, the setting of the Listed Building. If appropriate design solutions that would avoid any harm cannot be provided, then the scheme will be not be supported.

Where any demolition is involved, detailed proposals for the satisfactory redevelopment or after-treatment of the site should be secured before demolition takes place.

The Rural Plan will consider the total demolition of a Listed Building only in exceptional circumstances, where it has been clearly demonstrated that:

1. There is no appropriate or viable use for the building.
2. The fabric of the building is beyond reasonable economic repair.
3. Retention and restoration through some form of charitable or community ownership is not possible or suitable, and
4. Redevelopment would result in a public benefit which outweighs the loss of the building.

No changes to this policy

POLICY HA4 - PROTECTION AND ENHANCEMENT OF LOCALLY IMPORTANT BUILDINGS

In determining applications for planning permission that affect entries on the List of Locally Important Buildings, ~~particular regard will be had to~~ the effect of the application on the significance of the following:

1. The historic or architectural importance of the building.
2. Features which contribute significantly to the character of the building.
3. Their contribution to the appearance of the locality.
4. Their scarcity value to the local area.
5. The scale, nature and importance of the proposed redevelopment, which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.
6. The design and means of enclosure.

~~Where any demolition is involved, the Rural Plan Working Group will require that detailed proposals for the satisfactory redevelopment or after-treatment of the site must be approved before demolition takes place. This will include the requirement to record, and advance understanding of, the significance of the heritage assets to be lost (wholly or in part) in a manner that is proportionate to their importance. A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.~~

POLICY PO1: PLANNING OBLIGATIONS - CONTRIBUTIONS TOWARDS MEETING COMMUNITY INFRASTRUCTURE PRIORITIES

Developer contributions ~~together with other community benefits and grant funding will be used to fund new and improved community infrastructure including maintenance in the Plan area, including, but not limited to:~~ towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

1. ~~Safeguarding community facilities as set out in Policy C1~~
2. ~~Affordable Housing as set out in Policy H2~~
3. ~~Improvements to public transport as set out in Policy T2~~
4. ~~New and improved bridleways, cycleways and footpaths as set out in Policy T3~~
5. ~~Environmental enhancement as set out in Policy NE1~~
6. ~~Heritage assets enhancement as set out in Policy HA1~~
7. ~~Surface water flooding alleviation measures as set out in Policy H5~~
8. ~~Traffic calming measures as set out in Policies H5 and T1~~

9. ~~New visitor centre at the former RHM site, Greatham, as set out in Policy EC3~~
10. ~~Ecological mitigation & Networks as set out in Policy NE1~~
11. ~~Renewable and Low carbon energy as set out in Policy NE2~~

Developer contributions will be determined on a site by site basis in accordance with Hartlepool Borough Council's Supplementary Planning Document on Planning Obligations and due consideration should be given to priorities listed in Appendix 5.

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.