



The Planning Inspectorate

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# **Report to Hartlepool Borough Council**

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 13 April 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Hartlepool Local Plan**

The Plan was submitted for examination on 23 March 2017

The examination hearings were held between 26 September and 12 October 2017

File Ref: PINS/H0724/429/6

## Abbreviations used in this report

DEFRA	Department for Environment, Food and Rural Affairs
DtC	Duty to Co-operate
Dpa	Dwellings per hectare
ECA	Elwick Conservation Area
EGSJ	Elwick Grade Separated Junction
ELR	Employment Land Review
EZ	Enterprise Zone
HLP	Hartlepool Local Plan
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
INCA	Industry Nature Conservation Association
LDS	Local Development Scheme
LIP	Local Infrastructure Plan
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
OBR	Office for Budget Responsibility
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RNP	Rural Neighbourhood Plan
SA	Sustainability Appraisal
SCCA	Seaton Carew Conservation Area
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SFRA	Strategic Flood Risk Assessment
SGA	Strategic Gap Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
TVCA	Tees Valley Combined Authority
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the Hartlepool Local Plan provides an appropriate basis for the planning of the Borough providing a number of main modifications (MMs) are made to it. Hartlepool Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications, carried out sustainability appraisal of them and updated the Habitats Regulations Assessment. The MMs were subject to public consultation over an eight week period. In some cases I have added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendments to provide greater clarity about the locational strategy including (i) a key diagram, (ii) the headline scale of growth in the Plan, and (iii) focusing the strategic gap to immediate rural settlements only.
- Clarification that the housing requirement is net, that it will be met by a revised stepped trajectory against which a more realistic profile for delivery can be monitored and maintained. Associated explanations providing detail on how the deliverable supply of housing land has been derived.
- An additional policy setting out Plan-led corrective measures should monitoring reveal deficiencies in a deliverable supply of housing land
- Amendments to reflect the outcomes of the Habitat Regulations Assessment (HRA) including the Mitigation Strategy & Delivery Plan.
- Various amendments to reflect the updated Strategic Flood Risk Assessment (SFRA).
- Various amendments to ensure clarity and that the plan is internally consistent, effective and aligns with national policy.

## Introduction

1. This report contains my assessment of the Hartlepool Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) at paragraph 182 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Hartlepool Local Plan (HLP) ("the Plan"), submitted in March 2017, is the basis for my examination. It is the same document as was published for consultation in December 2016.
3. This report refers to a number of core documents which represent the Council's evidence base on submission of the Plan for examination and these are referenced in this report with the prefix [HLP]. Additional evidence was submitted by the Council during the examination and where referenced in this report the prefix is [EX/HBC].
4. On submission of the Plan for examination the Council recognised that additional on-going work was required in respect of Habitats Regulations Assessment (HRA), Strategic Flood Risk Assessment (SFRA) and an appraisal of the proposed strategic gaps. Additional work was also undertaken in the early stages of examination to update, amongst other things, Sustainability Appraisal (SA) and evidence plan-wide viability. The additional work was delivered in advance of the examination hearings such that I am satisfied that those with an interest were able to respond to the latest evidence. Where the updated evidence has resulted in main modifications there has been further opportunity to comment.

## Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs, carried out sustainability appraisal of them and updated the HRA. The MM schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. This is identified as the Submission Proposals Map March 2017 [HLP01/5].
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan require corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified. Changes to the policies map are needed to ensure that the relevant policies are effective and these were published for consultation alongside the MMs.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Submission Proposals Map March 2017 and the further changes published alongside the MMs on 14 December 2017 [EX/HBC/145] incorporating any necessary amendments identified in this report.

## **Assessment of Duty to Co-operate**

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
11. Hartlepool is one of five single tier unitary authorities comprising the wider Tees Valley area. As summarised in the submitted Duty to Cooperate (DtC) Statement [HLP02/1] and supplemented in the comprehensive DtC addendum document [EX/HBC/11] there are mechanisms in the Tees Valley for constructive and active engagement on an ongoing basis between neighbouring local planning authorities on respective development plan preparation. Regular meetings amongst development plan officers, the Tees Valley Management Group, Tees Valley Leaders and Mayor and the Board of the Tees Valley Combined Authority (TVCA) have ensured that a cooperative cross-boundary approach to strategic matters is embodied within the Plan and its evidence base, including the TVCA's Strategic Economic Plan (SEP).
12. It is evident that adjoining planning authorities to the Tees Valley area have been regularly involved in the consideration of strategic planning matters. Additionally the Council has instigated separate dialogue with immediately adjoining authorities on particular cross-boundary matters. It is therefore perhaps unsurprising that no DtC concerns have been raised on submission of the Plan by neighbouring authorities or any of the wider DtC bodies.
13. A key spatial cross-boundary issue for the Plan is the Wynyard settlement in the south-west of the Borough where existing and planned residential and employment development straddles the administrative boundary with Stockton Borough. Both the HLP and the emerging Stockton-on-Tees Publication Draft

Local Plan (September 2017) identify Wynyard as a strategic location where additional employment and residential development is to be allocated.

14. I am satisfied that both planning authorities have worked cooperatively in managing development at this location and informing the content of respective development plans. This is evidenced through the ongoing work of the Wynyard Highways Delivery Steering Group and the Wynyard Park Masterplan Steering Group. The collaborative approach has also involved other agencies, notably Highways England, such that there is a good baseline of shared evidence, including highway modelling, to ensure a holistic approach to planned development at Wynyard going forward.
15. The HLP proposals for growth at both Wynyard and to the west of Hartlepool are both dependent on the capacity and safe performance of the A19 as a strategic route through both the Borough and the region. I am satisfied the Plan and its evidence base reflects cross-boundary planned investments along the A19. The constructive participation of Highways England at a number of key hearing sessions underlined the Council's collaborative approach on strategic highways matters.
16. A significant strategic priority for the HLP must be the natural environment given internationally designated sites. The DtC evidence illustrates a clear chain of engagement through various forums, notably the Tees Valley Nature Partnership, the North Tees Natural Network and the Tees Estuary Partnership meetings, as well as dialogue and formal consultation with Natural England and RSPB. Whilst agreement with Natural England on the HRA and associated mitigation strategy and delivery plan has come relatively late in the process this is more a reflection of the complexities of managing growth close to sensitive environmental locations. It does not dent the extent or effectiveness of the Council's cooperation with others with regards to important cross-boundary nature conservation issues.
17. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background and Main Issues**

18. The submitted HLP will replace the adopted 2006 Local Plan. Various representations have referred me to the 2013 examination of the then emerging local plan and the Inspector's interim response to the Council. That Plan was withdrawn before an Inspector's report was issued. Since then the Council has embarked on an entirely new local plan and evidence base, the examination of which has generated this independent report.
19. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified nine main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

**Issue 1 – Whether the overall spatial (locational) strategy is positively prepared, effective and consistent with national policy?**

*Spatial Vision, Themes and Objectives and Locational Strategy*

20. In accordance with the NPPF (paragraph 153) the Council has prepared a single local plan document which will sit alongside the separate jointly prepared Tees Valley Minerals & Waste Development Plan Document to provide the strategic development framework for the Borough. A notable number of Supplementary Planning Documents (SPDs) have been prepared or are proposed to accompany the Plan to provide additional detail on a variety of technical matters. I am satisfied that the Plan does not default policy to SPDs or allow for SPDs to introduce unnecessary financial burdens on development.
21. The Plan clearly sets out the issues and opportunities for the Borough such that it is justified that the spatial vision, themes and objectives of the Plan focus on the economy, regeneration and community wellbeing within the context of protecting, promoting and enhancing the particular environmental resources in the area. In accordance with the NPPF it is a spatial objective of the Plan to maximise the re-use of previously developed land and buildings however this does not remove the need to consider greenfield sites as part of a sustainable pattern of development to meet economic and community needs over the plan period.
22. Policy LS1 articulates the spatial (locational) strategy of the Plan and seeks to direct most economic and housing growth within and adjacent to the urban area of Hartlepool, with additional strategic growth at the Wynyard settlement and limited growth in some villages. In spatial terms, given the geographical extent of the Borough, there are, in reality, few alternative strategies to be appraised with the balance of growth between Hartlepool and Wynyard being the principal area for options.
23. Whilst I acknowledge that Wynyard is an outlying location in the Borough it is nonetheless an established and growing settlement in both the Hartlepool and Stockton Boroughs. Planning permissions exist and services to support the settlement are being consolidated and developed. I deal with Wynyard in more detail throughout this report, but as a starting point, I find it a sustainable option to be appraised for some growth in accordance with paragraph 52 of the NPPF.
24. Employment development would be focused on the Port area, Oakesway, the extensive 'Southern Business Zone' to the south of the town and at the Wynyard Business Park. This approach accords with the Employment Land Review (ELR) evidence, the Council's regeneration strategy [HLP07/13] and masterplan [HLP07/3] and the economic ambitions in the TVCAs SEP. I consider specific employment land in detail under Issue 5 but overall I find the spatial strategy for economic development to be justified, effective and positively prepared and therefore sound.
25. The focus for the majority of housing development in the Plan will be on the westward expansion of Hartlepool on greenfield land at two broad locations: the south-west extension; and at High Tunstall/Quarry Farm. The latter will require implementation of the Elwick bypass and connected grade separated junction on the A19 at an estimated cost of £18million if it is to be fully

realised. Through its Strategic Housing Land Availability Assessment (SHLAA), ELR and housing renewal/demolitions evidence the Council has carefully considered urban capacity within Hartlepool such that I am satisfied that there is not an alternative deliverable spatial strategy that would avoid the option of westward expansion of the town.

26. It has been submitted that additional development should be directed to the westward expansion of Hartlepool to aid infrastructure delivery and regeneration of the town (expenditure retention), including re-distributing allocated housing growth at Wynyard. The concept of further development assisting the wider regeneration of the town, whilst plausible, remains largely unquantified. In any event the vast majority of housing development in the plan period will be occurring in and around Hartlepool.
27. In broad sustainability terms the Plan's proposals west of Hartlepool are deliverable without additional development. Both the High Tunstall and Quarry Farm developments are dependent on the proposed Elwick Bypass and Elwick Grade Separated Junction (EGSJ) on the A19. This is clearly set out in Policies LS1, INF2, HSG5 and HSG5a of the Plan. The timing of the Elwick bypass is critical to the delivery of these two sites and consequently the housing implementation strategy of the Plan. The scheme is being promoted and designed by the Council. Since the examination hearings options for potential external funding have not been successful. I am left in little doubt, however, that the Council has committed to [EX/HBC/96] and begun to enact a feasible fall-back position through prudential borrowing that would sustain the 2020 timeframe for delivery of the road.
28. I am satisfied that the £18million cost for the bypass and EGSJ identified in the up-to-date Local Infrastructure Plan (LIP) is robust and includes appropriate and sizeable contingencies. The likely contribution of some £12,000 per dwelling to cover the cost of prudential borrowing has been considered in the DRA at page 82 such that the proposed scale of related development can viably pay back the upfront funding (including total scheme costs) over its lifetime. Consequently, the proposed strategy of delivering significant housing development west of Hartlepool would be deliverable and viable.
29. Elsewhere, Wynyard has been evolving over time and now sustains some services and public transport provision. I am persuaded that both Hartlepool and Stockton are taking a coordinated approach to secure a critical mass of development at Wynyard to improve containment and reduce the overall need to travel. Consequently, I am concerned that reducing the housing allocation at Wynyard would harm this approach and adversely affect delivery of housing in the round. The Council through its additional sustainability appraisal work [EX/HBC/25] has demonstrated that the submitted locational strategy represents the most sustainable option when compared against reasonable alternatives. I concur with this assessment.
30. The submitted locational strategy does require an accompanying key diagram in accordance with the NPPF (paragraph 157). I therefore recommend **MM007** to ensure the Plan is consistent with national policy. For clarity and effectiveness Policy LS1 should also set out in broad terms the scale of housing, employment and commercial growth to be delivered over the plan



period. On this basis **MM009/1** would be necessary, recognising the requirement would be for at least 6150 dwellings, and I recommend it. Given the important environmental considerations in the Borough Policy LS1 provides an over-arching strategic reference with regards to the requirements for development proposals under the Habitats Regulations including requiring mitigation measures where necessary. Additional supporting text to Policy LS1 would outline the intended forms of mitigation and how they would be managed and used. The wording needs to be clarified that adverse effects, are not limited to recreational disturbance. Accordingly, I recommend **MM006/1** for effectiveness.

### *Strategic Gaps*

31. Strategic gaps are proposed between the western edge of Hartlepool and nearby villages and countryside, where development would be restricted. The strategic gap designation has been mainly evidenced after submission as presented in the Re-form Landscape Architecture Report 'Strategic Gap Assessment' (the SGA) and appendices [EX/HBC/22 & 23].
32. The concept of strategic gaps is not expressly referenced in the NPPF but paragraph 157 states that Local Plans should identify land where development would be inappropriate, for instance because of its environmental or historic significance and contain a clear strategy for enhancing the natural, built and historic environment. There is no Green Belt in Teesside. Accordingly, mechanisms such as strategic gaps and green wedges are recognised development plan tools to manage urban expansion at a local level.
33. The boundaries of the strategic gap in Policy LS1 broadly align with a similar 'Green Gap' concept in Policy GEN1 of the Rural Neighbourhood Plan (RNP) for the rural west of the Borough. The Examiner's report into the RNP [EX/HBC/8] does not assess in any detail the justification or effectiveness of the Green Gap designation and there is no specific Green Gap evidence listed at Appendix 2 of the RNP. Notwithstanding the RNPs potential imminent status as part of the Development Plan (subject to referendum), I find the sequence of evidence, the separate tests of soundness for local plans and the limited representations on the RNP mean that the HLP is not bound to wholly replicate the RNPs 'Green Gap' designation.
34. I am satisfied that the evidence in the SGA justifies a strategic gap designation between Hartlepool and Greatham and Hart and between Billingham (in Stockton Borough) and Newton Bewley. These gaps perform strongly against the core purposes of the designation given the proximity of these distinct rural settlements to the urban areas and the variable quality of the intervening landscape character due to urban influences. Elsewhere, the proposed gap is drawn too extensively such that performance against the core purposes becomes, in my judgement, unjustified. Consequently, the proposed extent of the strategic gap as submitted would be unsound.
35. The strategic gap between Hartlepool and Hart does not need to be as extensive as shown in Sub Area 02 in the SGA given the amount of intervening countryside. Accordingly, the area containing High Throston Golf Course and land at Quarry Farm (between Worset Lane and Elwick Lane) should not be included given the character of these areas, the parallel

proposed development at High Tunstall and the significant intervening distances to the villages Hart and Elwick.

36. The proposed gap in sub areas 03 and 04 of the SGA does not largely span between settlements but principally buffers the existing and proposed edge of the urban area with further countryside to the west which continues to separate the villages of Dalton Piercy and Elwick from Hartlepool. There is little evidence that the submitted gap in these areas is the minimum necessary to preserve the landscape setting and character of surrounding villages given the extent of intervening countryside and as such necessary to avoid harmful coalescence. Consequently, the full extent of the strategic gap along the western edge of existing and proposed development in Hartlepool is not justified and would not be sound.
37. I note the small rural settlement of Brierton lies a very short distance to the west of Hartlepool and the proposed south-west extension would reduce the gap further. The SGA is unclear on its treatment of Brierton but from my observations Brierton is not a village in terms of the core purposes regarding rural settlement identity and coalescence. Accordingly, notwithstanding its proximity I am not persuaded that a strategic gap is justified at this location.
38. Bringing this together, for the Plan to be justified, positively prepared and consistent with national policy the strategic gap designation should be amended to focus on Hart, Greatham and Newton Bewley. The wording of Policy LS1 and supporting text should be modified in accordance with **MM008** and **MM005** both of which I recommend.
39. The effect of the submitted strategic gap designation and associated policy content in Policy LS1 would be to severely limit development in terms of preserving the openness of the gap. Notwithstanding my view that the gap should be reduced the policy also needs modification to strike the right balance between protecting land where development would be inappropriate and planning positively to support local, sustainable development. For effectiveness and consistency with national policy the wording of Policy LS1 should allow for development where the core purposes of the strategic gap would not be harmed. I therefore recommend **MM008** accordingly.
40. Outside of the strategic gap other policies of the Plan provide for the appropriate management of development beyond the development limits west of Hartlepool. The landscape character criterion in Policy NE1 could benefit from clarification in light of the strategic gap amendments to emphasise that development will protect and, where appropriate, enhance the character, distinctiveness and quality of the Borough's landscape. **MM141** is therefore necessary for soundness in terms of effectiveness and consistency with national policy.

#### *Strategy for the rural areas*

41. The Plan allows for a modest level of housing growth at Hart and Elwick villages commensurate with their service provision and takes a positive approach to rural diversification and supporting rural enterprises. This growth would supplement provision made within the RNP and existing permissions, including in communities such as Greatham. Notwithstanding the proximity of

the urban landscape of Hartlepool and the wider Tees estuary and the influence of the A19, there are some pleasantly tranquil and verdant areas of countryside within the Borough with a clear rural character. It is therefore appropriate that the Plan, together with the RNP, provides an effective planned approach to this part of the Borough.

42. To this end the introductory text to the rural areas chapter could helpfully refer to the need to respect rural tranquillity and I recommend **MM081** accordingly for effectiveness. Policy RUR1 needs to reflect that Neighbourhood Plans have weight prior to being formally made and criterion 1 of the policy should be amended accordingly for consistency with national policy as per **MM082**. In respect of Policy RUR2 on new dwellings in the countryside the policy text should be clearer that regard will be given to the provisions of the Council's associated SPD in terms of consistency with NPPF paragraph 153 and as a result I recommend **MM083**. Policy RUR4 on equestrian development should have a criterion seeking to avoid the significant and irreversible loss of best and most versatile agricultural land, consistent with NPPF paragraph 112, and consequently I recommend **MM084**.

#### *Interrelationship with Neighbourhood Plans*

43. Overall there is a good consistency between the HLP and the emerging neighbourhood plans in the Borough. Whilst the neighbourhood plans for the Headland and Wynyard are at an early stage I am satisfied that the HLP provides an appropriate strategic context for these plans to progress. The RNP for the rural west of the Borough was examined in the summer of 2017 and a number of amendments have been made to the RNP to ensure consistency with the submitted HLP.
44. Other than the strategic gap I am satisfied that no other MMs to the HLP would result in divergence from the RNP. I appreciate that sequencing of the making of the RNP and the adoption of the HLP may present issues in terms of Section 38(5) of the 2004 Planning and Compulsory Purchase Act (as amended) and the most recent development plan document with regards to the green or strategic gap. That will be an issue for future decision makers but against the scrutiny of the tests of soundness and the fact that the evidence has only been available to this examination I am clear that the strategic gap in the HLP needs to be amended for the reasons I have given.
45. It is necessary that various amendments are made to the introductory section of the plan to clarify the inter-relationship with the Neighbourhood Plans coming forward in the Borough. I therefore recommend **MM001, MM002, MM003 and MM004** for effectiveness so that the Plan would be sound.

#### *Conclusion on Issue 1*

46. I conclude that, subject to the MMs proposed, the locational strategy would be justified, positively prepared, effective and consistent with national policy and therefore sound.

## **Issue 2 – Whether the approach towards the natural, built and historic environment is positively prepared, effective and consistent with national policy?**

### *Internationally Designated Sites*

47. The Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site extends along a significant proportion of the Borough's coastline. It is an internationally designated site where bird numbers have declined since 1995. The site hosts over-wintering populations of waterbirds, migratory species and breeding populations of Annex 1 species including Little Tern and Sandwich Tern. The Teesmouth and Cleveland Coast SPA is proposed to be extended (the pSPA) and this is addressed in the HRA.
48. One kilometre to the north of the Borough boundary is the Durham Coast Special Area of Conservation (SAC), a protected habitat of vegetated sea cliffs, and the Northumbria Coast SPA/Ramsar which also supports breeding bird colonies. This includes Little Tern and over-wintering Turnstone and Purple Sandpiper populations, albeit some considerable distance to the north of Hartlepool's boundary<sup>1</sup>. Accordingly, I consider the HRA is justified in screening out the Northumbria Coast SPA/Ramsar site.
49. The causes for the decline of bird numbers associated with the Teesmouth and Cleveland Coast SPA/Ramsar site are unclear. However, the assessment in the HRA that sediment disposition (and associated eutrophication) and recreational disturbance (notably all-season (dog) walking) are likely to be key issues in relation to the SPA appears to be reasonable. Recreational pressure and nutrient enrichment from dog faeces are the main issues for the Durham Coast SAC.
50. Accordingly, the Council's HRA screened in 31 policies of the Plan as requiring further assessment on a possible adverse effect on integrity of sites. 10 policies have been subjected to an appropriate assessment where a likely significant effect on the Teesmouth and Cleveland Coast SPA could not be ruled out. The key issues are the indirect likely significant effect arising from increased recreational pressure from new housing and commercial activities (including leisure and tourism) and the potential for direct habitat loss of pSPA and impact on land functionally linked to international sites. I address these issues in turn.

### *Recreational disturbance*

51. The Borough's coast at Seaton Carew and from the Headland north towards the boundary with County Durham at Crimdon Dene is accessible to the public. The Council's evidence draws on survey data that shows that the coast is a particularly popular destination for walking and dog-walking. Again, it remains unclear on what are the particular causal effects on the decline in bird

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<sup>1</sup> Distances 80km (EX/HBC/134) to 100km (EX/HBC/119)

populations between 1995 and 2015 including whether it is reduced breeding success and/or displacement of birds from feeding and roosting areas.

52. I note the submissions that further work should be undertaken to understand further the causal effects but I am satisfied that the various studies at Tables 14 and 23 of the HRA, the visitor data from the Council's surveys and the various referenced bird surveys and data provide an appropriate basis for the assessment. The Council, as part of the HRA process, has responded positively to the advice of Natural England and I am satisfied that the HRA of the Plan has taken a suitably precautionary approach to the significance<sup>2</sup> of recreational disturbance. This includes adoption of the RSPBs preferred ecosystem method of source-pathway-receptor<sup>3</sup>, such that potential policies and sites (including those beyond 6km) that would be likely to have significant effect have been considered.
53. In terms of mitigation, an important element is the wording of the Plan itself and how it seeks to ensure that adverse impacts are avoided. This is set out in Section 7.2 of the HRA. I address this further below, including some MMs which are necessary for further mitigation purposes and clarification. Another key strand of mitigation is the provision of suitable alternative natural green spaces (SANGS) to entice daily walking and dog walking to take place at locations other than the coast but it is important to recognise this is not the only form of mitigation.
54. In Hartlepool's context, there are appreciable areas of publically accessible open space inland from the coast and proposals in the Plan to extend and improve this provision. This includes the Summerhill Country Park which is an attractive and well-used<sup>4</sup> Council maintained facility to the west of the town. This gives me confidence that SANGS provision of the right quality and size would be effective in providing for the demand for immediate and regular walking and dog walking close to where people live. In recognising that SANGS are likely to be the main form of mitigation, especially for some of the large residential allocations, the Council is developing its own Hartlepool SANGS guidance (set out at Appendix 7 of the HRA). As such I see no reason why a local approach to SANGS would not form an effective part of the mitigation for the Plan.
55. Recognising that SANGS should form part of the mitigation package for those residential allocations proximate to the Teesmouth and Cleveland Coast SPA/Ramsar site, **MM050** and **MM054** are necessary to clarify the need for on-site SANGS provision in Policies HSG5 and HSG5a for the High Tunstall and Quarry Farm housing sites respectively and I recommend them accordingly.

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<sup>2</sup> Generally considered to be the probability, of the impact; and the duration, frequency and reversibility of the impact.

<sup>3</sup> Where the "source" = development; "pathway" = any adverse consequence; and "receptor" = European Site

<sup>4</sup> This is also borne out in the Sport & Recreation Assessment 2015 – which surveyed 1,113 Hartlepool residents.

56. As part of a wider approach the Council has developed a Mitigation Strategy and a costed Delivery Plan presented at Appendix 5 of the HRA [EX/HBC/134], which in addition to SANGS, would enable developer contributions to be directed to foreshore management initiatives, including those under the relevant Coast Management Plans and the Teesmouth and Cleveland Coast European Marine Site Coast Management Plan. Table 25 of the HRA sets out the HRA funding formula on a £/house basis. Projects the funding could provide for include, amongst other things, off-site SANGS, SPA wide wardens (including specifically for Little Terns), signage and information boards and household information packs. A number of these measures have already been secured as mitigation in the Borough with the endorsement of Natural England. **MM024** would ensure the endorsed mitigation strategy, as well as SANGS, is clearly identified as a part of the package of potential planning obligations in Policy QP1. In this way the Plan would be effective and consistent with national policy and I recommend the modification accordingly. **MM139/1** would explicitly reference the Mitigation Strategy and Delivery Plan in Policy NE1 and I recommend it for effectiveness.
57. The Council also has responsibility for day-to-day foreshore management including, amongst other things, dog control, beach cleaning and wildlife and countryside. Foreshore management can also include creating Public Space Protection Orders (PSPO) for protecting key bird areas during the critical autumn, winter and spring period. Day-to-day foreshore management also forms part of the mitigation and the Council's up-to-date Foreshore action Plan for 2018 (at Table 4, Appendix 5 of the HRA) and commitment to consult on and introduce a PSPO for dog control (outlined at Appendix 6 of the HRA) provides me with further assurance that mitigation would be effective.
58. The Council's HRA also recognises that various policies of the Plan seek to consolidate and enhance leisure and tourism as part of the local economy, including the Seaton Carew resort and marina and leisure park facilities at the historic Hartlepool docks. Policy RC12 encourages certain types of development around the historic docks and existing marina. I am satisfied that the HRA appropriately considers the likely significant effects of this policy. **MM093** and **MM094** would be necessary to the Policy and its supporting text to ensure visitors to this area are aware of the nearby SPA/Ramsar. Similar would apply to the Trincomalee Wharf Retail and Leisure Park and I recommend **MM096** accordingly.
59. Policy LT3 on Seaton Carew has been further assessed in the HRA with regard to the extended pSPA. The policy is encouraging a primarily summer based industry outside of the main SPA/Ramsar period of interest. However the HRA recognises that mitigation would be required to offset a likely significant effect. More generally, Policy LT1 on Leisure and Tourism contains wording on recreational disturbance. The Council also proposes to modify Policy LT5 which deals with caravan sites in terms of securing financial contributions to mitigate recreational disturbance and I recommend **MM132** accordingly. Overall, I am satisfied that the HRA has appropriately considered leisure and tourism developments and that the relevant policies of the Plan would not result in an adverse effect on the integrity of European sites subject to the MMs recommended.

60. On-going monitoring is an important issue. Monitoring is not in itself mitigation but the effectiveness of mitigation needs to be assessed to inform future reviews of the Plan. The Council's HRA recognises this and so does the monitoring framework of the Plan. The Council's Strategic Mitigation and Delivery Plan will also have a bespoke, robust and proportional monitoring programme, with triggers for a full review<sup>5</sup>. Additional research that can enhance understanding of what is happening to the bird population would be beneficial but there is no clear or proportionate programme of work that has been brought to my attention to lead me to conclude that the adoption of this Plan should be delayed or that the proposed mitigation would be ineffectual.

*Direct Habitat Loss and Land functionally linked to European Sites*

61. Land and waters beyond the boundary of the SPA can fulfil a role in terms of supporting the site features. To ensure the Plan is effective, I recommend **MM137** which would highlight functional land in the context of Policy NE1.
62. Land around the Tees estuary accommodates a number of specialist industries. These established complexes have particular operational requirements such that expansion rather than relocation is the more realistic and prudent option. Accordingly, sites under Policies EMP3, EMP4 and EMP6 have been allocated to accommodate various industries.
63. I have no reason to find contrary to the HRA that remaining EMP3 land within the large 'Southern Business Zone' area has no functional relationship to the Teesmouth and Cleveland Coast SPA. Consequently there would be no likely significant effects from the Plan's strategy for this area. However, matters may change with further monitoring and as such the Plan should contain a cross-reference in Policy EMP3 to the requirements of Policy NE1 which sets out the approach to the hierarchy of designated sites. I therefore recommend **MM073** accordingly.
64. Elsewhere, the Plan proposes land for expansion at the Conoco-Phillips Petroleum facility at Phillips Tank Farm (Policy EMP4c). This is a long established site comprising mainly of storage tanks within a bunded enclosure. There remains vacant land within the bund which is part of the wider EMP4c site. This area is also identified as part of the proposed Teesmouth and Cleveland Coast SPA extension (the pSPA). The company is also involved in the wider Tees Estuary Partnership, which, amongst other objectives, is working to deliver strategic habitat creation<sup>6</sup> and part of the site is earmarked for mitigation for habitat loss for SPA birds elsewhere in the Tees estuary. The intricacies of balancing the need for long-standing specialist industries in an environmentally sensitive area<sup>7</sup> means there is a substantial and ongoing

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<sup>5</sup> Revised Paragraph 7.4, Document EX/HBC/134- Updated HRA v4 November 2017

<sup>6</sup> Including emerging Tees Estuary Habitat Enhancement Framework (referenced in EX/HBC/114)

<sup>7</sup> Articulated in the Memorandum of Understanding for the Teesmouth and Cleveland Coast SPA proposed extension (October 2017) [EX/HBC/114]

benefit to nature conservation that should the land be developed the benefit must be transferred elsewhere, providing SPA continuity. Should an application come forward on EMP4c for future expansion then further stages of the HRA would apply. This is made clear through a combination of Policies LS1, NE1 and EMP4.

65. Section 6.4.4 of the HRA considers the loss of functional land related to the Teesmouth and Cleveland Coast SPA, particularly in relation to the specialist industry sites in Policy EMP4. The Council's HRA undertakes a detailed site by site analysis of available records and a number of the sites have no recorded use by SPA birds. A number of the sites are also occupied by businesses who are members of the Tees Estuary Partnership and/or INCA. I am therefore satisfied that the policy wording in EMP4 and the strategic principles set out in the Plan are robust enough to deal with any specialist industrial development on land functionally linked to the SPA.
66. Supporting text to Policy EMP4 should be expanded to encourage industrial companies to join INCA and participate in the Tees Estuary Partnership and to clarify that the timing of construction work should be planned to mitigate adverse impact. I therefore recommend **MM074** which does this.
67. Policy EMP6 allows for the reuse of underground former brine extraction caverns on land east of Greatham Creek. I am satisfied the policy would have no adverse effect on the integrity of the SPA subject to ensuring the detailed design of any above ground structures would be compatible with the surrounding habitat and access to the site would avoid sensitive areas. Such an access route has been identified and would be shown on the Policies Map. It also needs to be made clear in the policy that no built development will take place on SPA land at this location. I therefore recommend **MM077/1**, **MM079** and **MM080** to Policy EMP6 accordingly.
68. The HRA has also considered the proposed housing allocation at Coronation Drive at Policy HSG3 and at the South-West extension at Policy HSG4 in terms of being functional SPA land. From the ornithological evidence available there are no records of these sites being used by SPA birds. I have no persuasive evidence to the contrary and consequently there would be no adverse impact on the integrity of the SPA from these proposed allocations.

#### *Summary on the HRA*

69. Following submission and prior to the examination hearings, the Council updated the HRA document and engaged with Natural England, resulting in positive feedback from the national statutory advisor on biodiversity on HRA and associated proposed main modifications [EX/HBC/63]. Since the hearing sessions, the Council has liaised further with the RSPB [EX/HBC/119] on both the likely significant effect of particular policies and proposals and the proposed mitigation. There have been iterative updates to the HRA as part of this dialogue, which in turn inform a number of main modifications to the Plan. Again, the Council has engaged with Natural England and secured their conclusion [EX/HBC/141] that the post-hearings updated HRA [EX/HBC/134] entails appropriate mitigation to strengthen the earlier conclusion that adverse effects on the integrity of international sites can be avoided.



70. Whilst I attach significant weight to the views of Natural England I am mindful that there are organisations, both local and national, which have a particular biodiversity knowledge or specialism. In respect of the HLP I am satisfied that the Council has fully recognised the significance of the issue and has taken a suitably precautionary approach based on the most up-to-date information available and cooperation with relevant organisations. Overall, I conclude that subject to the mitigation identified, and the various MMs recommended<sup>8</sup>, the policies and proposals taken forward to appropriate assessment in the HRA, would not have an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA/Ramsar site and Durham Coast SAC site either alone or in-combination with other plans or projects.

### *Policies for the Natural Environment*

71. On the whole, the natural environment and landscape policies of the Plan are justified by the evidence base of the Plan as per paragraph 165 of the NPPF. Various brief clarifications would aid the effectiveness of the Plan and I recommend **MM136** to reference the Government's emerging Natural Capital agenda, **MM138** for clarity on biodiversity offsetting, and **MM140** for protection to ancient or veteran trees. For additional clarification, it is proposed that the glossary of the Plan be expanded to define 'Constructive Conservation' at **MM143**, 'Ecosystems Services Approach' at **MM144** and 'Natural Capital' at **MM145**. These changes would make the Plan effective and I recommend them.
72. I am satisfied that the Plan and accompanying Policies Map accurately reflects the baseline position of designated sites in the Borough including Local Wildlife Sites. Policy NE1 is consistent with paragraph 113 of the NPPF. To the north of the Borough on the Easington Road is the Hartville Meadow Local Wildlife Site. Whilst the Council proposed de-designation of the site, the site was re-surveyed in June 2017 such that the Council's latest submission is that surviving indicator species present an opportunity for recovery. DEFRA guidance 'Local Sites: Guidance on their Identification, Selection and Management' (2006) states that a damaged site should be retained if there is a chance that it will recover over a reasonable period. Therefore, it would be premature, to reconsider the status of the LWS and contemplate development at this location. Consequently, no changes are necessary to make the plan sound in this regard.
73. Policy QP6 sets out those technical matters which the Council will consider as part of determining development proposals in the Borough. The policy deals with environmental attributes identified in the NPPF but needs expanding to include water quality for consistency with the NPPF at paragraph 109. I therefore recommend **MM027** accordingly.
74. The Plan appropriately seeks to make the most of its coastal location and the historic waterfront in Hartlepool including through Policy RC12 which encourages certain types of development at the former historic docks. In

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<sup>8</sup> Including **MM006/1**, as amended, to Policy LS1 in Issue 1

terms of ensuring appropriate design, ecology will form part of the considerations and I recommend **MM092** which directs users of the Plan to the Environment Agency's Ecological Design Guidance for estuary edges.

75. The Natural Environment section also addresses open space, including formal provision. Work is ongoing on updating a Playing Pitch Strategy and Sport England have confirmed in EX/HBC/98 that they are satisfied that appropriate progress is being made. **MM142** incorporates a number of observations from Sport England including clarifications on the exception test where playing fields/pitches are proposed to be lost. This would make the policy effective and consistent with national policy at paragraph 74 of the NPPF. I therefore recommend it.

### *Built Environment*

76. Section 9 of the Plan sets out a number of policies on 'Quality of Place' including various policies aimed at securing a high standard of building design and high quality townscapes and landscapes. I deal with Policy QP7 separately under climate change, but I find the general design policies at QP3-6 inclusive to accord with section 7 of the NPPF on requiring good design and are justified by the evidence base.
77. I am also satisfied that the plan's provisions for inclusive design and accessible environments as set out at Policies QP3 and QP4 are consistent with NPPF. Policy HSG2 would also secure an appropriate overall mix of housing including bungalows and housing for elderly persons.

### *Historic Environment*

78. On the whole the relevant policies of the Plan would be justified. Policy HE1 needs a brief reference to national policy in terms of the test at paragraph 133 of the NPPF on substantial harm. I therefore recommend **MM133** for consistency. Policy HE3 on Conservation Areas needs to confirm regard will be given to the setting of these heritage assets and I recommend **MM134** for effectiveness and consistency with national policy. A number of heritage assets are at risk in the Borough for a variety of reasons. The Plan at Policy HE7 seeks to provide a positive and proactive approach however **MM135** is necessary to ensure consistency with paragraph 130 of the NPPF where there has been deliberate neglect or damage and I recommend it accordingly.
79. The Church Street area forms the eastern extent of the town centre and is designated as a conservation area, to which Policy HE3 would apply. It is also identified in Policy RC3 as part of an Innovation and Skills Quarter for future investment, capitalising on the recent developments associated with the Cleveland College of Art and Design and Hartlepool College of Further Education. It is also characterised by late night uses and identified for such uses in Policy RC17. It is a diverse area but on the whole I find the Plan's multifarious policy approach to this part of the town centre would strike the appropriate balance including preserving and enhancing its heritage significance. Only Policy RC17 needs a brief clarification that it applies to whole Church Street area and I recommend **MM100** for effectiveness.
80. The established coastal resort at Seaton Carew is identified in the Plan as an appropriate location for tourism and leisure developments at Policies LT1 and

LT3. An area parallel to the seafront forms the Seaton Carew Conservation Area (SCCA). It is an area where leisure and tourism proposals would be encouraged provided they protect and enhance the heritage significance of the SCCA. **MM129** is necessary to ensure the wording of Policy LT1 is consistent with national policy on conserving and enhancing the historic environment and I recommend it.

81. Criterion 5 of Policy QP6 needs expanding to clarify that where development affects heritage assets it should include an assessment of the impact upon their significance. This would ensure consistency with paragraph 132 of the NPPF and I recommend **MM027** accordingly.

#### *Conclusion on Issue 2*

82. In conclusion I am satisfied that the policies of the plan, subject to the MMs identified above, would result in an approach towards the natural, built and historic environment that would be positively prepared, effective and consistent with national policy.

### **Issue 3 – Whether the approach to the provision of housing is positively prepared, justified, effective and consistent with national policy**

#### *Objectively Assessed Need for Housing (OAN)*

##### *Housing Market Area*

83. The 2015 Hartlepool Strategic Housing Market Assessment (SHMA) sets out in some detail at Chapter 3 that the Borough forms a highly contained housing market area (HMA). The SHMA Addendum of October 2016 has revisited this and whilst Hartlepool should be considered part of a wider functional economic area of the Tees Valley, self-containment is well above the 70% threshold in Planning Practice Guidance (PPG) at paragraph 2a-10. The Borough constitutes its own HMA.

#### *Demographic starting point and adjustments*

84. The 2016 SHMA Addendum has applied the latest 2014-based population and household projections in accordance with PPG paragraph 2a-016. Applying a vacancy rate of 4% from the 2011 Census this generates a demographically based starting point of 200 dwellings each year between 2016 and 2031. The SHMA has further considered the need to make various adjustments in accordance with PPG paragraph 2a-017. In respect of internal migration the evidence over a ten year period (2003/4-2013/14), taking account of long-term patterns covering recent economic cycles, supports a further modest upwards adjustment to 210 dwellings each year, which is justified.
85. Concern has been expressed that past economic conditions within the trend-based projections mean that household formation within the 25-44 cohort has been suppressed such that a further modest upward adjustment should be made based on a partial catch-up rate by blending 2008-based and 2014-based projections. I accept that adjustments to accelerate headship rates in this cohort have been accepted elsewhere but I have little evidence that the scenarios before me are comparable to the situation for this Plan.

86. The PPG at paragraph 2a-015 states that adjustments may be required for household formation rates which are not captured in past trends (my emphasis). The 2014 projections are a step away from previous projections and show for Hartlepool a higher dwelling requirement compared to the 2012-based projections. It is also plausible that wider societal change may be affecting household representative rates<sup>9</sup> which militates against a further upwards adjustment. Indeed, there is little in the market signals data for Hartlepool to indicate that the degree of any suppression is such that it has manifested itself in notable pressure on house price and rental values. Accordingly, no further uplift is required for headship rates.

*Market Signals, Past Delivery and Affordability*

87. In accordance with PPG paragraph 2a-019 the SHMA evidence has considered a range of housing market signals which are summarised at Table 3.1 of the SHMA Addendum 2016. Overall, property prices in the Borough have been declining in recent years such that the house price ratio (median price to median earnings) has consistently averaged below 4.5 between 2005 and 2015. Similarly the rental affordability ratio has averaged below 25% during the same period. Vacancy rates and overcrowding data also indicate limited pressure on the housing market. No adjustment is proposed for market signals and I am satisfied that this is justified.
88. Notwithstanding this, there is an allied issue of past delivery. The PPG at paragraph 2a-019 identifies 'rate of development' as a relevant signal. The 2006 Hartlepool Local Plan at Policy H1 set a 'gross' housing requirement of 309 dwellings per annum, comprising of 201 'net' additions from new supply and 108 dwellings from replacements to existing stock. Against the total requirement of 309 dwellings, Table 3.3 of the SHMA Addendum 2016 shows that over a ten year period 2006/7 – 2015/16 a backlog of 694 dwellings had accrued.
89. It is submitted that past net completions should be measured against the lower annual 201 net figure in Policy H1 of the 2006 Local Plan. My concern with this approach is that it would obscure the fact that demolitions over the past 10 years have occurred at a rate higher than the 108 figure forecast in the 2006 Local Plan. It is submitted that demolitions contained a higher proportion of vacant stock but nonetheless housing has been lost and not numerically replaced by some margin. I also note that the number of demolitions has decreased in recent years but this has coincided with a period when total completions have also been restrained, further adding to the backlog in 3 of the last 5 years. Overall, the assessment of past trends of delivery has accorded with the PPG in that the 10 year period evaluated represents a meaningful period and that actual total annual average delivery of 240 dwellings has fallen below the planned annual supply of 309 dwellings.
90. The historic backlog of 694 should be sensibly rounded up to 700 units which over the 15 year plan period would equate to an upwards adjustment to OAN

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<sup>9</sup> Paragraph 4.13 point IV, page 19 SHMA Addendum 2016 [HLP06/1]

of 47 dwellings per annum. This adjustment is, on balance, justified and would ensure resilience that the core demographic need would be met. In endorsing it, however, I am mindful that it is a very significant uplift to the demographic OAN.

91. The SHMA identifies that there is a requirement for 144 affordable dwellings each year and I am satisfied that the SHMA evidence (paragraphs 4.24-4.28 of the SHMA Addendum 2016) has assessed the need for a specific affordable housing adjustment as part of the process of arriving at the OAN. The demographic OAN figure, adjusted to 210, will include new households who will require affordable housing and these will also be in the separate 144 requirement figure for affordable housing. The 144 figure will also include existing households who currently live in a non-affordable home and require alternative affordable housing. As an existing household in a dwelling they are unlikely to feature in the demographic based OAN. In the context of paragraph 47 of the NPPF and the reference to meeting the full need for market and affordable housing I consider the 210 demographic OAN over the plan period incorporates a significant element of affordable housing need. The adjustment to the OAN for the historic backlog will also address affordable housing need as well as widening housing choice and improving affordability more generally. In this context there is no need to make a further adjustment to the OAN.
92. In terms of the size of the annual imbalance of affordable housing estimated by the SHMA I accept that it seems likely that there will be a delivery gap based on the submitted HLP policy of 18% affordable housing provision on sites of 15 units or more. This is not unique to Hartlepool and I address this further when examining the separate housing requirement. It would not, however, be necessary in OAN terms to attempt to meet the total affordable housing requirement in full as a proportion of market housing delivery<sup>10</sup>. The likely OAN on this methodology in Hartlepool would result in an unsustainable and undeliverable scale of housing and I do not consider it further.

### *Future Jobs*

93. Past trends in Hartlepool indicate that net jobs growth has averaged below 100 jobs each year. The preparation of the Plan has considered two reasonable economic forecasts. The first is the Oxford Econometrics forecast within the 2014 Employment Land Review (ELR) which estimates 1700 additional jobs between 2014 and 2031, equating to 1500 net additional jobs (100 per annum) over the plan period. The second approach is the forecasting applying the TVCAs SEP annual target of 2500 jobs across the Tees Valley (2016-26) of which Hartlepool's annual apportionment is 290 jobs. This figure has been extrapolated over the plan period.
94. In my view the earlier ELR forecast is out of alignment with the evident ambition in the wider Tees Valley to deliver on the SEPs jobs targets. There

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<sup>10</sup> [EX/HBC/89 paragraphs 32-34]

are clear actions from the TVCA and constituent authorities, bolstered by the recent devolution deal, which give me confidence that collective effort through education, skills improvements, infrastructure, site investment and business support would significantly boost employment in this part of the country. I am concerned that the ELR forecasts would unduly constrain the local economy, do little to stimulate economic activity in the working age population and perpetuate and possibly worsen commuting patterns.

95. The 290 jobs target for Hartlepool in the SEP is ambitious but has been tempered down from previous figures. The detailed breakdown of sectoral change illustrates anticipated contraction in some sectors and expansion in a number of sectors which are already established or embryonic in the Borough. The sectors which are forecast for growth reflect realistic opportunities including the various educational campuses developing in the town, the benefit of the port (including its relationship to significant growth areas in off-shore renewables), existing economic clusters (including the relationship to the wider Seal Sands bio-chemical processing area) and strategic sites proximate to the key routes of the A689 and A19. Notably, the SEP jobs forecast does not include the potential of a decision to replace the existing nuclear power station in Hartlepool. Should that come to fruition in the plan period the 290 figure may well be adjudged to be cautious.
96. The jobs target of 290 accords with NPPF paragraph 154 requiring plans to be aspirational but realistic. It is also consistent with paragraph 160 of the NPPF which requires plan preparation to be based on a clear understanding of economic markets operating in and across their area informed by working with the Local Enterprise Partnership (LEP), which is now the TVCA. Whilst the SEP figure of 290 jobs per annum is markedly different from past trends in Hartlepool I find it to be justified and positively prepared. Accordingly, the OAN should take account of the SEP jobs target in aligning jobs and housing.
97. The SHMA addendum 2016 addresses PPG paragraph 2a-018 in terms of the population needed to support the jobs forecast. This has been supplemented by additional material in a topic paper for the examination [EX/HBC/24]. In fulfilling the 290 annual jobs target the TVCA has modelled two scenarios for Hartlepool. The first (scenario D1) assumes Office for Budget Responsibility (OBR) economic activity rates and unemployment and commuting being fixed and new residents being needed for all jobs. Under this scenario the OAN would require a positive 320 adjustment in addition to the 210 demographic OAN. I share the SHMA addendum assessment that this scenario is wholly unrealistic.
98. The second scenario (D2) applies OBR economic activity rates and assumes more positive circumstances for unemployment and commuting such that future jobs would be fulfilled on a basis of 70% from existing residents and 30% from outside of the Borough through a combination of 15% in-commuting and 15% in-migration. Under this scenario it is expected that 30 additional dwellings should be added to the OAN. The assumptions that the local population can sustain most of the jobs growth are challenged as unrealistic, in part given the offsetting in the falling labour force size as people retire and the cohorts replacing them being smaller. There is also concern that the assumptions on in-commuting (i.e. workers coming in from other areas) has not been endorsed by neighbouring authorities thereby raising DtC

issues. Accordingly, it is submitted that a more realistic OAN to support future jobs growth lies somewhere between scenarios D1 and D2 in the range of 400 and 450 dwellings per annum.

99. The SEP delivery plan seeks to halve unemployment and return the economy to the highest total economic activity rate previously reached. Relatively modest decreases in unemployment would make an appreciable contribution to supporting the SEP's job target in Hartlepool. The SEP delivery plan also seeks to balance net commuting rather than an outflow from the Tees Valley. In such a context, only slight adjustments to the numbers of workers coming in from outside of the Borough or for Hartlepool resident workers to work in the Borough rather than out-commute would make a significant contribution towards meeting the SEP's job target. The SHMA and its addendum are key evidence for the Plan. There is no objection from any neighbouring authority within the Tees Valley or beyond it to the assumptions that have been modelled. Additionally, there are those professionally representing the development industry who have endorsed this aspect of the OAN and provided evidence to the examination to support its realism.

100. I am satisfied that the modelled 70/15/15 assumption is reasonable. It results in an adjustment of +30 for future jobs which would bring the OAN up to 287 homes each year. In my opinion this would represent a credible level of housing need to support the SEP's ambitions for the local economy and job creation. The assumptions align to objectives to retain young talent in the area and enable the unemployed to secure meaningful work. There is little persuasive evidence that the adjusted OAN would fail to ensure a sustainable relationship between homes and jobs in the Borough. It should also be borne in mind that other significant adjustments to the OAN, notably that dealing with historic backlog will also support future jobs.

#### *Other Local Circumstances*

101. There are no other local circumstances, not captured by past trends, which require the OAN to be adjusted.

#### *Conclusions on OAN*

102. Whilst components of the OAN are contested and could arguably be adjusted either up or down, the Council's OAN figure of 287 dwellings per annum follows a reasonable course of assumptions in accordance with the PPG. There is potential that the various adjustments overlap to some extent such that uplifts for dealing with the backlog prior to the plan period would also have benefits in terms of supporting future jobs growth and housing affordability. Any degree of overlap is difficult to quantify but it leads me to conclude that 287 dwellings per annum is a bold, top-end OAN. I therefore find the OAN to be justified, effective, positively prepared and consistent with national policy.

103. Shortly before the examination hearings opened the Government published a consultation on a proposed approach to calculating the local housing need<sup>11</sup>.

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<sup>11</sup> Planning for the right homes in the right places: consultation proposals. September 2017

The proposed standard methodology will not apply for plans submitted before 31 March 2018. Additionally, during the examination, consultation was initiated on a revised NPPF, which sets out similar transitional arrangements for plans currently in examination. Should the methodology advance to national policy in a revised NPPF that would be a matter to inform a review of the HLP which may need to be undertaken sooner rather than later.

### *Housing requirement*

104. The Plan makes two significant policy and supply factor adjustments to the OAN to arrive at a higher housing requirement in the Plan. The first adjustment is an uplift of 65 dwellings per annum to compensate the reality that past housing market renewal schemes have resulted in a lower density and yield of development than what they replaced. No sound alternative figure (other than to make no allowance) has been produced. I understand the concerns that there is a lack of specificity regarding the location and scale of future housing market renewal schemes to inform a more precise figure. On the other hand sensitivities regarding potential blight reasonably prevent the Council from doing this. Nonetheless, I am satisfied from the evidence<sup>12</sup> that further housing market renewal remains a very real prospect during the plan period in accordance with Policy HSG10 of the Plan. Accordingly the uplift of 65 dwellings per annum over the plan period is justified.
105. In the event that monitoring shows that housing market renewal is not coming forward at the rate envisaged, before any review of the Plan could adjust for this, the uplift would add to overall flexibility in housing provision to ensure that at least the OAN is met and to widen housing choice more generally.
106. The housing requirement in the plan is clearly expressed as a net figure. This is further clarified under **MM039** which also factually updates the housing supply since Plan submission and I recommend it accordingly. Monitoring will look at total completions and deduct any demolitions or loss of stock. The Council has also committed to a separate monitoring of housing delivery at Housing Market Renewal sites as provided in EX/HBC/113. This will inform the 65 dwelling per annum uplift going forward and the indicator will be within the monitoring framework at MM146 recommended in Issue 9 below.
107. The second policy-led increase is described in the plan as a 20% buffer and affordable housing allowance. This was introduced following the preferred options consultation but its presentation within the submitted plan has created some confusion with paragraph 47 of the NPPF. I can see that in general terms the uplift would judiciously factor in some headroom into the housing requirement to ward against components of supply faltering. The proposed 20% buffer would do this but it is worth ratcheting back to the 2016 SHMA addendum (paragraph 4.28) that the adjustment would assist affordable housing delivery to help balance the local housing market.
108. I recognise that the uplift will yield only a modest number of affordable homes under current viability conditions and critical infrastructure requirements as a

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<sup>12</sup> EX/HBC/62 Demolitions and Replacements Evidence Paper – August 2017



proportion of market housing but it will nonetheless make a contribution. It will also have a simultaneously positive effect on housing affordability and choice more generally. I am persuaded that such an increase in the requirement would be deliverable albeit in the context of the whole plan period, rather than in the short term, and can be accommodated sustainably without any significant or demonstrable adverse impacts. Accordingly, Table 6 of the plan should be modified to make it clear that the policy adjustment in the requirement of 57 dwellings per annum over the plan period is foremost an allowance to improve housing affordability. **MM029** is therefore recommended for clarity and consistency with national policy.

109. A number of changes to the submitted plan are necessary to ensure the housing requirement is more clearly presented in Table 6 of the Plan, with the resultant total over the plan period being 6150 dwellings. I therefore recommend **MM030/1** for effectiveness and positive preparation.

#### *Housing Mix*

110. I am satisfied that Policy HSG2 as submitted is sufficiently flexible to secure housing in line with the most up-to-date SHMA in a way which would be consistent with the NPPF at paragraphs 50 and 156.

111. Some concern has been expressed that the Plan by seeking executive housing as part of the full range of house types would contribute to a cumulative over-provision of such housing in the wider region. I have little evidence to persuade me to scale back the proposed limited additional provision of executive housing which from the SHMA evidence would appear to be a valid but modest component of balancing the housing market.

#### *Affordable Housing*

112. Policy HSG9 deals with affordable housing provision and sets out a target of securing 18% on all sites consisting of a gross addition of 15 dwellings or more. The policy is sufficiently flexible recognising that viability will be challenging in some instances. At the time of plan submission the evidence on the viability for the 18% contribution was not in accordance with the NPPF at paragraphs 173-174 and therefore unsound. In examination the Council has produced a comprehensive Local Plan Deliverability Risk Assessment (DRA) [EX/HBC/82] which looked in detail at the viability and deliverability of the Plan's policy requirements, including affordable housing. I am satisfied that the conclusion at paragraph 4.7 of the DRA that the 18% requirement is generally viable is soundly evidenced. The policy, subject to **MM068**, **MM069** and **MM070** which confirm and explain the updated viability evidence and delivery and are necessary for Plan effectiveness and consistency with NPPF at paragraphs 50 and 173-74, is therefore sound.

#### *Gypsies and Travellers*

113. At the time of submission the Plan was accompanied by a Gypsy and Traveller Accommodation Assessment 2014 (GTAA). This document identified a small theoretical need of no more than 5 permanent pitches based in large part from interviews with members of the gypsy and traveller community who now largely reside within bricks and mortar in the Borough. This need stemmed from a few older members of the community who hope to return to living in a

trailer or wagon at some unspecified point and from a very small number of young male members of the community who aspire to traditional lifestyles.

114. The 2014 GTAA has been updated for the examination in a September 2017 Revision [EX/HBC/83] to review baseline data and to apply the new planning policy definition of gypsies and travellers at Annex 1 of the Planning Policy for Traveller Sites document 2015 (PPTS). As such those that have permanently ceased travelling no longer meet the definition, which is the case here in Hartlepool, and this reduces the small hypothetical need previously identified. Any residual need is likely to be too small and individual to make a managed permanent site viable. The Borough is also geographically remote from other established travelling communities in the region to make joint site provision a reasonable option. No issue has been identified from DtC dialogue.
115. There is currently no authorised gypsy and traveller provision within the Borough and no records of travelling show persons plots. Caravan counts over the past 10 years have not recorded any caravans in Hartlepool. Whilst data is showing a small number of unofficial encampments since 2015 these are sporadic, tend to be small in number and only for a few nights on each occasion. There is little persuasive evidence that the Plan should make provision for a transit or short stay stopping site to help manage any limited transient demand.
116. The Housing and Planning Act 2016 (Section 124) now requires a wider assessment of those who have a housing need to live in a caravan or houseboat, regardless of race or origin. This includes gypsies, travellers and travelling show people but extends wider to those with a preference for caravan or houseboat living as a separate subset of the wider assessment of housing need. Specialist survey and qualitative research is likely to be necessary and may well have to be carried out on a cross-boundary basis. This complex work will take time and current early guidance may well evolve. Consequently, I see no need for the adoption of the HLP to be delayed to reflect this recent update to legislation. It is a matter for a review of the Plan.
117. In terms of plan-making, I consider that Hartlepool is a location where a criteria-based policy would be justified and consistent with national policy in the PPTS. It would provide an effective basis for assessing planning applications should they come forward. In terms of equality and fairness Policy HSG13 as submitted is unsound as it contains a presumption that pitch and plot provision is likely to be detrimental to the amenity of the settled community. It should not be harder to obtain planning permission for a pitch or plot compared to a permanent dwelling. Accordingly, **MM072** would be necessary for the policy to be sound by making it more positively and fairly worded to approve proposals. In light of the updated GTAA evidence in EX/HBC/83 the supporting text to Policy HSG13 needs updating and consequently **MM071** in this regard is also necessary for Plan soundness.

### *Conclusion on Issue 3*

118. I conclude that, subject to the MMs proposed, the Plan's approach to the provision of housing is positively prepared, justified, effective and consistent with national policy.

#### **Issue 4 – Whether the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy?**

##### *Deliverable and Developable Housing Land Supply*

119. Table 7 of the submitted Plan demonstrates that over the plan period there would be a supply of some 6200 dwellings against the requirement of 6150 thus resulting in a small surplus of 50 units. On submission it was contended that a 5.04 year deliverable supply (applying Sedgefield and a 20% buffer) could be achieved. This is a very narrow margin and I share the concern expressed by others that it would be fallible to just minor fluctuations. I am also concerned that the Plan as submitted was not effective or positively prepared in terms of setting out to decision makers how the supply of deliverable land is to be calculated and what would happen in the event of deliverable supply falling below the five year requirement. As such I consider aspects of the Plan as they relate to housing land supply to be unsound.
120. In terms of getting the Plan on a surer footing in terms of the supply of deliverable housing land and realistically meeting the housing requirement two measures have been established during the examination process. The first is to apply a stepped trajectory that better reflects the profile of deliverable and developable sites in the Borough and when identified needs are likely to materialise. The second is the approach to dealing with under delivery that has accrued within the plan period. I deal with these in turn.
121. The increased OAN and housing requirement reflects a marked step-change from previous housing targets in Hartlepool. Whilst I accept that market has been partly constrained by an absence of an up-to-date Plan, it is now required to significantly step-up delivery. I am not persuaded that there is sufficient evidence to demonstrate that the market can sustain a supply above that which already represents a significant increase on recent past annual average delivery. Importantly, the most sustainable strategy for delivering the increase in housing is dependent on up-front strategic infrastructure which will take time to deliver. Other sites, omitted from the Plan, would also be dependent on the same infrastructure, such that I am not persuaded that they could significantly boost deliverable supply in advance of the Plan's strategic allocations.
122. The Council's identified deliverable supply of 2,684 dwellings in the period 2017/18 to 2021/22 contains realistic and robust estimates from a number of permitted sites and those sites with consent subject to an agreed planning obligation. I am satisfied that the 10% non-implementation rate on smaller sites (<4 units) is justified. I am also content that the Council has evidenced through its SHLAA and other examination documents that it has taken a rigorously hard line on site delivery and has discounted a number of sites, including those with permission, so that they are positioned further back in the trajectory. Through the SHLAA, the trajectory also includes reasonable outputs on Plan allocations which are sensibly towards the end of this early period given infrastructure dependencies. Accordingly, on the basis of finding that the Council's assessment of supply is robust and credible, it is evident that an annualised trajectory would be too fragile. Even when spreading the shortfall over the remainder of the plan period there would be only a marginal

five year supply of deliverable housing land. This would undermine a plan-led approach to secure sustainable development.

123. Consequently, a stepped trajectory would present a mechanism to secure a realistic and sustainable deliverable supply. The Council has proposed an initial rate of 350 dwellings per annum (dpa) in the first five years, stepping up to 400dpa in the middle years 2021/22 to 2025/26 and then 480dpa in the latter phases. This approach would ensure the adjusted full OAN would be consistently met over the plan period and that the uplifted housing requirement met in a way which would align with the ability of sustainable strategic greenfield sites to significantly deliver from 2020/21 onwards. This would be a realistic and sustainable approach for Hartlepool.
124. I consider the stepped trajectory would not harm the wider strategy or objectives of the Plan. The HLP introduces a significant step-change in housing delivery alongside the SEPs ambition to significantly boost job numbers. Both strategies are long-term (15 and 10 years respectively) such that a pragmatic lower requirement for the early part of the Plan period would not harm the ability of the Plan to meet the full OAN including aligning with future jobs growth.
125. From the start of the plan period there has been under-delivery of just over 300 dwellings. This shortfall is in part due to the gap in a plan-led approach to coordinate the significant greenfield land releases necessary for growth. That will change with this Plan. To secure sustainable patterns of development consistent with national policy and local circumstances, the strategy is reliant on three large areas of greenfield land release. Whilst good progress is being made on bringing these areas forward it is evident that they are contingent on strategic infrastructure, including sites dependent on the Elwick bypass and junction and sites linked to highway improvements on the A689 corridor. Whilst the PPG<sup>13</sup> expresses a preference for Sedgefield (dealing with the shortfall sooner rather than later) and the shortfall is relatively modest, I am not persuaded that this approach would be appropriate or deliverable in Hartlepool in the context of the highways infrastructure capacity. Consequently, on the basis of a stepped trajectory, I consider spreading the shortfall over the plan period (the Liverpool approach) to be appropriate for specific context at Hartlepool.
126. There is little dispute that past performance is such that the 20% buffer at paragraph 47 of the NPPF should be applied, thus moving this requirement forward from later in the plan period. On this basis the stepped trajectory increases to 440dpa from 2017/18-2020/21 and then peaking at 500dpa in 2021/22 (a requirement of 2260 dwellings in the five year period).
127. On this basis a deliverable supply amounting to 5.93 years' worth would be demonstrated for the first five years. Going forward, a developable supply would be maintained in the later middle years of the Plan as the three separate strategic housing areas cumulatively deliver. In the longer term I

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<sup>13</sup> Paragraph 3-035-20140306

note that developable supply will fall very marginally short of the overall plan requirement. In my assessment, this would not be fatal to plan soundness given the significant uplifts to housing delivery in the plan, based in part on an ambitious economic outlook in the SEP which has yet to be monitored. The more appropriate way forward would be to monitor the Plan and respond accordingly as part of a review.

128. In terms of both the marginal shortfall and the issue of any contingency in supply for resilience, I am satisfied that the Council has not been over-optimistic in profiling the supply. I note in particular the appreciable number of sites, both permissions and allocations that have not been included within the five year supply assessment due to the Council's prudent consideration of their genuine deliverability. This is a sound approach and should these sites come forward sooner rather than later the effect would be to further boost supply.
129. On submission the Council's housing trajectory made no explicit allowance for windfall. That remains the case in terms of smaller sites. The trajectory does contain a modest allowance for unallocated urban sites which have been tested through the SHLAA. From the evidence before me it is reasonable that they are included in the trajectory and technically they would be windfall (unallocated) sites.
130. Bringing this altogether, I therefore recommend **MM032, MM034, MM035, MM037** and **MM038** in terms of introducing the stepped trajectory and clarifying how the housing land supply has been calculated, in order for the Plan to be justified, effective, consistent with national policy and therefore sound.
131. A small number of factual updates are needed to the Plan in terms of the presentation of housing supply and to modestly 'round-up' certain figures for clarity. **MM031, MM033, MM036** and **MM039** would do this and I recommend them for effectiveness and for the Plan to be justified.
132. Notwithstanding the various modifications to strengthen the housing land supply the Plan is not without some risk. As submitted the Plan does not set out a positive approach should such a risk materialise and therefore I do not consider it positively prepared. With this in mind a new policy after Policy HSG1 setting out the proactive, plan-led corrective measures the Council would undertake to address housing land supply would be a positive response. This would include consideration of assistance to delivery at key strategic sites and measures to bring forward urban housing sites as well as the strategic option of plan review, which could be brought forward. The new policy and supporting text would ensure the Plan would be effective, positively prepared and consistent with national policy. I therefore recommend **MM040** and **MM041** accordingly.

#### *Proposed Housing allocations*

133. The NPPF at paragraph 11 (which mirrors the wording in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)) states that planning permission must be determined in accordance with the development plan. That is all that is required and as such the phrase "strict accordance" in

the housing allocation policies is onerous and unsound. **MM045, MM049, MM053, MM059, MM064, MM066** and **MM067** would deal with it in the respective policies and I recommend them once here for efficiency.

*Hartlepool South West Extension Strategic Housing Site*

134. This is a strategic location where the principle of housing development is well-established. I am satisfied that it would form a sustainable and logical extension to the town, well-related to employment and capable of sustaining services, public transport and foot and cycle connectivity.
135. I note a larger site was considered as part of the withdrawn Plan proposals. I am satisfied that the scale of development proposed in the Plan at this location is justified for the plan period. Appropriate and safe vehicular, pedestrian and cycle linkages can be secured in accordance with policy requirements, including proportional contributions from this site to deliver various highway improvements along the A689 between Hartlepool and Wynyard.
136. It is envisaged that the principal accesses to the site could form part of a strategic western relief road and the framework diagram for the site within the Plan illustrates a safeguarded route that would potentially link the two. The related criterion of the policy needs some slight clarification on the delivery of the access road through the site and as such I recommend **MM046** for plan effectiveness. The Plan also needs clarity on how the southern access road would connect at Moffat Road and the alignment of the safeguarded route for a future road. This is best done on the framework diagram as well as the Policies Map and I recommend **MM044** accordingly.
137. Land is required to be safeguarded under Policy INF4 in order to secure appropriate primary education provision at the South-West extension. This needs to be identified in the concept diagram contained in the Plan. Accordingly, I recommend this as part of the changes at **MM044**.

*High Tunstall Strategic Housing Site and Quarry Farm Housing Site*

138. Policies HSG5 and HSG5a allocate land for housing development either side of Elwick Lane for approximately 1200 dwellings and 220 dwellings. I have no reason to doubt that the proposed densities of both sites are reasonable for the character of the location. Whilst the promoters of both sites are preparing proposals that would accord with these numbers I am clear that "approximately" in the policy should not be interpreted as the ceiling of what these sites could yield.
139. Given the timeframe of the plan period, to ensure an effective planned approach to this strategic site, a concept framework diagram should be included setting out the broad parameters as to how the site is likely to come forward and adding strategic detail to what is presented on the Policies Map. This is proposed in **MM048** and accompanying text at **MM047** and I recommend them accordingly.
140. I also consider it necessary to require a masterplan to be approved by the Council. This would provide a practical framework within which decisions on planning applications could be made with a high degree of predictability and efficiency. I therefore recommend **MM051** in terms of Plan effectiveness.

141. Both the High Tunstall and Quarry Farm developments are dependent on strategic highways infrastructure, namely the Elwick bypass and associated junction on the A19. I dealt with this in strategic terms under Issue 1 above. I acknowledge that there is an element of risk about the timeframe for the road and associated delivery rates of housing at High Tunstall and Quarry Farm, notwithstanding the significant ongoing efforts of the Council to deliver the necessary highway works at an early stage. That does not, however, lead me at this stage to conclude that additional contingency or reserve housing land should be released west of Hartlepool in this Plan given some of the options suggested would be similarly reliant on this critical highway infrastructure and have been appropriately tested through the SHLAA in terms of their deliverability and suitability as part of this Plan.
142. Concern has been expressed about additional traffic from these developments on the local road network within west Hartlepool, including the proposed access to Quarry Farm via Reedston Road. At a strategic level the residual cumulative impacts arising from these allocations would not be severe, including for highway safety for all users. Local improvements to specific junction capacities are recognised and can be delivered. Both sites can readily connect into existing cycle and footpath infrastructure and internal town bus services such that there is a very real prospect that use of the private car for a number of day-to-day journeys would be reduced.
143. In accordance with the HRA and associated mitigation strategy both developments need to address the indirect likely significant effect of recreational pressure at the coast. The provision of good quality green infrastructure at both sites, including SANGS, would be part of an effective strategy.
144. Both sites will form new edges to the built settlement of Hartlepool. High Tunstall would be the more exposed of the two and as such a landscape buffer is proposed between the development and Elwick Road and the rural fringe to the west. This requires clarification and this would be illustrated as part of **MM048** which I recommend for effectiveness.

#### *Wynyard Housing Developments*

145. The Wynyard settlement is a key cross-boundary location being jointly and co-operatively addressed by both Hartlepool and Stockton Borough Councils. I have addressed the sustainability of location under Issue 1 above but briefly reaffirm here that relatively modest scale of housing proposed over the plan period would add to the critical mass and would sustain additional services for the benefit of existing and future residents.
146. I am mindful that efforts are on-going between Hartlepool and Stockton to collaborate on a co-ordinated approach to ensure improved connections, particularly by foot and cycle, are secured between the homes, facilities and employment sites across the wider Wynyard settlement. Progress has been made on adding strategic detail to the Policies Map in the form of a concept diagram. **MM055**, **MM057** and **MM062** would embed that framework plan into the HLP and require that proposals under Policy HSG6 come forward having regard to it and I therefore recommend it for effectiveness.

147. It is likely that development at Wynyard will come forward over various planning applications and the sequencing of development, in combination with the Hartlepool south-west extension, in relation to necessary highway mitigation will be critical. Notwithstanding any modal shift, it is clearly evidenced that the cumulative delivery of 2,263 dwellings along the A689 corridor will trigger the need for improvements to the A19 interchange at Wynyard. Consequently, proposed developments at HSG6b and HSG6c are envisaged to be contingent on the A19 interchange improvements. At present the Plan does not reflect the latest cooperative working between the Council, Highways England and Wynyard Park on highways modelling and mitigation and would be unsound. Consequently, **MM056** and **MM058** would address the critical infrastructure interdependency and I recommend them in order for the Plan to be effective and justified. Allied to this, there is clearly a phasing issue for development at Wynyard and a phasing plan would beneficially inform the next tranche of proposals. I recommend **MM063** to ensure this is reflected in Policy HSG6 so that the policy would be effective on this point.
148. There is some concern that Wynyard Park would function as an enclave for higher value housing divorced from the wider housing market of Hartlepool. It is noted that a particular scheme is allocated at the North Pentagon for 100 executive homes. This is a relatively modest proposal. It would not harmfully unbalance the housing market nor would it be harmful to the character of the locality. The vast majority of the 732 housing units allocated at Wynyard Park would need to come forward in accordance with the housing mix in Policy HSG2 which appropriately and flexibly reflects the SHMA findings.
149. The Plan requires various social infrastructure provision at Wynyard in line with the Local Infrastructure Plan and other evidence. I agree that the Plan should provide some flexibility in Policy HSG6 on the format of recreational and leisure land provision and a plan-led approach in the event that surplus community facility land becomes available. As such I recommend **MM060** and **MM061** to ensure this.

#### *Village Housing Developments*

150. Policy HSG7 allocates one site in Elwick for approximately 35 dwellings to the east of the village. Elwick has a moderate range of facilities such that occupiers of the proposed development would not be dependent on the use of the car. It is confirmed that safe access can be secured from Elwick Road within required standards and I have little reason to find otherwise. The footpath connection into the village centre is not obvious in places and its legibility could be improved as part of any development proposal under the pedestrian and cycle linkages criterion of the policy. The policy requirement for a financial contribution to local bus services is contested but I find it would be justified in terms of enhancing the sustainability of the proposal.
151. I note the Council's position that, dependent on funding, this development at Elwick should make a proportionate contribution to the village bypass and grade separated junction. Given its direct relationship to the A19 junctions of concern to Highways England I see no reason to disagree. I am not persuaded, in light of the Council's DRA evidence, that it would render the development unviable or unduly delay when the site can come forward. I therefore recommend **MM065** for consistency and effectiveness in this regard.



152. In noting its distance from the village green and its character as an edge of village site I find the policy requirement for at least 0.4 hectares for green infrastructure, informal open space and recreational and leisure land to be justified. Whilst the Elwick bypass is proposed to the north of the site I find the open nature of the wider undulating countryside justifies the landscape buffer proposed in the Plan. The buffer should be within the bounds of the site and this should be made clear on the Policies Map.
153. The site sits directly adjacent to the Elwick Conservation Area (ECA). The related criterion in Policy HSG7 needs amending to recognise the significance and setting of the ECA in terms of consistent phraseology with national policy and I recommend **MM064** accordingly.
154. At Hart, the Plan proposes two housing development sites to the west of the village which would deliver 50 dwellings. There is some concern regarding this scale of development relative to the size of the village but I have no persuasive evidence that infrastructure and facilities within the village cannot accommodate demands arising from the additional households. Hart is proximate to the urban fringe of Hartlepool such that walking and cycling to shops and services, including the large local centre at Middle Warren, via safe connections, would be a realistic possibility as illustrated in EX/HBC/69.
155. The site at Nine Acres is relatively exposed along its northern boundary. I note the Council's planning and development brief for the site [EX/HBC/9] but nonetheless consider a policy requirement for a landscape buffer along this edge in Policy HSG8 would be justified in terms of the rural landscape character and village setting. I therefore recommend **MM067/1** for these reasons as well as **MM066** which would ensure the wording of the policy is positively prepared.

#### *Other Housing Sites*

156. The Plan makes a small number of housing allocations within the urban fabric of Hartlepool at Policy HSG3. The Council submits that the small development at Briarfields (14 dwellings) would be directly related to the need for an Elwick bypass and EGSJ. There is no evidence to the contrary and it is justified that a wider number of related sites make proportionate contributions to this scheme where necessary. For consistency within the Plan, it is recommended that Policy HSG3 be modified to recognise the direct link to this infrastructure, the viability of which has been tested in the DRA. I therefore recommend **MM043** and **MM052** as being necessary for effectiveness.
157. The largest urban site is at Coronation Drive in Seaton Carew for 65 dwellings. The site was formerly a landfill site which has been reclaimed over time as an informal green space, which is used in parts for informal public access. I note it was identified in the 2006 Local Plan as green space but the evidence before me and from what I saw on site indicates that it has little formal use. I find the site is already bounded in large parts by Coronation Drive and adjacent modern housing which means it is not characteristically part of the wider green space to the north. Intervening commercial development between the site and sea further encloses the site. Consequently, I am not persuaded that its redevelopment would harmfully erode green space provision or the local character.

158. The technical evidence confirms no particular on-site biodiversity value or risk of harm to nearby sites. Notwithstanding the watercourse of 'The Stell' and proximity of the sea only 1.29% of the site area is within Flood Zone 2 (a medium probability of flooding). I am therefore satisfied that with appropriate layout and design flood risk is not an impediment to delivering the required housing on this site. I note the Environment Agency originally raised concerns regarding the former use of the site but those have now been addressed following further investigation works undertaken by the Council in 2016. The Agency confirmed during the Examination [EX/HBC/31] that it now has no objection to the proposal in Policy HSG3.

#### *Conclusions on Issue 4*

159. In conclusion, subject to the MMs recommended, I find the Plan's approach towards the supply and delivery of housing land to meet the housing requirement is justified, positively prepared, effective and consistent with national policy and therefore sound.

#### **Issue 5– Whether the approach towards economic development and employment land is positively prepared, effective and consistent with national policy?**

160. The TVCA's Strategic Economic Plan (SEP) target of 25000 net jobs across the Tees Valley for the period 2016-2026, including 290 jobs per year in the Borough is suitably ambitious in the terms outlined by the NPPF at paragraph 21. The Hartlepool apportionment reflects existing business needs and an understanding of likely changes in the market, including those that will result from interventions supported by the TVCA (including through the devolution deal) and the Council to stimulate and accelerate jobs growth. There is much in the SEP and the Council's strategy and masterplan for regeneration to give confidence that the particular attributes and opportunities of the Hartlepool economy (creative industries, biotechnology, port-related activities, advanced engineering, renewables and health & social care) can deliver the 4,350 net new jobs over the plan period. Overall, I consider the Plan appropriately gives significant weight to the need to support economic growth in accordance with the NPPF at paragraph 19.

161. Policy LS1 subject to **MM009** would set out the net number of jobs needed in the area in accordance with the NPPF at paragraph 156. It also identifies key sites that will support the wider economic growth over the plan period, the majority of which are uncontested. Policy LS1 positively and proactively encourages sustainable economic growth and plans positively for infrastructure provision to support the local economy. The Plan is informed by a comprehensive 2014 Employment Land Review (ELR) [HLP/07/9] which accords with the requirements of the NPPF at paragraphs 21, 22 and 161.

162. At 2014 the baseline supply of available employment land was a substantial 410ha, significantly exceeding realistic demand under a number of forecast models. To appropriately recalibrate supply, a number of employment sites, totalling 152ha, have been de-allocated from the 2006 Local Plan. There is little before me suggesting that this approach is unsound and I am satisfied that the remaining amount of employment land can sustain the local economy over the Plan period.

163. In accordance with paragraph 22 of the NPPF the Borough's employment sites have been reviewed for their ongoing suitability through the ELR. There is little persuasive evidence before me that the ELR findings are out-of-date and as such it comes down to a matter of judgement as to whether or not there is a reasonable prospect of sites being used for employment purposes. In terms of the prestige employment site at Wynyard Park (Policy EMP1) and the strategic Queen's Meadow Business Park (Policy EMP2) the location and calibre of both sites mean they have a strong prospect of attracting new investment and supporting a variety of foreseeable types of economic activity over the plan period in line with the SEPs ambitions.
164. I am also satisfied that land identified under Policies EMP4, 5 and 6 is justified in providing an effective supply of land for specialist and bespoke industrial needs found in the Borough and wider Tees Valley. All of these policies need additional text to reflect the updated SFRA as agreed by the Environment Agency in relation to the flood risk exception test. Accordingly, **MM075**, **MM076** and **MM078** are recommended for the Plan to be consistent with national policy in this regard. Policy EMP6 relates to the re-use of underground storage in a sensitive estuarine environment and an additional criterion restricting the storage of toxic substances is necessary and I recommend this aspect of **MM078** to protect the environment.
165. The issue of alternative uses at employment sites primarily applies to the areas of established general employment land identified in Policy EMP3. Overall, from the evidence, I find a reasonable approach to retaining a realistic quantum of general employment land to meet needs over the plan period has been applied. I am also persuaded by the evidence in EX/HBC/117 that the prospect of a replacement nuclear power station (land safeguarded by Policy EMP5) justifies retaining a supply of suitable land to provide for related ancillary activities given the environmental constraints around the nuclear power station site. If a replacement power station does not come to fruition that would be a matter for a Plan review.
166. Whilst Policy EMP3 does not repeat national policy in terms of alternative uses for employment uses, neither does it conflict with it, nor does it suggest that national policy should not be applied in the determination of planning applications. However, **MM073a** would amend the supporting text to usefully clarify that alternative uses for employment land and buildings would not be precluded where there is demonstrably no reasonable prospect of a site being used for that purpose and I recommend it to ensure consistency with national policy.
167. The Oakesway employment site to the north of the town contains sizeable parcels of undeveloped land. I note alternative options for the site including housing have been discussed with the Council but I have little evidence of any consensual outcome of this preliminary work. Whilst large parts of the Oakesway site have remained undeveloped for some time there are a number of existing industrial and commercial uses at Oakesway (generally occupying peripheral sites on the estate) which the Council advised have unrestricted consents in terms of deliveries and operations.
168. The site is also an Enterprise Zone (EZ) and is the subject of a Local Development Order [HLP07/12]. Neither initiative appears to have stimulated

development activity. The EZ status expires in April 2018 and there is little certainty in the evidence before me of any successor status or assistance. I also accept that the site has been marketed over a considerable period of time. As such the picture for Oakesway is mixed. Nonetheless, the site remains appropriately positioned to support employment development in the north of the town whether that be port related, the expansion of existing business at the site or other investments. Furthermore, I am particularly concerned that removing the employment allocation at Oakesway would have a detrimental impact on existing lawful businesses, which the Council submitted provide around 700 jobs across the wider site. Accordingly, the EMP3 status of the site is justified, effective and consistent with national policy.

169. The majority of general employment land under Policy EMP3 is focused at the Southern Business Zone including Sovereign Park and elsewhere along Brenda Road. I recognise that demand for employment uses has fluctuated and that the marketing of sites has not secured prospective employers. I also acknowledge that some sites face particular challenges in terms of contamination and flood risk which make viability for employment use challenging (as well as other uses). However, the overall contraction of general employment land as a result of the ELR and the take-up of remaining parcels elsewhere along Brenda Road and Tofts Road bring into focus the balance of residual employment land. This is particularly so if projects such as the replacement of the nearby nuclear power station come to fruition (which remains a reasonable prospect). Consequently, I find the extent of remaining employment land under Policy EMP3 in the Southern Business Zone to be justified.

#### *Conclusion on Issue 5*

170. In conclusion, subject to the relevant MMs recommended, the Plan's strategy for economic development and employment land is positively prepared, justified, effective and consistent with national policy. It would provide for an appropriate level of growth in the context of the wider TVCA LEP area and would be sufficiently flexible to accommodate the level and type of growth forecast. The Plan's approach is thus considered sound.

### **Issue 6 – Whether the approach towards retail, commercial and leisure development is positively prepared, effective and consistent with national policy?**

#### *Retail and Commercial Development*

171. The 2015 Hartlepool Retail Study identifies that there is no overriding deficiency in convenience retail provision and accordingly there is no quantitative or qualitative need to allocate sites for additional development over the plan period. Small-scale local convenience provision would be acceptable in local centres, including those proposed within new strategic housing developments at the South West Extension, High Tunstall and Wynyard. I consider this a sound approach in terms of wider sustainability, reducing the need to travel and avoiding harm to the town centre in accordance with the defined retail hierarchy set out at Policy RC1.

172. In relation to the comparison retail provision the evidence points to some growth over the plan period. I am satisfied that there is no requirement to allocate new sites to meet this need given the capacity of vacant units in the defined town centre. There is a clear need for the town centre to be the preferred location for such provision given the Retail Study's assessment of its health.
173. In accordance with NPPF at paragraph 23 Policy RC1 of the Plan sets out a hierarchy of centres and the parameters for the sequential test for main town centre uses. These are broadly sound although the phrasing of the floorspace thresholds for the sequential test in Policy RC1 and supporting text requires clarification. It would also be necessary to clarify that an "impact assessment" would be required in the wording of Policy RC1 for consistency with national policy. **MM085** would do that and I recommend it accordingly.
174. The PPG advises that in setting a locally appropriate threshold it will be important to consider a number of factors, including the scale of proposals relative to town centres, existing vitality and viability of town centres, the impact on planned investment and the likely effects on any town centre strategy<sup>14</sup>. In this context the Council has considered the impact of a scale lower than the default threshold in the NPPF but a level which is considered to be more aligned to the unit sizes in the town centre. This would allow for proper consideration of the potential impacts on the vitality and viability of the town centre. As such, whilst the proposed threshold is considerably below that set out in the NPPF, the Council has had regard to local circumstances. I find, based on the evidence, the threshold would be appropriate in order to ensure that the Plan's town centre strategy is not undermined.
175. The Plan sets out a considerable number of policies for various edge of centre areas. I observed that there is diversity to the character and function of each of these areas. I find the detailed policy area approach to each edge of town centre area to be justified and would provide an effective approach to regenerating these areas. Following the production of the Flood Risk Exception Test [EX/HBC/30] additional text is required to several of the policies for those edge of centre areas within Flood Zones 2 and 3a and necessary MMs are recommended in Issue 7 below.
176. Church Street to the east of the town centre is identified for a variety of functions including late night uses in Policy RC17. There is very little before me to indicate that this would be an inappropriate strategy. Accordingly, **MM086** would clarify Policy RC2 in respect of late night uses in the town centre and appropriately direct them to the area identified in Policy RC17 and I recommend it for effectiveness. Additionally **MM099** would clarify the implementation of Policy RC17 in terms of hours of operation, restricting activity after 2am. I consider this justified and necessary for plan effectiveness.

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<sup>14</sup> PPG para 2b-016-20140306

177. Local concern has been expressed about the inclusion of the Victoria Ground (Hartlepool United Football Club) within the designation of Policy RC8 for the Mill House Edge of Town Centre Area. There is no evidence before me to support the assertion that its inclusion within the edge of town centre area is a prelude to relocation. There is nothing in the policy to that effect. On the contrary, the policy specifically supports and protects the area for a variety of uses including assembly and leisure uses. The Council recognises that for consistency the stands as well as the pitch should be identified under Policy NE2d as outdoor sport and this should be reflected on the Policies Map. I agree and therefore recommend **MM088** which would add beneficial clarity.

#### *Leisure Development*

178. The Plan seeks to enhance the tourism and leisure offer consistent with the economic strategy and regeneration vision for the Borough. Following the production of the Flood Risk Exception Test [EX/HBC/30] additional text is required to several of the policies for leisure and tourism sites within Flood Zones 2 and 3a and necessary MMs are set out in Issue 7 below.

179. The town centre, historic docks and marina form a key aspect of the leisure and tourism offer in the Borough. The Mill House Edge of Town Centre area is reasonably related to them all. Accordingly, it would be justified to amend Policy LT1 to include this edge of town centre location as an additional location for major leisure and tourism developments and I recommend **MM128** accordingly.

#### *Hot Food Takeaways (HFTs)*

180. Health and well-being and healthy communities are key themes in the Council's ambition for the future of the area as per spatial objective 10 of the Plan. This aligns with a core planning principle in the NPPF at paragraph 17 to take account of and support local strategies to improve health, social and cultural wellbeing for all. The PPG at para 53-006-20170728 also advises that planning has a role in enabling a healthier environment and reducing obesity and excess weight in local communities.

181. In the context of Hartlepool the statistics make for stark reading. The number of reception age children that are either obese or overweight is appreciably higher than national and regional averages (joint highest % in the region for obesity) which also follows through for the Year 6 age cohort where obesity levels are the highest in the region on 2014/15 data. Similarly adult obesity and overweightness is higher than national averages and high in a regional context. In light of this the Council has prepared the Hartlepool Healthy Weight Strategy [HLP07/01] which aims to narrow the gap in child and adult obesity levels between Hartlepool and regional and national averages. A key strategic theme of the document in terms of primary intervention is using the planning system to improve access to healthy food options.

182. The Hartlepool Healthy Weight Action Plan 2015-2025 [HLP07/02] includes an action for a local plan policy to restrict additional HFTs in areas of existing high concentrations and near to schools. Such an approach aligns with the evidence on possible approaches in the planning system contained in the Local Government Association's document 'Tipping the Scales' [EX/HBC/70]. Recently, the PPG has been updated so that paragraph 53-006-20170728

states, amongst other things, that. "Local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant." The PPG then sets out particular issues to have regard to including proximity to locations where children and young people congregate such as schools, community centres and playgrounds; evidence indicating high levels of obesity, deprivation and general poor health in specific locations and over-concentration and clustering of certain use classes within a specified area.

183. Drawing this all together, I am satisfied that there are particular health issues in Hartlepool and a coordinated strategy of action involving both public health and planning which justifies the positive consideration of a limiting policy in the Local Plan as envisaged by the PPG. The submitted Plan seeks to manage HFT provision through various policies, including notably Policy RC18. The approach has examined existing levels of HFT provision, ward level obesity data for adults and obesity and overweightness data for children and connectivity of routes to school and existing concentrations of HFTs.

184. Policy RC18 has attracted very little adverse comment in the representations on the published plan but I am mindful that it would restrict what is a lawful planning use which provides for customer choice (NPPF paragraph 23). As part of the examination the Council produced a Thresholds Evidence Paper [EX/HBC/72] which provides a clear justification for the thresholds proposed. The approach in the Plan seeks to strike an appropriate balance given the critical health issues arising from obesity and overweightness and would preserve HFT provision in some locations above the general 10% floorspace threshold. Overall, I consider Policy RC18 to be locally justified, effective and consistent with the national policy set out above and a proportionate policy response to a particularly challenging local health issue.

185. Monitoring since the submission of the Plan for examination has revealed that the individual thresholds for various edge of centre and local centre locations would require adjustment and a small number of additional Local Centres need to be included within the policy. Consequently, I recommend **MM102 to MM126** (inclusive) for effectiveness. In order to ensure that Policy RC18 is not overly restrictive and supports rural communities, it should be clarified to allow for limited HFT provision in the villages and I recommend **MM127** on this basis.

#### *Conclusion on Issue 6*

186. Accordingly, subject to the MMs proposed, the policies of the Plan support retail, leisure and commercial development in a way which would ensure the vitality of the town centre, contribute to a prosperous economy and improve public health.

## **Issue 7– Whether the approach towards climate change and flood risk is effective and consistent with national policy?**

### *Climate Change*

187. The Plan is clear, positive and upfront about climate change with policies to minimise and adapt to the effects of climate change forming the first chapter of the Plan. Climate change and rising sea levels are appropriately seen as a risk during the plan period but the plan also realistically envisages opportunities within the renewable energy and eco industries sectors. These are reflected in spatial objectives 13 and 15 of the Plan respectively. The Plan also takes forward previous and existing climate change strategies for Hartlepool, the Tees Valley and the wider North-East. I am satisfied that the Plan gives appropriate importance to this issue and, in broad terms, soundly reflects Section 10 of the NPPF including paragraphs 93-97.

### *Energy Efficiency*

188. Policy CC1 in relation to climate change and Policy QP7 in relation to energy efficiency seek to respond to the NPPF at paragraphs 95 and 96 in terms of how new developments can support the move to a low carbon future. Some matters relating to the standards and performance of new buildings have moved on since the NPPF was published including the Written Ministerial Statement (WMS) of 25 March 2015. This preceded the enactment of the Deregulation Act 2015 which seeks to revoke elements of the Planning and Energy Act 2010. The evidence before me is that those parts of 2010 Act relating to energy generation (Sections 1(1)(a) and 1(1)(b)) at the time of examination remain extant. Whilst that may change, I share the view of the Council that it remains justified for the Plan to expect new developments to support the move to a low carbon future through energy efficiencies.

189. In relation to Policy CC1 the encouragement of the re-use, adaptation and repair of existing buildings is supported. Such schemes present opportunities to improve the energy efficiency of the buildings and I consider a reference in policy text to supporting energy efficiency improvements to be justified and consistent with NPPF at paragraph 95. I therefore recommend **MM011**. The requirement within Policy CC1 that major developments secure 10% of their energy from decentralised, renewable or low carbon sources is contested. The requirement is justified as part of the Council's proactive range of measures to minimise and adapt to climate change. The policy is caveated to state the requirement would be sought where viable and feasible. Further flexibility should be embedded in criterion 9 to replace the word 'must'. The wording on feasible and viable also needs to be amended to be consistent with national policy and a footnote added to aid interpretation. Additionally, the third bullet point of criterion 9 should be amended for flexibility to consider contributions to a carbon management fund. To address these points I recommend **MM010/1, MM012, MM013** and **MM013/1** accordingly. Clarity is needed on what constitutes major development. **MM010** would do this and I recommend it for effectiveness.

190. Policy QP7 seeks to ensure high levels of energy efficiency including measures such as layout and design, with some flexibility to recognise site constraints. As a fall-back the policy sought improvements in the fabric of buildings at 10%



above the most up to date Buildings Regulations. Such a requirement is not justified and would be unsound. **MM028** would amend the policy so that this fall-back position would be encouraged rather than required. I consider this to be a justified approach and so I recommend it.

### *Strategic Wind Turbine Developments*

191. Policy CC4 proposes two locations for strategic onshore wind turbine developments within the Borough. The principle of the approach is consistent with PPG at paragraph 5-005 which states that wind turbine applications should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. Paragraph 5-032 of the PPG amplifies that suitable areas will need to have been allocated in a Local or Neighbourhood Plan as per the WMS of 18 June 2015<sup>15</sup>.
192. The PPG is clear that there are no prescribed rules about how suitable areas for renewable energy should be identified but factors to be taken into account include the requirements of technology and, critically, potential impacts on the local environment. The PPG at paragraph 5-005 states that in identifying suitable areas the views of local communities likely to be affected should be listened to.
193. As a starting point the Borough's location has been shown to be technically viable for strategic onshore wind turbines. This is evidenced by the existing turbines at High Volts and at Red Gap Moor. Additionally there is developer interest in the Brenda Road locality. This is an issue the Plan needs to address to ensure that sensitive parts of the Borough are protected. A blanket ban on additional strategic on-shore turbines would not be justified, effective or consistent with national policy.
194. The Brenda Road area in Policy CC4 takes in part of the curtilage of the Liberty/Tata steel plant, the employment area at Tofts Road West and the Graythorp Industrial area. It is an industrial area with a functional character with various parcels of vacant land and derelict buildings. It is surrounded on all sides by existing industrial development except for a small section in the north-east corner which fringes the road over the railway and mainly urban green space beyond. The site is within the urban fabric of Hartlepool and in various perspectives is seen in the context of the pylons from the nuclear power station, the power station itself and various structures at Port Able Seaton and the Huntsman Tioxide plant.
195. Accordingly, in landscape terms I am not surprised the site has not formed part of the East Durham and Tees Plain Wind Farm Development and Landscape Capacity Study or wider landscape character assessment work. In landscape terms I find the identified area at Brenda Road to be justified. Policy CC4 requires character and appearance to be taken into consideration and sets out two additional character and visual criteria specifically in relation

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<sup>15</sup> Written Statement of the Secretary of States for Communities and Local Government 18 June 2015 [HCWS42].

to Brenda Road. I consider this an effective policy approach to guide specific proposals.

196. That is not to say the turbines, which Policy CC4 stipulates would be up to 4 in number and a maximum tip height of 99 metres, would not be visible. Given the flat topography of the Tees Plain the upper parts of such turbines on the site would be seen from various perspectives. They would appear above the boundary tree belt between Seaton Carew and the Tofts Farm Industrial Estate, in wider views from within various public highways and from numerous residential properties. However, they would be largely seen by most receptors over distance, thus reducing their scale. Policy CC4 sets visual intrusion as a criterion against which to assess proposals. This is a justified approach against which to assess the impact of the actual number, scale and location of any turbine development proposed within the site.
197. There is clearly considerable local concern regarding the amenity of residential properties in Seaton Carew, south Hartlepool and Greatham. I have read the noise consultants' report submitted on behalf of objectors to the invalidated turbine proposal. The Council submit that the scale of what is stipulated under Policy CC4 is now materially different to that larger proposal such that I cannot conclude on the basis of that noise report that the area, in plan-making terms, would not be suitable. Brenda Road and its immediate environs are not tranquil areas given the industrial activity. Allied to noise are concerns about flicker. Policy CC4 provides criteria against which to assess noise and flicker which are justified. In terms of determining the suitability of the area I am not persuaded that there are amenity issues which indicate the area should be removed from the Plan.
198. I note the site at Brenda Road is close to biodiversity sites of international importance and with it the potential issue of bird strike, including night time flying. The HRA accompanying the Plan has considered the likely significant effects and concluded there would be no adverse impact. I accept night flying is an emerging area of research and Policy CC4 requires the impact on species and habitats to be assessed. If the science advances this would be the mechanism to test the evidence specifically related to any proposal.
199. The conservation areas at Seaton Carew and Greatham are proximate but separated by intervening development such that any residual visual effect on views into or out of these heritage assets would be limited. Historic England have not objected to Policy CC4. There is a criterion in Policy CC4 which addresses the point as well as other heritage policies in the Plan.
200. I have also read and heard submissions that any turbines at the site would interfere with emergency services communications and in particular the safe operation of the police helicopter. Cleveland Police, Cleveland Fire and Rescue, local airports and the Civil Aviation Authority have all been consulted on the Plan<sup>16</sup>. None have objected to Policy CC4. Again, this adds to the weight of evidence that the site is suitable for inclusion in the Plan and the

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<sup>16</sup> See Appendix 3 to the Regulation 22 Consultation Statement [HLP01/4]

relevant criterion in Policy CC4 would guard against adverse impacts arising from a specific proposal. In terms of overall safety, further clarity on topple distances is required and **MM016** would reflect principles of good practice and I recommend it for effectiveness.

201. Turning to the second proposed area at High Volts the landscape already accommodates 3 strategic turbines as well as electricity sub-station, pylons and other overhead cables and other structures. It is not an untouched part of the wider undulating farmland landscape. The East Durham and Tees Plain Wind Farm Development and Landscape Capacity Study identifies a capacity to accommodate further turbine development at a scale similar to that proposed in the Plan. There would be an adverse cumulative impact on the landscape or visual amenity given the intervening distance to Red Moor Gap and Butterwick to the west.
202. At a strategic level, given the degree of existing development it seems logical to consolidate here with some limited additional turbines and as a consequence protect significant areas of good quality landscape in the rural west of the Borough. I also note this aspect of the Policy aligns with the examined RNP which similarly identifies this area for wind turbine development.
203. Overall, the criteria of Policy CC4 are consistent with the PPG, particularly at paragraph 5-007. The identification of the suitable areas in the Plan would support the transition to a low carbon future and encourage the use of renewable resources which is a core planning principle of the NPPF. Whilst the identification of suitable areas provides certainty it is not in itself a foregone conclusion that any proposal within them would be acceptable. There are reasonable criteria within the policy which cover the areas of concern to the local community.
204. I have considered the representations, including local views both for and against Policy CC4, as required by the PPG. The local objections to Policy CC4 do not mean the policy as submitted is unsound. I am content that the policy includes community backing as a consideration which accords with PPG paragraph 5-033. This is clear that community backing is a planning judgement for the local planning authority when assessing any proposal.

#### *Flood Risk*

205. As a coastal and estuarine Borough with smaller inland watercourses flood risk is an important issue in the future planning of the area with surface water flooding also a prevalent matter. On submission the Plan was accompanied by the Hartlepool Strategic Flood Risk Assessment (SFRA) Levels 1 & 2 prepared in 2010 which was in the process of being updated but had not yet concluded. This drew objection from the Environment Agency in terms of the sequential test being applied to a number of sites in the Plan. The updated SFRA has drawn on latest evidence to assess fluvial and tidal risk to potential development sites and was submitted into the examination in August 2017.
206. From the evidence before me I am satisfied that the Plan has applied a sequential, risk-based approach to the location of development, which seeks to avoid where possible flood risk to people and property and manage any residual risk in accordance with the NPPF. In coming to this view I note that

the Environment Agency confirmed in EX/HBC/31 that they consider that the updated SFRA addressed their concerns and that they found the Plan to be sound. There is no evidence before me to the contrary or more widely that the latest SFRA evidence is deficient including the application of the Exception Test in EX/HBC/30.

207. Policy CC2 is consistent with national policy on flood risk and requires, amongst other things, sustainable drainage systems (SUDs) to be secured as part of an integrated design. The Plan is supported by local standards for SUDs contained in the Tees Valley Authorities Local Standards for Sustainable Drainage 2015. Having regard to the recommendations of the SFRA I consider that given the sequential approach to a number of site allocations and the prospect of additional windfall development in medium and higher risk flood zones the Plan should provide clarity on site specific flood risk assessments consistent with the NPPF at paragraph 103 and the relevant parts of the PPG. This would be addressed by **MM014 and MM015** and I recommend them accordingly.
208. A number of similar main modifications are proposed to reflect that various existing edge of town centre areas and the existing Marina and Trincomalee Wharf Retail and Leisure Parks, strategic employment sites and the Headland and Marina leisure and tourism destinations are locations which could result in some 'more vulnerable' development or essential infrastructure in flood zones 2 and 3a. Having regard to the Exception Test evidence in EX/HBC/30 I share the conclusions that the wider sustainability benefits of these Plan allocations to the community outweigh flood risk. Consequently, these sites meet the exceptions test for the purposes of Plan allocation together with the safeguard that a site-specific flood risk assessment will be required. I therefore recommend **MM087, MM089, MM090, MM091, MM095, MM097, MM098, MM101, MM130** and **MM131** to various retail, commercial and tourism area and industrial site policies to ensure effectiveness and consistency with national policy on flood risk.
209. Additionally, the University Hospital of Hartlepool is a site affected by flood risk. As a 'more vulnerable' use, it is essential that future development at the hospital site takes place on areas of lower flood risk in line with the sequential test. **MM022** in respect of Policy INF3 would do this and I recommend it for consistency with national policy.

#### *Conclusion on Issue 7*

210. To conclude, the policies in the HLP, subject to the MMs recommended, support the transition to a low carbon future taking full account of flood risk and coastal change, and encourage the use of renewable resources in accordance with the NPPF. Consequently, the Plan sets out a proactive strategy to mitigate and adapt to climate change and is sound on this issue.

#### **Issue 8 – Whether the Plan will ensure the provision of infrastructure necessary to secure growth required to meet the assessed needs of the Borough in a timely manner?**

211. It is evident that dialogue has been ongoing between the Council and key infrastructure providers in preparing the Plan. The 2016 Local Infrastructure Plan (LIP) [HLP05/1] contains detail on the various elements of infrastructure

and Appendix 1 summarises the key infrastructure required for delivery of the proposed strategic sites. The Appendix provides particulars of the infrastructure required, delivery bodies, funding sources and timescales for delivery. From the evidence I have read and heard in respect of the proposed strategic sites and infrastructure more generally I consider the Council has a comprehensive and realistic understanding of key infrastructure requirements.

212. In terms of delivery of infrastructure, the LIP provides a good baseline position and this has been supplemented through the Delivery Risk Assessment (DRA) work [EX/HBC/82]. The DRA looks at development delivery scenarios and the viability of proposed sites to contribute to, amongst other things, related infrastructure. Overall, through the combination of the LIP and DRA I am satisfied that infrastructure delivery, phasing and funding has been appropriately and proportionately considered.
213. As the examination has progressed it has become apparent that various external funding sources to contribute to the Elwick bypass and EGSJ have not come to fruition. However, the Council has recognised the need to support and proactively assist in the delivery of these highway proposals. The evidence before me demonstrates that the Council has formally taken a decision to exercise its ability to prudentially borrow the necessary funding and then recoup the monies as the developments come forward. This gives me confidence that the Council is in a pre-emptive position to ensure this critical infrastructure is delivered.
214. I note from the LIP and from statements of common ground [EX/HBC/93 & 94] that Highways England, through funding from Department for Transport, has a programme of works for capacity and safety improvements to the A19 including to the south of the Borough from the Tees Crossing to the A1027/A139 junction at Norton. I also note the secured funding and short term timeframe to deliver capacity improvements (with Durham County Council) at the A19/A179 interchange at Sheraton. At a strategic level I am satisfied that through a combination of planned improvements together with infrastructure proposals in Plan the strategic function and capacity of the A19 would not be severely impacted by the Plan's proposals.
215. In terms of necessity, both Highways England and the Council consider the Elwick Bypass and EGSJ to be critical to safely and satisfactorily accommodate traffic movement generated by the sustainable pattern of development proposed to the west of Hartlepool. There is little to persuade me that once the Sheraton junction improvements are in place to support existing housing commitments at Middle Warren and Quarry Farm 1, and the existing Elwick junctions on the A19 stopped up, there would be an alternative highways solution to the proposed bypass and EGSJ.
216. Work on the Elwick Bypass and EGSJ has been ongoing for some time, including an outline business case (July 2016, updated 2017), feasibility, design and costs work (2016-ongoing) and full business case in late 2017/early March 2018. The Council has advanced a design for the scheme in liaison with affected landowners and Highways England and a planning application is well-advanced. The estimated completion for works in March 2020 whilst optimistic is not inconceivable and any slippage beyond that date would be only moderate.

217. In relation to the highways infrastructure for Wynyard I am satisfied that the collaborative work of the Hartlepool and Stockton Councils, involving Highways England and the promoters/developers of strategic sites, has positively identified a programme of modelled transport works. These would facilitate delivery of the planned development at Wynyard (and the Hartlepool South-West Extension) without severe impact on the highway safety and capacity of the A19 and A689 roads. These works have been costed and are capable of implementation and would not inhibit projected early delivery<sup>17</sup> at Wynyard. The Plan could helpfully clarify the situation regarding the committed A689 improvements and I recommend **MM018/1** to ensure that the Plan is effective and positively prepared.
218. There was some optimism at the hearings that the additional capacity improvements at the A19/A689 interchange could be implemented prior to Highway England's Norton widening scheme. In the event that the interchange is not upgraded until 2022 there would be no detriment to the profiled delivery of additional housing sites at Wynyard in the HLP at Policy HSG6 and the prestige business park at Policy EMP1.
219. In addition to highways infrastructure, I am satisfied the LIP and DRA have considered other modes of transport and connectivity including other schemes identified in Local Transport Plan 3 and the Tees Valley Bus Network Improvement Schemes. **MM017/1** would update the situation on the TVCAs Strategic Transport Plan and I recommend it for effectiveness.
220. Whilst there are no significant rail infrastructure proposals within the Plan it is important that the Plan contributes to regional priorities to improve capacity and operational flexibility on the local rail network. It is therefore necessary that Policy INF2 gives consideration to the upgrading of the Church Street level crossing in Hartlepool and that Policy QP3 introduces a criterion relating to safety improvements at level crossings more generally. I find both elements are necessary and recommend **MM019** and **MM025** accordingly.
221. The Plan at Policy QP3 seeks to manage the introduction of new access points and the intensification of junctions on the primary road network in the Borough. The affected highways should be clearly identified on the Policies Map and Policy QP3 amended to reflect this. **MM026** would do this and I recommend it so that the Plan would be effective.
222. With regards to health, previous iterations of the Plan had sought to recognise a new hospital at a site at Wynyard Business Park which received planning permission in 2010. Government funding for the scheme has subsequently been withdrawn such that the focus is now on facilities and services at the existing University Hospital of Hartlepool. The Plan provides a justified and effective approach at Policy INF3 to safeguard and support the Hospital.
223. Policy INF4 sets out the provision for new community facilities, including health services, and seeks additional provision on the strategic housing sites at High Tunstall and the South-West extension to Hartlepool. New health

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<sup>17</sup> Set out at Appendix 4 of the LIP

facilities at the Local Centre in the Hartlepool part of Wynyard are not precluded and this approach would be justified and effective. Clarification is required on the intent of Policy INF4 and I recommend **MM023** for effectiveness.

224. Turning to education, the LIP at Section 11, examines the demand on both primary and secondary school provision arising from increased pupil numbers from the net increase in housing. In respect of secondary school provision some developments may be required to contribute to extra on-site capacity at existing schools. **MM020** would make this clear and I recommend it for effectiveness.

225. On the larger residential developments at High Tunstall, the South-West Extension to Hartlepool and Wynyard new primary schools are proposed and land appropriately safeguarded under Policy INF4. There remains some uncertainty over the precise scale of primary school at Wynyard within Hartlepool Borough, which is likely in the medium to long term, and the Education and Skills Funding Agency has requested some flexibility in the Plan. **MM021** would do that and I consider it necessary for effectiveness.

226. In terms of provision of community facilities and safeguarding of land at the South-West Extension to Hartlepool I find the proposed amendment to Concept Diagram for this strategic site at **MM044** would be justified and would make the Plan effective and I recommend it accordingly.

#### *Plan viability*

227. The strategic allocations at High Tunstall and Wynyard are required to deliver significant infrastructure and other schemes are also expected to meet infrastructure requirements arising from their developments. There are significant costs involved with the LIP identifying that it will be development, in the main, that will be required to fund the infrastructure necessary to achieve sustainable development.

228. The Council has confirmed that it is not pursuing a Community Infrastructure Levy (CIL) and seeks to pursue a more flexible approach of securing infrastructure directly or via financial contributions through planning obligations. As set out in paragraphs 173 to 177 of the NPPF, the starting point should be that the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Viability testing should be the exception, not the norm.

229. On submission the Council sought to rely on viability testing which informed the Planning Obligations SPD (2015) in relation to affordable housing. That approach would not be consistent with national policy and would not be sound. Consequently, as part of the examination the Council has produced a Delivery Risk Assessment (DRA) document [EX/HBC/82].

230. Like all 'high level' viability studies it applies a commonly used residual valuation methodology, which is appropriate and proportionate. It applies a number of assumptions on key factors such as development values and costs, land values and acceptable levels of returns across a range of site typologies consistent with the Plan's strategy and sites. The DRA has comprehensively

assessed all development types (commercial, retail and housing). I am satisfied that Table 3 of the DRA sets out fully the developer contributions generated by the policies of the Plan and that the values attributed are reasonable.

231. Applying the assumptions, all retail development is clearly viable although some forms of industrial and commercial development are marginal, even where developer contributions are reduced to the minimum necessary to enable the development to take place. The figures (Table 5b of DRA) are not daunting and I accept the Council's submission that only very marginal adjustments in the assumptions would result in a more positive picture for the vast majority of commercial and industrial developments.
232. In respect of housing developments the Council has applied assumptions that are relevant, reasonably cautious and with no obvious omissions. There is very little before me that would suggest that the Council's assumptions on development costs and sales values are out of kilter with market realities.
233. The Council has pragmatically looked at 3 broad developer contributions scenarios, starting at a critical 'enabling' level of contributions which includes non-negotiable items such as ecological mitigation and highways and ranging to the 'expected' level of contributions based on the full spectrum of local standards contained in the submitted HLP. In addition to these scenarios, the DRA sensitivity tests assumptions around funding (subsidy) for the Elwick Bypass and EGSJ. The positive is that development can viably fund this critical infrastructure if no grant funding is available but it is evident that under this scenario the key development at High Tunstall would not be able to sustain all expected developer contributions, including the policy requirement for affordable housing.
234. The situation improves, such that the DRA evidences that there would be a trigger point, depending on the scale of any grant funding for the bypass and junction, where these schemes can viably deliver a proportion of affordable housing. I also agree with the DRA at paragraph 3.17 that it would only take some very modest adjustments to developer profits, land values and/or sales values to enable sites such as High Tunstall to be economically viable in line with the Plan's policy requirements.
235. In more general terms, I find the DRA provides a fair assessment of the overall risks to delivery for each of the allocated sites. Overall, I consider the allocations in the Plan to be deliverable and I do not consider the High Tunstall site poses a particular risk such that it should be removed or supplemented by additional land allocations in this part of the Borough.

#### *Conclusion on Infrastructure and Viability*

236. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan is based on a sound assessment of infrastructure capacity and requirements. The implications for the deliverability of strategic housing growth are also adequately justified and effective. Where there are gaps in infrastructure these have been identified and policies of the plan seek to set out where and how the required infrastructure will be delivered and funded. In accordance with paragraph 177



of the NPPF the evidence shows a reasonable prospect that planned infrastructure would be deliverable in a timely fashion.

### **Issue 9 – Whether the Plan would monitor the delivery of development effectively?**

237. Monitoring is key to ensuring that the plan remains effective and is delivering the development required to meet the assessed needs of Hartlepool Borough where and when required. It should be clear how the implementation of policies will be measured and when intervention would be necessary and what it would entail. At publication and on submission the Plan was accompanied by a separate Monitoring Framework. This needs to be incorporated within the Plan. **MM146** would do this and is required to ensure the Plan would be effective and consistent with national policy. The annual monitoring report, five year housing land statements and LIP processes will provide an appropriate basis to inform the monitoring and establish plan performance.
238. It is also necessary that the Plan is clear on which saved policies of the 2006 Hartlepool Local Plan will be superseded on the adoption of the Plan. **MM147** would include a full list in an Appendix and I recommend it for effectiveness.
239. Overall, with these modifications, the plan would effectively ensure development progress, including infrastructure, is monitored so that timely interventions can be made where necessary.

## **Public Sector Equality Duty**

240. In arriving at my conclusions on the above issues I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and the Council's Equality Impact Assessment [EX/HBC/21]. In particular in relation to the protected characteristics of older people, gypsies and travellers and those with disabilities, the policies will have a generally positive equality impact.

## **Assessment of Legal Compliance**

241. My examination of the legal compliance of the Plan is summarised below.
242. The HLP is identified in the latest LDS (December 2017) and earlier versions. Its role and content would comply with these documents. Adoption of the HLP is envisaged in the latest LDS for April 2018.
243. The Statement of Community Involvement (SCI) was adopted in January 2010. Consultation on the Local Plan and the MMs was carried out in compliance with the SCI.
244. Sustainability Appraisal has been carried out on both the submitted Plan and MMs and is adequate.
245. The Habitats Regulations Assessment has been iteratively advanced during the examination. Version 3 of the Assessment dated August 2017 and Version 4 of the Assessment dated November 2017 provide consideration of those policies and proposals where a likely significant effect, alone or in combination with other plans or projects, cannot be ruled out. The adverse effects can be suitably mitigated such that through various MMs it can be concluded that the

Plan would not have an adverse effect on the integrity of internationally designated sites. Natural England concurs with this conclusion.

246. For the reasons set out in Issue 7 of this report I am satisfied that the Plan complies with Section 19(1A) of the 2004 Act which requires that development plan documents must (taken as a whole) includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

## **Overall Conclusion and Recommendation**

247. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

248. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Hartlepool Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Spencer*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.