

Harlow Local Development Plan Examination

List of Matters and Questions

Matter 1: Duty to co-operate and other legal requirements

Questions:

1.1 Duty to Co-operate:

- What are the strategic matters dealt with by the plan to which the duty applies and which other authorities and organisations are affected by them?
- For each strategic matter, how has the engagement been carried out, what has been the outcome and how has this addressed the strategic matter?
- Overall, has the Council engaged constructively, actively and on an on-going basis with the relevant bodies in maximising the effectiveness of the HLDP in relation to the strategic matters? Has the duty to co-operate thus been met?

1.2 Has the preparation of the plan complied with the 2004 Planning and Compulsory Purchase Act and the relevant regulations?

1.3 Has the preparation of the plan complied with the Statement of Community Involvement?

1.4 Is the plan compliant with the Local Development Scheme?

1.5 Have the likely environmental, social and economic effects of the plan been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the spatial strategy of the plan and the distribution of housing and employment land?

1.6 In the light of the July 2018 Habitats Regulations Assessment, the comments of Natural England, recent studies and those planned in the near future, can an adverse effect on the integrity of Epping Forest SAC as a result of the plan be ruled out (either alone or in combination with other plans or projects)? If not, what mitigation measures would be necessary to protect the SAC from (a) recreational pressure and (b) air pollution as a result of development proposed in the plan?

1.7 Do the HRA findings have any implications for the strategy of the plan? Are there any specific implications for (a) the Harlow and Gilston Garden Town as a whole, (b) the HS3 strategic housing site east of Harlow, (c) the HS2 housing allocations or (d) any other proposals in the plan?

1.8 How would any necessary mitigation measures be delivered? What policies should be included in the plan to ensure this happens?

1.9 In the absence of agreed mitigation measures and suitable delivery mechanisms, can the plan be found sound?

Matter 2: Housing - Quantitative Requirements, Overall Provision and Five Year Supply

Questions:

- 2.1 Is the Full Objectively Assessed Need for housing between 2011-33 determined by the 2017 SHMA - 51,700 dwellings for the HMA and 7,400 for Harlow – robust?
- 2.2 The starting point for the 2017 SHMA is the 2014 based household projections. Should the 2016 based household projections released in September 2018 be taken into account, and if so does the objectively assessed need require adjustment?
- 2.3 Is the use of a 10 year migration trend in the 2017 SHMA justified?
- 2.4 Is the 14% uplift used in the 2017 SHMA justified?
- 2.5 The plan sets a housing requirement of 9,200 dwellings to be delivered in the plan period compared to the objectively assessed need of 7,400 dwellings. The extra 1,800 dwellings are to meet Harlow's affordable housing and regeneration needs (paragraph 7.23). Is this additional figure justified as a *requirement*, as opposed to a figure for potential supply? If not intended to meet the housing needs of other authorities in the HMA, which appears to be the case, what would be the effect of these additional 1,800 dwellings on housing delivery in nearby authorities, or on commuting patterns, and would this be desirable?
- 2.6 Does the plan provide for a five year supply of deliverable housing sites against the housing requirement? Is an allowance made for the non-implementation of commitments, and if not should one be? Is the housing trajectory, for individual sites and all the allocated sites combined, realistic?
- 2.7 Would the allocations and policies in the plan deliver 9,200 dwellings over the full plan period to 2033? Will the strategic housing site east of Harlow and Policy HS2 sites be all but built out as appears to be assumed? Paragraph 7.31 states the allocations in the plan exceed the requirement by 105 dwellings - is this sufficient flexibility to ensure delivery?
- 2.8 Has the cumulative impact of the policies and standards in the plan together with nationally required standards on the viability of housing development been appropriately assessed? Would these put the implementation of the plan at risk and would they facilitate development throughout the economic cycle?
- 2.9 Do Policies HS4 and H10 in the plan adequately provide for the housing needs of the travelling community? Should Policy H10 include a reference to need?

Matter 3: Overall Strategy; Harlow & Gilston Garden Town - General Principles & Infrastructure

The adopted East Hertfordshire District Plan proposes about 10,000 dwellings in new villages in the Gilston area just to the north of Harlow, 3,000 of which are to be built during the plan period. In addition, the Epping Forest District Local Plan, also currently under examination, proposes new neighbourhoods to the west of Harlow in the Water Lane area (2,100 dwellings), to the south of Harlow at Latton Priory (1,050 dwellings) and to the east of Harlow (750 dwellings), all to be built in the plan period. The latter would adjoin and form part of the strategic housing site east of Harlow allocated in this plan for 2,600 dwellings. The overall vision is for these to complement the existing town of Harlow to form Harlow and Gilston Garden Town. These proposals would focus significant future growth in and around Harlow, albeit much of the development would lie outside the administrative boundary of the town and thus outside the direct remit of this plan. The new communities would however inevitably look towards the existing town for many purposes including employment, transport links and other services and facilities. This plan therefore has a key role in ensuring that the overall Garden Town is developed in a comprehensive, integrated and coherent way.

Questions:

- 3.1 Is the overall spatial vision and spatial development strategy for Harlow to form the focus of the Harlow and Gilston Garden Town well considered, justified and would it be effective? Have alternative options for development in the HMA been considered that would not involve Green Belt land on the periphery of Harlow?
- 3.2 Is Policy HGT1 to guide the overall development and delivery of the new Garden Town communities justified and would it be effective? Does Policy HGT1 inappropriately seek to set policy for areas beyond the plan boundary? If so how should comprehensive policies for the overall Garden Town be established?
- 3.3 Is Policy HGT1 consistent with the equivalent or complementary policies for the Garden Town in the East Hertfordshire and Epping Forest local plans? If there are significant inconsistencies, how can these be resolved?

Green Infrastructure

- 3.4 Should the plan include a specific policy to protect the Green Belt around the town?
- 3.5 The NPPF states that the essential characteristics of Green Belts are their openness and their permanence; once established, Green Belt boundaries should only be altered in exceptional circumstances. Following a review of the 2006 boundaries, the plan proposes to delete Green Belt designation from 13 sites of various sizes. Are there exceptional circumstances such as a need for development or a change in physical appearance to justify deletion of the Green Belt in each case?
 - sites aii, aiii, bii, ci, cii, di, ei, fiv, gii and hi as shown in document EX0003 (sites fi, fii and fiii are covered in Matter 4)
- 3.6 Do Green Wedges and Green Fingers have different roles? Are the proposed deletions from the Green Wedges justified? Are the additional areas proposed for Green Fingers justified? Would the policies to prevent inappropriate development in Green Wedges and Green Fingers be effective? Is the definition of permissible

development in Policy PL4 justified and is it sufficiently clear? Should small-scale be more clearly defined?

Strategic Infrastructure Requirements

- 3.7 Have the overall infrastructure requirements for the overall Garden Town, including the transport effects, been adequately assessed? What transport improvements would be required, and how would these be delivered? How does the development relate to the new M11 Junction 7a?
- 3.8 Are the infrastructure requirements listed in Policy SIR1 necessary and justified? How would they be delivered? Would there be any adverse impacts?
 - 1. North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout
 - 2. East-West Sustainable Transport Corridor
 - 3. Second River Stort Crossing at River Way
 - 4. Access Route for Strategic Housing Site East of Harlow – covered in Matter 4
 - 5. Cemetery Extension
 - 6. New Allotment Provision
- 3.8 Should wastewater infrastructure and new schools provision be included in this Policy? (Thames Water and Essex CC representations)

Matter 4: Strategic Housing Site East of Harlow

Questions:

- 4.1 Are there exceptional circumstances to justify deletion of the Green Belt to the East of Harlow to facilitate this development? Should part of this be designated as a Green Wedge, or should this remain as Green Belt? Are alternative sites available for development not in the Green Belt?
- 4.2 Is the allocation appropriate in the light of site constraints, landscape and visual impacts and infrastructure requirements? Would there be any adverse consequences? If so, how could these be mitigated?
- 4.3 Is the allocation effectively part of a single proposal with the allocation for 750 dwellings in Epping Forest District? Have the Councils been co-operating effectively to plan and co-ordinate the delivery of the whole site? Are the main elements of the development clear, including the elements required in Harlow as opposed to Epping Forest? Is a single masterplan required for the whole site?
- 4.4 What health, education, local retail, open space and community facilities would be provided as part of the development? How would these be delivered?
- 4.5 Is the Access Route for Strategic Housing Site East of Harlow in Policy SIR1 necessary and justified? How would it be delivered? Would there be any adverse effects? How does the development relate to the new M11 Junction 7a?
- 4.6 Have the overall transport effects of the proposal been adequately considered? What public transport, cycling and walking links would be provided to maximise sustainable transport options? Are these adequately secured in the plan?
- 4.7 Have the surface water drainage and waste water implications of the development been adequately assessed? Would mitigation measures be necessary, and would this affect the layout of the scheme?
- 4.8 Have the historic heritage and ecological impacts of the proposal been adequately assessed, including any recreational or air quality effects on the Epping Forest SAC? Are there any implications for the content of the development or its layout?
- 4.9 Given all these factors, is the estimate of the site capacity realistic?
- 4.10 Does Policy HS3 provide sufficiently clear guidance for the development of the site? If not, how should it be amended? Is the policy consistent with the equivalent or complementary policy in the Epping Forest District Local Plan?
- 4.11 What is the land ownership situation? Is it realistic for all 2,600 dwellings to be built out during the plan period? What is the timetable for development - when would work commence, when would completions come on stream and how many dwellings would be built per annum when at peak delivery?

Matter 5: Employment and Retail Issues

- 5.1 Is the requirement for up to 20 ha of employment land in Policy ED1 justified by the evidence? Is it based on an adequate assessment of the employment needs of the area, and is it in an appropriate balance with the likely workforce generated by the proposed level of housing development?
- 5.2 Are the sites at Harlow Business Park, London Road and East Road appropriate for the level of development proposed? Would there be any adverse impacts? Does the plan provide sufficient guidance to secure suitable development on each site?
- 5.3 Is the retail hierarchy in Policy RS1 justified?
- 5.4 Is the requirement in Policy RS2 for up to 18,100 sq m of comparison floorspace and up to 3,200 sq m of convenience floorspace in Harlow up to 2026, and up to 40,200 sq m of comparison floorspace and up to 5,500 sq m beyond that date, justified by the evidence? Does the policy provide a suitable basis for delivering this development in the town centre, existing local centres and new centres to serve the new neighbourhoods in the Garden Town?
- 5.5 Is the boundary of the town centre to be the subject of a separate action area plan suitable?
- 5.6 Are the other ED and RS Policies in the plan justified and would they be effective in achieving their aims?
- 5.7 Should the area covered by Policy ED2 include Pearson House and it's car park? (Representation from Weston Homes)

Matter 6: Other housing allocations – Policy HS2 sites

Are the other housing allocations listed in Policy HS2 the most appropriate when considered against any reasonable alternatives in the light of the current use, site constraints, infrastructure requirements and potential impacts? Do the sites meet the NPPF definition of either being deliverable or developable during the plan period? Are the estimates of site capacity justified? Does the plan provide sufficient guidance to secure suitable development on each site?

In turn:

1. Princess Alexandra Hospital
 - are plans for relocation sufficiently certain for this to be included?
2. The Stow Service Bays
3. Last east of Katherines Way, west of Deer Park
4. Lister House, Staple Tye Mews, Staple Tye Depot and The Gateway Nursery
5. South of Clifton Hatch
6. Riddings Lane
7. Kingsmoor Recreation Centre
8. The Evangelical Lutheran Church, Tawneys Road
9. Land east of 144-154 Fennells
10. Pollard Hatch plus garages and adjacent land
11. Land between Second Avenue and St Andrew's Meadow
12. Coppice Hatch and garages
13. Sherards House
14. Elm Hatch and public house
15. Playground west of 93-100 Jocelyns
16. Fishers Hatch
17. Slacksbury Hatch and associated garages
18. Garage blocks adjacent to Nicholls Tower
19. Stewards Farm
20. Land between Barn Mead and Five Acres
21. Pypers Hatch

Matter 7: Development Management Policies

Are the development management policies in the plan positively prepared, justified, effective and consistent with national policy? This includes some specific questions in bullet point form.

In turn:

Placeshaping

PL1 Design Principles for Development

PL2 Amenity Principles for Development

PL3 Sustainable Design, Construction and Energy Usage

- Is this policy consistent with national policy and sufficiently clear to be effective?

PL4 Green Wedges and Green Fingers – dealt with under question 3.6

PL5 Other Open Spaces

PL6 Trees and Hedgerows

PL7 Green Infrastructure and Landscaping

PL8 Biodiversity and Geodiversity Assets (also Policy WE3)

PL9 Pollution and Contamination

PL10 Water Quality, Water Management, Flooding and Sustainable Drainage Systems

- Is criterion 4 c too prescriptive?

PL11 Heritage assets and their settings (also Policy WE4)

PL12 Advertisements

Housing

H1 housing Allocations

- Is this policy necessary?

H2 Residential Development

H3 Houses in Multiple Occupation

- What is the justification for this policy and the one in five restriction proposed?

H4 Loss of Housing

H5 Accessible and Adaptable Housing

- Is this policy consistent with national policy and sufficiently justified? Have the effects on viability been assessed?

H6 Housing Mix

- Is the policy sufficiently clear to be effective? Are the percentages in Figure 14.1 the most appropriate for use and how would they be applied site by site? Have the effects on viability been assessed?

H7 Residential Annexes

H8 Affordable Housing

- Is the policy justified and sufficiently clear to be effective? Have the effects on viability been assessed?

H9 Self-build and Custom-build Housing

- Is the policy justified and would it be effective?

H10 Travellers' Pitches and Plots – dealt with under question 2.9

Prosperity

PR1 Development within Employment Areas

PR2 Development within Neighbourhood Service Areas

PR3 Employment Development outside Employment Areas and Neighbourhood Service Areas

PR4 Improving Job Access and Training

PR5 The Sequential Test and Principles for Main Town Centre Uses

- Is the 500 sq m threshold for impact assessments outside the town centre justified?

PR6 Primary and Secondary Frontages in the Town Centre

PR7 Sub-division and Internal Alteration of Town Centre Units

- Is the requirement for two years of marketing evidence justified?

PR8 Frontages in Neighbourhood Centres

PR9 Development in Hatches

PR10 Development in Retail Parks

PR11 Evening and Night Time Economy

Lifestyles

L1 Open Spaces, Play Areas and Sporting Provision and Facilities in Major Development

L2 The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities

L3 Development involving the Provision or Relocation or Loss of Public Art

- What is the definition of major development, and is this policy justified in all cases?

Infrastructure

IN1 Development and Sustainable Modes of Travel

- Is the requirement for electric charging points for vehicles justified?
- Is the policy sufficiently ambitious? Should there be a requirement for travel plans in certain cases?

IN2 Impact of Development on the Highways Network including Access and Servicing

- Is the policy consistent with NPPF paragraph 32

IN3 Parking Standards

IN4 Broadband and Development

IN5 Telecommunications Equipment

IN6 Planning Obligations