

Hartlepool Local Plan Examination in Public Inspector's Matters Issues and Questions

Representations on behalf of Mr H Tones

Matter 10 – Other Housing Sites

Issue 2 Omission Sites

SHLAA Site 19 – Land east of A1086 Easington Road (Mr H Tones): submitted that site could accommodate approximately 55 dwellings to add to overall supply

Q18 What is the ecological status of this site? Was there a re-survey in Summer 2017? Does it remain a Local Wildlife Site as set out in Policy NE1c? Is this status been reviewed by the Tees Local Nature Partnership?

Our Client's land East of Easington Road , Hartlepool currently has no formal Wildlife designation. Draft Policy NE1c of the emerging Hartlepool Local Plan proposes its allocation as a Locally Designated Site where .

“Development which would adversely affect a locally designated site, which is not also allocated for another use in the Local Plan, will not be permitted unless 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, including sites that are also allocated for other uses, compensatory measures may be required in order to make development acceptable in planning terms and to mitigate against any loss of interest.”

It is understood that this suggested designation derives from surveys undertaken in 2011 by the Tees Valley Biodiversity Partnership on behalf of the Borough Council. Our client maintains that he did not receive any request for access and gave no authorisation for such surveys to take place nor for the results to be published/ shared. A Freedom of Information Request has produced a series of letters concerning these surveys (Appendix 1). It is noted that the letter dated 10th February 2012 whilst stating that the site was species rich does not categorically state that it achieves the required MG5 standard to be classified as Lowland or Old meadow nor that it was worthy of particular protection. At the end of the letter it states: *“Inclusion within the Habitat Inventories does not confer any rights of access by the public or place any additional restrictions on the land beyond those which may already be in place.”* (Which of course is now shown to be untrue.) It also noted that following this survey no further action was taken by the Council or any other body, no management agreement was sought or entered into, and as far as our client is aware no further surveys were undertaken by the Borough Council prior to the proposed inclusion of the site as a 'Locally Designated Site' in the draft Local Plan

Unsurprisingly the proposed designation of the site as a Locally Designated Site came as a surprise to our client. On behalf of our client, we have objected to this suggested allocation as we consider it unjustified and unsound as the range and type of flora on site is not of sufficient value to justify such a designation and the resulting protection proposed by draft Policy NE1c.

This objection is based on the results of a Preliminary Ecological Appraisal carried out to assess the site's ecological value in May 2017 (see Appendix 2) which clearly demonstrates the site is of very limited ecological value and not worthy of Locally Designated site status.

The Council's Ecologist, Graham Megson has stated in a letter to our client dated 10th May 2017 (Appendix 3) "*I have assessed the Council's position with regard to Hartville Meadow, a site which is in your ownership and where we do not have agreement on its future management as a nature conservation site **and have recommended to the Local Sites Panel that it be de-designated.** The Panel will meet on 12/05/2017 and I will provide evidence and analysis to support my recommendation.*"

It is clearly the professional view of the Council's own ecologist that the site does not warrant its suggested Locally Designated Site status and should be removed from Policy NE1c and the Policies Map.

Subsequent to this it is understood that the status of the site has been considered by the Tees Valley Nature Partnership, Local Sites Group (12/05/2017), at which de-designation was considered. However, that panel agreed that the guidance allows for a damaged site to be retained for a reasonable length of time, if there is a chance that it might recover most or all of its nature conservation interest. (The TVNP of course has no formal status.) At the time, Natural England (NE) officers were investigating a breach of the EIA (Agric) Regs and one of the options open to NE was for the landowner to be instructed to re-instate the pasture. Despite some disruptive operations having been carried out, the panel concluded that the area remains a valuable resource and capable of regeneration by virtue of plant re-establishment from surviving fragments of roots, rhizomes and from the seed bank in the soil.

It is also noted that Natural England subsequently issued a Screening Notice relating to part of this proposed NE1c designation on 28th June 2017 (Appendix 4) This Screening Notice does not require reinstatement of the site but seeks to prevent any further works / cultivation of the site for the next five years, without NE's authorisation on essentially the same grounds

The Tees Valley Nature Partnership do not provide any evidence to support their assertion about the prospects for plants to regenerate from roots rhizomes and the seed bank in such circumstances. They also fail to take into account the extent of ploughing and the fact that regeneration by pioneer species is a much more likely scenario and such species are likely to out-compete those plant species in which they are interested. Indeed, this is already evident with ragwort, nettles etc already re-establishing themselves on the site. We consider that both NE and TVNP hold wholly unrealistic and unjustified expectations on this matter which is not a sound basis for site designation within a Local Plan. An appeal has been lodged against the Screening Notice (Appendix 5)

Further to the issuing of this Notice NE submitted a consultation response to HBC dated 2nd August 2017 (Appendix 6). Attached to this was a copy of a survey dated 7th June 2017 (Appendix 6) that they had undertaken, without the knowledge or authorisation of the land owner. In effect as a result of trespass on the site. The results of this survey appear to suggest that some of the remaining field margins contain MG5 species. Notwithstanding this their conclusion in the accompanying email they do not recommend refusal of the current planning application H/2017/0344 for housing development only that: "*Natural England considers that the environmental evidence underpinning our action*

should usefully be recognised as a material consideration in determining this planning application.” It should be further noted that the Illustrative Masterplan (Appendix 7) submitted with this application shows that development would avoid the areas of interest .

In summary therefore we do not consider that the site has any demonstrable high value ecological status, it certainly does not warrant Local Designated Site status in the Local Plan under Policy NE1c and that vague hopes about MG5 plants, even if they still exist on the area proposed for development at all, might at some stage re-establish themselves are wholly unsubstantiated and do not provide a proper basis for plan making.

Q19 Explain what other alternative sites could reasonably be allocated, with reference to sustainability appraisal or in response to representations, including the omission sites above.

It is considered that our client’s site on land East of Easington Road, Hartlepool represents a suitable, available and achievable alternative housing site that could reasonably be allocated in the local Plan to meet the Borough’s housing requirement. It is currently the subject of an outline planning application No. H/2017/0344 for approximately 45 dwellings. The capacity has reduced slightly from the 55 dwellings originally anticipated in Local Plan representations in response to more detailed site assessment works. The Illustrative Masterplan (Appendix 7) shows how it is anticipated the site might be laid out and accessed. Consultation responses to date suggest that impact on the alleged ecology of the site is the main constraint to development, however as outlined above we consider this fear to be wholly unfounded. The site is appropriate for development in flood risk and heritage terms. The Highway Assessment and Speed Survey submitted with the application indicates that safe access can be achieved onto Easington Road.

If allowed/ allocated it will deliver a good range of housing, including affordable housing, in a sustainable location on the northern edge of the conurbation. The site is accessible by foot, cycle and public transport to a range of local services, Hartlepool Town Centre and settlements further afield. It will have limited impact on local landscape. The Council’s Strategic Gap Assessment report (July 2017) Ref Ex/HBC/23 identifies the site as being of Low-Medium Landscape sensitivity and having a Medium/ High Landscape capacity.

The site has been assessed as part of the Sustainability Appraisal Addendum (July 2017) (Ex/HBC 24). This assessment is partial and incomplete and only addresses issue relating to the site’s alleged biodiversity interest. It demonstrably fails to properly assess the site in respect of the other tests listed in the main SA. It also assumes that the site is a Local Wildlife Site when it is not and that it is a site of wildlife interest / value. As demonstrated above this is simply not the case. The assessment is therefore fundamentally flawed and appears solely aimed at supporting the Council’s current position rather than comprising a balanced and objective assessment of its sustainability as a potential housing site.

Reference to the potential impact of the housing development on this site on the nearby SPA are unfounded. As part of the current planning application (H/2017/0344) this issue has been assessed (see HRA Report Appendix 8). Ongoing negotiations with the Council’s ecologist suggest that subject to certain mitigation, notably the payment of a commuted sum toward the establishment of a wildlife

warden for the SPA all impacts can be successfully mitigated. This sum has now been confirmed by the Borough Council as £300/ dwelling. Our client accepts this proposal.

Overall the assessment in the SA Addendum is inadequate and does not provide a full and balanced SA for this site. It is considered that a full assessment would demonstrate that the site can be allocated for housing development in the Local Plan without compromising wider sustainability objectives. Such an allocation and accompanying SA can be brought forward as part of a Main Modification

Q20 Have these omission sites been subject to sustainability appraisal?

See Q19 above

Q21 Would development on any of these omission sites cause such significant adverse impacts as to significantly and demonstrably outweigh the benefits of meeting the OANs for market and affordable housing? (NPPF Paragraph 14).

With a capacity of approximately 45 market and affordable dwellings, and lying in an accessible and sustainable location on the edge of the main conurbation, the allocation of the land East of Easington Road for housing in the Local Plan would not give rise to any strategic planning concerns.

Our representations have demonstrated that the site is not, contrary to the assertions of the Borough Council, Natural England and Tees Valley Nature Partnership of any definitive nature conservation value that would warrant protection from development. The proposed development, as outlined in the Masterplan would retain significant areas for open space, landscaping and nature conservation and could subject to appropriate planting, landscaping and management actually improve the site's ecological and biodiversity value. It is also clear from the information submitted with the current planning application (H/2017/0344), relevant consultation responses from key stakeholders and consultees and evidence submitted in connection with the Local Plan that housing development on this site would not give rise to significant and adverse impacts. Any impact it may result in can be adequately mitigated through conditions or a S106.

Balanced against this is the need for the Plan to robustly demonstrate that it allocates sufficient sites to meet its OAN for market and affordable housing. As highlighted in response to other Matters we do not consider that the current plan achieves this aim. The OAN is too low and there is a need to increase the overall housing requirements to both address this issue and provide additional flexibility in overall supply. At the moment, the housing requirement and supply figures are too finely balanced which means that there is a significant risk that the minimum housing requirement stipulated in the Plan will not be achieved and both open market and affordable housing needs will not be met. The easiest way to address this is to allocate additional sustainable housing sites in the local plan – such as the land East of Easington Rd, Hartlepool.

Housing development on this site would not therefore cause such significant adverse impacts as to significantly and demonstrably outweigh the benefits of meeting the OANs for market and affordable housing.