

Rural Neighbourhood Plan: Responses to questions raised in the Initial Comments of the Independent Examiner dated 22 May 2017

Response Date: 02 June 2017

Issue	Qualifying Body Response	LPA Response
<p>Local Green Space 3. I would be grateful if the Qualifying Body can confirm that the land owner of 'The Ghyll' has been consulted about the designation and what the response was. If I could be sent relevant copies of correspondence I would be very grateful.</p>	<p>A verbal conversation took place with the land owner who did not raise any issues or concerns during this discussion or as part of the widespread consultation.</p>	<p>N/A</p>
<p>Housing Allocation – Hart 4.1 I would like to hear the views of the Qualifying Body as to why the Hart site has not been allocated or if it is because planning consent has been given for part, why has the remainder not been allocated and the settlement boundary drawn in from that proposed in the Local Plan.</p>	<p>The Rural Plan Group assessed sites at Hart with reference to the Hartlepool SHLAA and chose enough to meet the housing needs of Hart based on their housing needs survey, consultations and bearing in mind known development sites that were already coming forward in Hart. The site chosen is what the group believe to be the best deliverable site that will provide a natural extension to the village and also provide the most suitable environment more conducive to the quality of life residents might expect, for example away from the increasingly busy A179.</p>	<p>N/A</p>

	<p>The site chosen also included the attractive location for the new open space proposed for Hart, which compared with the other villages has limited public open space (eg. no village green). A need and location identified during consultations in Hart. The aim of the Rural Plan Group is to seek gradual incremental growth over the plan period rather than for villages to 'explode'. This is in the interests of protecting the character and social cohesion of the rural communities while meeting the needs of future generations and allowing any new residents the ability to integrate into the existing community. Consultations identified the high value set upon the strong community provided by the villages. There was no evidence during the group's consultations for more development being needed at Hart than the other comparable villages of Elwick and Greatham yet there seems to be an inexplicable focus of housing developments at Hart.</p> <p>The group gratefully worked hand in hand with the Local Planning Authority throughout the process and were very surprised when the emerging Local Plan included an extra housing site at Hart over and above that proposed in the Neighbourhood Plan.</p>	
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<p>Housing Allocation – Hart 4.2 I would also like to hear the views of the LPA in terms of the impact of that land not being allocated in terms of housing supply, whether the LPA considers this to be a strategic matter in terms of basic conditions.</p>	<p>N/A</p>	<p>The LPA would view the impact of the land not being allocated as significant in terms of housing supply. Whilst the quantum of development is relatively modest in the context of the overall supply over the plan period, the site has been assessed as a deliverable housing site within the context of the five year supply of housing sites. In addition the allocation of rural housing sites forms part of the balanced approach to development in rural areas that the emerging Local Plan has i.e. it is significant in terms of the supply of rural housing. The LPA considers this to be a strategic matter in terms of basic conditions.</p>
<p>Housing Allocation – Hart 4.3 I would also appreciate comments on whether if the Local Plan is adopted after the Neighbourhood Plan is made, whether that more recent plan would override the Neighbourhood Plan.</p>	<p>N/A</p>	<p>If the Local Plan is adopted after the Neighbourhood Plan is made, then the LPA considers that the more recent plan would override the Neighbourhood Plan. The LPA would refer in this context to the following PPG text:</p> <p><i>The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section</i></p>

		<u>38(5) of the Planning and Compulsory Purchase Act 2004</u> requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan
<p>Housing Allocation – Hart 5.1 I would like to have final confirmation, for the sake of clarity, that the farm buildings referred to are proposed for replacement by either the housing proposal in the Local Plan and for open space in the Neighbourhood Plan.</p>	This is purely an error, the plan will be amended. The site is not linked to housing developments.	N/A
<p>Housing Allocation – Hart 5.2 Would the Qualifying Body advise me whether the provision of the open space would be associated with be expected to be delivered as part of the residential development or separately.</p>	With the site being within the potential development site the Qualifying Body did envisage the open space being provided in hand with the development with the potential of utilising section 106 funding. If the site identified could be developed to meet the need in isolation this would also be welcomed.	Although the emerging Local Plan shows this as housing it is envisaged that this part of the housing site will be used for open space.
<p>Settlement Boundary – Elwick 6. I would like to understand the rationale for including this field as part of the village envelope and as a consequence how would a proposal for residential development be viewed.</p>	The group kept this in line with the emerging Local Plan.	The LPA has proposed additional changes to the settlement boundary of Elwick. Two changes are proposed. These changes include one which draws the settlement limits more tightly thereby excluding the field adjoining the housing allocation site.

<p>Would it count as windfall?</p>		<p>Proposed changes to the Submission Proposals Map are shown in the attached document.</p>
<p>Affordable Housing Threshold 7.1 I would like to know whether there has been any viability testing to support an affordable housing threshold figure which is lower than the Borough's threshold.</p>	<p>The Rural Plan Group did consider the question of viability. In general the group believe with property values in rural areas tending to be higher than in urban locations a lower threshold could be achieved. Bearing in mind that development in the villages tends to be of a smaller scale and in keeping with the aim of gradual incremental growth it was felt without a lower threshold there would be very little opportunity to achieve any affordable homes – the only development would be, giving past experience, executive homes - the result being to destroy the social balance of communities and all hope of less affluent residents wishing to remain in their communities. With such a variety of sites including windfall and no advance knowledge of the type of property that may be eventually proposed, no viability testing was undertaken by the group.</p> <p>A clause was included in the policy providing the opportunity for any developer to present a case that their development would not be viable because of this policy: - Where the scheme's viability may be</p>	<p>N/A</p>

	<p>affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.</p>	
<p>Affordable Housing Threshold 7.2 In view of the apparent conflict with the Secretary of State's Guidance on Planning Obligations is this rural area designated under Section 157 of the Housing Act, where lower thresholds apply with financial contributions.</p>	<p>Yes, the Rural Plan area is designated under Section 157 of the Housing Act.</p>	<p>N/A</p>
<p>RHM Site 8.1 I would ask both the Qualifying Body and also the LPA whether they consider the site, which is still has evident on the ground of the buildings that had previously stood on the ground, would be considered 'previously developed land'.</p>	<p>The very visible footprint left after the demolition of the former RHM factory is considered previously developed land.</p>	<p>The LPA considers the site to be previously developed land. The location is not well related to existing communities. A railway line is located between the site and Greatham. There is a level crossing but this undergoes maintenance 2 -3 times a year which requires a full closure of the crossing, this is usually carried out overnight. Since the site has no other access this could cause a severe</p>

		disruption to any residents. Consultation with Network Rail would be essential.
<p>RHM Site</p> <p>8.2 How would the Qualifying Body and LPA view a residential element, perhaps to deliver other community benefits sought, bearing in mind the statement in paragraph 8.12 of the Plan: “the re-use of brownfield sites is preferred before encroaching on any greenfield land, although this should not be at the expense of the loss of community facilities and services or employment opportunities”.</p>	<p>The Rural Plan Group considers this site to be isolated, located at a distance from Greatham village, without services and not conducive to a sustainable or pleasant residential environment. The site lies in close proximity to heavy industry including two COMAH sites and the Nuclear Power Station. It is perhaps worth noting the village of Graythorp which was located on the other side of the Conoco Phillips Oil Tank Farm was cleared in the late 70s because of the growth of heavy industry in this locality. Housing in close proximity to the heavy industrial uses in that area can be expected to increase opposition to the functioning and development of those industries in the future. Residents in Greatham are all too aware of intrusions like smells, noises and flares associated with the industry south of the village – to build a community even closer is not something that could be recommended.</p> <p>During the consultations Network Rail and the Local Planning Authority expressed concern that the only access would be via a level crossing in Marsh House Lane. The only road giving access to the site is a long</p>	<p>The redevelopment of the site for residential purposes would be contrary to both adopted policy and the emerging Local Plan. Should a planning application to develop the site for residential purposes or for mixed-use including residential then the starting point for the LPA in considering the application would be the conflict with the development plan. The LPA would also need to take into account other relevant material considerations. These would include the following:</p> <ul style="list-style-type: none"> • The benefits of reusing a derelict brownfield site • Whether evidence is provided that issues regarding access to the site and links between the site, Greatham village and the surrounding area can be resolved satisfactorily and that the design of the development is such that there are no adverse impacts on residential amenity resulting from the proximity to the heavy industry to the east. In this context the LPA would need to take into account the views of the Health and Safety

	<p>winding country lane that terminates at the site after crossing the railway line.</p> <p>The Rural Plan Group sought to identify the best sites to meet identified needs. The former RHM site offered a very poor option not suited residential development.</p>	<p>Executive and Office of Nuclear Regulation with respect to the proximity of the site to hazardous installations.</p>
<p>Solar Farms 9. I note the Plan allocates two sites as solar farms. However, it appears from my site visits that both fields are already used for that purpose, so I would ask for the rationale of allocating the land in the Plan.</p>	<p>Development of the two solar farms overtook development of Neighbourhood Plan. The Qualifying Body was made aware of interest in solar farms being developed on the two sites and felt they were worth including as part of the plan. Environmental Impact Screening Applications were made in March 2015. The neighbourhood plan consultation draft was ready in May 2015. Full planning applications for the solar farms followed in late July 2015 with a validation date in Sept 2015, target/decision dates of Dec. 2015 and Jan. 2016. The Neighbourhood Plan consultation closed on 17th July 2015. The rapid development of the two solar farms followed during 2016 while the Qualifying Body were still working through the responses to the 2015 consultation and solar farms completed about the time of submission of the Neighbourhood Plan to Borough Council.</p>	<p>N/A</p>

<p>Sites with Planning Permission</p> <p>10. My specific query concerned whether planning permission has been granted for any of the sites that form the western expansion of Hartlepool which are allocated in the draft Local Plan.</p>	<p>N/A</p>	<p>Status of planning applications for residential development on sites to the west of Hartlepool allocated in the emerging Local Plan are as follows:</p> <ul style="list-style-type: none"> • App ref: H/2014/0405 • Applicant: Persimmon Homes • Site name: South West extension • No of dwellings: 1260 • Emerging Local Plan ref: HSG4 • Status: Resolution to approve subject to the signing of a Section 106 Agreement • App ref: H/2015/0528 • Applicant: Cecil M Yuill • Site name: Quarry Farm • No of dwellings: 220 • Emerging Local Plan ref: HSG5a • Status: Holding Directive from Highways England • App ref: H/2014/0428 • Applicant: Tunstall Homes Ltd • Site name: High Tunstall Strategic Housing Site) • No of dwellings: 1200 • Emerging Local Plan ref: HSG5 • Status: Holding Directive from Highways England
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