



# Hartlepool Local Planning Framework Emerging Local Plan

## Matter 1

### Legal & Procedural Matters – Including the Duty to Cooperate



September 2017



## Issue 1 – Has the Plan been prepared in accordance with statutory procedures and Regulations?

### General Introduction

#### Q1. Overall, has the Plan been prepared in accordance with the relevant legal requirements set out in the 2004 Act and 2012 Regulations?

It is considered that the emerging Hartlepool Local Plan has been prepared in accordance with the relevant legal requirements set out in the 2004 Planning and Compulsory Purchase Act and the 2012 Town and Country Planning (Local Planning) (England) Regulations.

It is considered the bodies prescribed under section 33A (1)(c) of the Act and part 4 of the Regulations have been consulted at each relevant stage of the plan. Consultation Statements have fully recorded the consultation processes at each stage of the plan and can be found on the Local Plan webpage in documents HLP01/4 (Publication – Reg22), HLP01/18 (Preferred Options) and HLP01/22 (Issues and Options). Further details are provided below in relation to the Duty to Cooperate and are fully detailed most recently in HLP02/1 and EX/HBC/11.

At the Publication Consultation Stage (Regulation 19) a Statement of Representations Procedure (HLP01/10) was published setting out the required information as set out by points a and b in regulation 19.

Sustainability Appraisal has been an ongoing process throughout the development of the plan beginning with a review of the Sustainability Appraisal Scoping Report (HLP01/23) which was available for comment during the eight week consultation period on the Issues and Options. Sustainability appraisals have been produced at each of the consultation stages and can be viewed at HLP01/19 (Preferred Options) and HLP01/8 (Publication) and an additional SA Addendum has also been produced EX/HBC/25 ensuring the requirements of the 2012 regulations are met.

The requirements of regulation 22 in relation to Submission of the Local Plan have also been adhered to.

### Duty to Cooperate

#### Q2. Having regard to the Council's Duty to Cooperate Statement (HLP02/1), the addendum to the Statement (EX/HBC/11) and other material has the Plan been prepared in accordance with the duty to cooperate<sup>1</sup> ?

##### (i) How is the work of the various planning authorities in the Tees Valley area co-ordinated? (notably in relation to plan coverage, minerals and waste, economic strategy and infrastructure delivery)

It is the Council's view that the Plan has been prepared in accordance with the duty to cooperate. This is detailed in the Council's Duty to Cooperate Statement (DTCS). The Council has engaged constructively, actively and on an ongoing basis with the preparation of development plan documents, local development documents and evidence base activities through a range of regional and sub-regional avenues.

For example, the Planning Policy and Development Management lead officers from all five Tees Valley authorities meet every six weeks to discuss strategic planning issues and duty to co-operate meetings have been held with Stockton-on-Tees Borough Council and Durham County Council. The key spatial cross-boundary issue for the Council is the development of the cross-boundary Wynyard settlement. The Council's response to Question 4 details how the Council has constructively engaged with Stockton-on-Tees Borough

<sup>1</sup> Section 20(5)(c) and Section 33A of the Planning and Compulsory Purchase Act 2004

Council and other stakeholders regarding this issue which includes the delivery of key highway infrastructure improvements to mitigate the impacts of development. Examples of forums for co-operation regarding highway infrastructure delivery include the Tees Valley Transport Infrastructure Group and the Wynyard Masterplan and Highways Steering Group.

The Economic strategy is co-ordinated through the Tees Valley Combined Authority. Regarding waste and minerals, the Council participates in the North East Minerals and Waste Policy Officers' Group and the North East Aggregates Working Party and is also co-operating with the other Tees Valley authorities to update the Local Aggregates Assessment. The Council has also supported the preparation of the Marine Management Plan through attendance at a workshop held in February 2017.

**(ii) What role does the Combined Authority have in sub-regional planning across the Tees Valley? What are the implications from the Tees Valley Devolution Agreement 2015 for strategic planning and infrastructure delivery in the Borough?**

The role of the Tees Valley Combined Authority (TVCA) in sub-regional planning across the Tees Valley is set out in the Tees Valley Devolution agreement 2015 as follows:

*Government will give the Mayor of Tees Valley and the Tees Valley Combined Authority the power to create democratically controlled Mayoral Development Corporations as envisaged by the Cities and Local Government Devolution Bill. This new corporation will seek to prioritise economic development and housing on under-developed land within the Tees Valley. Government and Tees Valley will establish a land commission to examine what publicly owned land and other key strategic sites could be vested in the development corporation. HM Government will work with Tees Valley local authorities to explore what additional planning powers and responsibilities would support their development ambitions. Increases in the value of the land as a result of the work of the development corporation will be reinvested in the corporation to deliver new schemes.*

The implications for strategic planning and infrastructure delivery in the Borough is that the sub-regional governance body with strategic planning powers will be prioritising economic development and housing which is supportive of the Council's aspirations for the Borough and will also assist in giving the Tees Valley a voice at a national level in terms of helping to draw down funding for crucial infrastructure.

**Q3. Has the Council engaged constructively, actively and on an on-going basis with all relevant organisations on strategic matters of relevance to the plan's preparation, as required by the Duty to Cooperate? Are there cross-boundary issues in relation to any of the proposed site allocations such as transport or other infrastructure requirements? In particular, highway capacity at the boundary of the Borough (e.g. A19/A689).**

The Wynyard highways delivery working group and the Wynyard Park Masterplan and Highways Steering Group recognise that the capacity of the A689 / A19 junction is a key issue in relation to highway capacity for the development in and affecting the Wynyard area. The Wynyard highways delivery working group has entered into a memorandum of understanding to undertake the traffic modelling necessary to test the impact of development and mitigation proposals with confidence. This work has been carried out by Arup under instruction from Stockton-on-Tees Borough Council, and reviewed on behalf of Highways England by CH2M and Systra.

The Wynyard highways delivery working group met most recently on 19th June 2017 to review the modelling. It was agreed that the maximum acceptable travel time between the A19/A689 roundabout and

the 3rd junction to the west would be 10 minutes, with any impact greater than this considered to be severe when compared to current travel times along the same links. The Wynyard highways delivery working group commissioned Arup to carry out modelling for three main scenarios:

- A) Development considered to be committed, either by virtue of an implemented or extant planning consent or having been considered by and received a resolution to grant permission by the relevant planning authority's Planning Committee.
- B) As scenario A), but including applications currently in the development control process.
- C) As scenario B), but including the additional sites proposed within this plan.

The modelling of all three scenarios took into account the relevant highways mitigation measures associated with each level of development. Through the modelling, it was demonstrated that the mitigation measures proposed for scenario C in the representation from Wynyard Park in relation to the additional local plan allocation become necessary in order to allow development above the committed level (scenario A), but that this mitigation is adequate to ensure that the increase level of delay along the A689 will be below the level agreed as severe.

Highways England has reviewed the proposed mitigation and is satisfied based on the modelling work carried out that it is sufficient to mitigate the proposed development over the period of the plan. To the extent possible without the relevant structural investigations having been carried out, Highways England is content that there are no fundamental or in-principle impediments to the implementation of the proposed mitigation scheme as set out in the Wynyard Park representation and evidence (Highway and Transport Considerations (AECOM) December 2016 submitted as part of the Wynyard Park Ltd representation in response to the consultation on the Hartlepool Publication Local Plan). The members of the Wynyard highways delivery group agree that the proposed mitigation scheme would need to be delivered to enable the developments in scenario B should those applications be granted planning permission, and therefore that the proposed mitigation scheme needs to be delivered before occupation of any dwelling on the additional sites proposed within the plan.

- i) **ii) Is there a cooperative and coordinated approach to mitigation and visitor management for cross-boundary Natura 2000 sites, notably the Teesmouth and Cleveland Coast SPA/Ramsar, the Northumbrian Coast SPA/Ramsar and Durham Coast SAC? (see also questions 6- 11 below and questions under Matter 13).**

The suite of European sites - Special Protection Areas (SPA) and Special Areas of Conservation (SAC) – jointly referred to as Natura 2000 (N2K) sites – cover almost the entirety of the north-east coast from Berwick-on-Tweed to Redcar.

As wildlife does not adhere to bureaucratic boundaries, it follows that impact from one LPA area could impact on the wildlife in another. Similarly, mitigation in one LPA area could mitigate adverse effects in another. A need for cross LPA boundary collaboration is therefore established. Hartlepool Borough Council (HBC) is currently working with Natural England and the following LPAs, regarding HRA mitigation:

- Redcar and Cleveland BC
- Stockton-on-Tees BC
- Durham CC
- Sunderland City Council
- South Tyneside Council
- North Tyneside Council
- Northumberland CC

Examples of cooperation and coordination include regular meetings between LPA ecologists from five of the LPAS listed above, regarding ‘Planning and protected sites and species’ and ‘Local Plan Habitats Regulations Assessment findings, mitigation and delivery plans’.

In addition to this cross-border, north-east working group, HBC has been involved with a Tees Valley wide discussion group. This is the work of the Tees Estuary Partnership (TEP) which is led by the Industry and Nature Conservation Association and Natural England and regards cross-sector working with regard to the proposed (candidate) extension to the Teesmouth and Cleveland Coast Special Protection Area.

**Q4. In relation to the proposals at Wynyard has the Duty to Cooperate been met?**

**(i) Is there regular dialogue between Hartlepool and Stockton Borough Council’s on a vision, strategy and delivery framework for this cross-boundary location? Is there a formal crossboundary working group?**

For information Hartlepool Borough Council, Stockton Borough Council and Highways England are currently working on preparing a Statement of Common Ground. Once completed, this will be added to the examination library and will help to give further clarity, especially in relation to Wynyard. In the interim, the Council has provided responses to the Inspectors questions below.

The strategy and delivery framework for the development of Wynyard have been the subject of regular dialogue through the following forums:

- a. Tees Valley Management Group
- b. Tees Valley Transport Infrastructure Group
- c. Tees Valley Planning Managers
- d. Tees Valley Development Plan Officers
- e. Local Plan Duty to Cooperate Meetings
- f. Wynyard highways delivery working group (highway engineers from SBC, HBC and Highways England)
- g. Wynyard Park Masterplan and Highways Steering Group (with representatives from HBC, SBC, Highways England, GVA, AECOM and Fore)

This formal dialogue, alongside informal discussions has helped to shape the visions of both Councils for Wynyard, as stated below. Each Council has stated its emerging vision through its respective emerging Local Plan.

Stockton vision for Wynyard

*‘Wynyard has grown in to a sustainable settlement of high quality, accommodating a mix of executive housing, market housing and additional employment development. All residents have access to high-quality social, community and green infrastructure.’* (Vision and Objectives: Stockton-on-Tees Draft Local Plan)

Hartlepool vision for Wynyard

*‘The Local Plan gives the Borough Council an opportunity to ensure that the Wynyard development creates a sustainable community. This aspiration is crucial given it is isolated from the main urban areas of Hartlepool and Stockton.’* (Supporting text for Policy HSG6: Wynyard Housing Developments - Hartlepool Local Plan publication Document)

Stockton response to the consultation on the Hartlepool Publication Local Plan

The response included the following *comment* ‘This Council welcomes the recent letter of support from Hartlepool Borough Council towards the Stockton Local Plan policy which seeks to create a ‘sustainable settlement’ in the Wynyard area. It is recognised that this aspiration can only be achieved through collaborative working and this Council supports the housing allocations in the Hartlepool Local Plan (HSG6a, HSG6b, and HSG6c). Furthermore, the continued allocation of land for employment use at Wynyard (policy EMP1) is also noted and supported by Stockton on Tees Borough Council.’

Strategy

The councils have sought to deliver new development at Wynyard in line with these consistent visions, with the preferred strategy being to prepare a masterplan which sets out infrastructure needs and a delivery framework for the whole settlement. The map at Appendix B, within the Statement of Common Ground between Hartlepool BC, Stockton BC and Highways England, provides an overview of the Wynyard settlement including housing and employment allocations and planning permissions and key community infrastructure.

At the same time, the councils have also had to respond to a number of speculative planning applications which have been considered in accordance with the NPPF. In determining these planning applications both authorities have sought to achieve the above visions and collaborated effectively on infrastructure requirements.

Delivery Framework

Hartlepool and Stockton Borough Councils have worked closely together to ensure a joint approach through planning applications to the co-ordination of infrastructure provision. This has included joint work on major strategic planning applications that has been co-ordinated by ATLAS. Highways delivery continues to be co-ordinated through the Wynyard Highway Delivery Steering Group and the In Wynyard Park Masterplan and Highways Steering Group. The infrastructure required has been carefully scoped and incorporated in Section 106 agreements. When the Masterplan has been agreed, it will provide a delivery framework for the future.

**(ii) Is there an understanding of the collective scale of development and infrastructure requirements at Wynyard and implications for respective Plan viability? What stage of preparation has been reached on Stockton’s emerging Local Plan?**

The two local authorities (Hartlepool and Stockton) agree that the following scale of development will be promoted in the Wynyard Area:

## Hartlepool Submission Local Plan

- North Pentagon – approximately 100 dwellings
- Wynyard Park North – approximately 400 dwellings
- Wynyard Park South – approximately 232 dwellings
- Prestige Employment Site Wynyard Business Park - a total of 32.7 hectares of land available for prestige employment use

## Stockton Publication Local Plan

- Wynyard Village – approximately 500 dwellings
- Wynyard Park – approximately 1,100 dwellings
- Wynyard Park - Employment Land Allocations

This scale of development will be delivered by the following known infrastructure provision:

**Within Hartlepool Borough**

- Affordable housing (a mix of on-site and off-site provision)
- One-form entry primary school but with space to expand to a two-form entry

- Secondary school provision to be delivered off-site unless provider comes forward with proposal for Wynyard
- 3G football pitch and associated changing facility (4 team)
- Grass football pitch and associated changing facility (2 team)
- Local centre including retail provision to meet the local needs, health facilities and any other community needs
- Play area and other play facilities including the provision of a multi-use games area
- Tennis court
- Improvements at the A19/A689 roundabout (works will take place on land within Stockton Borough but planning applications submitted to both authorities will contribute)
- Green infrastructure (including sustainable transport routes)
- Public transport improvements

#### Within Stockton Borough

- Affordable housing (a mix of on-site and off-site provision)
- Primary School at Wynyard Village, currently operating in temporary accommodation.
- Secondary School Contributions
- Local Centre at Wynyard Village
- Signalisation of roundabout junctions on the A689 including The Wynd (Junction 3) Glenarm Road (Junction 4) and Wynyard Avenue (Junction 5).
- Shuttle bus service
- Pedestrian footbridge over the A689 including link footpaths and cycleways
- Biodiversity improvements
- Open Space and Sports provision including changing facilities and full size grass playing fields.

The HBC response to the consultation on the Stockton Draft Local Plan suggested ‘... it is formally agreed between the two authorities that the cost of the proposed highway mitigation works is shared between the two authorities, based on pro-rata contributions received from the applications for the relevant planning applications...’ The SBC response to the consultation on the HBC Publication Local Plan stated ‘I can confirm that this Council agrees to this approach in principle. However, due to the complexity of this matter, further discussions and agreement will be required to confirm the total level of infrastructure, including social and education facilities, required to deliver the housing sites in the Local Plan, as well as the method of ensuring delivery.’

Both Councils are committed to ensuring that Wynyard is developed as a sustainable settlement including affordable housing, green infrastructure, cycling links and built sports provision. Both Councils are committed to future masterplanning which will take place following the completion of Local Plans will identify further infrastructure requirements.

Both Local Plans have been subject to Whole Plan Viability which has considered the respective implications of policies and infrastructure needs in the area. Hartlepool Borough Council’s Deliverability Risk Assessment has considered the cumulative impacts on the roads and necessary improvements and has also factored in the necessary social and community infrastructure needed to form a sustainable community at Wynyard and has shown that this is viable at the levels of housing proposed. This includes a 3G football pitch, a grass football pitch and a primary school, local centre, play facilities, tennis court, multi-use games area, improvements at the A19/A689 roundabout and green infrastructure routes.

Work on the Stockton on Tees Borough Local Plan commenced in summer 2016. The Draft Local Plan (Regulation 18) was published for consultation between November 2016 and January 2017.

The Publication Local Plan (Regulation 19) is scheduled to be released as follows:

- Planning Committee – 6<sup>th</sup> September 2017
- Cabinet – 14<sup>th</sup> September 2017
- Full Council – 21<sup>st</sup> September 2017
- Start of Consultation - 25<sup>th</sup> September 2017

**(iii) Is there a consensus that a cross-boundary Neighbourhood Plan will set out detailed local policies to manage the area?**

The Wynyard Neighbourhood Planning group are in the process of developing a Wynyard Neighbourhood Plan. Support has been made available to the Wynyard Neighbourhood Planning group from HBC and SBC officers. However, the group has indicated that it does not wish to access this support at the present time. The draft Wynyard Neighbourhood Plan was published in April 2017. However, it has not been formally submitted to either Stockton-on-Tees or Hartlepool Borough Council for consideration as to whether the Councils are in agreement that it meets the basic conditions. It is also understood that it has not been formally consulted on. Neither HBC nor SBC officers can therefore provide a formal response to the document from their respective Councils. The Wynyard Neighbourhood Plan Group has shared the latest draft of the Neighbourhood Plan with each local authority as the councils have progressed Local Plans. The document does not allocate sites for development. It contains policies which seek to guide development such as housing design and layout principles. The informal opinion of HBC and SBC officers is that these policies meet the basic conditions and that they are also consistent with the policies set out in the respective emerging plans of both authorities.

**(iv) With regard to paragraphs 6.43-6.44 of the Duty to Cooperate Statement, is a cross-boundary masterplan still a possibility for Wynyard?**

Stockton and Hartlepool Borough Councils have co-operated extensively regarding the planning applications that have been submitted to develop Wynyard where these have cross-boundary implications for the delivery of infrastructure in order to ensure a co-ordinated approach.

A masterplan approach to growth areas has been promoted by both councils and is essential to ensure development makes a positive contribution to the local area and sustainable communities are delivered. Agreement in principle has been reached to formalise this masterplan approach and the Wynyard Park Masterplan and Highways Steering Group (see paragraph 20) has been formed but the means of delivering the actual masterplan is still under consideration.

HBC and SBC officers met in March 2017 to discuss the masterplanning of Wynyard. It was agreed that highway modelling is required to inform any masterplan and also to determine live planning applications in both Hartlepool Borough and Stockton on Tees Borough. It was also agreed that formal masterplanning will be undertaken following receipt of the modelling.



### ***Sustainability Appraisal***

On submission the Council provided the various outputs of appraisal work which informed the plan during the stages of its preparation culminating the publication stage report (HLP01/8). In response to initial observations from the Inspector, the Council has made clear it has done scoping work (EX/HBC/1) as well as providing an addendum Sustainability Appraisal report (EX/HBC/25). Sustainability Appraisal remains a ‘live’ issue during the examination and further assessment work may be required in relation to any main modifications.

**Q5. Has the Plan’s formulation been based on a sound process of sustainability appraisal (SA) including: (a) the testing of reasonable alternatives?<sup>2</sup>; (b) a clear explanation as to why preferred options have been chosen?; and (c) reasons for rejecting reasonable alternatives and discounting unreasonable options?**

Yes, the European Directive 2001/42/EC (the SEA Directive) requires Strategic Environmental Assessment (SEA) is carried out on a range of plans and programmes likely to have significant effects on the environment. The Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal (SA) to be carried out during the production of Local Plans. An SA incorporating the requirements of SEA has been carried out by Hartlepool Council for the Local Plan. The following stages of SA have been prepared through the Local Plan development:

- Sustainability Appraisal Scoping Report (EX/HBC/1);
- Sustainability Appraisal (Preferred Options Version) (May 2016) (HLP01/19)
- Sustainability Appraisal (Publication Version) (December 2016) (HLP01/8)
- Sustainability Appraisal Addendum July 2017 (EX/HBC/25)

At all times these documents have been prepared and consulted upon in full compliance with the regulations and amended as necessary.

For clarity, the Sustainability Appraisal Addendum July 2017 (EX/HBC/25) was produced to provide detail of the alternative growth options considered, detail on policy alternatives, reasons for rejecting reasonable alternatives and why unreasonable options had been discounted.

Alternative growth and development options - Officers have considered a range of alternative growth and development scenarios, some of which have resulted from proposals put forward by developers as part of the Preferred Options and Publication Stage consultation periods. As the growth of the Borough is restricted by the geography of the area (North Sea to the east and north) and existing industrial uses including a nuclear power station to the south, the range of alternatives is limited. No alternative employment areas were put forward and given the findings of the Employment Land Review which proposed to de-allocate or re-allocate a number of previous employment sites due to an oversupply of employment land it was not considered appropriate to look at any additional areas. The following eight scenarios were considered in detail:

- 1) *Policy CC4 – Alternative 1 – Four Turbines at Brenda Road only, no turbines at High Volts*
- 2) *Policy CC4 – Alternative 2 – Three Turbines at High Volts only, no turbines at Brenda Road*
- 3) *Policy Hsg1 – Growth Scenario A – Less Housing at Wynyard and the additional 450 dwellings at Quarry Farm*
- 4) *Policy Hsg1 – Growth Scenario B – Less Housing at Wynyard and the additional 400 dwellings at Tunstall Farm*

<sup>2</sup> In accordance with Section 19 (5)(a) & (b) of the Act.

- 5) *Policy Hsg1 – Growth Scenario C – Reduced Quantum at High Tunstall and increase the South West Extension*
- 6) *Policy Hsg1 – Growth Scenario D – Addition of North Burn site and removal of the High Tunstall allocation*
- 7) *Policy Hsg1 – Growth Scenario E – Additional Housing in the villages with a reduction at Wynyard*
- 8) *Policy Hsg1 – Growth Scenario F – No development in the villages and an extension to Upper Warren*

Following assessment of the eight scenarios, the Council considers that these scenarios are not appropriate or as sustainably acceptable as the preferred growth strategy for Hartlepool as set out in the submitted Hartlepool Local Plan.

Section 5 of the Sustainability Appraisal Addendum July 2017 (EX/HBC/25) provides a conclusion to the addendum which details why the growth scenario and policies set out are most appropriate in terms of economic, environment and social objectives.

Section 3 and Section 4 of the Sustainability Appraisal Addendum July 2017 (EX/HBC/25) set out the detail of why alternative growth scenarios have been rejected and why unreasonable options have been discounted respectively.

It is not considered there are any known outstanding issues regarding the SA.

### ***Habitat Regulations Assessment***

**The presence of protected sites both within, and in proximity to, the Borough means the Plan has been subject to a Habitats Regulation Assessment<sup>3</sup> which accompanied the publication version of the Plan (HLP01/9). The assessment has not been able to rule out that there would be indirect likely significant effects (principally related to recreational disturbance) arising from Plan’s proposals (alone or in-combination with other plans and projects). Consequently an Appropriate Assessment has been carried out. Various submissions have been made, notably from Natural England, the RSPB and Durham Bird Club and in response the Council has indicated further updates to the Plan and evidence.**

#### **Q6. Does the Plan take an appropriately precautionary approach in light of the available evidence including applying the RSPBs source-pathway-receptor methodology?**

The Council has sought out, and applied, various types of evidence, including a number of recreational disturbance (on shorebirds) studies, long-term monitoring data (including the monthly Wetland Bird Survey (WeBS) high tide counts), scientific reports on the impact of vehicle emissions on habitats, etc. For the HRA stage 1 screening and the HRA stage 2 Appropriate Assessment, the source-pathway-receptor model was used, as advised by the RSPB. The HRA assessment has ensured that the Local Plan takes a precautionary approach, for example by assessing the potential for Likely Significant Effect on European Sites from an increased tourism offer. The Plan has also assessed both direct and indirect adverse impacts. As well as being precautionary, the Plan is proportionate, for example there are some activities where there is a potential conflict, such as encouraging visitors to European Sites (e.g. A key aim of the Teesmouth National Nature Reserve) and protecting European Site birds. In these situations the Plan manages the activities in order to minimise adverse effects.

<sup>3</sup> In accordance with Part 6 of the Conservation of Habitats and Species Regulations 2010.

- Q7. Has there been any further dialogue with either Natural England or RSPB since Plan submission in relation to additional policy areas where there may be a likely significant effect and the effectiveness of mitigation?**

The Council has continued dialogue with Natural England and RSPB since the Submission of the Local Plan. In response to their representations to the Publication Local Plan, the Council, within the Regulation 22 Consultation Statement, proposed changes to the Local Plan to attempt to address their concerns. These were presented in the main and additional modification documents. These recent discussions have resulted in some additional changes to the Habitats Regulations Assessment (EX/HBC/59) and the formation of a Mitigation Strategy and Delivery Plan (EX/HBC/60) to set out how the indirect likely significant effects will be mitigated. This has enabled Natural England to withdraw their objections to the plan and to state that they now consider it to be sound and legally compliant (see letter under EX/HBC/63). To date, we are awaiting RSPB's response to the further proposed changes and their objection still stands at present.

- Q8. Is the Council proposing any modifications to the Plan in response to the submissions relating to the Habitats Regulations Assessment? Have these changes been discussed or agreed with Natural England and/or others?**

Yes it has proposed changes within main and additional modifications documents. Discussions with Natural England, as indicated in question 7 above, have led to Natural England withdrawing their objections to the plan and stating that they now consider the plan sound and legally compliant.

- Q9. Natural England [representation Pub0129] refer to a 6km buffer in terms of screening in likely effects from recreational disturbance. For clarity, does this only apply to the Durham Coast SAC based on specific evidence relating to that habitat? Has the Council updated the HRA in light of Natural England's concerns regarding the vulnerability of those parts of the Durham Coast SAC proximate to the Borough?**

The advisory 6km Natural England buffer refers to all European Sites, including SPA, SAC and Ramsar. The potential adverse impacts are slightly different for each. SPA and Ramsar sites are for birds and the most likely impacts are the direct loss of habitat or indirect disturbance. The HRA screened out direct habitat loss as not an issue, but did find indirect effects caused by recreational disturbance. For SACs, the interest features are habitats and vegetation communities, so impacts could be caused by direct habitat loss or indirect atmospheric pollution, dog faeces, etc. The HRA screened out SAC impacts, partly because, for most of the popular stretches of coast dog bins are provided and vehicle pollution was assessed as being negligible.

Adopting the precautionary principle, the HRA went further, by assessing the actual commuting distance from the source (people in new housing) to the receptor (European Sites) rather than a straight line 6km. Potential Impacts for people travelling 12km were assessed.

The Council has updated the HRA to address the concerns of Natural England regarding the vulnerability of the Durham Coast SAC.

- Q10. Are the proposed mitigation measures at section 7 of the Habitats Regulation Assessment capable of being effective (including coordination across administrative boundaries) and enforceable such that an overall conclusion of no adverse effect on the integrity of internationally designated sites can be reached?**

Yes, it is considered that the mitigation measures identified in the amended HRA (EX/HBC/59) and the Mitigation Strategy and Delivery Plan (EX/HBC/60) are capable of being effective, including across administrative boundaries, and enforceable to ensure no adverse effect on the integrity of internationally designated sites has been reached, reflected in Natural England withdrawing their objections to the plan (see letter EX/HBC/63).

- Q11. Has the Council updated the HRA in response to the RSPB submissions (in representation Pub0091)? Is this available for the hearings or will it form part of any post-hearing updates and modifications?**

The Council has continued dialogue with Natural England and RSPB since the Submission of the Local Plan. In response to their representations to the Publication Local Plan, the Council, within the Regulation 22 Consultation Statement proposed changes to the Local Plan to attempt to address their concerns. These were presented in the main and additional modification documents. The recent discussions have resulted in some additional changes to the Habitats Regulations Assessment (EX/HBC/59) and the formation of a Mitigation Strategy and Delivery Plan (EX/HBC/60) to set out how the indirect likely significant effects will be mitigated. It is not yet confirmed whether the changes that satisfied Natural England have also satisfied RSPB.

### *Process*

- Q12. Is the Plan's progress compliant with the Local Development Scheme?**

The Local Development Scheme (LDS) (HLP02/5) was endorsed in November 2016. The timetable for the plan set out in the LDS was accurate up until the date of Submission to the Secretary of State. However the LDS timetabled the Examination (Hearing Sessions) for July to August and given the Hearings are not until the end of September the LDS needs to be updated to reflect the amended timescales for the plan.

- Q13. Has consultation been conducted in accordance with the Regulations and the Statement of Community Involvement?**

Yes, the consultations have been undertaken in line with the Statement of Community Involvement (SCI)(HLP02/4) which has been available on the Council's website and at the Council offices throughout the course of the preparation of the Local Plan. It is considered the Statement of Community involvement meets the requirements of the Regulations. The SCI requires the Council to consult for a period of 8 weeks at each stage of consultation which actually exceeds the requirement under section 35 of the regulations to consult for a period of 6 weeks.

As part of the examination process the Council has prepared an Equality Impact Assessment (EX/HBC/21). The examination of the local plan will be carried out in accordance with the Public Sector Equality Duty (PSED).

**Q14. How does the local plan adequately address the needs of different groups in the community (as set out in paragraphs 50 and 159 of NPPF)?**

The Housing Section of the Local Plan aims to ensure that through the proposed policies the future housing need of the population is met. The basic requirements of the plan are based on the information set out in the Strategic Housing Market Assessment 2015 (HLP06/2), Strategic Housing Market Assessment Addendum 2016 (HLP06/2) and Housing and Employment Growth Topic Paper (EX/HBC/24). Policy HSG2 (Overall Housing Mix) details that a full range of house types should be provided on all proposed housing sites within the Local Plan, with the exception of Wynyard North Pentagon where the required house type is executive, this reflects the identified need within the SHMA and SHMA Addendum. In relation to the changing needs of the population, in particular the impact of the aging population (as outlined in the SHMA), whilst the policies set out within the plan do not set a target for the delivery of bungalows, this is assessed on a site by site basis to reflect these needs outlined in the SHMA.

HSG9 (Affordable Housing Provision), details that on all developments of 15 or more C3 residential dwellings an affordable housing target of 18% should be sought. The policy details that affordable provision and tenure should be negotiated on a site by site basis, having regard to economic viability, up to date information on housing need and aspiration and the local housing market. The policy approach is that affordable housing should be onsite (unless in exceptional and justified circumstances).

### **Presentation**

**Q15. Does the Policies Map illustrate the appropriate information? Are all relevant land-use designations shown on the Policies Map? (NPPF – para 157, 4th bullet point). Is there a schedule of modifications to the Policies Map?**

The submitted Proposals Map (HLP01/2) sets out locations for all strategic development and land-use designations referred to in the Local Plan, in accordance with paragraph 157 of the NPPF. Each site shown on the Proposals Map corresponds to a policy within the Local Plan Publication Draft (HLP01/1). A number of changes have been proposed to the Proposals Map since the Publication Draft was produced, and these are set out within the most recent Amendments to Proposals Map Document (EX/HBC/18), with a written description and justification for each amendment set out in the submitted Proposals Map Modifications (EX/HBC/17) document.

**Q16. Should the Policies Map identify major hazard establishments and major accident hazard pipelines (MAHPs) as recommended by the Health & Safety Executive [EX/HBC/6]?**

The Council considers that this would not be appropriate as, given the level of detail already on the Proposals Map (HLP01/2), adding further layers would likely make the map more difficult to read. However, the Council recognises the value in identifying major hazard establishments and major accident hazard pipelines and, as such, maps identifying these, as well as the nuclear power station consultation zones, have been prepared in consultation with the Cleveland Emergency Planning Unit and are included in appendices 11b, 11c and 11d of the Local Plan Publication Draft (HLP01/1).

**Q17. Is there a ‘key diagram’?**

The Council considers that a separate ‘key diagram’ is not necessary as the submitted Proposals Map (HLP01/2) sets out locations for all strategic development and land-use designations referred to in the Local Plan Publication Draft (HLP01/1), in accordance with paragraph 157 of the NPPF.

**Q18 Is a list of policies to be superseded by the Local Plan necessary for reasons of soundness<sup>4</sup> ?**

Whilst Paragraph 1.3 of the Local Plan Publication Draft (HLP01/1) sets out the various components of the Development Plan for Hartlepool and indicates that these will essentially replace the 2006 Hartlepool Local Plan, it is considered a list of all superseded policies should be included as an appendix to the main document for clarity. An amendment to the Local Plan Publication Draft document to this effect is therefore proposed and shall be set out within an updated Proposed Main Modifications document.

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<sup>4</sup> Required by Regulation 8(5) of the LP Regs.