

Examination of the Hartlepool Local Plan Inspector's Post Hearing Advice – Main Modifications and Related Matters

Introduction

1. During the hearing sessions a number of potential main modifications were discussed. I understand that the Council has kept a running list of all of these and is currently working on a full draft. Consequently, this letter relates solely to potential main modifications that were discussed, but not confirmed, in those sessions and to the administrative arrangements relating to all potential main modifications.
2. At this stage I am not inviting any comments about the contents of this letter or the Annex to it.

Main Modifications

3. Potential main modifications, in addition to those clearly signalled during the hearing sessions, are set out in the Annex to this letter.

Process

4. The Council should now prepare a consolidated schedule of all the potential main modifications identified during the hearing sessions and as set out in the Annex to this letter. The Council should also consider the need for any consequential changes that might be required in connection with any potential main modifications.
5. I will need to see the draft schedule of proposed main modifications and may have comments on it. I will also need to agree the final version of the schedule before it is made available for public consultation.
6. The schedule should take the form of a numbered list of main modifications with changes shown by means of strikethrough to show deleted text and new text shown in bold or underlined (or both). It should also include a column that briefly explains the reasons for the main modifications to assist consultees. For clarity and to avoid an excessive number of main modifications, it is best to group all the changes to a single policy together as one main modification.
7. The Council should also satisfy itself that it has met the requirements for sustainability appraisal and Habitats Regulation Assessment by producing an addendum to the Sustainability Appraisal and Habitats Regulation Assessment of the submitted plan in relation to the potential main modifications, as appropriate. I will need to see a draft of the addendums and may have comments on it. The addendums should be published as part of the public consultation.

8. The proposed additional modifications are a matter solely for the Council. If the Council intends to publicise or consult on any additional modifications it should be made clear that such changes are not a matter for the Inspector.
9. Advice on main modifications and sustainability appraisal, including on consultation is provided in Examining Local Plans Procedural Practice¹ (in particular, see paragraphs 5.24 to 5.28). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan (except as outlined in para 12) and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.
10. The Procedural Practice also states that the general expectation is that issues raised on the consultation of the draft Main Modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

Other related matters

11. The following should be made available as part of the consultation:
 - Updated version of the Habitats Regulation Assessment including the Mitigation Strategy and Delivery Plan
 - Schedule of Proposed Changes to the Policies Map

Consideration of potential main modifications

12. The views I have expressed in the hearing sessions and in this letter on potential main modifications and related policies map changes are based on the evidence before me, including the discussion that took place at the hearing sessions. However, my final conclusions on soundness and legal compliance will be provided in the report which I will produce after the consultation on the potential main modifications has been completed. In reaching my conclusions, I will take into account any representations made in response to the consultation. Consequently, the views I expressed during the hearing sessions and in this letter about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.

Timetable

13. As discussed at the last session of the hearings it is envisaged that the main modifications will be consulted on either before or shortly after the Christmas period. If that timetable needs to change please let me know.
14. Thank you for your cooperation on this. If you need any clarification, please contact me through the Programme Officer.

¹ The Planning Inspectorate – June 2016 (4th Edition v.1)

David Spencer
Inspector
15 November 2017

Annex to the Inspector's Letter of 15 November 2017 Examination of Hartlepool Local Plan

Post Hearing Advice – Main Modifications and Related Matters

The following are in addition to the potential main modifications signalled as being necessary at the hearing sessions. The Council should consider the need for any consequential changes as a result of these potential main modifications.

Legal and Procedural – updated Habitats Regulation Assessment and Mitigation Strategy

Policy HSG1 / supporting text needs to reflect agreed position as per Natural England correspondence of 24 August 2017 [EX/HBC/63]

Policy NE1 2(a) needs to reference the Mitigation Strategy and Delivery Plan

Supporting text to Policies QP1 (paragraph 9.10) and NE1 need to reference the Council's guidance on SANGS.

Paragraph 11.36 needs to be amended to reflect paragraph 6.3.1 of the updated HRA in relation to site EMP4c.

Policy QP1 needs to be clearer on the Council's endorsed Mitigation Strategy and Delivery Plan in terms of the actions for the plan period and the funding formula for mitigation.

Policy LS1 – Locational Strategy

Include key diagram and inclusion of reference to the key diagram in Policy LS1

In order for the proposed Strategic Gap to be justified, effective, positively prepared and consistent with national policy it needs to be amended as follows:

The Gap needs to be focused on the following areas only:

- (1) Hart: Sub Area 01 and parts of Sub Area 02 recognising the SGA recommendations that the northern part of Sub Area 02 performs more strongly against the core purposes. Land at High Throston Golf Course and at Quarry Farm 3 (between the golf course and High Tunstall HSG5 allocation) should be removed from any Strategic Gap designation.
- (2) Greatham: Sub Area 05 as submitted.
- (3) Newton Bewley: Sub Area 06

Sub areas 03 and 04 need to be removed from the Gap.

Policy LS1 and paragraph 6.12 need to be amended and revised wording to Policy LS1 to reflect the above. Criterion 13 of Policy NE1 needs to be strengthened to clarify the importance of character, distinctiveness and quality of the Borough's landscape.

The key diagram and Policies Map need to reflect the amendments.

Housing Policies

The 20% uplift in the housing requirement should clearly be presented as an uplift primarily addressing affordable housing delivery for clarity.

Provide Concept Plans for Sites HSG5 & HSG6 and additional supporting text to explain the role of the Concept Plans and the need for a masterplanning approach to the sites to inform the additional criteria proposed.

Policy HSG3 (Briarfields) - MM needed to policy and supporting text to ensure consistency that this is a scheme expected to contribute to the cost of the Elwick Bypass and junction (similar to that proposed in MM/CHP10/09 for HSG7).

Policy HSG9 preceding text at paragraphs 10.52-10.53 updated in context of DRA evidence.

Housing Land Supply

To ensure a robust housing land supply that reflects the Plan's focus on sustainable strategic sites as well as highway infrastructure capacity in the short term the Plan should include a stepped housing trajectory.

An initial rate of c.350 dwellings per annum in the early phase of the Plan would allow for a realistic rate of delivery that would provide for the significantly adjusted OAN including alignment with the ambitious SEP jobs growth target. Middle phases of the plan period would see a higher but more realistic rate of delivery as a number of larger sustainable sites and other sources output simultaneously.

There is no need for a non-implementation rate on large sites. Shortfall in delivery since 2016/17 should be recovered over the remaining lifetime of the plan. A 20% buffer required by para 47 of the NPPF should be applied. Additional supporting text to Policy HSG1 should clarify how the housing land supply has been calculated.

The introduction to chapter 10 on Housing and Policy HSG1 will need updating and in particular Tables 7 and 8 and the trajectory at Graph 1. Table 7 should also show delivery on key strategic sites as separate lines. Updates should reflect the Council's latest evidence on land supply (re Britmag site).

The MM text to accompany new Policy HSG1a should be expanded in terms of the Housing Delivery Test and to acknowledge further national policy changes will inform any interim position statement and/or Plan review.

Employment Policies

Additional paragraph after 11.30 to reflect paragraph 22 of NPPF in relation to EMP3 sites (may be justifiable on a site by site basis to consider alternative uses).

See also above Paragraph 11.36 re EMP4c

Retail Policies

As discussed at Matter 5 further justification on the thresholds in Policy RC18 is required.

Policy RC18 needs to be referenced in Table 3 of Chapter 4 under the theme of Health & Wellbeing and the spatial objective to encourage healthier and more sustainable lifestyles.

Other Development Management Policies

Ensure paragraph 9.60 is consistent with the MM to Policy QP7

Supporting text to Policy QP1 to acknowledge and reflect the work undertaken in the Delivery Risk Assessment (DRA) on plan-wide viability in terms of meeting NPPF paragraphs 173-177.

Flood Risk

The Council needs to assure itself that it has addressed the various recommendations from the Sequential Test and Exception Test outputs from the updated Level 2 Strategic Flood Risk Assessment work. Supporting text at paragraph 7.18-7.25 should be reviewed and amended to reflect the latest SFRA evidence submitted in examination and agreed by the Environment Agency.

Policy CC2 - the first criterion should be split so that a new second criterion is formed which is clearer on requiring site specific flood risk assessments. Additional supporting text after paragraph 7.25 to set out when a site specific flood risk assessment is likely to be required and the process for guiding its scope and approval.

Policy INF3 – to reflect SFRA sequential test recommendation

Gypsies and Travellers

Paragraphs 10.64 to 10.67 need to be updated in light of latest 2017 GTAA evidence. Reference that wider assessment of caravan and houseboat needs, as required by the Housing and Planning Act 2016, will inform a Plan review.

Implementation and Monitoring

Additional indicators on SANGS, mitigation contributions and contextual monitoring of collaborative work with other SPA/SAC authorities

Note submitted on gross/net completions at Matter 19 hearing [EX/HBC/113] should be reflected in the monitoring framework

For the avoidance of doubt the Monitoring Framework [HLP01/3] needs to be embedded in the main modifications consultation document.

David Spencer
Inspector
15 November 2017