

BY EMAIL ONLY to:

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22 September 2017

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

MATTER 15: Plan Viability

Issue 1: Has the preparation of the Plan ensured that collectively its policies and proposals are viable and deliverable? (NPPF paragraphs 173-177). Is there a reasonable prospect that necessary infrastructure to support the Plan’s proposals will be delivered in a timely fashion?

Question 4: Are there contingencies for the potential non-delivery of infrastructure? Is the Plan sufficiently flexible to deal with this?

The RSPB notes that, depending on the mitigation options selected by the developer, the delivery of housing may be contingent on the delivery of mitigation in the form of SANG. As alternative open space, SANG is clearly a form of infrastructure. We are not convinced that the Plan adequately deals with how housing will be delivered if there are problems with provision of sufficient quantities of SANG.

Question 8: Is the Council still contemplating the possibility of introducing CIL?

The RSPB notes that the provision of infrastructure as part of a mitigation strategy to protect the Teesmouth & Cleveland Coast Special Protection Area and Ramsar site will need to address the pooling requirements of the Community Infrastructure Levy regime if it intends to seek funding from developers. We note that the Council, in their letter to the Inspector of 8th May 2017 state (at para 5.6):

“The Council has in place systems to monitor the number of contributions to towards a discrete infrastructure project to ensure the pooling restrictions are not exceeded. Mitigation towards the SPA/SAC would be monitored in the same manner.”

We are concerned by the Council’s approach – in particular by the assertion that pooling applies to discrete schemes rather than **types** of infrastructure. We urge the Council, if it has not already done so, to take urgent legal advice about the correct interpretations of the CIL regulations on this point.

END

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