

**STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC
INTO THE
HARTLEPOOL LOCAL PLAN
RELATING TO MATTER 13**

1. I make this statement on behalf of the Campaign to Protect Rural England Durham Branch (CPRE) and Durham Bird Club (DBC).
2. I have submitted a statement in respect of Matter 1 on behalf of DBC and there are issues of overlap in that statement and this.
3. Broadly, both CPRE and DBC welcome these proposals but we have outlined in our representations ways in which we believe the policies should be improved to make them fully sound. I have made a number of suggestions about this in my statement on Matter 1 and do not propose to repeat them here. I shall however seek to address the Inspector's questions from the point of view of both organisations

INSPECTOR'S QUESTIONS

Issue 1 – Are the Plan's policies and proposals in relation to the natural environment soundly based?

Q1 Is the reference to "ecosystems services approach" in Policy NE1 readily understood and clear to users of the Plan document?

This phrase is jargon that is probably understood by environmental groups such as both CPRE and DBC. We note there are numerous references to "ecosystems" and some to "ecosystems services approach" in the text which perhaps helps to explain the phraseology.

While there is no definition as such in the plan of this phrase, we do note paragraph 16.24 which outlines the services that ecosystems can provide. Text of course cannot be policy and perhaps a reference to this paragraph in the policy should be made.

Q2 Is there evidence to justify protecting areas of the Borough for tranquillity and dark sky purposes? Are the environmental policies of the Plan sufficient to manage associated issues of pollution or are further changes needed?

As mentioned in CPRE's representations to Proposed Policy RUR1, tranquillity and dark skies are important to CPRE and increasingly sought by the public.

While no one can claim that Hartlepool is the most tranquil part of the country, there are some surprisingly tranquil areas in the west of the borough, notwithstanding the A19. CPRE has mapped tranquillity throughout the country. We attach a copy of a leaflet produced in 2006 regarding tranquillity in the North East which shows relative tranquillity to the west of Hartlepool. There is a reference to protecting tranquillity on the second page and we represent that this is relevant to this question.

CPRE has also produced a book, *Night Blight – mapping England's light pollution and dark skies*, which contains a number of recommendations which includes one that local authorities

“should develop policies to control light pollution in local plans which will ensure that existing dark skies are protected, and that new developments do not increase local light pollution. Our maps can be used as evidence to inform decisions on local planning applications.”

We represent that a new paragraph should be added to Policy NE1 along the following lines

“15. Tranquil areas will be protected from intrusive development.

Light pollution should be avoided to help preserve dark skies”

This would be wider than point 4 of policy RUR1. It would also clarify that tranquil areas and dark sky areas are not necessarily coterminous (eg the area alongside the A19 may not be tranquil but at night may contain areas where “dark skies” exist).

It may as a result be necessary to include a reference in the text to the CPRE studies on Mapping Tranquillity and Night Blight along the following lines

“ The Campaign to Protect Rural England has published studies on tranquillity and dark skies entitle *Mapping Tranquillity* and *Night Blight – mapping England's light pollution and dark skies* respectively and the concept of tranquillity and dark skies should be interpreted in accordance with these publications or any modification of them .”

Q3 Would the Council's suggested change to include a reference to the emerging Natural Capital agenda be a reasonable addition to the Plan?

Both CPRE and DBC agree with this proposed amendment along with my representations as contained in my statement re Matter 1.

Issue 2 – Internationally designated sites [there is some overlap with the procedural matter 1 on HRA – see also questions 6-11 under Matter1]

Q4 Is there agreement that the HRA process and the suggested amendments to policy wording (notably Policy LS1 and various retail, leisure and employment policies) that the appropriate assessment has been undertaken at the plan-making stage? (recognising that further project level assessment may be required for individual developments).

Both DBC and CPRE acknowledge that RSPB and Natural England are better placed to comment on this.

Q5 Does the Plan include appropriate avoidance and mitigation measures to ensure no adverse effects on integrity from recreational disturbance arising from development?

While again RSPB and Natural England are better placed to comment on this, I refer to the comments of DBC in our response to Matter 1 in relation to “offsetting”.

Q6 The submitted HRA refers to the RSPBs pathway-receptor model and Natural England [representation Pub00129] refers to a 6km ‘buffer zone’. In practical terms is it agreed that all housing proposals within the Borough would result in a likely significant effect on Coastal SPAs and SAC from recreational disturbance?

DBC would certainly consider this is likely given the proximity of all of Hartlepool to the SPA and the likelihood of residents going to the SPA, many of whom will be taking dogs. Such disturbance does of course already happen not just with residents but with visitors to Seaton Carew in particular.

Q7 Are SANGS accepted as part of a wider package for mitigation for recreational disturbance? Is there any merit in undertaking further research specific to the habitats here?

While DBC notes the theory of SANGS to provide green spaces as alternatives for, in particular, dog walkers as opposed to them going to the beach, we are concerned that people will still want to visit the beach whenever they can. As a result, we believe that increasing the number of houses in Hartlepool will inevitably lead to increased pressure on the SPA. However, we are happy for RSPB to respond to this issue as they see fit.

Q8 Is the Council proactively seeking to deliver/secure the mitigation measures that the HRA work identifies and are there coordinated strategies and mitigation actions for the two coastal SPAs and SAC to which developer contributions can be assigned? In terms of research and monitoring is there any on-going or programmed work and is development expected to contribute towards its cost?

Matter for the Council.

Q9 Have mitigation measures been considered as part of the plan-wide viability assessment work?

Neither DBC nor CPRE has addressed this

Q10 What is the status / timeframe of the proposed extension to the Teesmouth and Cleveland Coast SPA (pSPA)? Should the HRA be updated to reflect the pSPA and should it be identified on the proposed Policies Map?

DBC is aware that there was a consultation event in August but is not aware as to how this is progressing.

Q11 Are employment land proposals under EMP4c and EMP6 deliverable in terms of the pSPA and other local ecological designations?

DBC and CPRE cannot comment on this

Q12 Given the focus of the Tees estuary for specialised industries, is there a clear strategy (e.g. through the Tees Estuary Partnership) to enable their adaptation and expansion in a way which avoids conflict with the sensitive ecological value of the area?

This is an issue of extreme importance to DBC and indeed CPRE. While we do not wish to be seen as seeking to prevent development in and around the Tees Estuary, we represent that this must be done in a sensitive way which not only recognises the existing habitats and wildlife but seeks to bring in more green infrastructure as we have outlined in my statement regarding Matter 1.

It needs to be borne in mind that, while industry is clearly the main earner on the Tees, the wildlife also brings in a considerable number of tourists. This is not just birdlife in and around the estuary and at RSPB Saltholme but also mammals, in particular the seals that gather at Greatham Creek. The numbers of these has increased in recent years and they are now in themselves a significant tourist attraction. A decline as a result of irresponsible development of the industries here would be a sad day indeed.

Issue 3 - Landscape & Green Infrastructure

Q13 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))?

While CPRE did not comment on the inclusion of “Special Landscape Areas” (SLA) in previous drafts, we welcome areas such as those covered by this “designation” receiving extra protection. However, we understand the Inspector’s question to be to assess the significance of this term.

In this respect we refer to the statement I have made in relation to Matter 2. That related to the proposed areas as Green Wedges but similar arguments apply to

SLAs. As far as this question is concerned, we wish to make the further representations in respect of each of the points raised by the Inspector

- **The intrinsic beauty of the countryside**

Paragraph 17 of the NPPF establishes core principles one of which is to recognise the intrinsic character and beauty of the countryside. This of course is of general application so does not of itself give special protection to areas which are considered to be of particular landscape quality but which are not otherwise designated.

CPRE does consider there are parts of the west of Hartlepool that are indeed of a high quality but are not otherwise designated. We do support the concept of SPA in Policy NE1 – the question we suppose is whether the proposal does achieve this.

- **Valued Landscape.**

As mentioned re Matter 2, this does have a legal connotation and one cannot say a landscape is “valued” just because it is popular. While mere popularity does not appear to be the case here, there is no consideration as to whether these landscapes are “valued” within paragraph 109 of the NPPF.

We also note that Footnote 9 of the NPPF (which states the circumstances when the presumption in favour of sustainable development under paragraph 14 does not apply) does not include “valued landscapes”. We also note that, if the amendments to Footnote 9 proposed in paragraph A38 the Housing White Paper come to fruition, “valued landscapes” will be definitively excluded from this exception.

In these circumstances therefore we do question whether a designation such as an SLA will provide the protection that is being sought

- **Criteria based policies**

Paragraph 113 of the NPPF appears to be mainly aimed at wildlife and geodiversity sites with landscape areas being included as an extra. While Footnote 24 gives some further guidance on biodiversity and geological conservation, nothing further is said of landscape areas in their own right.

We therefore do question what status an “unofficial” designation such as Special Landscape Area does have and whether it will achieve the protection that we understand the Council would like to see for these two areas.

This in turn leads us to refer back to my statement in relation to Matter 2 and whether Green Belt is a more satisfactory designation. Indeed, as at least the Wynyard SLA is right on the boundary with County Durham, it appears that this may be more of a strategic issue which needs to be addressed by both councils – again where Green Belt is perhaps more appropriate.

Q14 Should Policy NE4 on ecological networks be illustrated on the Policies Map by virtue of having a spatial application?

Both CPRE and DBC represent that this would help to clarify the areas involved

Q15 Is the evidence on playing pitches up-to-date? Has the 2012 strategy been updated?

We have no comment

Q16 What is the appropriate approach to land east of Catcote Road between Hartlepool VI Form College and West Hartlepool's RFC ground? Is it outdoor sports space?

We have no comment

Q17 Is the Council proposing amendments to the wording of the criteria in Policy NE5 in response to the representation from Sport England [Pub 0089]. Are these revisions necessary for soundness (consistency with national policy)?

We have no comment

Richard Cowen
Rose Cottage
Old Quarrington
Durham
DH6 5NN

September 2017

