

TOWN AND COUNTRY PLANNING ACT 1990

HARLOW DISTRICT COUNCIL

REPORT OF A PUBLIC INQUIRY INTO THE PROPOSED
MODIFICATIONS TO THE FIRST AND SECOND DEPOSIT
DRAFTS OF THE

REPLACEMENT HARLOW LOCAL PLAN

Complete List of Proposed Further Modifications

1 CHAPTER 6 - HOUSING

1.1 Policy H4: Sites for Housing

Issues

Whether the Harlow Rugby Football Club site at Ram Gorse should be allocated for housing rather than being designated as Green Belt

Whether property at Wych Elm should be redeveloped to provide a site for housing.

Inspector's Reasoning and Conclusions

The designation of Ram Gorse

HRUFC and the individual objectors support the IR recommendation to allocate the club's Ram Gorse site for housing whereas the LPA's modification designates the site as Green Belt. The LPA's designation would involve residential development recommended there in the IR being provided by the redevelopment of commercial premises at Wych Elm instead. I deal with the issues of whether Ram Gorse should be designated as a Green Wedge or Green Belt in sections 4.1 and 4.2 of this Report respectively and the redevelopment of property at Wych Elm below and in section 1.6.

The Ram Gorse site was considered suitable for residential development in the IR on objections to the Plan. I regard that as a material consideration. The allocation of the site would widen the choice of locations of new housing in the District, which is otherwise predominantly allocated on previously developed land in the District and to the east on greenfield land at New Hall. Notwithstanding the provision of 530 dwellings at the Sport Centre and 85 adjoining Harlow station although those sites are within 1 km of Ram Gorse I do not regard them, as does the Council, as 'in close proximity'

I am in no doubt that HRUFC needs to relocate if it is to continue to play its well-established part in the life of the District. It requires more playing space, preferably on one site to avoid pitch wear and to accommodate the range of playing teams of both sexes and different age groups, clubhouse changing facilities suited to the range of players, and additional parking space. However, on the other hand, I regard the club's aspirations to provide a more fully developed range of hospitality and social facilities as more difficult and less essential to meet. So far as concerns the economic attraction to the club of disposing of the Ram Gorse site for housing I consider that notwithstanding the difficulty of obtaining resources for relocation that should not override the question of the appropriate use of the site in relation to the town as a whole.

While the review of the Local Plan is the appropriate time to consider any alteration in the Green Belt boundary, it appears to me that in general the designation of Ram Gorse as such is not justifiable in terms of the national policy which defines the purposes of including land in Green Belts in paragraph 1.5 and the use of Green Belt land in paragraph 1.6 of PPG2. Only in a limited way would it protect the countryside from encroachment and, while the town of Harlow as a whole is a notable example of mid-20th century large scale coherently planned urban development, I do not regard the designation of Ram Gorse as Green Belt as a necessary measure to protect its special character, contrary to the LPA's claim in the inquiry that Ram Gorse meets in an acceptable measure the criteria for such designation. So far as concerns the LPA's reliance on exceptional circumstances I note that none were advanced when the Green Belt proposal was made in March 2005. That being so I do not discern any compelling

argument that there are nevertheless special circumstances that could justify the designation.

As the current status of the emerging Regional Strategy Statement carries very limited weight, and notwithstanding Harlow's location on a London – Stansted- Cambridge – Peterborough main axis of development, it is not in my view at this stage a dependable basis for so serious a change as a Green Belt boundary alteration. In the light of these considerations and having regard to the characteristics of the site and its surroundings and in particular its proximity to St Mary's church to the north, a building in its appearance typical of village churches in the region and one of few Harlow buildings that pre-date the New Town, I consider the site should revert to the recommendation in the IR to designate it for a housing development of the order of 110 dwellings.

One objector refers to the deletion in the proposed modifications, contrary to the IR, of Latton Farm as an alternative site for HRUFC. I examine that issue at Sections 3.1-3.3 of this report.

The effect on Wych Elm of allocating Ram Gorse as a housing site

The Wych Elm site was not under consideration in the previous Inquiry. It had not been included in the estimate of sites expected to derive from windfalls and there was then no available brownfield land known to the LPA. The Inspector concluded that to meet the District's Structure Plan requirement there was a shortfall of 199 dwellings unmet by land allocations or the allowance for windfalls. Notwithstanding year-on-year fluctuations in completions of dwellings on windfall sites I note that a contribution of 400 completed dwellings in the Plan period is agreed, as is the total of 750 at New Hall. That leaves a shortfall of 199 dwellings which the LPA proposes to meet with an allocation of 200 at Wych Elm. I therefore turn to the effect of deleting 110 dwellings at Ram Gorse and substituting 200 dwellings at Wych Elm on the LPA's ability to meet its Structure Plan requirement.

The intensity of redevelopment at Wych Elm envisaged by the LPA is dependent on achieving the very high density of 222 dwg/ha in blocks of 9 -11 storeys similar to the town's existing high blocks, whereas a consultant's detailed development brief suggests an overall density of 60 dwg/ha with a maximum height of 6 storeys but with much at 3 storeys. However, although the development brief was produced in January 2005, no progress has been made with the site, of which there 2 owners. In the light of this I find reasonable HRUFC's estimate of a capacity of 100 dwellings. Based on that figure and the estimate of a capacity of about 110 dwellings at Ram Gorse it appears to me that if the Structure Plan requirement is to be met both sites are needed.

I refer to an objector's counter proposal to redevelop premises at 6-8 Wych Elm at section 1.6 of this Report below. My recommendation below includes an indicative number of dwellings for that site.

RECOMMENDATIONS

- 1.1.1. That Ram Gorse be allocated for housing comprising about 110 dwellings.
- 1.1.2. That land occupied by existing commercial premises at Wych Elm be allocated for redevelopment for housing comprising about 110 dwellings.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Policy H4 be redrafted in accordance with the Inspector's recommendation to add the new housing allocations as follows:-

H4/8 WYCH ELM

AREA 0.99 HA

INDICATIVE SITE CAPACITY 110 GROSS

INDICATIVE SITE CAPACITY 110 NET INDICATIVE DENSITY 111 DPH

H4/11 RAM GORSE PLAYING FIELD

AREA 3.7 HA

INDICATIVE SITE CAPACITY 110 GROSS

INDICATIVE SITE CAPACITY 110 NET

INDICATIVE DENSITY 30 DPH

New paragraphs be added at an appropriate place in section 6.4 of the RHLP as follows:

- 6.4.? *The ground floor of the Wych Elm allocation will consist of commercial development. The design of the buildings should establish and enhance the links with town centre, reflect its prominent location and help contribute to the overall regeneration of the area. It should take into account any emerging guidance on the redevelopment of the town centre and help contribute to the overall strategy.***
- 6.4.? *The allocation of Ram Gorse for housing will result in the displacement the rugby club. To ensure the requirements of PPG17 are met suitable replacement facilities are required before the housing development commences. Development of the playing field at Ram Gorse should be design to ensure that the character and views of St. Mary's Church are preserved.***

1.2 Policy H4/1: Harlow Sports Centre

Issue

Whether the number of dwellings allocated to the Harlow Sports Centre site should revert to 456 as in the Second Deposit.

Inspector's Reasoning and Conclusions

An application for planning permission for 530 dwellings has been approved. In the absence of any evidence that that degree of development cannot be satisfactorily achieved I find no justification to differ.

RECOMMENDATION

1.2.1 That the capacity of site H4/1 Harlow Sports Centre be changed to 530 dwellings.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Policy H4 be redrafted in accordance with the Inspector's recommendation and change notional capacity of this housing allocation as follows:-

H4/1 HARLOW SPORTS CENTRE

AREA 11.4 HA

INDICATIVE SITE CAPACITY 530 GROSS

INDICATIVE SITE CAPACITY 530 NET

INDICATIVE DENSITY 46 DPH

1.3 Policy H4/9: New Hall

Issues

Whether the Plan should acknowledge that 871 dwellings could be provided up to 2011 as proposed in its Second Deposit version

Whether the proposed modification of the Proposals Map should show the residential development area to the east and south of the proposed neighbourhood centre

Whether the balance of the development scheme should be shown as a housing land allocation

Inspector's Reasoning and Conclusions

New Hall Projects are developing approximately 112 ha of land as a new neighbourhood of about 2,800 dwellings to include a neighbourhood centre, a further local centre, and employment in 2 locations consisting of live/work units in the residential areas with associated facilities and services. This is a long term project and the allocation of 18 ha provides for 750 dwellings at a density of 42 dwg/ha to be completed in the period 2006-2011.

It is agreed that at April 2005 there was a supply of housing land to provide 5,580 dwellings in the District in the 2006-2011 period, representing an excess of 2.3% above the Structure Plan requirement. In that context I regard the agreed supply of 750 dwellings at New Hall as satisfactory.

So far as concerns the location of the land to be developed in the period to 2011 I concur with the conclusion agreed by the LPA and New Hall Projects that the area shown on the submitted plan 887.013.2 is the most appropriately developable land. It adjoins the neighbourhood centre site which is to include the provision of employment land equivalent to 1 ha so that an orderly and compact development will be assured. That accords with the Masterplan for the new neighbourhood

As to whether Phase II of the development scheme should be shown as a housing land allocation I consider it appropriate to indicate its extent on the Proposals Map. However, in terms of development after 2011 this would be an indicative commitment. It follows that although in Section 4.3 of this Report I recommend the restoration of Special Restraint Area notation, as is sought in respect of New Hall by Taylor Woodrow Developments Ltd, Westbury Homes Ltd, and David Wilson Homes Ltd, it would be inappropriate to apply it to the Phase II housing land shown on the submitted plan 887.013.1 since the New Hall scheme is a definite commitment extending beyond the Plan period whereas, by contrast, SRA status does not imply that degree of assurance.

As the LPA has accepted that the post 2011 development commitment be acknowledged on the proposals map I concur with the proposal agreed by New Hall Projects and the LPA that the change be supported by an appropriate policy.

RECOMMENDATIONS

1.3.1 That the New Hall Phase II residential development area be shown as on the submitted plan 887.013.2.

1.3.2 That the New Hall Phase III land committed for development after 2011 be shown as on the submitted plan 887.013 2.

1.3.3. That the following additional Policy be inserted in the Plan:

H4B New Hall

Land is shown on the Proposals Map for the further development of the new neighbourhood of New Hall. This land will not be released for development until after 2011, or until it is shown as an allocation in a Local Development Document whichever be the earlier.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

The Proposals Map be amended to indicate the boundary of Newhall housing allocation as set out in the agreed plan 887.013.2

The Proposals Map be amended to indicate the boundary of land committed to development post 2011 at Newhall housing as set out in the agreed plan 887.013.2

A new policy is added in section 6.4 at the appropriate point as follows:-

POLICY H

LAND IS SHOWN ON THE PROPOSALS MAP FOR THE FURTHER DEVELOPMENT OF THE NEW NEIGHBOURHOOD OF NEW HALL. THIS LAND WILL NOT BE RELEASED FOR DEVELOPMENT UNTIL AFTER 2011,

OR UNTIL IT IS SHOWN AS AN ALLOCATION IN A LOCAL DEVELOPMENT DOCUMENT WHICHEVER BE THE EARLIER.

New Supporting text is added in section 6.4 at the appropriate place as follows:-

6.4.? To provide the developers of the Newhall Strategic Housing site with an assurance that the Council are committed to the long term development of the area and to provide certainty for the determination of planning applications, the Proposals map indicates a boundary of land committed for development beyond this Plan period.

1.4 PARAGRAPH 6.4.10: HOUSING ALLOCATIONS

Issues

The inconsistency of Paragraph 6.4.10 with paragraph 9.13.1 and Policy L10 which treat Ram Gorse as Green Belt

The inconsistency between Policy H4, which does not cite Ram Gorse as an allocated housing site and Paragraph 6.4.10 which does.

Inspector's Reasoning and Conclusions

As the LPA's proposed modification of paragraph 6.4.10 is consistent with my recommendation to allocate Ram Gorse for residential development I support it.

RECOMMENDATION

1.4.1. That paragraph 6.4.10 be further modified as proposed by the LPA.

HDC'S RESPONSE

Accept Inspector's Recommendation, although figures are adjusted to take in to account the additional allocation of 110 dwellings at Wych Elm

PROPOSED MODIFICATION

Paragraph 6.4.10 is reworded as follows:-

6.4.10 If the previously developed sites identified in Policy H4 come forward and the windfall sites in the Urban Capacity Study the dwelling potential for the town on previously developed land would be 1202 units. Therefore 750 dwellings at Newhall and 110 dwellings at Ram Gorse are required in this Local Plan period.

1.5 Policy H8: Affordable Housing requirements

Issue

Whether The Policy is unduly precise regarding proportions of intermediate and socially rented housing in the provision of affordable housing

Inspector's Reasoning and Conclusions

I agree with GO-East's doubts as to the robustness through the Plan period of the proportions proposed by the LPA in its Modifications. By way of response the LPA proposes an acceptable policy which appears to be a replacement for Policy H8 and a revision of paragraph 6.8.3. It is not clear why the replacement policy proposed in response to the objection is headed 'New Housing' since the Plan does not include headings in its policy formats. Subject to the omission of the heading I consider the further changes now proposed appropriately meet the objection.

RECOMMENDATION

- 1.5.1. That Policy H8 and paragraph 6.8.3 be replaced by the text proposed by the LPA in response to GO-East, omitting the heading of the replacement Policy.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Policy H8 reworded as follows:

H8

TO MEET THE AFFORDABLE HOUSING REQUIREMENT, ON RESIDENTIAL DEVELOPMENT SITES OF 15 OR MORE DWELLINGS OR 0.5 OF A HECTARE OR MORE IRRESPECTIVE OF THE NUMBER OF DWELLINGS, THE COUNCIL WILL NEGOTIATE THE PROVISION OF INTERMEDIATE HOUSING AND/OR SOCIAL RENTED HOUSING, BASED ON THE PREVAILING HOUSING NEEDS ASSESSMENT. NEGOTIATIONS WILL TAKE INTO ACCOUNT THE ECONOMICS OF PROVISION AND SITE SUITABILITY.

THERE IS A PRESUMPTION THAT PROVISION WILL BE MADE ON SITE. HOWEVER, IN EXCEPTIONAL CIRCUMSTANCES AND BY MUTUAL AGREEMENT BETWEEN THE DEVELOPER AND COUNCIL, A FINANCIAL OR OTHER CONTRIBUTION MAY BE AGREED FOR PROVISION TO BE MADE ON ANOTHER SITE WITHIN THE DISTRICT.

Rewrite paragraph 6.8.3 as follows:

- 6.8.3 Councils are encouraged by government advice to set targets for the proportion of affordable housing which they will seek from house builders and landowners on qualifying sites. Up to date housing needs assessments will indicate the proportion of low cost market housing and subsidised housing, which can have a role to play in meeting housing need in Harlow.**

1.6 CP: Housing Counter Proposals

Issue

Whether 6-8 Wych Elm should be allocated for housing

Inspector's Reasoning and Conclusions

The LPA agrees that the 0.14 ha site of Dairy Crest's property at 6-8 Wych Elm, be added to the larger area proposed for redevelopment for housing in that locality with which it is contiguous. Its development would be consistent with the Plan's Town Centre Policies RCTS13/1 and RCTS13/2 and Employment Policy ER6, as well as the national policy in paragraph 42(a) of PPG3. This is a relatively small site. I am satisfied that its capacity falls within the range of tolerance that is conventionally permissible within a Structure Plan global housing total. Nevertheless, I consider the very high density proposed as a modification of Policy H4/10 by the LPA in the PLI excessively high and I shall recommend fewer dwellings at a lower density. HRUFC's representation essentially relates to their objection to the modification designating Ram Gorse as Green Belt, which I deal with above in section 1.1 of this Report.

RECOMMENDATION

1.6.1. Delete Policy H4/10 and insert:

Policy 114/10, Wych Elm, Area .99 ha, Indicative Site Capacity 110 gross,
Indicative site capacity 110 net and Indicative density 111 dph

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Policy H4 be redrafted in accordance with the Inspector's recommendation to add the new housing allocation as follows:-

H4/10 Wych Elm

Area 0.99 ha

Indicative Site Capacity 110 gross

Indicative Site Capacity 110 net

Indicative Density 111 dph

1.7 Counter Proposal 5484: Land at Ram Gorse (Harlow Rugby Union Football Club)

Issue

Whether the Plan should revert to the previous Inquiry Inspector's recommendation to allocate the HRUFC site at Ram Gorse for residential development

Inspector's Reasoning and Conclusions

Objectors' arguments pursued in support of this counter proposal are largely a repetition of those advanced under Policy H4 against the designation of Ram Gorse as Green Belt, namely;

Ram Gorse should be allocated for housing as recommended in the IR and not become Green Belt as proposed by the LPA which is not justifiable in terms of national policy and in the absence of any special circumstances.

Designation of the site as Green Belt or alternatively as Green Wedge would be inappropriate and would render impossible the relocation of HRUFC.

Although the LPA claims that glimpses of open country need to be protected such views are minimal.

The use of the site for residential development would enable HRUFC to move from its existing premises to an alternative location where the Club's need of more ample playing field and more extensive clubhouse facilities could be satisfied. That is justified by the importance to the town in general of the Club's range of activities, which the Local Plan should serve to foster rather than frustrate.

The IR recommended Latton Farm be allocated as a suitable site for future playing fields, as does the Second Deposit version of Policy L10 in the event of farming becoming no longer viable there.

The LPA state that their proposal to allocate land at Wych Elm for housing by way of the redevelopment of commercial premises should replace the recommendation in the IR. I deal elsewhere in this Report with the matters raised in this counter proposal and for the reasons I examine in those Sections I support it.

RECOMMENDATION

1.7.1 That the HRUFC site at Ram Gorse be allocated for residential development.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Policy H4 be redrafted in accordance with the Inspector's recommendation to add the new housing allocation as follows:-

H4/11 Ram Gorse Playing Field

Area 3.7 ha

Indicative Site Capacity 110 gross

Indicative Site Capacity 110 net

Indicative Density 30 dph

2 CHAPTER 7 – ECONOMIC REGENERATION

2.1 Policy ER2: Additional Employment Land Plots

Issues

The additional allocation of 6.5 ha of employment land at New Hall

The reduced allocation to 7.2 ha of employment land north of Nortel Networks

Inspector's Reasoning and Conclusions

Although the identified objection concerns New Hall, the LPA's proposal to allocate additional land there for employment uses involves the withdrawal of part of the allocation for such purposes of land north of Nortel Networks. I therefore deal in this Section of the Report with the relation of both sites to this matter.

The Nortel Networks allocation of 13.7 ha in the First Deposit draft of the Replacement Local Plan was withdrawn from the Second Deposit draft on the basis of the existence of an existing stock of vacant and under-used employment land in the District and objections from Maypole and United Glass sports and social clubs. However, that change motivated further objections, most notably from Essex County Council, which advised that the Plan's withdrawal of the provision of such land rendered the Plan out of conformity with the Essex and Southend on Sea Replacement Structure Plan that requires the allocation of 50 ha of employment land in the District in the Plan period. However, since by April 2003 only 16 ha remained available the IR recommended most of the deficit be met by restoring the allocation to the land north of Nortel Networks.

The LPA responded to the IR with a proposal to withdraw the area occupied by the 2 sports clubs and to transfer 6.5 ha of the allocation to supplement the 2 ha of employment land allocated at New Hall. The objection by New Hall Projects seeks the re-establishment of the original allocation north of Nortel Networks.

The sports facilities of the clubs are well used. The United Glass Club has 530 members, nearly all being resident in Harlow, and the Maypole Club 750, of whom two thirds are locally resident. The latter also accommodates a range of indoor games facilities and various social activities with occasional events attracting up to 500 people.

Land North of Nortel Networks

The allocation as now proposed by the LPA diverges from the recommendation in the IR that 13.7 ha of land there be reallocated for business use. The implementation then proposed was dependent on the prior relocation on land north of the of New Hall neighbourhood development scheme of the United Glass and Maypole social clubs which are currently on the North of Nortel Networks site. By contrast, the currently proposed reduction to 7.2 ha, decided contrary to both the IR and HDC's officers' advice, would avoid disturbance and relocation of these clubs.

However, this site is clearly important in relation to the town's function as a Priority Area

for Economic Regeneration in respect of both size and strategic location. In terms of the economic health of the town as a whole, I consider the LPA's approach to the allocation of this potentially prime employment land relies essentially on the avoidance of disturbance to the 2 clubs, yet there is no evidence to show that they could not easily be relocated in modern accommodation without detriment to the wide and obviously popular range of their activities. Staying on their current sites is rated by the LPA above the strategic opportunity to enhance the town's economy which allocation for employment uses would afford compared with the reallocation of part of the area to New Hall.

The LPA's proposal relies on policy support in PPG17 and Policy L3 of the draft Plan to justify its resistance to moving the clubs. In these circumstances, which in my view show no material change from the issue as examined in the previous inquiry, I consider the whole of the site should remain allocated for employment development as was supported in the IR.

New Hall

The SDdRHLP allocation of 2 ha of employment land at New Hall was endorsed in the IR on the basis that it was of appropriate scale whereas the LPA's current proposal is to add 6.5 ha to provide a campus business park. However, that would require rewriting of the Masterplan in view of the repercussions on the degree of residential development and the effect on it of the increased commercial development on the one hand and the critical mass of residential development necessary to secure the viability of various community services on the other. There is no evidence that these considerations have been properly explored by the LPA. Furthermore, the issues raised by GO-East at Section 2.2 of this Report below demonstrate the concern at regional level that the supply of employment land be safeguarded, which on a purely quantitative basis is arguably indifferent as between the alternative sites, but, more significantly, that the yield of housing from New Hall be maintained.

The relocation of well used and valued recreational facilities is stated by Paragraph 10 et seq of PPG17 to require sound planning reasons. In this case those appear to me to be the qualitative advantages of the North of Nortel Networks site as an employment location; the ability to relocate the clubs in the nearby Green Wedge site owned by the objector who is willing to commit it to that end; the avoidance of the hitherto unassessed consequential effects of the increase in employment development at New Hall; and the averting of the need for a fundamental review of the New Hall Masterplan which is a model for sustainable mixed development.

I accept that the reason for the additional allocation in the Second Deposit of employment land north of Nortel Networks, and now proposed to be reallocated to New Hall, sprung from the quantitative motivation to provide sufficient land to meet the District's Structure Plan requirement. For that reason the LPA argues that the qualitative aspects pursued by New Hall Projects for retaining the allocation north of Nortel Networks are not admissible. In my view that is too simplistic an interpretation since qualitative considerations require to be addressed in respect of the LPA's reference to campus development for employment purposes at New Hall.

On the basis of the objectors' estate management evidence I am inclined to agree that campus offices would need to be Class B1 buildings of 2,000 m² or more in area and would require prestigious locations on a main road frontage. Such a location would also appropriately satisfy their traffic-generating characteristics. At New Hall only the London Road frontage could meet those requirements. Such development would contrast with the developing 2 ha mixed use scheme adjoining the District Centre site.

Whereas the design of the developing existing scheme mixes residential accommodation and employment space intimately, an allocation of 6.5 ha of campus employment, together with buffer space estimated at 3.5 ha, would displace proposed residential land capable of accommodating about 400 dwellings. Together with car parking space of the order of about 1,000 spaces as estimated by commercial sources and about 660 spaces in terms of the national advice in PPG13, the result of the proposed transfer of the employment land allocation from north of Nortel Networks to New Hall would be highly deleterious to the laudable concepts of the Masterplan for the latter, with its close association of residence and neighbourly types of workplace.

I conclude that there are particularly compelling reasons to retain the allocation of the 6.5 ha of additional employment land north of Nortel Networks and not to reallocate it to New Hall which outweigh the disturbance arising from the establishment of the sports clubs on alternative sites.

RECOMMENDATION

- 2.1.1. That an additional 6.5 ha of employment land be not allocated at New Hall.
- 2.1.2. That an allocation 6.5ha of employment land be restored to land North of Nortel Networks.
- 2.1.3. That land be allocated in the Green Wedge north of the New Hall scheme area for the 2 active clubs presently on the reallocated land North of Nortel Networks to be relocated.

HDC'S RESPONSE

Accept Inspector's Recommendation, and also incorporate the first Inquiry Inspector's recommendation that the North of Nortel Employment Allocation, is specifically to facilitate the Research and Development sector of the local economy. In addition a note be added to ensure that development of this employment site is conditional on the prior provision of suitable and adequate replacement sports and recreation facilities.

PROPOSED MODIFICATION

Add supporting text at paragraph 7.5.1 to read as follows:-

7.5.1 The Structure Plan proposes an additional 50 ha of employment land is made available for development in Harlow. The employment land supply in the town with planning permission for development, as of 1st April 2001 was 39 ha, but subsequently 4.7 ha of employment land has been lost to other uses. Therefore sites for 15.7 ha of employment land have been allocated on the basis of the sequential approach set out in Policy SD3.

Add supporting text at paragraph 7.5.2 to read as follows:-

7.5.2 As there is no suitable previously developed land within the existing built up area, in non employment use, that can be re-used, it follows that a release of green field land is required to meet the Structure Plan's requirement. Allocating employment land near to existing employment land provides synergy for the new development. Nortel is the only existing employment site with sufficient adjacent land to be able to create a significant employment area. The allocation of this land is specifically to facilitate the Research and Development sector of the local economy. However, this site does not meet all the employment requirements. Employment land allocation at Newhall is also required to achieve a mixed-use development in accordance with sustainability principles.

Add supporting text at paragraph 7.5.3 to read as follows:-

7.5.3 Allocating employment land North of Nortel Networks results in the displacement a number of both thriving and redundant sports and recreation facilities. To ensure the requirements of PPG17 are met suitable replacement sports and recreational facilities are required. An area of land in the Green Wedge, north of Newhall and south of Gilden Way, has been allocated for such facilities. The replacement leisure buildings are to be located on the previously developed land within the Green Wedge. The provision of suitable separate facilities, if appropriate, of the replacement sports and recreation facilities such as playing fields, cricket pitch, tennis court, playground equipment, changing facilities and club house are required before the employment development commences on the land and buildings that are in active leisure use.

Policy ER2 is modified as follows:-

POLICY ER2

ADDITIONAL EMPLOYMENT LAND OF 15.7 HA (NET) IS ALLOCATED FOR BUSINESS, INDUSTRY AND WAREHOUSING (B1, B2, AND B8 USES), IN THE FOLLOWING LOCATIONS SHOWN ON THE PROPOSALS MAP. THE ABOVE SEQUENTIAL APPROACH HAS BEEN APPLIED TO THE ALLOCATION OF SITES.

ER2/1 LAND NORTH OF NORTEL NETWORKS 13.7 HA ^{1 & 2}

ER2/2 NEWHALL FARM 2.0 HA ³

- Note:**
- 1 The allocation of this land is specifically to facilitate the Research and Development sector of the local economy.**
 - 2 Development of Land North of Nortel Networks is conditional on the prior provision of appropriate replacement of the sports and recreation facilities.**
 - 3 Preferably located adjacent or within the local centre.**

Add new supporting text in Chapter 9 following paragraph 9.12.1 as follows:-

9.12.2 To ensure the requirements of PPG17 are met suitable replacement sports and recreational facilities are required. An area of land in the Green Wedge, north of Newhall and south of Gilden Way, has been allocated for such facilities. The replacement leisure buildings are to be located on the previously developed land within the Green Wedge. The provision of suitable separate facilities, if appropriate, of the replacement sports and recreation facilities such as playing fields, cricket pitch, tennis court, playground equipment, changing facilities and club house are required before the employment development commences on the land and buildings that are in active leisure use.

Add new allocation to policy L9

L9/3 LAND TO THE NORTH OF NEWHALL IS ALLOCATED FOR THE PROVISION OF SPORT AND RECREATIONAL FACILITIES.

2.2 Policy ER2/1: Land North of Nortel Networks

Issues

Whether in respect of the 6.5 ha to remain in sporting use there is an overriding need for the clubs to remain on the site and no other sites are available.

Whether the allocation of the 6.5 ha of employment land at New Hall has been identified by the sequential approach

Whether the allocation appropriately supports a mixed-use development of New Hall during the Plan period and beyond

Whether an allocation of 8.5 ha of employment land can be accommodated in the New Hall development while maintaining the amenity of sensitive uses and access to employment uses and to the site more widely

Whether the allocation of additional employment land would be detrimental to the implementation of the housing proposals for the locality during and beyond the Plan period

Inspector's Reasoning and Conclusions

I conclude in section 2.1 above that there is no overriding need for the clubs to remain on this site but there is an opportunity for them to be relocated on a nearby site.

It is claimed by the LPA that the sequential approach was employed to identify New Hall as a suitable alternative site to the land north of Nortel Networks. On the other hand, for the reasons I examine above, I do not consider New Hall a suitable location.

I conclude in section 2.1 above that the allocation of additional employment land proposed by the LPA at New Hall would be inimical to the concept of mixed development which the Second Deposit draft Local Plan represents. It would be detrimental to the close physical proximity of residence, appropriate type of workplace, and community facilities which are fundamental to the New Hall scheme. By substituting employment uses for residential development, it would clearly reduce the contribution of the scheme to the town's housing needs in and beyond the Plan period.

RECOMMENDATION

- 2.2.1. That the extent of the land allocated for employment use north of Nortel Networks revert to that in the Second Deposit draft Local Plan and that references to that site in paragraph 7.9.2 and Policy ER9 be restored.

HDC'S RESPONSE

Accept Inspector's Recommendation, and incorporate the recommendations of the first Inspector's report.

PROPOSED MODIFICATION

Add supporting text at paragraph 7.5.1 to read as follows:-

- 7.5.1 *The Structure Plan proposes an additional 50 ha of employment land is made available for development in Harlow. The employment land supply in the town with planning permission for development, as of 1st April 2001 was 39 ha, but subsequently 4.7 ha of employment land has been lost to other uses. Therefore sites for 15.7 ha of employment land have been allocated on the basis of the sequential approach set out in Policy SD3.***

Add supporting text at paragraph 7.5.2 to read as follows:-

- 7.5.2 *As there is no suitable previously developed land within the existing built up area, in non employment use, that can be re-used, it follows that a release of green field land is required to meet the Structure Plan's requirement. Allocating employment land near to existing employment land provides synergy for the new development. Nortel is the only existing employment site with sufficient adjacent land to be able to create a significant employment area. The allocation of this land is specifically to facilitate the Research and Development sector of the local economy. However, this site does not meet all the employment requirements. Employment land allocation at Newhall is also required to achieve a mixed-use development in accordance with sustainability principles.***

Add supporting text at paragraph 7.5.3 to read as follows:-

- 7.5.3 *Allocating employment land North of Nortel Networks results in the displacement a number of both thriving and redundant sports and recreation facilities. To ensure the requirements of PPG17 are met suitable replacement sports and recreational facilities are required. An area of land in the Green Wedge, north of Newhall and south of Gilden Way, has been allocated for such facilities. The replacement leisure buildings are to be located on the previously developed land within the Green Wedge. The provision of suitable separate facilities, if appropriate, of the replacement sports and recreation facilities such as playing fields, cricket pitch, tennis court, playground equipment, changing facilities and club house are***

required before the employment development commences on the land and buildings that are in active leisure use.

Policy ER2 is modified as follows:-

POLICY ER2

ADDITIONAL EMPLOYMENT LAND OF 15.7 HA (NET) IS ALLOCATED FOR BUSINESS, INDUSTRY AND WAREHOUSING (B1, B2, AND B8 USES), IN THE FOLLOWING LOCATIONS SHOWN ON THE PROPOSALS MAP. THE ABOVE SEQUENTIAL APPROACH HAS BEEN APPLIED TO THE ALLOCATION OF SITES.

ER2/1 LAND NORTH OF NORTEL NETWORKS 13.7 HA ^{1 & 2}

ER2/2 NEWHALL FARM 2.0 HA ³

***Note: 1 The allocation of this land is specifically to facilitate the Research and Development sector of the local economy.
2 Development of Land North of Nortel Networks is conditional on the prior provision of suitable replacement sports and recreation facilities.
3 Preferably located adjacent or within the local centre.***

Reinstate paragraph 7.9.2 as in the First Deposit Draft and ER9 as recommended by the first Inspector as follows:

7.9.2 The Council will encourage further proposals for Research and Development facilities that will help, through the multiplier effect, to create employment opportunities, regenerate the economy, and establish Harlow as a prime location for knowledge driven sector development and investment. There is a beneficial effect from the “cluster effect arising from proximity to existing Research and Development facilities. As a consequence of this the allocated employment land on London Road, north of Nortel Networks is seen as an ideal location for the expansion of this sector, corporate headquarters and other appropriate forms of employment generating development.

Reinstate Policy ER9 but with first Inspector's recommendation as follows:

POLICY ER9

PLANNING PERMISSION WILL BE GRANTED FOR DEVELOPMENT THAT FACILITATES THE EXPANSION OF THE RESEARCH AND DEVELOPMENT SECTOR AT THE EMPLOYMENT SITE ON LONDON ROAD AND ELSEWHERE, IN LOCATIONS THAT CLUSTER SUCH BUSINESSES CLOSE TO EXISTING RESEARCH AND DEVELOPMENT ESTABLISHMENTS.

Add new supporting text in Chapter 9 following paragraph 9.12.1 as follows:-

9.12.2 To ensure the requirements of PPG17 are met suitable replacement sports and recreational facilities are required. An area of land in the Green Wedge, north of Newhall and south of Gilden Way, has been allocated for such facilities. The replacement leisure buildings are to be located on the previously developed land within the Green Wedge. The provision of suitable separate facilities, if appropriate, of the replacement sports and recreation facilities such as playing fields, cricket pitch, tennis court, playground equipment, changing facilities and club house are required before the employment development commences on the land and buildings that are in active leisure use.

Add new allocation to policy L9

L9/3 LAND TO THE NORTH OF NEWHALL IS ALLOCATED FOR THE PROVISION OF SPORT AND RECREATIONAL FACILITIES.

2.3 Paragraph 7.9.2: The Knowledge Driven Sector

Issue

Options for employment land for research and development operations

Inspector's Reasoning and Conclusions

The objector points out that the LPA's proposal to change this paragraph refers to a 'cluster' of sites to accommodate research and development activity. Only one of those adjoins London Road and it would not be available in the Plan period.

This issue relates to the proposed enlarged area of employment land at New Hall. As I recommend at Section 2.1.1 above that the additional 6.5 ha of employment land be not allocated at New Hall and in section 2.1.2 that the allocation on land north of Nortel Networks be restored in conformity with the IR, the matter is redundant.

RECOMMENDATION

- 2.3.1. That the allocation of employment land North of Nortel Networks remain as recommended in the IR and an additional 6.5 ha be not allocated for such use at New Hall.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Reinstate paragraph 7.9.2 as in the First Deposit Draft and ER9 as recommended by the first Inspector as follows:

- 7.9.2 The Council will encourage further proposals for Research and Development facilities that will help, through the multiplier effect, to create employment opportunities, regenerate the economy, and establish Harlow as a prime location for knowledge driven sector development and investment. There is a beneficial effect from the “cluster effect arising from proximity to existing Research and Development facilities. As a consequence of this the allocated employment land on London Road, north of Nortel Networks is seen as an ideal location for the expansion of this sector, corporate headquarters and other appropriate forms of employment generating development.**

2.4 Policy ER12: New Warehousing and Storage Conditions
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Issue

Whether Policy ER12 sufficiently recognises the danger of a lower yield of jobs from warehousing, storage, and distribution than from Class B1 and B2 activities

Inspector's Reasoning and Conclusions

I consider the Second Deposit changes in Policy ER12 show an appropriate awareness of the risk of lesser numbers of jobs likely to be provided by warehousing, storage, and distribution compared with other activities, but that the weight accorded that consideration is a matter to be considered amongst others. Clearly, 'significantly' remains to be interpreted as a matter of discretion in individual cases.

RECOMMENDATION

- 2.4.1 That no further change be made in Policy ER12.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

None required

2.5 Proposals Map: Whether employment land allocations should be reinstated (Ref: 5498)
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Issues

Whether the full allocation of employment land on the site North of Nortel Networks recommended in the IR should be reinstated.

Inspector's Reasoning and Conclusions

This issue relates to the proposed transfer of the allocation of employment land north of Nortel networks to New Hall. As I recommend at Section 2.1.1 above that the additional 6.5 ha of employment land be not allocated at New Hall and at 2.1.2 that employment land be allocated on the site North of Nortel Networks to the extent recommended in the IR. A consequential change in the Proposals Map is required.

RECOMMENDATION

2.5.1. That the Proposals Map be changed to show 13.7 ha of land allocated as in the First Deposit Local Plan for employment use on land north of Nortel Networks.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

That the Proposals Map be changed to show 13.7 ha of land allocated as in the First Deposit Local Plan for employment use on land north of Nortel Networks.

3. CHAPTER 9 - LEISURE AND CULTURE

3.1 Paragraph 9.9.1: Rugby Club Ground

Issues

Whether the Second Deposit wording of this paragraph should be retained, to be consistent with the modifications of paragraph 9.13.1 and Policy L10

The suitability of Latton Farm as an alternative site for Harlow Rugby Union Football Club

Inspector's Reasoning and Conclusions

I refer in more detail in Section 1.1 of this Report to the question of any move of the HRUFC to Latton Farm.

Paragraph 9.9.1 of the Plan exclusively draws attention to the problems of HRUFC, reciting the problems of its Ram Gorse location and acknowledging that it has outgrown its site. The Second Deposit changes, PC194 and PC195, respectively deleted Policy L8, referring to a suitable alternative site for a Rugby football ground, and removed its text to paragraph 9.9.1. In my view that sentence is in any case void for uncertainty; 'a suitable alternative will be sought' does not convey the assurance required since it is not clear where or by what agency the alternative site is to be provided.

The LPA's further paragraph 9.9.2 as now proposed expresses the position of formal sports use of land in a Green Wedge, with particular reference to Latton Farm, but deleting its allocation as playing fields, reference to the HRUFC, and the non site-specific Policy L8. However, the modifications now proposed decouple the Farm site from any explicit association with HRUFC. Whether the expanded scale and range of activities desired by HRUFC could be satisfactorily accommodated at Latton Farm would remain to be determined in the course of development control in the context of the future function of the Green Wedge that includes the Farm. It would also depend on the cessation of agricultural use. In supporting the general terms in which the LPA's response is expressed, which are consistent with paragraph 9.13.1 and the changes to Policy L10, I bear in mind that Latton Farm is stated not to be a self-contained unit. In the circumstances it seems to me that the LPA's view on the future of the land is realistic. It follows that I do not support the blanket opposition to the possible use of land at Latton Farm by HRUFC as is advocated by the Civic Society. At the same time I am mindful that the uncertainty about the cessation of agricultural use does not give the full assurance that HRUFC seeks.

RECOMMENDATION

3.1.1 That the LPA's new paragraph 9.9.2 be inserted in the Plan.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Paragraph 9.9.2 as redrafted be inserted in the Plan as follows:-

9.9.2 Green Wedges are recognised for their valued character and amenity. However, formal sports uses have always been integrated as part of Harlow’s sports, leisure and recreation provision. Latton Farm is an area of farmland in a Green Wedge in the centre of the built-up area of Harlow. It is anticipated that, at some point, it will no longer be viable as a working farm, and that an alternative use will have to be found. Reflecting its location, the future use would need to retain the open nature of the land and enable it to be opened up for public access.

3.2 Policy L8: Alternative Site for Rugby Ground to be Sought

Issue

The inconsistency between Policies L8 and L10

Inspector’s Reasoning and Conclusions

The deletion of Policy L8 removes an inconsistency, with Policy L10 yielding Latton Farm to playing fields only on the cessation of agriculture. That situation and the criteria attending the successor use are carefully explained in the new paragraph 9.9.2 to which I refer above.

RECOMMENDATION

3.2.1. That no further modification be made to Policy L10.

HDC’S RESPONSE

Accept Inspector’s Recommendation

PROPOSED MODIFICATION

None required

Policy L9: Consequential change from ER2/1

As a consequence of the Inspector’s recommendation to allocate land to the North of Newhall for sports and recreation facilities add new supporting text in Chapter 9 following paragraph 9.12.1 as follows:-

9.12.2 To ensure the requirements of PPG17 are met suitable replacement sports and recreational facilities are required. An area of land in the Green Wedge, north of Newhall and south of Gilden Way, has been allocated for such facilities. The replacement leisure buildings are to be located on the

previously developed land within the Green Wedge. The provision of suitable separate facilities, if appropriate, of the replacement sports and recreation facilities such as playing fields, cricket pitch, tennis court, playground equipment, changing facilities and club house are required before the employment development commences on the land and buildings that are in active leisure use.

Add new allocation to policy L9

L9/3 LAND TO THE NORTH OF NEWHALL IS ALLOCATED FOR THE PROVISION OF SPORT AND RECREATIONAL FACILITIES.

3.3 Policy L10: Latton Farm Proposed for use as Playing Fields

Issue

The inconsistency between Policies L8 and L10

Inspector's Reasoning and Conclusions

This matter is identical with the preceding section of this Report. I do not propose to repeat my recommendation on Policy L10 at 3.2.1 above.

HDC'S RESPONSE

Accept Inspector's Recommendation as for Policy L10 at 3.2.1 above

PROPOSED MODIFICATION

None required

3.4 Policy L11: Improvement of Access to the River Stort

Issue

Whether more emphasis should be placed on the enhancement of wildlife habitats

Inspector's Reasoning and Conclusions

I am satisfied that the Second Deposit version of this Policy adequately recognises the importance of enhancement.

RECOMMENDATION

3.4.1 That no further change be made.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

None required

4. CHAPTER 10 – NATURAL ENVIRONMENT AND NATURAL RESOURCES

4.1 Policy NE3: Areas for New Green Wedges

Issue

Whether Ram Gorse should be designated a Green Wedge

Inspector's Reasoning and Conclusions

Green Wedge is a local designation; the identification of Ram Gorse as such as site NE3/3 in the SDdRHLP is superseded by the LPA's proposed redesignation of the site as Green Belt. Ram Gorse is a relatively small tract of land which in my view satisfies only in a minor respects the 4th criterion for the designation of new Green Wedges identified in Policy NE2. Even were it so designated it would not form a major open and distinctive component of the physique of the town.

RECOMMENDATION

4.1.1 That Ram Gorse be not designated as a Green Wedge.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

H4/11 RAM GORSE PLAYING FIELD
AREA 3.7 HA
INDICATIVE SITE CAPACITY 110 GROSS
INDICATIVE SITE CAPACITY 110 NET
INDICATIVE DENSITY 30 DPH

6.4.? *The allocation of Ram Gorse for housing will result in the displacement the rugby club. To ensure the requirements of PPG17 are met suitable replacement facilities are required before the housing development commences. Development of the playing field at Ram Gorse should be design to ensure that the character and views of St. Mary's Church are preserved.*

4.2 Policy NE4: Planning Permission in the Metropolitan Green Belt

Issue

Whether Ram Gorse should be designated as Green Belt

Inspector's Reasoning and Conclusions

I support GO-East's rejection of the Green Belt designation of Ram Gorse as I agree that that site does not fulfil the purposes prescribed in PPG2 and repeated in section 10.4 of the Plan to justify the designation; nor do I accept that there are any such very special circumstances as to justify overriding those criteria. I deal with the question of Ram Gorse being allocated as a housing site or, alternatively or concurrently, the redevelopment and allocation of land at Wych Elm as an alternative housing site in Sections 1.1, 1.6, and 1.7 of this Report above.

RECOMMENDATION

4.2.1 That Ram Gorse be not designated Green Belt

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

H4/11 RAM GORSE PLAYING FIELD
AREA 3.7 HA
INDICATIVE SITE CAPACITY 110 GROSS
INDICATIVE SITE CAPACITY 110 NET
INDICATIVE DENSITY 30 DPH

6.4.? *The allocation of Ram Gorse for housing will result in the displacement the rugby club. To ensure the requirements of PPG17 are met suitable replacement facilities are required before the housing development commences. Development of the playing field at Ram Gorse should be design to ensure that the character and views of St. Mary's Church are preserved.*

4.3 Policy NE6: Special Restraint Areas

Issues

Whether Policy NE6, under which Special Restraint Areas are designated and are defined on the Proposals Map, should be deleted

The continued protection of wildlife on the verge of the Gilden Way roundabout

Inspector's Reasoning and Conclusions

The first issue was brought to the Inquiry by the LPA to avert the possibility of a High Court challenge pointed out in a Counsel's opinion on the ground that the previous inspector had acted *ultra vires* in recommending the deletion of the SRA designation when that was not a subject of objection in the 2004 Inquiry.

Special Restraint Areas are tracts of land which were protected in the SDdHRLP against current development to meet possible future development needs in the period after the expiry of the Local Plan. The national guidance on safeguarded land is in Paragraph 2.12 and Annex B of PPG2. The designation of SRAs assists the long term durability of the Green Belt. While not establishing a commitment to development it gives a broad indication of the direction in which development might proceed after the Plan period.

Clear criteria are defined against which the designation should be applied and its functions in terms of the implementation of the Local Plan are defined. In particular, any release of such land should be pursued through a review of the Local Plan, failing which it should be formally treated as a departure.

3 SRAs were designated in the SDdHRLP. Their deletion was recommended in the IR on the Second Deposit objections on the ground that the notation was no longer needed following the adoption of the plan/monitor/manage approach to planning. It was argued that reliance should now be placed on the strength of other Plan policies to safeguard the land, a view unacceptable to the Essex Wildlife Trust.

As to the IR statement that the plan/monitor/manage approach to planning originated in the 1999 PPG12, I note that it explicitly came to birth, together with the emphasis on the use of previously-developed land and the sequential approach to the identification of land in development plans, in the first (2000) version of PPG3 and has been followed by further national advice. Technical Annex A of the adopted Replacement Essex Structure Plan confirms the role of Harlow's SRAs. Contrary to the stance adopted in the previous IR I do not find the designation either superseded or obsolescent but a useful planning tool to apply to land between the existing edge of a growing town and the Metropolitan Green Belt boundary. I therefore consider the SRA designation should be restored where appropriate.

I deal below under Policy NE6/1 with the Land North of Gilden Way (NE6/1). While it would prefer that that land be left permanently undeveloped, Harlow Civic Society supports the restoration of the SRA as the soundest form of interim protection. The LPA agrees with the IR that the Eastend site (NE6/2) in the west of the town is unsustainable and that other policies in the Plan are adequate to ensure its protection against development; and I deal in Section 7 of this Report with the site North of Nortel Networks (NE6/3) in conjunction with other issues jointly affecting that land and nearby land at New Hall.

On the basis that the draft RSS14 defines Harlow as a growth location on the London-Stansted-Cambridge-Peterborough Growth Corridor, an objector argues that accelerated growth is likely to take place and the requirement in Proviso 2 of Policy NE6 that development earlier than 2011 should be reliant on a review of this Local Plan should be deleted. However, as RSS 14 is still a draft document, I do not consider it appropriate to recommend changing the Local Plan in response to it. On that matter it appears to me that eventual replacement for the Local Plan will afford the flexibility the objector seeks.

On the second issue the protection of the wildlife verge on the Gilden Way roundabout is not dependent on the SRA designation and, accordingly, I make no recommendation.

RECOMMENDATION

- 4.3.1 That Policy NE6 and its reasoned justification be reinstated subject to the deletion of sites at Eastend (NE6/2) and North of Nortel (NE6/3).

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Reinstate section 10.6 along with paragraphs 10.6.1 – 10.6.3 omitting references to Eastend and North of Nortel Networks as follows and change paragraph 10.6.1 to reflect designation of land committed post 2011 at Newhall:

- 10.6.1** *The Local Plan identifies Special Restraint Area (SRA) where land is protected until it is needed to meet future development needs. The Structure Plan identified SRA north of Church Langley (Newhall) to meet future development needs. This area has been committed for housing in this Plan.*
- 10.6.2** *Development may be required for the next plan period and Government advice in PPG2 is that Council's should provide some flexibility for future development. The land north of Gilden Way is therefore identified as SRA as safeguarded land between the urban area and the Green Belt to meet longer term development needs.*

Reinstate Policy NE6 omitting references to Eastend and North of Nortel Networks as follows:

POLICY NE6

THE FOLLOWING SPECIAL RESTRAINT AREA HAS BEEN IDENTIFIED ON THE PROPOSALS MAP:

NE6/1 LAND NORTH OF GILDEN WAY

THERE WILL BE A PRESUMPTION AGAINST DEVELOPMENT IN THE SPECIAL RESTRAINT AREA UNLESS:

- 1. THE DEVELOPMENT MEETS THE GREEN BELT POLICY TEST AND DOES NOT PREJUDICE THE DEVELOPMENT OF THE SITE FOR LONGER TERM NEEDS;**
- 2. THE LAND IS SHOWN TO BE NEEDED FOR DEVELOPMENT RESULTING FROM A REVIEW OF THIS LOCAL PLAN.**

4.4 Policy NE6/1: Land north of Gilden Way

Issue

Whether the Special Restraint Area designation should be restored to Land North of Gilden Way

Inspector's Reasoning and Conclusions

The deletion of SRAs proposed in the IR includes that of this site and also of the requirement in Policy NE7 to produce a Master Plan, incorporating a detailed survey of this SRA land, showing how its development would be implemented following the review of the current Local Plan and the identification of substantial Green Wedges between the development site and the current built-up area. The designation was propounded by the LPA in the 2004 Inquiry and supported in the IR, though not then specifically as a housing site as is pursued by the current objectors. At that stage the issue was one of the timing of the site's future development.

This site is not needed for residential development as the Structure Plan housing requirement for the Plan period to 2011 is met. On the other hand, any future change in the status of Harlow in the regional housing situation within the Plan period will be required to be addressed in the document that will eventually succeed the Local Plan.

The LPA does not seek to reinstate the SRA at North Nortel as that land is now allocated for employment and other uses. I concur with that.

RECOMMENDATION

- 4.4.1 That Policy NE6 and its reasoned justification be reinstated subject to the deletion of sites at Eastend (NE6/2) and North of Nortel (NE6/3).

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Reinstate section 10.6 along with paragraphs 10.6.1 – 10.6.3 omitting references to Eastend and North of Nortel Networks as follows:

- 10.6.1** *The Local Plan identifies Special Restraint Area (SRA) where land is protected until it is needed to meet future development needs. The Structure Plan identified SRA north of Church Langley (Newhall) to meet future development needs. This area has been committed for housing post 2011 in this Plan.*
- 10.6.2** *Development may be required for the next plan period and Government advice in PPG2 is that Council's should provide some flexibility for future development. The land north of Gilden Way is therefore identified as SRA as safeguarded land between the urban area and the Green Belt to meet longer term development needs.*

Reinstate Policy NE6 omitting references to Eastend and North of Nortel Networks as follows:

POLICY NE6

THE FOLLOWING SPECIAL RESTRAINT AREA HAS BEEN IDENTIFIED ON THE PROPOSALS MAP:

NE6/1 LAND NORTH OF GILDEN WAY

THERE WILL BE A PRESUMPTION AGAINST DEVELOPMENT IN THE SPECIAL RESTRAINT AREA UNLESS:

- 1. THE DEVELOPMENT MEETS THE GREEN BELT POLICY TEST AND DOES NOT PREJUDICE THE DEVELOPMENT OF THE SITE FOR LONGER TERM NEEDS;**
- 2. THE LAND IS SHOWN TO BE NEEDED FOR DEVELOPMENT RESULTING FROM A REVIEW OF THIS LOCAL PLAN.**

4.5 Policy NE7: Criteria to develop land in Special Restraint Areas

Issue

Whether the SRA designation should be restored to the Plan

Inspector's Reasoning and Conclusions

The deletion of SRAs was misinterpreted in the IR and accepted by the LPA as made possible by the adoption of the plan/monitor/manage approach to land use planning. That is not the case and the designation of unallocated land between the built-up area and the inner Green Belt boundary as SRAs remains appropriate, in accordance with the advice in Paragraph 2.12 of PPG2. I therefore consider Policy NE7 should be restored.

Sufficient land has been allocated to meet the Structure Plan requirement and there is no current justification to designate further SRAs. I refer above to the consequences of any change in regional policy affecting the amplitude of development in Harlow.

RECOMMENDATION

4.5.1 That Policy NE7 be restored to the Plan.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

Reinstate Policy NE7 as follows:-

POLICY NE7

IF A NEED IS ESTABLISHED TO DEVELOP LAND IDENTIFIED AS SPECIAL RESTRAINT AREA FOLLOWING A REVIEW OF THIS LOCAL PLAN THE FOLLOWING SHALL BE TAKEN INTO ACCOUNT.

- 1. A MASTER PLAN INCORPORATING A DETAILED LANDSCAPE SURVEY SHALL BE PREPARED FOR THE SPECIAL RESTRAINT AREA.**
- 2. AT LAND NORTH OF GILDEN WAY SUBSTANTIAL GREEN WEDGES SHALL BE DESIGNATED BETWEEN THE PROPOSED AREA OF DEVELOPMENT AND OLD HARLOW AND CHURCHGATE STREET AND CAREFUL ACCOUNT SHOULD BE TAKEN OF OTHER CONSIDERATIONS ON THE SITE.**

4.6 Paragraph 10.14.1: Trees and Woodlands

Issue

The lack of reference to woodlands in a policy

Inspector’s Reasoning and Conclusions

I consider there is clear and ample reference to woodlands in paragraph 10.14.1. At the end of PC250 trees’ should read tree’s.

RECOMMENDATIONS

- 4.6.1 That no further change be made in paragraph 10.14.1 of the Plan..
- 4.6.2 That paragraph 10.14.2 of the Plan be changed by PC250 save that in the last line “trees’ ” be deleted and replaced by “tree’s’ ”.

HDC’S RESPONSE

Accept Inspector’s Recommendation

PROPOSED MODIFICATION

Paragraph 10.14.2 be redrafted as follows:-

10.14.2 In new developments the planting of new trees is encouraged and developers are expected to agree and fund an appropriate tree and woodland management scheme with the Council. Proposals that result in loss or damage to ancient woodland or are detrimental to tree’s in terms of ground compaction, or root disturbance and loss of water will not be approved.

4.7 Policy NE15: Wildlife Habitats to be Protected

Issue

The absence of a policy explicitly protecting ancient trees

Inspector’s Reasoning and Conclusions

It is conventional to refer to “ancient woodland”, which receives appropriately explicit mention in PC250. I support PC250 above; no further recommendation is needed.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSED MODIFICATION

No modification required

5 CHAPTER 13 – COMMUNITY FACILITIES AND PUBLIC UTILITIES

5.1 Policy CP14: Surface Water Drainage Conditions

Issue

The restoration of Policy CP14 (formerly CP15)

Inspector's Reasoning and Conclusions

The deletion of Policy CP14 correctly removes from the Plan text a matter that, while relevant to development, falls to be controlled under other legislation. On the principle of the avoidance of duplication of means of formal control I support the deletion.

RECOMMENDATION

5.1.1. That Policy CP14 is not restored to the Plan.

HDC'S RESPONSE

Accept Inspector's Recommendation

PROPOSALS MAP

RECOMMENDED CHANGES TO THE PROPOSAL MAP













