

**STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC
INTO THE
HARTLEPOOL LOCAL PLAN
RELATING TO MATTER 2**

1. I make this statement on behalf of the Campaign to Protect Rural England Durham Branch (CPRE).
2. Altogether, on behalf of CPRE, I wrote in respect of a total of 12 proposed policies. Only one related specifically to Policy LS1 (Locational Strategy). However, other representations do have locational or spatial strategy issues. I shall therefore attempt to address those questions raised by the Inspector which appear to have implications in respect of any of the letters I have written although some may overlap with other Matters to which CPRE has been invited to attend.
3. Perhaps however it is necessary for me to say that, while I am fairly familiar with Hartlepool, I am not a resident of the borough. The interest of CPRE Durham includes Hartlepool but without an active resident in the borough, our approach has to be general rather than specific. Consequently, we are not able to respond to all the specific issues or sites that are mentioned in the Plan proposals or raised by the Inspector.

INSPECTOR'S QUESTIONS

Q1 Is the Plan, based on the spatial portrait and sustainability appraisal baseline, providing an appropriate response to address the issues that influence the Borough as a place? Do the spatial objectives of the Plan accurately reflect the existing issues and future opportunities / challenges facing Hartlepool Borough?

CPRE commented on the following issues that may have spatial and/or sustainability issues

- Green Wedge/Green Belt
- Housing numbers
- Sustainable transport provision
- The rural economy
- Wind turbines
- Solar energy

Of these, housing and wind turbine issues are addressed in other Matters and the rural economy is addressed in Question 6. Solar energy appears to fall within Question 2.

In respect of Green Belt/Wedge and Sustainable Transport issues, I make the following representations

Green Wedge or Green Belt

We also raised this issue in relation to Policy RUR 2. However, our main representation in respect of this was to Policy LS1.

We note the Council's comments that there is no requirement to designate a Green Belt. That is of course accepted but it is not quite the point that we raised. This was that the issue had not been considered when the Council determined to continue and enhance a policy to protect Green Wedges

We recognise that Green Belt is far from immune to attack but it does at least have recognition in the NPPF. There is no such recognition for a Green Wedge in the NPPF.

In addition, we note that, in Matter 13, the Inspector has asked

“Is the concept of a Special Landscape Area (in Policy NE1) justified by the evidence and consistent with the NPPF (paragraph 17 – the intrinsic character and beauty of the countryside, paragraph 109 – protecting and enhancing valued landscapes, and paragraph 113 – criteria based policies for landscape areas (reflecting hierarchy))?”

We represent that a similar issue relates to the concept of Green Wedges. Clearly, CPRE welcomes the protection that is given as a result of Policy NE3 which retains and extends the Green Wedge areas in the borough, but both Green Wedge and Special Landscape Area remain concepts that are not addressed in the NPPF. the protection offered is better than having none at all but not as good, we represent, as a protection that does have government recognition.

Other “green infrastructure” areas identified by the NPPF do not seem to meet the same need as those of Green Wedge. We represent that this includes the NPPF concept of “valued landscape” in paragraph 109 which, as has been confirmed in the recent Stroud case¹, is subject to legal definition which may not cover all aspects envisaged by the Green Wedge concept. Similarly, “open space” has a definition in the NPPF that may not meet with everyone's expectations as to what is, in fact and law, “open space”.

¹ Stroud District Council v Secretary of state for Communities and Local Government [2015] EWHC 488 (Admin)

As we have stated in our earlier representations, Teesside is the largest conurbation without a Green Belt. Of course, we accept somewhere always has to be the largest such area but we also represent that the pressures on Teesside are such that the concept should be addressed to determine whether a concept recognised by government policy should be included within the Plan or the Council should continue with a concept that has no such recognition. As we have mentioned, the intention appears to be that these areas should have a purpose and protection equivalent to Green Belt.

While paragraph 82 of the NPPF (relating to new Green Belts) clearly applies in a case such as this, the fact is that a form of protection is proposed in this Plan that is a lower version with potentially weaker protection. For example, the test of “very special circumstances” does not apply to Green Wedge. If Wynyard and High Tunstall, both areas outside the “urban fence”, proceed as proposed, while in County Durham, nearby Sedgefield is under considerable pressure from developers, greater protection may be needed for the remainder of the countryside in this area.

I do not propose to make any recommendation to amend the Plan in this case. The issue is whether this is a legitimate issue to be addressed or not.

Sustainable Transport

I note the Council’s response to our representations to Policy INF1 (Pub Ref 0074)..

While I appreciate the points made and that the Plan is a Framework rather than a detailed document, I am also concerned that there are many existing cycling facilities nationally that are substandard.

CPRE is keen to promote all sustainable transport wherever it is feasible. From my point of view, I am also keen to see safe and convenient cycling provision as I am a keen cyclist. The sort of infrastructure envisaged here is not for competitive cyclists but rather for people anxious about safety aspects of cycling but wanting to “leave the car behind”. This sort of person will not be attracted, say, to cycle to work or the shops unless there is a proper network of cycling routes available. This is something that clearly is being achieved in a number of other countries particularly on the continent.

While the Policy as worded provides a satisfactory start, I represent that it still leaves the situation open for unsatisfactory schemes to proceed. There is a number of documents now giving guidance on good cycle network design, starting perhaps with the Manual for Streets. This document is mentioned in Schedule 2 but only as a reference document. The MfS2 in turn refers to the Transport for London Guidance.

All I request is that Policy INF1 point 10 be amended to say something like

“provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the Borough linking residential areas with employment sites, shopping and community facilities, and leisure/recreation sites. **Such networks should be designed in accordance the guidance given in the Manual for Streets and any documentation referred to therein**”

This may need some additional text to explain the MfS.

In my letter I also referred to the Active Travel (Wales) Act 2013. That Act is more concerned with promoting routes and maps. On reflection, if there is an amendment as above, I am not representing that the Plan should be amended to refer to this Act.

Q2 (a) Is the location and distribution of development appropriate and justified?

In our representation dated 31 January 2017, we stated that CPRE favours the use of roofs for future solar arrays. We note the Council’s response is that this is covered by Point 9 of Policy CC1.

However, we believe Point 9 covers a different issue, namely solar arrays on new buildings. CPRE fully supports this but the point we were seeking to make is that existing factory roofs should be the first consideration as sites for future solar arrays. We therefore represent that Policy CC% should be amended as follows

“Proposals for large scale (over 0.5MW) **should be sited on existing large roofs wherever this is possible. Where this is not possible**, ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO2 emissions will be supported subject to consideration of the following:”

(b) Has the preparation of the plan considered reasonable alternative spatial strategies? Does the updated SA Addendum (EX/HBC/25) capture the reasonable alternative strategies (see pages 10-16) and unreasonable growth alternatives (see pages 17-19) and present cogent reasons why they are not reasonable or preferred options?

With regard Policy CC4 relating to wind turbines, we believe it is better to address this in Matter 12.

We do not have sufficient knowledge to comment on the various housing alternatives that have been suggested – our principal concern is that the number is excessive which we will cover in Matter 3

Q3 Has the Plan maximised the potential re-use of previously-developed land in the plan area? Is the Council progressing a Brownfield Land Register of those sites appropriate for residential development?

While CPRE actively promotes the redevelopment of suitable previously developed land, we do not have sufficient knowledge of Hartlepool to be able to address this.

Q4 Is the Plan strategy over-reliant on a small number of large strategic sites?

CPRE has not suggested this in representations and so is unable to comment

Q5 Does the Plan strike an appropriate balance of growth at the two strategic locations of High Tunstall and Wynyard? Does the balance need to be adjusted (up or down) at either location for sustainability and/or delivery reasons?

CPRE's principal concern is the proposed amount of growth and whether it is realistic rather than the balance between these two sites.

Q6 Does the locational strategy, in combination with Policies RUR1 and RUR2, provide an appropriate spatial strategy for the rural areas? Is it overly restrictive and is there an alternative, more flexible approach that would allow the rural areas to make an appropriate contribution to ensuring a deliverable housing supply?

CPRE is concerned that there is already considerable intrusion (both existing and proposed) into the countryside as previously understood (ie west of the "Urban Fence"). Certainly Wynyard and High Turnstall fall within this area. In addition, there is considerable pressure from developers in the Sedgefield area of county Durham which, if successful, would bring settlements there much closer to at least Wynyard.

CPRE has already suggested that Green Belt be considered by the Council and such a proposal would cover much of the rural area.

CPRE would therefore be unlikely to support further intrusion into the countryside. If this should become a reality, CPRE would represent that there then must be some corresponding greater protection for the remainder and so the case for Green Belt would become that much stronger.

Q7 Would the delineation of 'limits to development' and the identification of a strategic gap restrict sustainable development? What would be a reasonable alternative policy that would provide sufficient certainty to communities and developers as well as efficient and effective decisionmaking?

CPRE has suggested consideration of a Green Belt in the Teesside area as mentioned above.

Q8 Is the delineation of the strategic gap reasonable in terms of its primary objectives in Policy LS1? Are there any comments on the suggested amendments in the Council's evidence (EX/HBC/22 – pages 46-54) to the proposed strategic gap?

Does the Council intend to propose any modifications to reflect these suggested amendments?

CPRE has no comment on this specific question. We would support as wide an area as possible for protection.

Q9 Does the strategic gap evidence lend support to the Home Builders Federation suggestion [representation Pub0108] and others that there are areas of lesser value (or higher capacity) that could serve as contingency or reserve areas?

CPRE has been concerned about this sort of argument in respect of Green Belt land. Our stance has been that all green belt has an equal value in supporting the purposes of the green belt (which is not entirely a policy to protect beautiful landscapes) and if areas of it were allowed to be developed “at will”, this would only encourage other land owners in the Green Belt to allow their land to deteriorate in a similar way. That same point applies in other areas which do not have green belt protection.

As a result, we represent that Green Wedge, if finally adopted, should be treated in a similar way to Green Belt as far as possible and that this proposal from the HBF should be resisted

Q10 Is there reasonable consistency between the emerging Neighbourhood Plans and the strategy and policies in the Local Plan? Does the Local Plan avoid duplicating planning processes that will apply to the neighbourhood areas?

CPRE has only considered the Hartlepool Rural Neighbourhood Plan and has made a number of representations about it. In short, while CPRE is not opposed to the principle of much of the content of this Neighbourhood Plan, it is concerned that it is dealing with strategic issues that extend beyond the normal remit of such plans.

However, CPRE does note that this Neighbourhood Plan does also suggest further wind turbine development should be directed towards Red Gap Moor as well as High Volts. We have already made representations about the proposals for extending High Volts in this Development Plan and represent that the Neighbourhood Plan’s proposals regarding Red Gap take this issue much further.

Our representations in this regard therefore are

- 1) There are proposals within Neighbourhood Plans which are not consistent with the policies in the proposed Development Plan
- 2) Rather than duplicating processes, some strategic schemes are proposed in the Neighbourhood Plan which deserve the greater scrutiny of the process in this Development Plan

Q11 The NPPF at paragraph 156 refers to the need to identify strategic priorities and states at paragraph 184 that Neighbourhood Plans must be in ‘general conformity

with the strategic policies of the Local Plan'. Is the Plan clear on those policies which should be regarded as strategic policies for the purpose of neighbourhood plan preparation?

I represent that our response to question 10 is also relevant to this question.

Q12 Is policy RUR1 reasonable to require development to be in accordance with the Rural Neighbourhood Plan (RNP)? What stage has the RNP progressed to?

We understand that neighbourhood plans are supposed to conform to development plans rather than vice versa. The RNP as and when adopted will of course be a part of the Statutory Development Plan for the borough but if the Development Plan is adopted first, its policies should be taken into account.

This is perhaps a circulatory approach but it is relevant. In respect of proposed Policy H5 in the RNP, we have made the following representation

“Policy H5, relating to new development on the edge of Hartlepool (which we understand to mean major housing to the west of the “urban fence”). While we acknowledge that local people may wish to be involved in the design of such development, the principle regarding the actual development is contained in the Hartlepool Final Draft of the Local Plan which has not yet been tested at an Examination in Public or adopted.”

While CPRE wishes to see the best design in any development ultimately sanctioned by the Development Plan, the question as to which document sets out the principles for that design is a real one. At present we are not able to comment on which document this should be but are concerned that, if there is any delay in the adoption of the RNP, this could remain an unanswered question for some time leading to there being no framework to give guidelines for the nature of development in these areas.

Q13 What is the purpose of the New Dwellings Outside of Development Limits SPD? Will it introduce policy content that ought to be in the Local Plan?

CPRE has no comment on this point.

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