

BY EMAIL ONLY to

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**The Hartlepool Borough Council Local Plan – Examination
Submission of Hearing Statements**

MATTER 4: Jobs Growth, Employment Policies and Employment Land Supply

Issue 1: Does the Plan set out a positively prepared strategy for the delivery of economic development and jobs?

Question 8: Are the employment sites realistically deliverable, particularly long-standing undeveloped parcels on general employment sites under EMP3? What is the evidence that they are needed? Has the Plan retained any employment sites with little or no reasonable prospect of being used for that purpose? Explain how the future provision of employment land will be delivered effectively within the plan period, including existing commitments and proposed allocations.

At the Publication stage of the Plan, the RSPB did not agree with the HRA conclusion that Employment (EMP) policies (individually or cumulatively) could be assessed as not having LSE on the integrity of internationally SPA. We note that HBC has now undertaken further assessment of these policies. In particular, further analysis is provided by HBC as the potential for land allocated by these policies to support SPA species.

We acknowledge the further wording/analysis presented relating to these policies. However, we consider that our previous advice still stands, namely:

“Whilst inclusion of wording within policies (as described above) is to be welcomed, it is our opinion that applying a blanket requirement for impact assessment to plan policies will simply defer any consideration of the viability of development allocations to the planning proposal stage. This could lead to wasted resources being put into the preparation and submission of unviable applications, or lack of due consideration being given to the combined effects on the SPA/Ramsar at the individual application stage. This approach can lead to serious doubts over the deliverability of the allocations and thus the soundness of the overall plan. In our response to the Draft Plan, the RSPB urged caution in this approach”.

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We strongly suggest that it is incumbent upon HBC to use all available evidence to robustly assess all potential impacts of new development on the sites allocated across **all** employment policies – both cumulatively (should development be proposed on all allocated sites) and at allocated site level. If the evidence suggests an adverse effect upon the SPA then, rather than rely on impact assessments and mitigation on a case by case basis (at the individual project level), HBC should seek to (preferably) avoid harm, or alternatively secure strategic mitigation through the Plan itself.

We acknowledge that, until individual proposals come forward, not all potential impacts from new development can be predicted. Nonetheless, given the level of detail within the wording of the various policies, it should be possible for HBC to make some basic assumptions about potential impacts (direct and indirect) arising from new development to feed in to a strategic process. It may still leave the details of specific schemes to be addressed at the planning application level but would identify any issues that can and should be addressed at the plan level.

HBC suggests that Plan “*balances the need for inward investment with nature conservation and many other factors*”.

We acknowledge that Plan must consider both, however, regulatory/legislative processes must be adhered to and should not be weakened to meet the needs of business. Consideration should be given to removing individual sites from the allocations map - where new development would likely result in an adverse effect that cannot be mitigated - unless HBC is satisfied that such a development would meet the requirements of Article 6(4): (i) there are no alternative solutions; (ii) the damage is justified for imperative reasons of overriding public interest (IROPI) and (iii) they have secured the necessary compensatory measures to ensure the overall coherence of the N2K network is maintained. For the avoidance of doubt the RSPB consider that it is unlikely that allocations within the plan will be able to satisfy the requirements of these legal tests.

With regards the details provided regarding individual stakeholders’ environmental credentials and membership of the Tees Estuary Partnership (TEP) - a model of cooperation is to be welcomed and the RSPB appreciates that many stakeholders in the area have shown commitment in this regard. However, we do not consider that this provides the necessary strategic assurance required here. That can only really be secured through proper evaluation of the proposals. Furthermore, the TEP Habitat Framework may provide opportunities for a strategic approach to mitigating the potential impact of industrial development on the SPA in the future. However, the habitat framework process is in its early stages and considerable work is required before a useable and effective framework can be delivered.

With regards to the availability of functionally linked land in the wider area, we do not consider it appropriate to suggest any reliance on amenity sites (such as sports pitches, golf courses and school playing fields) to offset potential impact arising from development of potentially functionally linked land. We would like to see evidence that there is “*sufficient available open land, providing a choice of functional sites for SPA birds*”.

The RSPB would also like to raise concerns as to allocations at **individual site level** within employment policies.

Policy EMP2 Queen's Meadow Business Park (pages 54-55)

"Although there is no data, curlew are a possibility on small parts of this site, although where this species occurs on adjacent land it frequents grazed pasture. Although there is no data, lapwing is a possibility on small parts of this site, although the site is more suitable for breeding rather than roosting or foraging, due to its ungrazed nature. Although there is no data, snipe are likely to use the SUDS areas in small numbers".

Policy EMP3 General Employment Land (page 55-56)

"There is no available bird data; however, the site has potential to hold three wader species. While the site is assessed as being too small and enclosed for curlew and lapwing, redshank, oystercatcher and turnstone may forage on the grass. This, however, can also be said for a number of nearby green spaces including an urban park and sports pitches. The assessment of no LSE is robust."

The above text suggests that some sites may support SPA species in small numbers but acknowledges that there is no existing data to support this. In the absence of data, the RSPB considers that the precautionary principle should apply. Even if sites support an insignificant number of birds, HBC should assess the potential for LSE **in-combination**, should all sites be developed. Furthermore, as detailed above, we do not consider it relevant that near by green spaces may also support SPA birds.

Policy EMP4 - Hartlepool Port – Victoria Harbour (pages 57 -59)

It has been previously recorded that this site has supported a significant proportion of the SPA lapwing population. Accepting that HBC has undertaken an ad hoc visit to establish current use, we consider that HBC should take reasonable steps to establish to what extent this site supports SPA interest features. Whether there is evidence to suggest that lapwings may utilise roofs for roosting, we consider it unacceptable to suggest that existing roofed buildings on site offer an alternative to the potential loss of roosting habitat. We note that HBC consider it highly unlikely that 100% of the area will be used for industry, which raises questions about the justification for this allocation.

Finally we would like to understand the spatial and functional relationship of this allocation with the Slake Local Wildlife Site (LWS). In particular, does this allocation overlap with that of the LWS?

Policy EMP4 - Greenabella Marsh (pages 59-60)

Evidence has been presented to suggest that this site is no longer functionally linked to the SPA due to lack of management. Nevertheless, there is potential for any development on this site to cause displacement/ disturbance to SPA interest features either during construction or operational phases. Furthermore, we consider it important that better explanation as to the relationship between the EMP4 allocation; the SPA/pSPA and the LWS in order that this allocation can be justified.

Policy EMP4 - Phillips Tank Farm (page 60)

We consider it prudent for HBC to review the allocation of Phillips Tank Farm under EMP4. HBC is correct in stating that, should this site be developed, compensatory habitat would need to be created, subject to the scheme meeting the tests on no alternative solutions and IROPI – detailed above. We consider this to be unlikely. Furthermore, if government policy/regulation requires the land to be treated as if designated, this takes precedent to all other proposals.

Policy EMP6 Underground Storage (page 62)

We welcome the change in wording for this Policy to ensure that above-ground structures will not be permitted within the designated site. We agree that this Policy is deliverable, subject to HBC **securing** an area of land, (that is not currently functionally linked to the SPA) and which suitable for providing alternative access to underground storage facilities. To that end, it would be useful for HBC to map and specify the area of land in question and provide assurance that it can be secured.

END