

Harlow Local Development Plan Examination 2019

List of Matters and Questions

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

- 1) This hearing statement sets out the Council's response in relation to the Inspector's Specific Matters and Questions in Matter 1: Duty to co-operate and other legal requirements. Full details in respect of how the Council has accorded with the Duty to Cooperate, including the key organisations it has engaged with, is set out in the Duty to Cooperate Compliance Statement August 2018 (HSD14), that was submitted with the Harlow Local Development Plan (HLDP) in October 2018.

1.1 Duty to Co-operate:

- 2) The Localism Act 2011 placed a duty on Councils to co-operate on strategic planning matters that cross administrative boundaries. The Government considered that strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. As a former new town, with tight administrative boundaries, Harlow Council has, over the years worked collaboratively with a range of other bodies on strategic planning and related matters affecting the M11 corridor and west Essex and east Hertfordshire. This dates back to when Regional Spatial Planning Strategies provided an overarching strategic plan making framework for the wider area.
- 3) Specific bodies the Council has co-operated with in the production of the Harlow Local Development Plan include the following:
 - Neighbouring Local Planning and highway authorities, including East Hertfordshire, Epping Forest and Uttlesford District Councils together with Essex and Hertfordshire County Councils.
 - The Environment Agency
 - Historic England
 - Natural England
 - Homes and Communities Agency (known as Homes England from January 2018)
 - Highways England
 - NHS West Essex
 - West Essex Clinical Commissioning Group and NHS East and North Hertfordshire CCG
 - Thames Water
 - Affinity Water
- 4) Since the enactment of the Localism Act 2011, the spirit of co-operation has continued and gathered momentum, culminating in the establishment of the Co-operation for Sustainable Development Board in October 2014¹. The aim of the Co-operation for Sustainable Development Board (the Board) was to support Local Plan making to achieve the delivery

¹ [Cooperation for Sustainable Development Board | Harlow Council](#)

of sustainable communities across the geographical and administrative boundaries in West Essex, East Hertfordshire and the adjoining London Boroughs.

- 5) The core membership of the Board comprises representatives from the following authorities:
- i) The East Herts/West Essex Housing Market Area partners (East Herts, Harlow, Uttlesford and Epping Forest District Councils);
 - ii) Hertfordshire and Essex County Councils;
 - iii) Broxbourne Borough Council;
 - iv) Chelmsford City Council;
 - v) Brentwood Borough Council
 - vi) The London Borough of Redbridge;
 - vii) The London Borough of Enfield; and
 - viii) The London Borough of Waltham Forest.
- 6) In this context the Greater London Authority (GLA) has 'observer status'. Other organisations who have been engaged through the Co-operation Board include the Corporation of London (Conservators of Epping Forest), the Lee Valley Regional Park Authority and the London Stansted Cambridge Consortium (LSCC). Highways England, Natural England, Homes and Communities Agency, Princess Alexandra Hospital and the Environment Agency are invited to meetings and attend as appropriate.
- 7) At the heart of this process, and reflecting Harlow's geographic position, the Council has been working closely with East Hertfordshire, Epping Forest and Uttlesford District Councils, together with Essex and Hertfordshire County Councils, to consider the key socio-economic and environmental characteristics that inform plan making across the wider Harlow area.

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| <ul style="list-style-type: none">• 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? |
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- 8) It is the Council's position that a number of strategic planning matters have been identified, following a process of continuous engagement with neighbouring planning authorities and other organisations, and these have been considered in the preparation of the Plan. These have been considered by the Board and the appropriate committees of the respective Councils and culminated in the adoption of a joint spatial approach, under the banner of the Harlow and Gilston Garden Town (HGGT), and includes the following:
- Housing need and the distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (HMA). This involved collaboration between East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils (the West Essex/East Hertfordshire Authorities), with support from Essex and Hertfordshire County Councils and Highways England.

- Employment and the distribution of the objectively assessed employment needs of the Functional Economic Market Area (FEMA), again comprising East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils.
- Highways and transportation infrastructure provision to support growth across the West Essex/East Hertfordshire Housing Market Area (HMA). This involved East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils together with Essex and Hertfordshire County Councils.
- The consideration of the impacts of growth within the West Essex/East Hertfordshire Housing Market Area (HMA) on Epping Forest Special Area of Conservation (SAC). This involved collaboration with East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, together with Essex and Hertfordshire County Councils, the City of London Corporation (Conservators of Epping Forest) and Natural England.
- The identification and provision of key infrastructure across the Harlow and Gilston Garden Town through the preparation of a joint Infrastructure Delivery Plan.

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| <ul style="list-style-type: none"> • For each strategic matter, how has the engagement been carried out, what has been the outcome and how has this addressed the strategic matter? |
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- 9) Consideration of the various strategic matters identified through the Duty to Co-operate has reflected a process of continuous engagement with neighbouring planning authorities and other organisations through joint officer level discussions, commencing in 2010, in order to determine the geography of appropriate spatial planning areas within west Essex and east Hertfordshire, which reflected local socio-economic and environmental characteristics. These were then considered at member level through discussions and subsequent resolutions at meetings of the Co-operation for Sustainable Development Board and endorsed by the formal decision making bodies of the respective councils.

Housing need

- 10) As previously stated East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils have a substantial history of co-ordinated working on strategic planning issues, not least on assessing housing need and planning for future growth. Having regard to the Duty to Co-operate in section 33A of the Planning and Compulsory Purchase Act 2004, and the advice in the National Planning Policy Framework (NPPF), and arising from on-going officer discussions, consultants ORS were appointed on behalf of the West Essex/East Hertfordshire Authorities to undertake the preparation of three Strategic Housing Market Assessments (SHMAs). These were published in 2010, 2012 and 2015 for the combined area of East Hertfordshire, Epping Forest, Harlow and Uttlesford Districts. The SHMA's have served as key technical evidence to inform the preparation of the local development plans prepared by the respective local planning authorities.

- 11) Following on from the preparation of the SHMA's, the West Essex/East Hertfordshire Authorities commissioned work from consultants AECOM, through the Co-op Member Board, to assess the sustainability of strategic spatial options for meeting the overall OAHN within the HMA. Consequently housing need and the distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (HMA) was considered at a series of meetings of the Board.
- 12) This process of engagement resulted in a positive outcome, through the signing of a joint Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area, in March 2017². The key signatories of this were East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, with support from Essex and Hertfordshire County Councils and Highways England.
- 13) The joint Memorandum of Understanding provided a coordinated approach to the identification of strategic housing needs and its distribution across the of West Essex/East Hertfordshire and which has been set out in the adopted, submitted and emerging local development plans of the four constituent local planning authorities. This is reflected in Policies HS1 Housing Delivery, HS2 Housing Allocations and HS 3 Strategic Housing Site East of Harlow, as set out in the Harlow Local Development Plan.

Employment matters

- 14) In parallel with the joint work being undertaken on housing matters East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, together with support from Essex and Hertfordshire County Councils, have collaborated on the consideration of employment needs across West Essex / East Hertfordshire Functional Economic Market Area (FEMA). This was because employment matters were considered to be a key strategic issue with cross boundary implications, and again this was undertaken to accord with the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004, and the advice in the National Planning Policy Framework (NPPF).
- 15) In this respect consultants Hardisty Jones Associates (HJA) were appointed jointly by East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, in agreement with Co-operation for Sustainable Development Board, to provide economic evidence to help develop a policy approach towards future jobs growth across the area. The outcome of this

² Memorandum of Understanding on
Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market
Area
March 2017 http://www.harlow.gov.uk/sites/harlow-cms/files/documents/files/Final%20OAHN%20MoU%20following%20Board%20on%2020%20March%202017_Redacted.pdf

culminated in the publication of studies in 2015 and 2017 that were used to underpin the preparation of a joint Memorandum of Understanding on the Distribution of Objectively Assessed Employment Need across the West Essex-East Hertfordshire Functional Economic Market Area. This was considered by the Coop Board, endorsed by East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, with support from Essex and Hertfordshire County Councils, and jointly signed in May 2018.³

- 16) It is considered the joint Memorandum of Understanding provided a coordinated approach to the identification of strategic employment needs and its distribution across the of West Essex/East Hertfordshire and this has been reflected in the adopted, submitted and emerging local development plans of the four constituent local planning authorities. This is reflected in Policy ED1 Future Employment Floorspace as set out in the Harlow Local Development Plan.

Highways and Transportation matters

- 17) A key strategic issue in the preparation of local development plans of the West Essex/East Hertfordshire Authorities has been the consideration of Highways and Transportation matters to ensure the identified housing and employment requirements can be supported, in terms of traffic flow, road and transport connections, and options for sustainable travel. Consequently the West Essex/East Hertfordshire Authorities have engaged closely with Essex and Hertfordshire County Councils and Highways England, as the relevant highway authorities, to consider such matters through regular officer meetings, and meetings of the Coop Board.
- 18) Arising from this Essex County Council commissioned the consultants Jacobs to provide technical support to consider the impact of the growth set out the local development plans of the four West Essex/East Hertfordshire Authorities, in conjunction with engagement with Hertfordshire County Council and Highways England. The outcome of this was the publication of a series of technical notes, that form part of the evidence base of the West Essex/East Hertfordshire Authorities, and which also identified the key road and transport improvement and mitigation measures needed to support the identified growth.
- 19) The consideration of the outcomes of this work resulted in the signing of a joint Memorandum of Understanding on Highways & Transportation Infrastructure for the West Essex/East Hertfordshire Housing Market Area in May 2017⁴. The signatories were East

³ http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/MoU%20Objectively%20Assessed%20Employment%20Need%20May%202018_Redacted.pdf

⁴ http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/Final%20AHN%20MoU%20following%20Board%20on%2020%20March%202017_Redacted.pdf

Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils, together with Essex and Hertfordshire County Councils and Highways England. The purpose of this MoU was to ensure that Essex County Council, Hertfordshire County Council and Highways England (supported by the West Essex/East Hertfordshire authorities), together fulfil the following requirements:

- i. to contribute to the delivery of the vision set out in section 3 of the MoU;
- ii. to seek/support/work towards addressing the strategic highway issues identified through modelling, and some of the emerging transport issues are outlined in section 4 of the MoU;
- iii. to work collaboratively to identify, develop and secure/deliver enabling highway infrastructure schemes supporting the 'Spatial Option' of the Objectively Assessed Housing Need within the West Essex/East Hertfordshire Housing Market Area, as set out above and within the overarching 'Distribution of Objectively Assessed Housing Need across the West Essex and East Hertfordshire Housing Market Area' MoU;
- iv. to continue to engage with the West Essex/East Hertfordshire Councils (primarily through the Co-operation for Sustainable Development Officer Group and the Cooperation for Sustainable Development Member Board) at an early stage, in detail, and on a continuing basis, with the intention of avoiding possible objections being made at consultation stages and/or at Independent Examination of the individual Local Plans;
- v. to continue to co-operate during the implementation and monitoring of the individual West Essex/East Hertfordshire Councils Local Plans;
- vi. to liaise with each other on any future joint evidence work which may be required to address the strategic highway issues;
- vii. to help demonstrate compliance with the Duty to Co-operate during the Independent Examination of the West Essex/East Hertfordshire authorities' Local Plans
- viii. to inform and support the 'Managing the Impacts of Growth across the West Essex and East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation' MoU.

The outcome of this work has been the identification of key infrastructure that is reflected in Policy SIR 1 Infrastructure Requirements in the HLDP (SIR 1-1, 2, 3 and 4).

Epping Forest Special Area of Conservation

- 20) The Council has also been working closely with East Hertfordshire, Epping Forest and Uttlesford District Councils, together with Essex and Hertfordshire County Councils and City of London Corporation (Conservators of Epping Forest) and Natural England, to manage the
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impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation (SAC). This is because the plan-making authority must make an appropriate assessment of the implications of growth on the Epping Forest Special Area of Conservation for the site taking into account the site's conservation objectives, in accordance with the Conservation of Habitats and Species Regulations 2010.

- 21) The outcome of this joint work resulted in the signing of a Memorandum of Understanding on managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation between the authorities and organisations described above, in February 2017⁵.

The purpose of this MoU sought to ensure that the named parties addressed the following requirements:

- i. to collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC;
- ii. to commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and
- iii. that the joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent deterioration of the SAC features.

Infrastructure provision

- 22) Whilst the overall infrastructure requirements for the Garden Town have been identified through the individual Infrastructure Delivery Plans (IDPs) prepared by the three local authorities, a joint HGGT IDP is also being prepared and will be available in Spring 2019. The IDP is being produced by Arup, on behalf of the Garden Town local authorities comprising:

- Harlow District Council;
- Epping Forest District Council;
- East Herts District Council;
- Essex County Council; and
- Herts County Council.

The purpose and outcome of the IDP is to:

⁵ http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/Impacts%20on%20EF%20MOU%20SIGNED%20COPY_Redacted.pdf

- identify the infrastructure required to support housing and employment growth across the Garden Town, when it needs to be delivered and how much it is expected to cost;
- identify which sites will be expected to deliver or contribute to infrastructure; and
- apportion estimated infrastructure costs to specific sites.

- 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?

23) It is the Council's position, as is demonstrated above, that it has constructively, actively and on an on-going basis, engaged with the relevant bodies, including neighbouring planning authorities, in order to maximise the effectiveness of the Harlow Local Development Plan in relation to the consideration of strategic planning matters. This is particularly important given that whilst the district has very tight administrative boundaries it is situated at a key location at the heart of the M11/ London, Stansted, Cambridge Corridor.

24) It is, therefore, contended that the Council has endeavoured to engage with all the relevant bodies, as evidenced by the range of responses it has received to the various public consultation exercises it has conducted since 2010, the signed MoU's, agreed Statements of Common Ground (SoCG's), together with the input from such bodies in the preparation of various evidence base and other documents, that has informed the preparation of the HLDP.

25) The Regulation 22 Consultation Statement⁶ sets out in detail how the Council engaged with stakeholders and the local community, whilst the Duty to Cooperate Compliance Statement⁷ explains how the Council has fulfilled its obligations in respect of the Duty to Cooperate.

26) A complete record of duty to cooperate activity is contained in the Duty to Co-operate Compliance Statement (HSD14), published in August 2018. This fully meets the requirements of the NPPF (2012). It is contended, therefore, that the Duty to Cooperate has been fully met.

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

⁶ <https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/HSD13%20-%20Regulation%2022%20Consultation%20Statement.pdf>

⁷ <https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/HSD14%20-%20Duty%20to%20Co-operate%20Compliance%20Statement.pdf>

27) It is the Council's position that the preparation of the plan has complied with the relevant provisions of the Act and relevant regulations, including the following:

- Section 33A of the Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Paragraphs 178-181 and 156 of the National Planning Policy Framework (NPPF) 2012
- Paragraphs 24-27 of the updated National Planning Policy Framework published in July 2018

28) This means that in the preparation of the Harlow Local Development Plan (HDLP) the Council has considered the socio-economic and environmental characteristics of the area, including the relevant strategic matters identified through the Duty to Cooperate with the relevant local planning authorities and other relevant bodies and organisations as referred to in the response to 1.1 above.

29) In addition the HDLP has been prepared to reflect the published Local Development Scheme (LDS), and following full public consultation, in accordance with the Council's adopted Statement of Community Involvement (SCI). The form and content of the HDLP reflects the format set out in the 2004 Act and associated Regulations in that it sets out a vision and strategic priorities for the area, together with a suite of strategic and more detailed development management policies that have been informed by the supporting technical assessments, as set out in the evidence base. The policies are provided with reasoned justification, together with an explanation how they are expected to be implemented and, where appropriate, the spatial expression of such policies is set out in the accompanying Policies Map. It is contended, therefore, that the HDLP has been prepared positively, with objective of contributing to the achievement of sustainable development in the district and sets out an aspirational vision that reflects Harlow's role at the heart of the Harlow and Gilston Garden Town.

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

30) It is the Council's position that it has complied with the provisions of its Statement of Community Involvement⁸ adopted in September 2014. The Statement of Community Involvement (SCI) sets out in detail how the Council consulted with the local community and other bodies during the preparation of planning policies in the determination of planning applications. This includes the identification of a range of consultation methods

⁸ <http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/SCI%20Review%20Adopted%20Sept%202014-%20Amendments%20FINAL.pdf>

that could be utilised when preparing development plan and supplementary planning documents.

- 31) The document itself was prepared following public consultation, undertaken over a seven week period, between April and May 2014, and which superseded an earlier version produced and adopted by the Council in March 2007. The 2014 version had been revised to reflect the changes that had been made to the planning system that took into account national changes arising from the Localism Act 2011 and the publication of National Planning Policy Framework and Planning Policy Guidance.
- 32) Other changes were made, including modifications to the requirements in respect of planning application notifications, to ensure the Council uses its resources in the most efficient way, whilst ensuring consultation with the community in an inclusive manner. The SCI provided, therefore, an effective strategy to facilitate community participation in the planning process, including the preparation of the Local Plan.

1.4 Is the plan compliant with the Local Development Scheme?

- 33) The Council has prepared a Local Development Scheme (LDS)⁹, in accordance with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This specifies the development plan documents that will comprise the Local Plan for the area as well as identifying the other documents that will support plan making in the area. It has been made available publically, including on the Councils website, and reviewed and kept up-to-date so that the local community and interested parties can keep track of progress on the preparation of development plan and other related planning documents.
- 34) It is the Council's position that the HLDP has been prepared in compliance with the LDS that was submitted with the Plan in October 2018.

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?

- 35) In accordance with the Environmental Assessment of Plans and Programmes Regulations (2004) (hereafter referred to as the 'SEA Regulations') and in line with extant guidance (National Planning Practice Guidance), a Sustainability Appraisal (SA) has been carried out iteratively during the preparation of the Local Development Plan and has influenced its content. The SA Report (HSD3a) and Non-Technical Summary (HSD3b) submitted alongside the Local Plan identifies, describes and evaluates the likely significant effects of implementing the plan, and reasonable alternatives. Appendix I of the SA Report (HSD3a) includes a 'checklist' of how (throughout the SA process) and where (within the report) the regulatory requirements have been (and, in some cases, will be) met (Table C, page 69-70).

⁹ <https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/HSD12%20-%20Local%20Development%20Scheme%202018%20-%20Updated.pdf>

36) The Council consider that the SA adequately addresses the likely environmental, social and economic effects of the Local Development Plan. Part 2, Chapter 9 of the SA Report (HSD3a) presents the appraisal of the Draft Pre-Submission Local Development Plan as published under Regulation 19 in May 2018. The appraisal identifies and evaluates the 'likely significant effects' of the plan on the baseline, drawing on the sustainability topics/objectives identified through scoping as a methodological framework. The likely significant effects are predicted taking account of the characteristics and 'significance criteria' presented within Schedules 1 and 2 of the Environmental Assessment of Plans and Programmes Regulations. Cumulative effects are also considered and mitigation measures identified where necessary within Chapter 9. It should be noted that the approach and method used for the SA of the Harlow Local Development Plan is the same as the SA for the adopted East Herts Local Plan and the emerging Epping Forest Local Plan which is currently at examination.

37) It is considered that the SA identifies, describes and evaluates the likely significant effects of reasonable alternatives. Part 1 of the SA Report (HSD3a) presents information regarding the consideration of reasonable alternatives, in particular District-wide spatial strategies. Chapter 5 discusses the key steps undertaken in 2016 and 2017 that led to the development of reasonable spatial strategy alternatives for appraisal and then consultation in 2018. The key HMA and District level considerations are set out in Chapter 5 and then paragraphs 5.51 to 5.60 explain how these were brought together in order to establish three District-wide reasonable alternatives for appraisal, see Table 5.3 in HSD3a. The detailed appraisal of these spatial strategy alternatives is set out in Appendix IV of the SA Report with summary findings presented in Chapter 6. The Council's outline reasons for selecting the preferred spatial strategy and rejecting alternatives is provided in Chapter 7.

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?

38) A conclusion of no adverse effect on integrity of any European sites either alone or in combination with other plans and projects can be reached.

Recreational pressure

39) A conclusion of no adverse effect on integrity can be reached based on the most recent available data provided that, in line with the recommendations in the Harlow Local Development Plan HRA Report June 2018 (HSD5) and the emergence of the Interim Epping Forest Mitigation Strategy for recreational pressure:

- i. The recreational pressure effect of Site HS2-9: Land east of 144 - 154

Fennells, allocated for 23 dwellings (this being the only housing allocation in Harlow that lies within 6.2km of the Epping Forest SAC) is addressed by financial contributions being made to the Epping Forest Mitigation Strategy for recreational pressure being devised by Epping Forest District Council, before that development is granted planning permission.

- ii. Policy WE1 Strategic Green Infrastructure identifies the need for new Green Infrastructure to be planned into all new development. In line with this, the garden communities being created around Harlow should deliver a suitably large amount of natural accessible greenspace to maximise their recreational self-sufficiency.

Air pollution

40) The latest (January 2019) HRA that has been made available for the Epping Forest Local Plan¹⁰ reports on a comprehensively updated traffic and air quality modelling exercise for Epping Forest SAC which explicitly took account of planned growth in the rest of the East Herts/ South Essex HMA (including Harlow). Paragraph 4.14 of that HRA states that ‘... *growth in Epping Forest District between 2014 and 2033 is the primary source of additional ammonia and NOx emissions on the modelled road sections and all other plans and projects make a negligible contribution to the in combination effect...*’. This reinforces the conclusion of the Harlow Local Plan HRA as it relates to air quality.

41) Scrutiny of the data provided in Appendix F of the Epping Forest Local Plan HRA Report (January 2019) supports that conclusion. The collective contribution of future growth in Harlow, East Herts and Uttlesford together is added to the model to create the data in scenario DS1. When one compares the numbers in this column of Appendix F with those in the preceding scenario/ column (DM) it is seen that they are either identical or imperceptibly different (i.e. the difference is below, generally well below, 1% of the critical level or load for all pollutants, even when the three plans (Harlow, Uttlesford and East Herts) are modelled together). This shows the negligible contribution that growth within the boundaries of these three authorities is forecast to make to changes in air quality along the modelled roads. The air quality effect of growth on the SAC can therefore be addressed by focussing on mitigating growth in Epping Forest District. The new data therefore supports a conclusion of no adverse effect of the Harlow Local Development Plan on the integrity of Epping Forest SAC either alone or as part of an ‘in combination’ effect.

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?

¹⁰ http://www.efdclocalplan.org/wp-content/uploads/2019/02/Epping-Forest-Local-Plan-HRA-2019_v3.pdf

42) The findings of the Harlow Local Development Plan HRA (HSD5), and the subsequent relevant work undertaken by Epping Forest District Council such as the development of the Interim Mitigation Strategy and the air quality modelling for the January 2019 Epping Forest HRA, do not pose any implications for the overall strategy of the plan. The only implications of the identified HRA issues are that:

- i. The recreational pressure effect of a single housing allocation (Site HS2-9: Land east of 144 - 154 Fennells, allocated for 23 dwellings) to be delivered within 6.2km of the Epping Forest SAC will require financial contributions to be made to the Epping Forest Mitigation Strategy for recreational pressure being devised by Epping Forest District Council, before planning permission is granted for that development.
- ii. Policy WE1 Strategic Green Infrastructure identifies the need for new Green Infrastructure to be planned into all new development. In line with this, the garden communities being created around Harlow should deliver a suitably large amount of natural accessible greenspace to maximise their recreational self-sufficiency which could be achieved through a green infrastructure strategy¹¹. Ultimately the quantum of Green Infrastructure required and achievable will be dependent on the layout of these larger developments and detail will need to be established for individual planning applications.

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

43) The mitigation measures would be delivered as follows:

- i. For site HS2-9: Land east of 144 – 154 Fennells a financial contribution would need to be made to -the Epping Forest Mitigation Strategy for recreational pressure being devised by Epping Forest District Council, before planning permission is granted for that development. This can be addressed through the planning application process for this development site.
- ii. For the garden town communities around Harlow, the quantum of new Green Infrastructure required and achievable to make these developments recreationally self-sufficient will be dependent on the layout of these larger developments and detail will need to be established through a green infrastructure strategy associated with the outline

¹¹ It is noted that the Gilston Area Concept Framework (September 2016) provides Aspirational Objectives including to 'Create major publically accessible parklands, as well as extensive hard and soft landscaping within the villages. Every house within 300m of open space;'

planning applications for each garden town community.¹² This is in line with the approach being taken to the same garden town communities in East Herts District and Epping Forest District.

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

44) In considering this question, the Council would advise the Inspector to take account of the original advice that Advocate-General Kokott gave to the Court of Justice of the European Union (ECJ) in 2005 when the UK was first required to undertake HRA of plans¹³. With regard to the level of detail required in a plan and its HRA in order to meet the tests of the Habitats Directive she commented that: *'It would ...hardly be proper to require a greater level of detail in preceding plans [rather than planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure'*. This has been expanded upon in several UK court rulings. The Court of Appeal¹⁴ has ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be 'achieved in practice' to avoid an adverse effect, then this would suffice. The High Court¹⁵ has ruled that for *'a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of ... the Habitats Regulations'*.

45) In the case of the Harlow Local Development Plan, the only actual mitigation measure required for any development within the Local Plan based on the available evidence are those required to mitigate the recreational pressure effect of the single housing allocation (Site HS2-9: Land east of 144 - 154 Fennells, allocated for 23 dwellings) to be delivered within 6.2km of the Epping Forest SAC. The Council's commitment to mitigation for recreational pressure to collaboratively devise strategic mitigation solutions (i.e. the access management contributions being devised by Epping Forest District Council in conjunction with the City of London Corporation) is expressed in the Epping Forest SAC Memorandum of Understanding which is itself referenced within the Plan as follows: 1.31: *'... Additionally,*

¹² The use of Natural England's ANGST standards would be a good starting point in determining a quanta of green infrastructure required.

¹³ Opinion of Advocate-General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, paragraph 49.

<http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN>

¹⁴ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

¹⁵ High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

a MoU has been prepared, focussing on the management of growth from development on the Epping Forest Special Area of Conservation to ensure no adverse effects on integrity of the SAC.

- 46) Since that commitment was made governance arrangements have been put in place. The first step in development of this strategy, through undertaking an updated visitor survey of the SAC has been completed and an interim mitigation strategy has been devised. The interim strategy will be replaced by the long-term mitigation strategy during the course of 2019 (as the full mitigation strategy is to be informed by further visitor survey which is due to be undertaken in early Summer 2019). However, in reviewing the interim mitigation strategy Natural England commented in a letter to the Council dated 1st October 2018 that, *'This interim proposal provides a solid base on which to further develop the final Mitigation Strategy...'* Therefore there is considerable certainty that the long-term mitigation strategy will be in place prior to site HS2-9 being granted planning permission. Since this issue only affects one allocated site in Harlow, it can be effectively dealt with through the planning application process. As such, it is considered that the Harlow Local Plan can be found sound even though the long-term recreation mitigation strategy for Epping Forest SAC does not yet exist.

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

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in Matter 2: Housing - Quantitative Requirements, Overall Provision and Five Year Supply.

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?

47) It is contended that the full Objectively Assessed Need (OAN) for housing determined by the 2017 SHMA is robust.

48) The SHMA 2017 identifies the OAN for market and affordable housing in the Housing Market Area (HMA) and for Harlow specifically, consistent with paragraph 47 of the National Planning Policy Framework 2012. The identified OAN meets household and population projections (taking full account of migration and demographic change) and addresses the need for all types of housing and caters for housing demand, consistent with paragraph 159 of the Framework.

49) The approach used to establish the Objectively Assessed Need (OAN) followed the standard methodology set out in the Planning Practice Guidance (PPG) for the "Assessment of housing and economic development needs" ID: 2a Revision date 06 03 2014.¹

50) Whilst the Government has now published a new standard methodology (and has recently consulted on further proposed changes to update the planning practice guidance on housing need assessment),² under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (NPPF) it remains appropriate for the Council to use the methodology in the Planning Practice Guidance which relates to the original NPPF.

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?

51) Yes, the 2016-based household projections (released in September 2018) should be taken into account. PPG states that: *"Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued."* [ID 2a-016-20150227]

¹ <https://webarchive.nationalarchives.gov.uk/20180607114246/https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751810/LHN_Consultation.pdf

- 52) The 2016-based household projections provide the latest available information, so we should consider whether the new figures represent a *“meaningful change in the housing situation”*. The ONS 2016-based household projections identify a total of 214,462 households in the HMA by 2033. This is 4,453 households fewer than the 218,915 households identified by the 2017 SHMA, and this could reduce overall housing need.
- 53) Nevertheless, the Government had raised concerns about changes to the household formation methodology that the ONS introduced for the 2016-based projections and their response to question 2 of the recent technical consultation on updates to national planning policy and guidance states:³ *“the Government continues to think that the 2016- based household projections should not be used as a reason to justify lower housing need”*
- 54) As the Harlow Local Plan is being examined under the transitional arrangements set out in Annex 1 of the Revised NPPF, the technical consultation does not apply. However, it is evident that the Government has some concerns about this information (despite it being the latest available) and therefore only limited weight should be given to the 2016-based figures.
- 55) Despite concerns about the projected household growth, the Government’s response to question 1 of the consultation states: *“the Government is clear that this does not mean that it doubts the methodological basis of the 2016-based household projections. It welcomes the work of the Office for National Statistics (ONS) following the transfer of the projections from the Ministry of Housing, Communities and Local Government and the steps they have taken to explain the projections, for example in their recent blog.”*⁴ *The Government looks forward to the further work programme of the ONS to develop even greater confidence in the projections and is committed as the key customer to supporting the ONS ahead of the publication of the next projections”*
- 56) The ONS has already published some variant scenarios as part of the 2016-based household projections. The outputs for “sensitivity test 2” provide figures calculated from the new 2016-based sub-national population projections (which uses a well-established methodology, updated to take account of the most recent data) but instead of using the new ONS household formation rates it uses the previous 2014-based CLG household formation rates. Based on the CLG rates, the same population is projected to form 218,315 households in the HMA by 2033. This is 3,853 households more than projected by the ONS rates; but is very close to the 218,915 households projected by the 2017 SHMA.
- 57) In summary, the 2017 SHMA projections are notably higher than the 2016-based household projections, with an additional 4,453 households in the HMA by 2033. Nevertheless, the 2017 SHMA projections are only marginally higher than the latest official sub-national population projections when the 2014-based CLG household formation rates are applied, with a difference of only 600 households (0.3%). This does not lead to a *“meaningful change in the housing situation”* and the objectively assessed need does not require any adjustment.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779792/LHN_Gov_response.pdf

⁴ <https://blog.ons.gov.uk/2018/10/19/what-our-household-projections-really-show/>

2.3 Is the use of a 10 year migration trend in the 2017 SHMA justified?

- 58) The approach to migration is discussed in detail in the original SHMA 2015 where the preferred use of a 10-year trend and the reliance on Census data is clearly explained and justified (paragraphs 3.32-3.39). The interim demographic update (HEBH5) considered the impact of more recent migration trends (paragraphs 15-24) and the SHMA 2017 took account of all of this evidence (paragraphs 2.9-2.17).
- 59) The chart at figure 1 of the SHMA 2017 identifies that there was a peak in net migration to the HMA during the most recent 5-year period, and this is the only such peak recorded over the last 25 years. On this basis, it would be unreasonable to assume that the average rate of migration for this latest 5-year period will be sustained over the 22-year projection, as that would be tantamount to assuming that the recent peak will repeat every 5 years. This is unreasonable given that it such a peak was previously unprecedented.
- 60) The SHMA household projections were considered in detail by the Inspector at the East Hertfordshire Local Plan examination hearings. Her report ⁵ concluded: "Migration assumptions. *The updated figures are robust.*" (paragraph 31).

2.4 Is the 14% uplift used in the 2017 SHMA justified?

- 61) The approach to market signals is discussed in detail in the SHMA 2017, where Chapter 3 clearly explains and fully justifies the most appropriate response to market signals based on a detailed analysis of the evidence. With regard to the proposed uplift, the report concludes (paragraph 4.3): *"The FOAN includes an uplift of 6,200 dwellings in addition to the household projection-based estimate of housing need of 45,500 dwellings. This represents an uplift of 14% on the housing need number suggested by household projections; however, more importantly, the FOAN represents a 69% increase in the rate of housing supply delivered over the previous decade 2001-2011."*
- 62) The SHMA response to market signals and the associated uplift proposed was also considered by the Inspector at the East Hertfordshire Local Plan examination hearings. ORS subsequently produced a paper⁶ in response to questions that were raised by the Inspector during the hearings which reviewed the market signals indicators and the associated response for other local authority areas across the Wider South East where housing numbers had recently been tested by Local Plan Inspectors. Whilst some of the indicators are lower than East Herts in Harlow (and many are higher in Epping Forest or Uttlesford), the response to housing market signals is applied across the housing market area, consistent with the NPPF 2012 identifying that overall housing need should be identified for the housing market area.

⁵ https://www.eastherts.gov.uk/media/32981/TheReport-on-the-Examination-of-the-East-Herts-District-Plan-2011-2033/PDF/East_Herts_District_Plan_-_Inspectors_Report_FINAL.pdf

⁶ https://www.eastherts.gov.uk/media/31975/ED142-East-Herts-Councils-response-to-Inspectors-questions-on-OAN-during-Hearing-Sessions-Week-1/PDF/ED142_Response_to_Inspectors_questions_on_OAN_raised_following_the.._.pdf

- 63) Having considered all of the evidence, the East Hertfordshire Inspector's report concluded:
"Market signals. The updated SHMA considers market signals affecting the HMA ... a 14% market signal uplift is appropriate as a response to address market pressures. This equates to over 6,200 dwellings across the HMA."

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?

- 64) The 2017 SHMA identifies that the full, objectively assessed need for market and affordable housing in the housing market area is 51,710 dwellings over the 22-year period 2011-2033.
- 65) The proposed housing requirement for the HMA comprises a total of 53,058 dwellings; which includes an adopted requirement of 18,458 dwellings in East Herts, and the remaining areas (all with plans currently at examination) being 11,400 dwellings in Epping Forest, 9,200 dwellings in Harlow and 14,000 dwellings in Uttlesford. Therefore, the combined planned housing requirement will meet OAN across the HMA.
- 66) When considering the distribution of OAN between local authority areas, the 2017 SHMA states: (para 4.9) *"whilst the identified FOAN will be a key part of the evidence base, the Local Plans will be the mechanism through which the SHMA and associated evidence will be assessed against environmental and policy constraints, such as Green Belt, to identify a sustainable and deliverable plan requirement. The Local Plans will also consider the most appropriate spatial distribution for the FOAN across the housing market area."*
- 67) It is the Council's position that the figure of 9,200 is justified as a requirement in order to help bring about regeneration and address affordability issues in Harlow, and go some way to meet our significant affordable housing need of 3,200 dwellings (2016-2033). The National Planning Policy Framework (NPPF) requires Councils to meet their objectively assessed needs with sufficient flexibility to adapt to rapid change. It is contended, therefore, that overage of 1800 is considered appropriate to achieve this flexibility, and also to meet the Council's corporate priority as set out in the Corporate Plan of providing more and better housing, and is therefore considered an appropriate requirement for this authority. The core principles in the NPPF require the Councils to respond positively to wider opportunities for growth and it is contended that this is what the strategy set out in the HLDP aims to achieve.
- 68) Together with the number of housing completions and existing commitments, along with the housing allocations set out in the Harlow Local Development Plan (HLDP), it is considered that this constitutes the potential housing supply in Harlow. However, the

Council as a signatory of the joint Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (March 2017) ⁷ is committed to providing the 9200 dwellings as its contribution to the distribution of the overall HMA housing need of 51,100 dwellings, and as such was considered a requirement of the Plan. Whilst not provided to meet the needs of the adjoining authorities it does contribute the HMA needs overall.

- 69) The dwelling supply in Harlow is considered to be an element of the Harlow and Gilston Garden Town (HGGT) as a whole and as such has been subject to a number of studies, specifically; transport; employment; infrastructure delivery; HRA; water cycle. The 1800 dwellings would also add to the critical mass of development in the Harlow area that would help support the provision the requisite infrastructure, both transport and community related. As such any impact that these additional 1800 dwellings is factored in and mitigated as part of the HGGT ongoing process.

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?

- 70) It is the Council's position that the HLDP will provide a 7.0 years supply of deliverable sites within Harlow as at 31st March 2019 with a 20% buffer (based on survey and expected completions and commitments). The calculation of this is based upon the OAHN of 7400 dwellings over the plan period, and not the 9200 requirement. The allowance for non-implementation is derived from within the difference between the OAHN and the Council's identified requirement of 9200 homes. The housing trajectory for allocated sites is, therefore, considered realistic. A more detailed commentary of the allocated sites is set out in response to matter 6.

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?

- 71) It is the Council's position that Miller Homes, the main promoter of the only large strategic site within Harlow (the Strategic Housing Site East of Harlow), have provided the Council with a housing trajectory for the site which will be incorporated into an agreed Statement of Common Ground, and which will be available for the examination. Miller Homes' trajectory indicates 2,600 dwellings will be completed over the plan period, with 500 dwellings completed post 2033. It is contended that the 2,600 dwellings East of Harlow and the other housing sites identified in the HLDP together with other commitments in the district, gives an overall supply of 10,864 dwellings exceeding the requirement by 1,664

⁷HEBDTC1 - http://www.harlow.gov.uk/sites/harlow-cms/files/documents/files/Final%20OAHN%20MoU%20following%20Board%20on%2020%20March%202017_Redacted.pdf

dwellings. The Council consider that this sufficiently flexible to ensure delivery. The significant increase in the dwelling supply is due in part to the number dwellings being delivered by virtue of the change of use to residential from office use, and additional dwellings being provided on a committed site.

72) The overall housing trajectory has been updated to 31st March 2019 (incorporating forecast completions from 30th September and new commitments). A summary of the allocated sites trajectory is below. The trajectory includes a status on the progress of the site. All but three of the sites (Princess Alexandra Hospital, The Evangelical Lutheran Church and the Strategic Housing Site East of Harlow) are in the ownership of the Council, and one site (Rear of the Stow) is partially owned by the Council. This control of allocated sites means the Council has produced a number of project plans and can state with some certainty the build out of these sites. In addition some of the sites have been granted planning permission or have applications pending, the implication being that such developments will be completed within five years. Further details of these sites are provided in respect of matter 6.

REF	LOCAL PLAN ALLOCATIONS	ALLOCATE	Dwellings	Dwellings	Dwellings	Status
	SITE NAME	D	5 year Supply (2019-2024)	Years 5-10 (2024-2029)	Years 10-15 (2029-2033)	
HS3	East of Newhall,	2,600	100	1350	1150	
HS2- 1	Princess Alexandra Hospital	650			650	
HS2- 2	Service bays rear of The Stow	70	70			Recommended for planning approval awaiting committee
HS2- 3	* Land east of Katherines Way west of Deer Park	69		69		
HS2- 4	* Lister House, Staple Tye Mews, Staple Tye Depot, and The Gateway Nursery	42				With Planning Permission (commitment) for 46 dwellings
HS2- 5	*South of Clifton Hatch	36		36		
HS2- 6	* Riddings Lane	35	35			
HS2- 7	* Kingsmoor Recreation Centre	35		35		
HS2- 8	The Evangelical Lutheran Church, Tawneys Road	35		35		
HS2- 9	* Land east of 144-154 Fennells	23			23	
HS2- 10	* Pollard Hatch plus garages and adjacent land	20	20			
HS2- 11	* Land between Second Ave and St. Andrews Meadow	16	16			Will be 17 dwellings on consent
HS2- 12	* Coppice Hatch and garages	16			16	

HS2-	13	* Sherards House	15		15	
HS2-	14	* Elm Hatch and Public House	13	13		Planning application submitted for 17
HS2-	15	* Playground west of 93-100 Jocelyns	12			12
HS2-	16	* Fishers Hatch	10	10		
HS2-	17	* Slacksbury Hatch and associated garages	10		10	
HS2-	18	* Garage blocks adjacent to Nicholls Tower	10			10
HS2-	19	* Stewards Farm	10		10	
HS2-	20	* Land between Barn Mead and Five Acres	10			10
HS2-	21	* Pypers Hatch	10			10
		TOTAL	3,247	264	1,560	1,881

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?

73) It is the Council's position that consultants were commissioned to test the ability of a range of developments types throughout Harlow District to be viably developed over the emerging local plan period. The study⁸ takes account of the cumulative impact of the Council's emerging planning requirements, in line with the requirements of the National Planning Policy Framework ('NPPF') and the Local Housing Delivery Group guidance 'Viability Testing Local Plans: Advice for planning practitioners'.

74) The study concludes that the sites identified in the Local Development Plan along with all policy requirements are viable and deliverable. This includes the provision of S106 contributions and affordable housing provision of 30%. The study concluded that the Harlow Local Development Plan policies are sufficiently flexible enough to enable the sites to come forward.

⁸ Local Plan Viability Assessment, Affordable Housing and CIL Review – March 2018

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?

- 75) It is the Council's position that the policies were informed by the study commissioned jointly by the Essex Planning Officers Association (representing all Districts in Essex including the unitary authorities). This study, the Gypsy and Traveller Accommodation Assessment (August 2017) was based on the revised version of Planning Policy for Traveller Sites in August 2015.
- 76) The study concluded that within Harlow the total need from Gypsy and Traveller households that meet the planning definition, from unknown households, and from households that do not meet the planning definition, indicated a requirement for 9 additional pitches to 2033.
- 77) The existing traveller site at Fern Hill Lane at full capacity has 25 pitches. However, only 15 of these pitches are currently in use. Harlow Council and Essex County Council have, therefore, agreed to jointly fund the refurbishment of 12 pitches, which will exceed, however, the identified need to Harlow up to 2033.
- 78) Policy H10 outlines the criteria which will be used to determine planning applications submitted for new Gypsy and Traveller pitches and plots. The August 2015 Planning Policy for Traveller sites sets out five issues for local planning authorities to consider when determining planning applications (paragraph 24).
- 79) Issue a) is the "the existing level of local provision and need for sites", and
- 80) Issue d) "the that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites".
- 81) The need has therefore been assessed until 2033 and is addressed through the requirement set out in Policy HS4, The list of criteria in policy H10 is in accordance with Government Policy and provides a framework against which to assess any proposals for planning permission.

Matter 3: Overall Strategy; Harlow and Gilston Garden Town – General Principles & Infrastructure.

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in Matter 3: Overall Strategy; Harlow and Gilston Garden Town – General Principles & Infrastructure

Inspector's Text:

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.

<p>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?</p>

82) The overall spatial vision and spatial development for Harlow and Harlow and Gilston Garden Town is well considered, justified and effective. It is supported by the relevant technical evidence base and is consistent with national policy. It has been developed over time with support and cooperation from Epping Forest and East Hertfordshire District Councils and Essex and Hertfordshire County Councils.

83) The Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Market Area (HMA) (HEBH15) considered the best distribution of various housing options across the HMA. This was prepared jointly by Uttlesford, Harlow, East Hertfordshire and Epping Forest District Councils. Using an evidence-based Sustainability Framework, it tested the positive and negative impacts of various options having regard to opportunities to deliver infrastructure, employment development and regeneration benefits. The appraisal considered the following evidence base as part of the appraisal process:

- i. the capacity of the highway network to accommodate growth options using Essex County Council's transport modelling;
 - ii. a Habitats Regulation Assessment screening undertaken by AECOM; and
 - iii. the Strategic Site Assessment study (HEBH16) which considered the capacity of strategic sites in and around Harlow to contribute towards housing need.
- 84) The study considered three levels of growth taking into account the housing need figures in the 2015 Strategic Housing Market Assessment (HEBH2) and subsequent household projections published by DCLG. It appraised six options for distributing growth with differing levels of housing figures for the wider Harlow area.
- 85) The study concluded that Harlow represents the most sustainable location within the HMA at which to concentrate development given its role as a sub-regional centre for employment and retail; its Enterprise Zone status; the need to rejuvenate the town centre; the opportunity to capitalise on its transport connections and deliver sustainable transport corridors and modal shift; its important location in the London Stansted Cambridge Corridor (LSCC) and above all wider economic growth aspirations for the town. It recommended a hybrid of the six options with 16,100 dwellings within the wider Harlow area in the Plan Period.
- 86) The most sustainable option identified in the study, which focuses medium to high growth in the wider Harlow area, was agreed in a Memorandum of Understanding (MOU) (HEBDTC1). The MOU identifies options for accommodating 16,100 dwellings in the wider Harlow area through a number of developable 'strategic sites' to the North, West, South and East of the town (the four 'Garden Town Communities'¹) and smaller sites within the Harlow urban area. The preparation of the MOU was overseen by the 'Co-operation for Sustainable Development Member Board' and was agreed by the four local authorities². It was also supported by Essex County Council, Hertfordshire County Council and Highways England (in respect of the M11).
- 87) In 2017 following a successful bid by East Hertfordshire, Epping Forest and Harlow Councils the wider Harlow area, which includes the four Garden Town Communities and Harlow urban area, was granted Garden Town status. This will assist in driving growth forward and accelerating delivery through dedicated resources and expertise. A Garden Town Officer Group and Garden Town Member Board³ comprising the three local authorities, two County Councils and other interested parties were established to provide strategic leadership and oversight of the Garden Town project, steer its direction and monitor its progress. The Garden Town Member Board and the respective Cabinets of each of the three local authorities has agreed a Vision (HEBGT2) and Design Guide (HEBGT3) for the

¹ Harlow Local Development Plan Policy HGT1

² Uttlesford, Harlow, Epping Forest and East Hertfordshire

³ See Duty to Cooperate Report for more details and Terms of Reference (HSD14)

Garden Town. These documents are referred to in Harlow Local Development Plan Policy HGT1 and set out the overarching principles and design framework for the Garden Town.

- 88) The Sustainability Appraisal of Strategic Spatial Options study (HEBH15) assessed a number of spatial alternatives for developing growth in the HMA. Two of these options investigated lower growth options for the wider Harlow area including an option to provide new settlements in East Hertfordshire at Little Hadham and Watton-at-Stone. The study considered that growth in these locations would improve access to services and facilities in smaller settlements however it would have the potential to lead to more dispersed patterns of development without the requisite services being delivered. It would also lead to the potential to increase the need to travel for employment purposes and have less potential for delivering a broader range of housing types and tenures. Furthermore this option would not meet the Objectively Assessed Housing Need (OAHN) for the HMA overall or contribute towards regenerating Harlow and securing its future for providing sub-regional services. It is also relevant to note that the overall spatial strategy for East Hertfordshire District Council's Local Plan, which identifies land to the north of Harlow for 10,000 homes, has since been found sound by the Secretary of State.
- 89) Given the extensive Green Belt in Epping Forest District and the southern part of East Hertfordshire District, the Study also considered it sensible to ask as to whether the level of new development suggested in the HMA could be conceivably accommodated outside of the existing Green Belt. This approach was considered unreasonable due to:
- the rural nature of much of East Hertfordshire and Uttlesford districts (outside the Green Belt), which if development were allocated there, would likely lead to poor links between jobs and homes, limited or sporadic infrastructure to support new homes, poor access to services and facilities, limited public transport for new residents, and further trips generated from new residents utilising rural roads;
 - known significant constraints at Buntingford outside the Green Belt (e.g. the lack of capacity on the A10);
 - the Uttlesford 2014 Examination in Public Inspector's conclusions regarding potential capacity at Saffron Walden and Great Dunmow; and
 - the fact that land at Great Chesterford in Uttlesford to the north of the HMA is linked to a different HMA.
- 90) The Council contends, therefore, that Green Belt land within Harlow, and Green Belt Land on the periphery of Harlow should be released in order to deliver the most sustainable locations for the identified development growth option in the HMA as set out in the Housing MOU.

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?

- 91) Policy HGT1 in the Harlow Local Development Plan (HLDP) is considered to be an effective and justified policy which will help guide and shape the overall development and delivery of the Garden Town Communities. It has been prepared jointly with Epping Forest District Council and sets out the principles and requirements that together will ensure that Harlow and Gilston Garden Town is planned in a sustainable way having regard to Garden City Principles⁴. The strategic policies and development management policies in the HLDP, together with Policy HGT1, will ensure all sites across the Garden Town are delivered effectively and in a co-ordinated manner.
- 92) Policy HGT1 parts (d) and (e) reflect the processes agreed with Epping Forest District Council in respect of submitting masterplans and design proposals for the sites. The Garden Town Communities must be developed in accordance with the Vision and Design Guide for the Garden Town ensuring a consistent approach across all sites. The Policy sets out the principles of what the Garden Town is seeking to achieve by ensuring that the Garden Town Communities deliver appropriately phased on and off-site infrastructure, modal shift and Sustainable Transport Corridors, long term governance and stewardship arrangements, community engagement and high quality place making.
- 93) The intention of Policy HGT1 was not, however, to seek to set Policy for areas beyond Harlow. The Strategic Housing Site East of Harlow is allocated on the Policies Map whereas the other Garden Town Communities are not; consequently Policy HGT1 only relates to the part of the site which falls within the administrative area of Harlow Council. Harlow Council will use Policy HGT1, however, as a basis for responding to planning applications for the Garden Town Communities outside of Harlow. In order to provide clarity, however, the Council would like to recommend the following minor modifications to the Policy to make it clear that it is only relevant to the Garden Town Community within Harlow District. Furthermore the modifications reflect title changes to the Vision and Design Guide documents:

1. The Council will work with the Harlow and Gilston Garden Town partners to deliver the principles of Policy HGT1 for all four Garden Town Communities. The design, development and phased delivery of each ~~Garden Town Community~~ the Strategic Housing Site East of Harlow, as allocated on the Policies Map, must accord with all of the following principles:

(d) A Strategic Masterplan must be developed for each of the ~~Garden Town Communities~~ in accordance with the Harlow and Gilston Garden Town ~~Spatial~~ Vision and Design ~~Guide~~ ~~Charter~~ and have regard to the original guiding principles established by Sir Frederick Gibberd's

⁴ Town and Country Planning Association Garden City Principles

- Masterplan for Harlow including the Green Wedge network.
-
- (f) On-site and off-site infrastructure is provided, subject to viability considerations, ahead of or in tandem with the proposed development to mitigate any impacts ~~of the new Garden Town Communities~~, to meet the needs of existing and future residents and visitors and to establish sustainable travel patterns;
-
- (i) Create a step change in modal shift by contributing to the delivery of the Sustainable Transport Corridors and establishing an integrated, accessible and safe transport system which maximises the use of the sustainable high quality transport modes of walking, cycling and the use of public and community transport to promote healthy lifestyles and provide linkages to and from Harlow and the new Garden Town Community~~ies~~;
-

94) A comprehensive suite of policies have been prepared for Harlow and Gilston Garden Town by the three local planning authorities of Harlow, Epping Forest and East Hertfordshire District Councils. They are set out in Policy HGT1 of Harlow's Local Plan, Policy SP4 of Epping Forest District Council's Local Plan Submission Version and Policies GA1 and GA2 of East Hertfordshire's Local Plan⁵ (please see response to Matter 3: Question 3.3).

95) In addition to these policies, which set out the overarching principles for the Garden Town Communities, a number of important documents and studies are being prepared for the Garden Town to ensure a consistent and sustainable approach to delivering growth. This includes the Vision (HEBGT2) and Design Guide (HEBGT3), a Garden Town Infrastructure Delivery Plan (see response to Matter 3: Question 3.7 in relation to infrastructure), a draft Transport Strategy (HEBGT5) setting out how the Garden Town will achieve the challenge of future travel demand linked to growth and a Housing Strategy. The intention is for these documents to be endorsed by the respective local planning authorities of the Garden Town as material planning considerations for decision-making and will form key planning policy documentation alongside adopted Local Plans. The Vision and Design Guide have already been adopted by the three local authorities.

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?

96) Policy HGT1 is consistent with the equivalent policies for the Garden Town as set out in the East Hertfordshire and Epping Forest Local Plans.

97) The respective policies in East Hertfordshire's adopted Local Plan are GA1 and GA2 which relate to the delivery of the Gilston Garden Town Community located to the north of Harlow. The respective policies in Epping Forest District Pre-submission Version Local Plan

⁵ East Hertfordshire Local Plan adopted October 2018.

are SP4 and SP5 which relate to the delivery of Water Lane to the west, Latton Priory to the south and East of Harlow in respect of Epping's proportion of the site. The following key principles of the Garden Town (summarised) are consistent across all of these Local Plan policies:

- The number of homes proposed for the Garden Town Communities;
- Effective community engagement;
- Provision of appropriately phased on and off site infrastructure;
- Effective long term stewardship and governance arrangements;
- A mix of housing including self-build and custom-build;
- Small-scale employment;
- Sustainable transport measures with good walking and cycling connectivity and the provision of Sustainable Transport Corridors;
- Provision of local community facilities and services including neighbourhood or local centres;
- Appropriate Green Infrastructure, open spaces and a recognition of the natural and historic environment;
- Mitigations against the effects of climate change and improving energy efficiency.

98) The Councils have been working together to develop these principles and Policies GA1 and GA2 of the East Hertfordshire Local Plan have been found sound. There are some minor differences ; however in most cases these are addressed by other strategic or development management policies in the respective Local Plans which relate to those particular criteria and which take into account local circumstances.

99) East Hertfordshire's Local Plan was submitted to the Secretary of State for independent examination in March 2017 and hearing sessions commenced in October 2017 to January 2018. This timetable pre-dated the production of various Garden Town documents and evidence base which have since been endorsed or completed. As a result, the East Hertfordshire Policies for Gilston do not refer to the Garden Town Vision or Design Guide, the Quality Review Panel, apportionment or equalisation measures for infrastructure or modal shift. These are set out in the Garden Town Policies of the Harlow and Epping Forest Local Plans. However part VIII of East Hertfordshire Local Plan Policy GA1 states that 'Proposals for the Gilston Area should complement, and have regard to, ongoing work in relation to the Harlow and Gilston Garden Town'. This will include work relating to the Garden Town Infrastructure Delivery Plan which will consider apportionment approaches for strategic infrastructure and the draft Transport Strategy (HEBGT5) which establishes the modal shift targets for the Garden Town.

3.4 Should the plan include a specific policy to protect the Green Belt around the town?

- 100) The Council understands that “around the town” refers to the Green Belt *within* the administrative boundary of Harlow District Council rather than the Green Belt located within East Hertfordshire and Epping Forest districts that *surround* Harlow. The extent of the Green Belt is shown on the Policies Map that accompanies the Harlow Local Development Plan (HLDP).
- 101) The Green Belt has long-standing protection in national planning policies, currently the National Planning Policy Framework⁶. The Council considers that to avoid unnecessary duplication of national planning policies, and to avoid becoming out-of-date should minor changes be made to national policies, the HLDP does not require a specific Green Belt policy. Instead, the national planning policies should be relied upon for the determining of planning applications located on Green Belt land. This is also the approach of the East Hertfordshire District Plan which was adopted in October 2018 following examination.
- 102) It should be noted, however, that the HLDP contains a number of other policies relating to local Green Infrastructure and open spaces, which would be applicable to Green Belt issues in certain cases, such as policies relating to playing fields or other community facilities which use open space in the Green Belt.

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)

- 103) The exceptional circumstances to justify the release of sites f.i, f.ii and f.iii, for the purpose of allocating the land as the Strategic Housing Site East of Harlow, have been identified by the Council using the ‘Calverton tests’⁷. These tests were established by the Judgement following a Judicial Review of the Nottingham, Broxtowe and Gedling Aligned Core Strategies, and have been employed by a number of other English Councils to demonstrate the existence of exceptional circumstances for the release of land from the Green Belt.
- 104) Most of the tests specifically relate to issues such as intensity of housing need and availability of land for sustainable development. The Council considers, therefore, that the tests are mostly appropriate for Green Belt land which is being considered for release and allocation as potential housing sites. Sites a.ii, a.iii, b.ii, c.i, c.ii, d.i, e.i, f.iv, g.ii and h.i are not, however, being released for allocation for housing, or, as Question 3.5 suggests, for other forms of development or due to a physical change in appearance. All of these sites have either been redesignated as Green Wedge or Green Finger to reflect the specific

⁶ NPPF (2012), paras 79 – 92

⁷ Calverton Parish Council v Nottingham City Council, Broxtowe and Gedling Borough Council [2015] EWHC

characteristics of land so designated, or have become undesignated because they do not fulfil either the purposes of the Green Belt, Green Wedge or Green Fingers.

- 105) The Council considers that Tests 4 and 5 of the Calverton tests are the most relevant to these sites and can be taken together as a single test. Their exact wording is “the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed)” and “the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.
- 106) It is contended that 51% (173ha) of the land to be released from the Green Belt will be redesignated as either Green Wedge or Green Finger, and therefore be afforded the protection that is offered by the relevant Local Plan policies for these designations. It is also contended that 39% (130ha) of the Green Belt land released is to be allocated for housing on the Strategic Housing Site East of Harlow, 7% (23ha) is planned to be the main open space serving the Gilden Park housing development, and 3% (11ha) is to become undesignated ‘white’ land.
- 107) It is the Council’s position that exceptional circumstances exist to justify the release of these sites as the land in question is evidentially not sufficiently providing the purposes of the Green Belt, and the release would result in the provision of stronger and more robust inner Green Belt boundaries.
- 108) The removal of poorly-functioning Green Belt land (and its redesignation as Green Wedge or Finger, where appropriate), strengthens both the Green Belt and Green Wedge network, and therefore ensures that the designated land effectively performs the functions and roles provided by its designation. In addition it also reflects the importance of the Green Wedge network to the spatial form and character of Harlow, recognising its New Town heritage and the original Gibberd masterplan. In this contest it should also be noted that the Green Wedge network has been recognised as a major driver in the development of the strategy and vision for the Harlow and Gilston Garden Town⁸.
- 109) The Council considers the removal of poorly-functioning Green Belt land is in accordance with the NPPF (2012), as the Framework states that when Councils are setting inner Green Belt boundaries, land which it is unnecessary to keep permanently open should not be included⁹. Furthermore, there should be consistency with the Local Plan strategy for meeting identified requirements for sustainable development. This is achieved because the HLDP will ensure that Green Belt which is functioning well will continue to be protected, thereby assisting in ensuring other development can be directed to more-sustainable locations without the use of such Green Belt land.

⁸ Harlow and Gilston Garden Town Vision and Design Guide (2018) (HEBGT2&3)

⁹ NPPF (2012), para 85

- 110) In terms of planning restrictions, the relevant HLDP policies protect the Green Wedge network, including Green Fingers, from inappropriate development in a similar way that the Green Belt is protected from inappropriate development. An area of land which has been removed from the Green Belt and subsequently redesignated as Green Wedge or Finger does, therefore, continue to benefit from the policy restrictions that prevent development which would cause harm to the land.
- 111) It is the Council's position that only Green Belt land which was demonstrated to not be performing well as Green Belt, against the nationally-set purposes, was considered for release. Furthermore, such land was only considered appropriate for release where the resulting inner boundaries would not be weakened.
- 112) In terms of the definition of boundaries, the NPPF (2012)¹⁰ is clear that Local Plans should not designate Green Belt which has weak inner boundaries, as it states that when setting boundaries, Councils must consider their intended permanence, and define clear boundaries, using recognisable and likely-permanent features. Continuing to designate Green Belt land which has weak inner boundaries would, therefore, be contrary to this and the spirit of sound plan-making.
- 113) The justification for the release of the Green Belt sites is provided below, with more detail provided in the Green Belt Review¹¹.

Sites a.ii and a.iii

- 114) Sites a.ii and a.iii are in the north-west of the district. They were assessed at Stage 1 of the Green Belt Review as part of the poorly-performing Area 2, and then at Stage 2 as the poorly-performing Sub-areas 2.1 and 2.2.
- 115) Site a.ii, identified for release from the Green Belt to become undesignated land, has an area of approximately 1.7ha. It was not considered appropriate for redesignation as Green Wedge, as was the case for site a.iii to the west, because it would not fulfil the purposes of the Green Wedge, mostly due to its predominant use as a caravan storage area and the presence of buildings.
- 116) Site a.iii is identified for release from the Green Belt and redesignation as Green Wedge, and consists mostly of agricultural grazing land and the Canons Brook golf course, as well as Ash Tree Fields, woodland and four residential properties. The site comprises approximately 108.3ha of land.

¹⁰ NPPF (2012), para 85

¹¹ Harlow Council Green Belt Review (2016) (HEBPS1a&b)

- 117) It was considered, however, that site a.iii could be redesignated as Green Wedge, thereby extending the existing large area of Green Wedge northwards. The Council considers that the site would provide the roles of the Green Wedge by providing wildlife corridors, protecting undeveloped land and preserving original and natural landscape features. It would also contribute to the Green Wedge recreational role due to the presence of the golf course, footpaths and Ash Tree Fields.
- 118) The existing inner Green Belt boundary runs along the southern and eastern edges of sites a.ii and a.iii. The Council contends that the boundary here is mostly moderately strong as it is formed of a thin line of trees to the south, but with some weaker elements, including the eastern edge of site a.ii which follows the intermittent curtilage of a property. The new boundary would follow the southern boundary of retained Green Belt site a.i. This clearly represents a wholly strong boundary as it follows the railway line.

Site b.ii

- 119) Site b.ii is in the west of the district, immediately to the west of the Pinnacles industrial estate. It is 6.5ha in size and its predominant use is for recreational fishing lakes. It was assessed in the Green Belt Review, along with site b.i, as the poorly-performing Area 3 (and Sub-area 3.1, comprising the whole of Area 3).
- 120) It is the Council's position that the site is to be released from the Green Belt and become undesignated land due to it not performing well as Green Belt and the opportunity taken to increase the inner boundary strength at this location by removing the site. There is no opportunity to redesignate the site as Green Wedge/Finger, as it has no physical connection with the Green Wedge network.
- 121) The existing inner Green Belt boundary at this location is mostly weak, as it follows intermittent building curtilages and thin tree belts/isolated trees. The new boundary would be wholly moderately strong as it would follow the district boundary, which is a dense tree belt in this area.
- 122) Despite performing poorly, the Council did not recommend site b.i for release as the new boundary, to the west of this site, would become weak at this point as it would cross an open field.
- 123) It is worth noting that the poorly-performing Area 4 (and Sub-area 4.1, forming the whole of Area 4) to the south was not proposed by the Council for release from the Green Belt, as the strength of the new inner boundary would remain unchanged and it would not have been appropriate for redesignation as Green Wedge/Finger.

Sites c.i and c.ii

- 124) Sites c.i and c.ii are in the west of the district and were assessed as the poorly-performing Area 5 at Stage 1 of the Green Belt Review, and as the poorly-performing Sub-areas 5.1 and 5.2 at Stage 2. The land use of these sites is predominantly grassland with a small amount of woodland. Site c.i is approximately 6.8ha in size and site c.ii comprises approximately 2.2ha of land.
- 125) It is the Council's position that site c.i is released from the Green Belt and re-designated as Green Wedge. This is because the Council considers it accords more effectively with the Green Wedge purposes, especially as it links with existing land designated as Green Wedge and the countryside beyond, protecting undeveloped land, and providing recreational opportunities (in the form of Little Cattins Open Space).
- 126) The Council does not consider site c.ii suitable for redesignation as Green Wedge as it does not have a direct link with surrounding Green Wedge and its contribution to Green Wedge roles would be limited as it is an area of dense woodland. It is the Council's position, therefore, that site c.ii becomes undesignated land due to it not performing well as Green Belt and the opportunity to increase the inner boundary strength at this location by removing the site.
- 127) The existing inner Green Belt boundary along the western edge of these sites is mostly moderately strong as it follows roads and reasonably clear edges of back gardens, but is weaker along the northern boundary where it follows intermittent property curtilages. The new boundary would be wholly moderately strong as it follows the district boundary which is delineated by a notable tree belt.

Site d.i

- 128) Site d.i is located in the south-west of the district and comprises approximately 1.3ha of land, forming part of a larger sports field. It is in the north-west of the larger Area 6, which was assessed at Stage 1 of the Green Belt Review as performing well (and so was not assessed further at Stage 2).
- 129) The inner boundary of Area 6 is mostly strong or moderately strong, but is weak where it follows the northern edge of site d.i, which cuts across the sports field. It is the Council's position that this site be released from the Green Belt and redesignated as Green Wedge, which is considered appropriate given it has a clear recreational role (sports field) and would extend the existing Green Wedge southwards. The new inner boundary would, therefore, be strong as it would follow the boundary of the Site of Special Scientific Interest to the south.

Site e.i

- 130) Site e.i is located in the south-east of the district and comprises approximately 0.3ha of land. It comprises part of the gardens of residential properties. It is in the north-east part of the larger Area 7, which was assessed at Stage 1 of the Green Belt Review as performing averagely, and was subsequently assessed at Stage 2 as part of Sub-area 7.3. This more detailed assessment concluded that the site was functioning well as Green Belt.
- 131) The inner boundary of Area 7 is mostly moderately strong, except where it follows the northern edge of site e.i, where the boundary cuts across the back gardens of houses with no strong edge.
- 132) It is the Council's position that site e.i should be released from the Green Belt and become undesignated land. Releasing the site from the Green Belt would mean the new inner boundary would become moderately strong at this location, as it would follow the road. The Council considers, however, that it would not be appropriate to redesignate it as Green Wedge/Finger due to its predominantly residential land use.
- 133) It is worth noting that Sub-area 7.1, to the west, was assessed as not fulfilling the purposes of the Green Belt. However, the Council did not consider the site should be released from the Green Belt as it would result in a potentially weaker inner boundary which would cut across a field.

Site f.iv

- 134) Site f.iv is in the south-east of the district, to the east of the Church Langley housing development, and comprises approximately 16ha of land. It was assessed at Stage 1 of the Green Belt Review as part of the poorly-performing Area 8, and at Stage 2 as the poorly-performing Sub-area 8.5. The site is mostly dense woodland with areas of grassland/scrubland.
- 135) It is the Council's position that the site is released from the Green Belt and redesignated as Green Finger, which is considered more appropriate reflecting the sites connectivity with the existing Green Wedge to the north-west and the Green Belt to the south-west. It is small and linear, and has a key role in providing 'green' transport corridors/footpaths for wildlife and for informal recreational purposes.
- 136) It is contended that the inner Green Belt boundary, which currently runs along the western side of this site, is moderately strong at this location as it follows the reasonably clear edges of the Church Langley property curtilages. The resultant new boundary would be mostly strong overall (strong where it follows the district boundary of the M11 to the east and moderately strong where it follows a road to the south).

Site g.ii

- 137) Site g.ii comprises approximately 23ha of land and is located in the north-east of Harlow, to the north of the Gilden Park housing development. It is currently predominantly agricultural arable land, with a small amount of woodland and an open space. It was assessed at Stage 1 of the Green Belt Review as part of the averagely-performing Area 9, then at Stage 2 as the poorly-performing Sub-area 9.1.
- 138) The site forms the master-planned open space (including playing fields and allotments) of the Gilden Park housing development. It is to be released from the Green Belt but will become undesignated land due to it not performing well as Green Belt and the opportunity to increase the inner boundary strength at this location by removing the site. The Council considers it is not suitable for redesignation as Green Wedge/Finger, as while it would provide the Green Wedge roles of recreational provision and protecting undeveloped land, it would not provide other Green Wedge roles such as providing 'green' separation between neighbourhoods, noise absorbance, etc. It also does not have a physical connection to any other Green Wedge/Finger land.
- 139) The current inner Green Belt boundary at this point follows the southern and western edge of the site, which is weak as it cuts across a field to the south and follows the intermittent edges of back gardens to the west. This boundary was a consequence of the outcome of a 1996 Judicial Review¹² of the Harlow Local Plan (1995), which resulted in the land further south being removed from the Green Belt (this land now forms part of the residential area of the Gilden Park housing development).
- 140) Construction of the first phase of Gilden Park is well underway and occupation of new houses started in late 2018. The northern part of the site, Phase 2, is subject to a full planning application¹³, currently being determined, for the comprehensive redesign of the lots of the previously consented scheme on the northern part of the site. The redesign includes the accommodation of an additional 144 across the lots.
- 141) There is the possibility, despite site g.ii not performing well as Green Belt, that it could be retained and not released, as the inner boundary would eventually strengthen due to it following the edge of the new housing development rather than cutting across a field. However, the Design and Access Statement supporting the application (mentioned above) states that the northern edge of the residential area is to be a "varied built frontage" with a "loose, irregular, low density form to the development edge" to integrate the development into the landscape.

¹² Harlow Local Plan (1995) Second Alteration, Background Papers (1996)

¹³ HW/FUL/18/00359

- 142) This suggests that the modified inner Green Belt boundary, should site g.ii be retained, would not be particularly strong. The site is evidentially not sufficiently performing the Green Belt roles, and its release would result in a notably stronger inner Green Belt boundary which would follow the railway line to the north. As such, the Council considers that release of this site from the Green Belt is most appropriate and justified.

Site h.i

- 143) Site h.i is in the north of the district and comprises approximately 14ha of land. It was assessed at Stage 1 of the Green Belt Review as the poorly-performing Area 11 (and Sub-area 11.1, forming the whole of Area 11, at Stage 2). It is predominantly made up of woodland, as well as some grassland and open water in the form of River Stort tributaries.
- 144) It is the Council's position that the site should be released from the Green Belt and redesignated as Green Finger. The Council considers this to be appropriate because it connects with areas of existing Green Wedge, is small and linear in shape, and has a primary purpose of providing 'green' transport corridors for wildlife and recreational opportunities (including walking and cycling) for people.
- 145) The current inner Green Belt boundary is mostly moderately strong as it follows roads, clear edges of buildings and dense tree belts. The new inner boundary would be consequently wholly strong as it would follow the River Stort.

3.6 Do Green Wedges and Green Fingers have different roles?

- 146) It is the Council's positions that Green Wedges have had an historic role in shaping and guiding the development of Harlow as a former New Town, which has now been taken forward in some of the principles associated with the Harlow and Gilston Garden Town. However, the roles of the Green Wedges and Green Fingers have been prescribed in policy WE2 of the new Local Plan, to reflect their differing spatial character, as follows:
- 147) The Green Wedges provide physical, visual and audial separation between neighbourhoods and between residential and industrial areas, as well as providing Green Infrastructure such as open spaces for sport and wildlife corridors. In doing so, they protect and enhance natural habitats and landscape or ecological features, and protect areas of open land, including land which is of historic or cultural interest.
- 148) Green Fingers, however, are generally smaller and thinner than the Green Wedges. As such, while they do not provide the spatial separation roles of the Green Wedges, they provide a number of other roles which are important to protect, including linking areas of Green Wedge, providing Green Infrastructure, providing wildlife corridors and movement

corridors, and protecting and enhancing open land and areas of ecological or landscape interest.

3.6.1 Are the proposed deletions from the Green Wedges justified?

3.6.2 Are the additional areas proposed for Green Fingers justified?
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Note: Questions 3.6.1 and 3.6.2 are answered together.

- 149) The Council undertook a Green Wedge Review¹⁴ to determine whether the Green Wedge network still effectively provides the purposes. Where land so designated was found to not fulfil the Green Wedge purposes, alternative uses for the land were considered. The Green Wedge Review demonstrated that all options that had the potential to accommodate the district's housing needs were properly considered, as well as providing appropriate evidence to confirm the continued designation of areas land within Harlow as Green Wedge.
- 150) It is contended that the Council prepared a bespoke, robust methodology for the Green Wedge Review which was used to assess all Green Wedge land in the district, and how well it performed against the roles of the Green Wedges. The Green Wedge network was split into 18 appropriately-sized Wedges so each part of the network could be assessed independently.
- 151) Desk-based exercises and site visits were carried out to separately assess the Wedges against three characteristic sets – Structural, Ecological, Recreational and Perceptual – and the elements falling within each set, which were scored using a traffic light system, allowing overall scoring of Green Wedge land based on the Green Wedge purposes.
- 152) The Review concluded that most of the Green Wedge land in Harlow sufficiently provides the identified roles as set in the HLDP and should remain designated as such. However, it was found that some land designated as Green Wedge was not found to be justified for continued designation and, in these cases, it was proposed that such land could be released. It is contended that the release of poorly-performing Green Wedge land would strengthen the overall Green Wedge designation by ensuring that only land that clearly meets the purposes continued to be designated as such.
- 153) The Review concluded, however, that some Green Wedge land could be released and redesignated as Green Finger. Such land is generally linear, linked with other Green Wedge areas and has footpaths or roads (and verges) running through. The Green Finger designation was first described in the Harlow Design Guide SPD¹⁵, which acknowledged that they provide green routes for walking and cycling and link to larger open spaces.

¹⁴ Harlow Council Green Wedge Review (2014) (HEBPS2a-b)

¹⁵ Harlow Council Harlow Design Guide Supplementary Planning Document (2011)

154) Based on the evidence from the Green Wedge Review, the following sites are to be released as Green Wedge land but **redesignated as Green Fingers** (the 'proposal ID' relates to the findings of the Green Wedge Review):

- Part of First Avenue Green Wedge (Proposal ID 02.a)
- Church Langley Green Wedge (Proposal ID 04.a)
- Cambridge Rd/Old Harlow Green Wedge (Proposal ID 05.a)
- Fesants Croft Green Wedge (Proposal ID 05.b)
- Howard Way Green Wedge (Proposal ID 08.a)
- Southern Way Green Wedge (Proposal IDs 10.c and 15.a)
- Tilwicks Road Green Wedge (Proposal ID 11.a)
- Riddings Lane Green Wedge (Proposal ID 12.d)
- Bishopsfield Green Wedge (Proposal ID 13.a)
- Linear area of Green Wedge, north-west of Stewards Academy (Proposal ID 14.a)
- Flex Meadow/Third Avenue Green Wedge (Proposal ID 16.b)
- Fourth Avenue Green Wedge (Proposal ID 17.a)*
- Willowfield/Kingsland Green Wedge (Proposal ID 18.b)

*The proposal for the Fourth Avenue Green Wedge was not implemented in full – see details later in this response.

155) The Green Wedge Review provided evidence to explain why some sites were not performing well as Green Wedge, including:

- being an offshoot of the main Green Wedge and therefore too thin/inappropriately-placed to provide notable spatial separation and/or a noise/visual buffer;
- not having significant ecological interest such as the presence of a Local Wildlife Site; and/or
- being close to the built-up area of Harlow so not providing a rural perception.

156) The Review also set out the reasons for why the sites perform well in other ways and why a Green Finger designation would be more appropriate, including:

- that the primary function of the site is a green transport corridor;
- it is linear in shape;
- it links to other Green Wedge/Green Belt land;
- it has a recreational role; and/or
- it has lines of trees or grass verges/embankments.

- 157) The policies in the HLDP afford protection to Green Fingers in a similar way to the way Green Wedges are protected, recognising the slightly differing roles of the two designations.
- 158) Green Wedge land which was identified by the Review to be released was subject to further assessment. This ensured that this land was not of significant ecological importance and was not required to address any identified open space deficit. Clearly, only land on the 'edge' of the Green Wedge land designation could be released, in order to avoid gaps in the designation.
- 159) The land assessed as suitable for release included the footprints of secondary school buildings (but not associated playing fields), recognising they are built-up in character, generally visually intrusive and not publicly accessible, so are not providing Green Wedge roles.
- 160) The Strategic Housing Land Availability Assessment (SHLAA) assessed many areas of land in Harlow for their potential suitability for possible future housing development. The Green Wedge Review was carried out separately to the SHLAA. Many of the areas proposed for removal from the Green Wedge network were assessed and scored well in the SHLAA and are now allocated for housing.
- 161) Based on the evidence from the Green Wedge Review, the following sites are to be released as Green Wedge and **become undesignated land** (the 'proposal ID' relates to the findings of the Green Wedge Review):
- Burnt Mill Academy buildings, (Proposal ID 02.a)
St Alban's Academy grounds & buildings, and Church of Our Lady Fatima
 - Land west of Jocelyns (Proposal ID 05.c)
 - Part of land adjacent to the (Proposal ID 06.a)
Norman Booth Recreational Centre
 - St Mark's West Essex Catholic School (Proposal ID 07.a)
buildings
 - Land south-east of Netteswell Pond (Proposal ID 07.b)
 - Passmores Academy buildings, (Proposal ID 10.a)
buildings & grounds of Holy Cross RC Primary School and Holy Cross RC Church
 - Land adjacent to Little Pynchons (Proposal ID 10.b)
 - Latton Bush Business Centre buildings (Proposal ID 12.a)
 - Former Passmores School buildings (Proposal ID 12.b)
 - Land west of Riddings Lane (Proposal ID 12.c)
 - Stewards Academy buildings (Proposal ID 14.a)
 - Land east of Katherines Way (Proposal ID 16.a)
 - Land northwest of Kingsland (Proposal ID 18.a)

- Eastern end of the Fourth Avenue Green Wedge*

*The Green Wedge Review recommended that the Fourth Avenue Green Wedge be released as Green Wedge and redesignated as a Green Finger. As such, this Green Wedge is designated as Green Finger in the HLDP, except the eastern end of the Wedge, which has become undesignated land. This is because the eastern end is a small 'offshoot' and forms part of the Hospital grounds, located behind The Angle housing site, and is therefore not appropriate for Green Finger designation.

162) A small number of linear areas, which currently do not have a designation, were identified which function as 'green' transport corridors through existing residential areas. These areas also connect to Green Wedges (or Wedges proposed for re-designation as Green Fingers) and in some cases link them together. There is, therefore, evidence that these areas provide the Green Finger roles and so the Green Wedge Review proposed they be designated as Green Fingers.

163) Based on the evidence from the Green Wedge Review, the following linear sites which are **currently undesignated** are to be **designated as Green Finger** (the 'proposal ID' relates to the findings of the Green Wedge Review):

- South-west, north-west and north-east of the Bishopsfield Green Wedge (Proposal ID 13.a)
- West of Stewards Academy (Proposal ID 14.a)
- West and east of Woodward's (Proposal ID 18.c)

164) There are also areas of Green Belt land, not performing well on the Green Belt purposes, which are to be released and redesignated as Green Finger. These are sites f.iv and h.i, which are discussed in more detail in the answer to Matter 3, Question 3.5.

3.6.3 Would the policies to prevent inappropriate development in Green Wedges and Green Fingers be effective?

165) The policies in the HLDP which aim to protect the Green Wedges and Green Fingers from inappropriate development are similar to the policies in the Adopted Replacement Harlow Local Plan (2006) (ARHLP) and earlier the Harlow Local Plan (1995), which sought to protect Green Wedges from the same.

166) An analysis of the effectiveness of the ARHLP and 1995 Local Plan policies were assessed as part of the Green Wedge Review. Over a 13-year period, 234 planning applications for development on Green Wedge land were submitted to the Council. When assessed against the policy, only certain applications were granted planning permission. Examples of applications granted planning permission include:

- Extending a car park

- Erection of fencing
- Construction of single storey extension
- Removal of skate-park hard standing and installation of new garden
- Change of use of agricultural land to playing fields
- Erection of non-illuminated sign
- Demolition of agricultural barn
- New access road and bridge
- Installation of solar panel system
- Extension of reed-bed habitat
- Change of use of land to rear of property to become residential garden

Examples of applications refused planning permission include:

- Erection of porta-cabins
- Two-storey side extension
- Change of use of landscaped internal open space to garden extension
- Demolition of garage & extension and erection of 3-bedroom dwelling
- Erection of attached garage

167) The ARHLP policy was therefore considered to be effective in protecting the Green Wedge network from inappropriate development. The new Local Plan Green Wedge policy, along with the new Green Finger policy, is expected to be similarly effective as the criteria are similar. The policy will be monitored as part of the Local Plan Monitoring and Review process.

3.6.4 Is the definition of permissible development in Policy PL4 justified and is it sufficiently clear?
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3.6.5 Should small-scale be more clearly defined?

Note: Matter 3, Questions 3.6.4 and 3.6.5 are answered together.

168) It is the Council's position that the definition of permissible development is justified, as it prevents forms of development which would be inappropriate and conflict with the principles of land designated as Green Wedge or Green Finger. Such inappropriate development would cause harm to the Green Wedges and Green Fingers by eroding the extent to which they provide the Green Wedge/Finger purposes.

169) The definition of permissible development, and specifically small-scale development, clearly states that it can include householder applications, school/sports related development, recreation/community uses, local transport infrastructure which demonstrates the requirement of a Green Wedge/Finger location, like-for-like building replacements, and strategic infrastructure which benefits the wider community.

- 170) The definition is deliberately not overly specific to ensure that other proposed development can be assessed on a case-by-case basis and on their individual merits. The Green Wedges and Fingers are, however, protected by the requirements of the policy which ensure the Green Wedge/Finger roles are not adversely affected and ensure the wider landscape character and setting is preserved.

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?

- 171) The overall infrastructure requirements for the Garden Town have been identified through the individual Infrastructure Delivery Plans (IDPs) prepared for the three local authorities for their Local Plan processes and which take into account the quantum of growth proposed. A Garden Town IDP is also being prepared and will be available in Spring 2019 (see separate statement below).
- 172) The Harlow IDP was prepared in March 2018 (HEBI1). Using available evidence and engagement with a range of infrastructure providers and stakeholders the Harlow IDP establishes the infrastructure requirements for the local authority area of Harlow and, to a certain extent, the Garden Town Communities planned in East Hertfordshire and Epping Forest which together form the Harlow and Gilston Garden Town. It has sought to identify the following infrastructure items:
- Transport improvements including highway interventions, public transport, walking and cycling
 - Education provision including primary and secondary schools, early years and special education needs
 - Health and social care including primary and secondary care
 - Emergency services
 - Community and sports provision such as community halls, sports facilities and playing fields
 - Open space and green infrastructure
 - Utilities, waste and flood risk mitigation measures
- 173) The Harlow IDP identifies the bodies responsible for delivering infrastructure items, costs for those items and whether they are required on or off-site. The study seeks to prioritise infrastructure items through a scoring mechanism, with those items which are required early on in the plan period and are key to delivering growth, scoring highly.
- 174) In conclusion the largest component of the overall infrastructure cost was transport related with Junction 7a and the Sustainable Transport Corridors being key items required to support Harlow's growth. This was closely followed by education provision. Further transport interventions such as the Second Stort Crossing, network enhancements for water supply and wastewater treatment together with education provision were also identified as being required across the wider Garden Town. The study did identify a funding

gap and outlined various mechanisms for addressing this including developer contributions and grant funding.

- 175) Following the completion of the Harlow IDP, which sought where possible to identify infrastructure requirements for the entire Garden Town, it has been agreed between the respective Garden Town partner authorities that a joint Garden Town IDP should be prepared. This would ensure a consistent and holistic approach to infrastructure provision across the wider area, which is challenging given the fact that the Garden Town is covered by two counties. A statement providing an update on the status and purpose of the Garden Town IDP is set out below:

An Infrastructure Delivery Plan (IDP) is being produced for the Harlow and Gilston Garden Town. The IDP is being produced by Arup, on behalf of the Garden Town local authorities:

- Harlow District Council;*
- Epping Forest District Council;*
- East Herts District Council;*
- Essex County Council; and*
- Herts County Council.*

The purpose of the IDP is to:

- identify the infrastructure required to support housing and employment growth across the Garden Town, when it needs to be delivered and how much it is expected to cost;*
- identify which sites will be expected to deliver or contribute to infrastructure; and*
- apportion estimated infrastructure costs to specific sites.*

The work draws together previous studies undertaken by the Councils and other stakeholders. In particular, the work builds upon the three IDPs produced by East Herts District Council, Epping Forest District Council and Harlow District Council.

Once complete, the Garden Town IDP will supplement respective Infrastructure Delivery Plans and identify in further detail the infrastructure required across the Garden Town as a whole to support housing and employment growth, when it needs to be delivered and how much it is expected to cost. The document will also identify which sites will be expected to deliver or contribute to infrastructure; and apportion estimated infrastructure costs to specific sites.

Separate work on strategic viability is also being produced on behalf of the Garden Town local authorities. The Harlow and Gilston Garden Town Viability Study (produced by HDH Planning and Development) will assess the viability of the strategic sites within the Garden Town, taking into account the infrastructure requirements established by the IDP.

Both the IDP and Strategic Viability Study are being informed by an ongoing process of engagement with stakeholders, including infrastructure providers and developers. This accords with national planning policy and best practice. The findings of the Studies will be reported to the Garden Town Developer Forum and endorsed by the Garden Town Board in Spring 2019 (date to be confirmed).

The infrastructure required to support the delivery of the Garden Town sites is already sufficiently identified and set out within respective Infrastructure Delivery Plans, and the viability of these requirements is assessed through District level Viability Studies, in order to inform and support Local Plans. However, the production of the Garden Town IDP and Viability Study recognises the need to coordinate the planning and delivery of complex strategic infrastructure over the entire plan period (and beyond) across the entirety of the Garden Town, covering three District Council areas and two County Council areas.

Once complete, the Studies will then be endorsed by the respective local planning authorities of the Garden Town as material planning considerations for decision-making, and will form key planning policy documentation alongside Local Plans. The County Councils will also endorse the documents as appropriate alongside existing strategies relating to the delivery of infrastructure.

- 176) The local authorities and Garden Town partners have been working, and will continue to work, with the statutory service providers and developers to deliver the necessary infrastructure for the Garden Town and ensure that on-site and off-site strategic infrastructure is delivered holistically.
- 177) To support the Garden Town IDPs and Local Plan processes the partner authorities have prepared a Garden Town Watercycle Study (HEBI4a-c). This has assessed the constraints and requirements that will arise from potential growth in the Garden Town. It concludes that whilst there are no anticipated issues which indicate that the planned scale, location, and timing of planned development within the Garden Town is unachievable from the perspective of supplying water, restricted capacity in the surface water and waste water sewerage infrastructure has been identified. The Study also confirmed that sufficient capacity is available within Rye Meads Wastewater Treatment Works and the majority of the foul sewer network.
- 178) The Thames Water Greater Harlow Position Statement published in October 2018 (HEBDTC6) affirms this. It states that modelling work confirms a high level of infiltration into the foul water sewers but most of the proposed solutions assume limiting this through system separation and creation of extra capacity for proposed development. This is a very flexible solution which allows Thames Water to gradually increase sewer capacity to match growing need.
- 179) The Statement goes on to say that using the above approach, solutions for the following sites have been established: Harlow East, Latton Priory, Sumners, Katherines and developments in Sawbridgeworth. For the Newhall and Gilston Park developments more traditional minor upgrades will be required.

- 180) Finally the Position Statement states that Rye Meads Sewage Treatment Works is currently being upgraded; the project is due to complete in 2019. The main scope of the project is to extend the treatment capacity and improve discharge quality standards of the existing sewage treatment works to enable it to treat an increased volume of incoming flow. Based on their current growth forecasts, Thames Water's recent high level assessment indicates that from a final effluent stream point of view they currently expect the site to have capacity up to 2036. However, they may need to deliver upgrades in sludge and storm streams between 2020 and 2030.
- 181) The potential transport impacts arising from the growth planned for the Garden Town have been adequately assessed and mitigation measures have been identified and considered in both the Harlow IDP and Garden Town IDP. Essex County Council have been providing ongoing traffic modelling support in relation to the emerging Local Plan proposals for the four district authorities¹⁶ which comprise the West Essex and East Herts (WEEH) Strategic Housing Market Area (HMA). The Harlow Transport Model was created using VISSIM and was used to assess the likely impact on the highway network of the HMA emerging Local Plan development sites. The WEEH modelling project has produced the following technical notes:
- Technical Note 1: Forecasting methodology (HEBI7a)
 - Technical Note 2: Spatial Options A – E Results (HEBI7b)
 - Technical Note 3: Stort Crossing/Northern Bypass Initial Testing (HEBI7c)
 - Technical Note 4: WEEH Emerging Option (HEBI7d)
 - Technical Note 5: East Harlow VISSIM Study (HEBI7e)
 - Technical Note 6: South and West Harlow (HEBI7f)
 - Technical Note 7: Sustainable Transport Modelling (HEBI7g)
- 182) The overall conclusions arising from the transport modelling and these Technical Notes are:
- The overall approach to transport modelling for the HMA and Garden Town has been agreed between the partners;
 - It is important that sustainable transport measures, including sustainable transport corridors and infrastructure, are delivered to reduce likely strain on the highway network;
 - There is an opportunity through the quantum of growth proposed, and application of the Garden Town principles, to fund and promote a significant step change in sustainable travel behaviour in the whole Garden Town;
 - There is a strategic case for delivering the Second Stort Crossing in order to improve overall journey times for the local road network and free up capacity for bus priority and sustainable transport corridor measures;
 - The highway network, subject to some identified highway capacity mitigation measures and improved sustainable and active travel uptake, is likely to be able to accommodate the

¹⁶ Harlow District Council, East Hertfordshire District Council, Epping Forest District Council and Uttlesford District Council

preferred growth scenario identified for the Garden Town in the Plan Period (as concluded in the Sustainability Appraisal of Strategic Spatial Options Study (HEBH15));

- As well as already recognised congested highway network issues (on A414 Fifth Avenue and Edinburgh Way, B183 Gilden Way and at M11 J7), six local road network corridors have been identified in Harlow as requiring further mitigation, including A414 Edinburgh Way, along parts of A1025 Second and Third Avenue, and parts of A1169 Katherine's Way and Southern Way;
- It is possible to accommodate the Garden Town Communities provided that appropriate access arrangements, traffic management measures and sustainable transport measures are provided.

183) The conclusions of the Technical Notes have developed into a series of transport measures as set out in the Memorandum of Understanding for Highways (HEBDCT2), Harlow IDP and Policy SIR1 and paragraph 11.9 of the Harlow Local Development Plan. They will be delivered over the lifetime of the plan period ahead of or alongside development. A number of delivery partners will be involved including Essex and Hertfordshire County Councils as highway authorities, Highways England and the developers.

184) The majority of schemes, due to their strategic nature, will be funded by the developers of the Garden Town housing sites and apportioned across the sites appropriately. Where interventions or infrastructure is required to deliver specific sites, they will be funded wholly by that developer. The Garden Town partners will look to other funding mechanisms in order to accelerate infrastructure and growth. The Garden Town has been successful in progressing to the next stage of the Housing and Infrastructure Fund (HIF) bid. The bid seeks funding to accelerate the delivery of the widened central River Stort crossing, the Second Stort Crossing and some of the North-South Sustainable Transport Corridor.

185) Junction 7 of the M11 is identified as being near capacity which in turn is constraining Harlow's growth opportunities by constraining access to the strategic road network.

186) The new Junction 7a on the M11 was identified as a strategic infrastructure requirement in The Memorandum of Understanding for Highways (HEBDTC2) and was modelled as a committed highway scheme in the VISSIM modelling. This scheme will free up capacity at Junction 7 and therefore enable growth to take place in and around the town, a fundamental requirement in delivering the Garden Town sites. It will specifically:

- i. Create a new east-west link road, which will move traffic smoothly in and out of Harlow to/from the M11;
- ii. Reduce congestion on the north-south links through Harlow and towards Junction 7 reducing 'rat running'; and
- iii. Provide new opportunities for housing and business developments

187) Planning approval for the scheme was granted in July 2017 and Essex County Council and Highways England published orders required by law to be able to progress with construction of the scheme in August 2018, when enabling works commenced. It is expected that the scheme will be operational by 2023 and funding has been fully secured.

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

188) The infrastructure requirements listed in Policy SIR1 are necessary and justified. They have been specifically identified on the Policies Map as having a land-use implication or to enable them to be protected and safeguarded from development. They are considered in turn below:

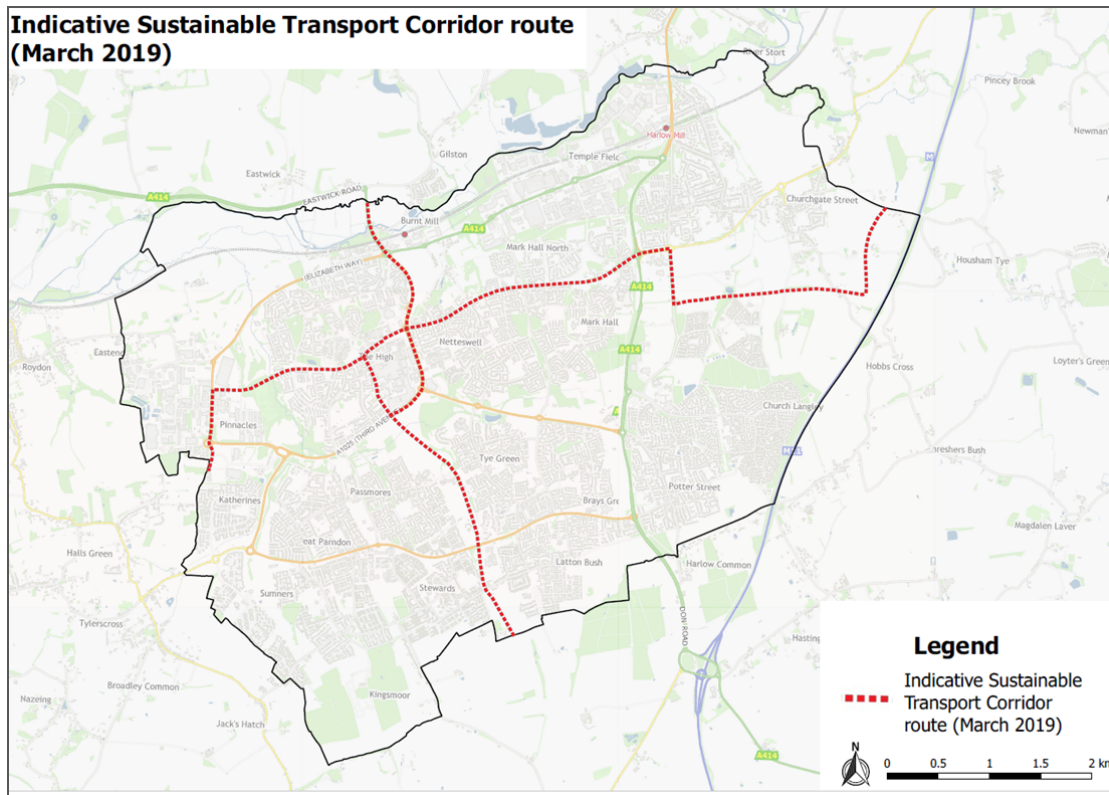
Infrastructure Items 1, 2 and 3 – Sustainable Transport Corridors and River Stort Crossings

189) The Memorandum of Understanding (MOU) for Highways (HEBDTC2) was agreed in February 2017 to ensure the highway authorities, supported by the HMA authorities, work collaboratively to identify, develop and secure/deliver enabling highway infrastructure to support growth in the greater Harlow area i.e. the Harlow and Gilston Garden Town. This includes the River Stort Crossing, the Second Stort Crossing and multi-modal Sustainable Transport Corridors. The need for these mitigation measures was further supported by the seven Technical Notes (see response to Matter3: Question 3.7).

190) The Sustainable Transport Corridors are identified in the draft Garden Town Transport Strategy (HEBGT5) as being necessary to achieve the modal shift target of 60% sustainable modes for the strategic housing sites and 50% within the existing area of Harlow. They will enable high quality sustainable connectivity between the existing and new Garden Town communities. Achieving a modal shift will improve air quality and health and wellbeing across the town. They will provide the potential for bus rapid transit across Harlow and high quality walking and cycling links which connect key assets such as the town centre, rail and bus stations and major employment areas. A Sustainable Transport Corridor Study (HEBGT4 a-b) was prepared to investigate the most sustainable and deliverable routes for the corridors. The conclusions of this study have informed but do not replicate the indicative routes identified on the Council's Policies Map. There is a North to South and East to West route.

191) The Council is recommending modifications to the Policies Map to reflect the latest findings of the work undertaken by consultants as set out in the Sustainable Transport

Corridor Study (HEBGT4 a-b) and the draft Garden Town Transport Strategy. The modified indicative routes are shown below:



- 192) The central River Stort Crossing between the Burnt Mill and Eastwick roundabouts will be widened in order to deliver an additional lane in each direction to enable bus priority and provide new walking and cycling infrastructure. It will form part of the North to South Sustainable Transport Corridor and connect Gilston in East Hertfordshire to Harlow. The Second Stort Crossing located to the east of the district was identified in Technical Note 3 as being important for relieving congestion and reducing journey times for most of the Harlow local road network as well as providing a secondary access point to the A414 from the Gilston Garden Town Community.
- 193) The Sustainable Transport Corridors and improved and new River Stort Crossings will be funded by the developers of the Garden Town Communities and apportioned appropriately across the sites; however the Garden Town has been successful in progressing to the next stage of the Housing and Infrastructure Fund (HIF) bid which may also help accelerate the delivery of these projects.
- 194) The Sustainable Transport Corridors and River Stort Crossing will mostly utilise publicly owned land and highway land or be provided as part of the new Garden Town Communities. The Second Stort Crossing may require the use of Compulsory Purchase

Orders. Planning applications for the two River Stort Crossings are expected to be submitted in Spring 2019 by the Gilston Garden Town Community developers.

Infrastructure Item 4 – Access Route for Strategic Housing Site East of Harlow Council

See response to Matter 4: Question 4.5 in respect of this infrastructure item.

Infrastructure Item 5 – Cemetery Extension

- 195) There will be a demand for new cemetery space in the district over the Plan Period. Land has been identified to the south of the existing cemetery for an extension in order to accommodate this requirement. The land is within the ownership of Harlow District Council and will be delivered through a private management company.
- 196) The site is located in the Green Belt and is considered an appropriate Green Belt use as set out in the National Planning Policy Framework. It is located between two Sites of Special Scientific Interest (SSSI) and it has been agreed that a 'wildlife corridor' between the two sites to enable fauna to move between them will be provided as part of the scheme. The development of the cemetery will be sensitively planned to ensure there is no impact on the openness of the Green Belt or upon the SSSI sites. It has been allocated in Policy SIR1 and on the Policies Map to ensure that future cemetery provision is safeguarded.

Infrastructure Item 6 – New Allotment Provision

- 197) There is an overall under-supply of allotment provision in the district and this is most acute in the east of the district. There is a requirement for allotment provision to serve both the needs of the Strategic Housing Site East of Harlow and to assist with the under-supply in this area. The site has been allocated in Policy SIR1 and on the Policies Map to ensure that the location of the allotment is within walking and cycling distance of both the residents of the new site and existing residents in the east of Harlow. There are no adverse impacts of identifying and allocating the allotment site in this location.

3.9 Should wastewater infrastructure and new schools provision be included in this Policy? (Thames and Essex CC representations)
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- 198) The list of items in Policy SIR1 are identified on the Council's Policies Map. They therefore either have an agreed location or require safeguarding. Although the Council accepts that education facilities and wastewater infrastructure both have a land use implication, their specific locations will be considered and determined through the masterplanning processes. However Policy SIR1 does refer to the Infrastructure Delivery Plan and the need for development proposals to secure related infrastructure both on-and-off site. This includes appropriate education and wastewater facilities.

Matter 4: Strategic Housing Site East of Harlow

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in Matter 4: Strategic Housing Site East of Harlow.

4.1.1 Are there exceptional circumstances to justify deletion of the Green Belt to the East of Harlow to facilitate this development?

- 199) The position of the Council has been to use the 'Calverton tests' to justify the exceptional circumstances for the release of sites f.i, f.ii and f.iii, for the purpose of allocating the land as the Strategic Housing Site East of Harlow. These tests were established by the Judgement of a Judicial Review of the Nottingham, Broxtowe and Gedling Aligned Core Strategies, and have been employed by a number of other English Councils to demonstrate the existence of exceptional circumstances for the release of land from the Green Belt.

Test 1: The acuteness/intensity of the objectively assessed need

- 200) The Council contends that the housing need and requirement for Harlow is acute, due in part to the limited amount of suitable land and the Corporate Priorities of the Council seek to regenerate the town, resulting in a requirement which is higher than the OAHN.
- 201) Two important legacies of the New Town origin of Harlow are that the district has a tightly-drawn administrative boundary, and as a planned new town land in the district was identified for various specific purposes from the outset, such as clearly designated employment areas. This has now resulted in a lack of available undeveloped land or previously developed land (i.e. brownfield sites) to consider for residential development, putting pressure on open spaces in the district to accommodate such development.
- 202) Furthermore, there are significant affordability issues in the district which have worsened in recent years, and the Strategic Site would assist in the delivery of affordable housing and assist addressing the Council's Corporate Priority of more and better housing.

Test 2: Constraints on land availability

- 203) The Council contends that there are constraints on the type and availability of land suitable for new residential development. The Local Plan Evidence Base (including the Harlow Strategic Housing Land Availability Assessment (SHLAA) and Green Wedge Review) was used to identify as much land as possible which would be suitable for new housing. Due to the original planned nature of Harlow as a New Town, there are limited opportunities for the reuse of brownfield land, for example, for residential use.
- 204) The SHLAA assessed 369 sites in Harlow, using a Government-recommended methodology, to establish the suitability, availability, achievability, deliverability and developability of housing development on each site.

- 205) In addition to the Strategic Housing Site East of Harlow, the SHLAA concluded that 59 sites are developable, comprising:
- 34 sites classed as Previously Developed Land, hatches or garages (35ha of land) with a potential dwelling capacity of 1,293;
 - 8 Green Wedge sites* (20ha of land) with potential for 271 dwellings;
 - 10 other Open Space sites (30ha of land) with potential for 767 dwellings; and
 - Committed development on 7 sites (131ha of land) for 3,625 dwellings, including Land North of Gilden Way and Newhall Phases 2 & 3.
- * Identified in the Green Wedge Review to be removed from the Green Wedge. While 8 sites were assessed as developable, only 5 were ultimately allocated for housing.
- 206) Sites in the Green Wedge network were not automatically classed as undevelopable, but would have scored lower overall due to their Green Wedge designation. 132 sites in the Green Wedge network, as designated at the time, were assessed through the SHLAA. 114 of these were classed as unsuitable at the first stage. Five sites, on land removed from the Green Wedge network in the new Local Plan, have been allocated for housing, with a total potential dwelling capacity of 200.
- 207) Similarly, sites in the Green Belt were not automatically classed as undevelopable, but would have scored lower overall due to their Green Belt designation. 35 sites in the Green Belt, as designated at the time, were assessed through the SHLAA. Five were considered developable; the remaining 30 were either classed as unsuitable at the first stage, or classed as undevelopable for reasons including sustainability. The five sites assessed as developable by the SHLAA, either wholly or partly, constitute the area now allocated as the Strategic Housing Site East of Harlow.
- 208) The SHLAA identified as many developable and deliverable sites as possible, ensuring through the robust methodology that sites which would be unsustainable for residential development were not considered suitable. The Assessment also accorded with national policy and the Local Plan Evidence Base by ensuring that open spaces, employment land, retail land and other land which are identified as being important and necessary for the district are retained, and not considered suitable for housing allocation.

Test 3: Difficulties in achieving sustainable development without use of Green Belt land

- 209) The Council contends that the New Town legacy of Harlow, with its planned nature and tight administrative boundary, has restricted the opportunities available for accommodating new residential development. Without the release of Green Belt land, the Council contends that opportunities, in both Harlow and the wider Harlow and Gilston Garden Town, would be limited further.
- 210) There is a possibility of releasing Green Wedge land which was identified in the SHLAA as having potential for housing but was not recommended for release from the Green Wedge network. However, the Council's position is that this would not be sustainable development because it would involve loss of land which is performing the roles of the Green Wedge, thereby conflicting with the Local Plan policies, Evidence Base and NPPF.

- 211) The Council contends that there is little opportunity for unidentified sites (windfall sites) to be delivered for housing during the Local Plan period. Therefore, whilst there has been a steady supply of windfall sites in recent years, they cannot be relied upon to make a notable contribution to either the housing supply or the provision of infrastructure required for Harlow and the wider Harlow and Gilston Garden Town. Similarly, while the ability to carry out change of use from office to residential use has contributed to the housing supply, although not necessarily at sustainable locations, it cannot be considered a reliable supply as their status and the national legislation may change during the Local Plan period.
- 212) There are a number of regeneration opportunities in the town centre which could deliver an element of housing through redevelopment of previously-developed, smaller-scale sites, many of which have existing uses. Such regeneration opportunities will be identified in the Harlow Town Centre Area Action Plan (HTCAAP) and cannot, therefore, be included in any Local Plan allocations and cannot be considered to reliably contribute to the housing supply.
- 213) The Strategic Housing Site East of Harlow is required for housing allocation to ensure that the housing requirement, as set in the HLDP, can be met. Without the Strategic Site being allocated, the requirement would not be met. Furthermore, the existing Princess Alexandra Hospital site is allocated for 650 dwellings and this assumes it will be relocated to a greenfield site on the periphery of Harlow, however, if Government funding is not forthcoming it may need to be redeveloped in situ, meaning that it would not be available as a large residential site. A decision on this is due to be released by central Government on 6 March 2019.
- 214) The Council contends that the Strategic Housing Site East of Harlow not being allocated in the Local Plan would also have wider implications, as the site forms the main part of the new Garden Community in this location, which itself forms a key part of the wider Harlow and Gilston Garden Town and makes a significant contribution to the overall distribution of the overall Housing Market Area need, which the Council signed up to through a joint Housing Memorandum of Understanding¹.
- 215) Without the critical mass provided by the Strategic Site, the Council contends that delivery of the Council's Corporate Priorities (including regenerating Harlow and in particular the town centre) would be adversely affected. The provision of new and improved infrastructure in Harlow, including road and public transport improvements and the Sustainable Transport Corridors, would also be adversely impacted.
- 216) This is recognised in the HLDP Sustainability Appraisal (SA)², which states that such focussed growth around Harlow provides the opportunity to deliver new community infrastructure, and will provide a wide range of types and tenures of homes.

¹ Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (March 2017) (HEBDTC1)

² Sustainability Appraisal for the Regulation 19 Harlow Local Development Plan (May 2018)

- 217) If the Strategic Housing Site East of Harlow was not allocated for residential use, the Council's position would be to consider smaller sites in other locations in the district for allocation for housing. However, there is a limited supply of appropriately-located sites for this purpose, so sites in inappropriate areas would have to be considered, resulting in unsustainable development. Examples of this could include allocating residential sites in well-established retail areas or employment areas. Such areas would be unsustainable for housing because of greater distances to local and community facilities, greater reliance on private transport due to poorer public transport links in these areas, unsatisfactory access to Green Infrastructure, and low levels of residential amenity as these are predominantly non-residential areas.
- 218) The SA assessed the option of increasing housing density on certain previously-developed sites, which would result in an increased housing supply. However, this increased supply would not negate the loss of supply provided by the Strategic Housing Site East of Harlow if it were not allocated. The SA concluded that such higher density options would not be appropriate as they would require flatted schemes, which would not contribute towards the required infrastructure because of viability issues and would adversely impact the local area.

Tests 4 and 5: Nature and extent of harm to the Green Belt and the extent to which impacts may be ameliorated

- 219) The Harlow Strategic Site Assessment concluded that the land of the Strategic Housing Site East of Harlow is suitable for development, subject to further testing to understand the growth that could be accommodated alongside infrastructure improvements.
- 220) The land allocated for housing forms the majority of Area 8 in the Green Belt Review, which scored poorly with an overall score of 3 out of 8.
- 221) It was concluded that Area 8 prevents unrestricted sprawl eastwards to an extent (purpose 1; score 1 out of 2), but the M11 would prevent further unrestricted sprawl in any case. Given that the strategic housing allocation will mean the housing in this area will be planned from the outset in accordance with the Harlow and Gilston Garden Town principles, it cannot be considered to be unrestricted sprawl. Without this land being allocated as Green Belt, the M11 will continue to provide any unrestricted sprawl beyond the district boundary.
- 222) Area 8 was split into sub-areas and the extent to which they provide two of the nationally-prescribed Green Belt purposes, relating to countryside encroachment and preserving historic characteristics, were assessed in further detail. The main contributions to these purposes were derived from the presence of Local Wildlife Sites and TPO-protected woodland in the Area. These will, in any case, continue to be protected. Other contributions are the listed buildings and their settings in the Area, along with the links to the existing Green Wedge network; these will all continue to be preserved.
- 223) The land is largely in agricultural use. The change of use from agricultural to residential would clearly result in the land being unavailable for food production on a large scale. The

allocated land was graded as Grade 2 (land where a wide range of crops can be grown but with restrictions or minor limitations) by the Government's Agricultural Land Classification system. The original classification maps were produced between 1967 and 1974 and there have been no recorded reassessments in Harlow. It is not definitive, therefore, that the agricultural land has, or will continue to have, high food production levels.

- 224) The UK National Ecosystem 2011 Technical Report states that the majority of agricultural grassland is now species-poor because of factors such as decreased vegetation which provides habitats and food sources, along with the increased use of fertiliser.
- 225) Therefore, whilst open space can often be considered to have high levels of biodiversity, the Council contends that the allocated land is likely to have low levels of biodiversity and ecological interest due to its agricultural use. Other types of open space, including gardens of residential properties, can have more biodiversity opportunities. With the potential for these increased biodiversity opportunities, the extended Green Wedge running west-east towards the M11 would gain greater importance as a wildlife corridor.
- 226) As the allocated land is mostly agricultural land, there is limited public access. There is one footpath running north-south and then west-east across the southern part of the site, as well as two smaller footpaths in the north. There are further footpaths along parts of the boundaries of the site, including the south-western boundary of the area to be re-designated as Green Wedge.
- 227) The overall openness of the allocated land will clearly be reduced once developed. However, public open spaces would be incorporated into the development, in accordance with the principles of the Garden Town Vision and Design Guide. This would allow public access into and beyond this area (to the east) to be improved, with the added potential for improved pedestrian and cycle access and links.
- 228) The Harlow Area Landscape and Environment Study³ concluded that the area the land is located within has the least sensitive landscapes with highest potential capacity for substantial urban development. It is not, therefore, considered to be of particularly high landscape interest or value, and has not previously been designated as a Special Landscape Area. Any landscape features relating to the function of the Green Wedge, environmental assets and/or the setting of historic assets, would be retained in the masterplanning of new development.

4.1.2 Should part of this be designated as a Green Wedge, or should this remain as Green Belt?

- 229) Site f.ii, part of the wider area to be released from the Green Belt, is to be redesignated as Green Wedge. The Council contends that this is appropriate because it allows the existing Green Wedge to be extended eastwards through to the new Green Belt boundary of the M11 (also the district boundary).

³ Harlow Area Landscape and Environment Study (2005) (HEBPS5)

- 230) This area of land would provide the Green Wedge roles of providing green corridors to link with surrounding Green Wedge land and the wider countryside (the Green Belt in Epping), preserving original natural and ecological features (including a Local Wildlife Site), and protecting an undeveloped corridor of land. The land would also provide recreational opportunities and other types of amenity green space, including allotments and playing fields, to serve the new Strategic Housing Site. It would also provide a separation role between areas of new housing on the site that would be considered further through the masterplanning process.
- 231) The Council contends that it would not be appropriate to continue to designate this area as Green Belt, because the new inner Green Belt boundary – resulting from the loss of the other Green Belt land in this area – would not be strong or defensible. Furthermore, the existing wider area of Green Belt land in the east of the district has been proven to not be performing well as Green Belt in any case.

4.1.3 Are alternative sites available for development not in the Green Belt?

- 232) Evidence Base studies, including the Strategic Housing Land Availability Assessment and the Green Wedge Review, have assessed all land in Harlow and concluded that there would not be alternative sites available to deliver a strategic housing site, especially not on the scale of the Strategic Housing Site East of Harlow and the infrastructure and policy needs it would provide, as detailed in the response to Matter 4, Question 1.1.
- 233) The Council contends that any further housing allocations outside of the Green Belt would be required to be on Green Wedge land and/or on other unsuitable/unsustainable land, such as land designated for other uses.
- 234) Please see the responses to Matter 4, Question 4.1.1 for more details on this.

4.2.1 Is the allocation appropriate in the light of site constraints, landscape and visual impacts and infrastructure requirements?

4.2.2 Would there be any adverse consequences?

4.2.3 If so, how could these be mitigated?

Note: Matter 4, Questions 4.2.1, 4.2.2 and 4.2.3 are answered together.

- 235) The Council contends that the Strategic Housing Site East of Harlow is not hindered by significant site constraints, such as contaminated land or topography issues. In the Harlow area of the Strategic Site, a small area either side of Hobbs Cross road, which runs west-east, is covered by Flood Zones 2 and 3 due to the presence of a small stream. The Flood Zone does not, however, cover a significant area. In any case, the Statement of Common Ground between the developers for the Strategic Site and Epping and Harlow District Councils agrees that there will be no built development, other than essential infrastructure (where necessary), within Flood Zones 2 or 3.
- 236) While landscape and visual impacts are not included in the Green Belt purposes, the Green Belt Review considered them to a certain extent as they can be considered to contribute to Purposes 3 and 4 (relating to safeguarding the countryside from encroachment and

preserving the settings of historic assets). The Review concluded that there are some views from footpaths across the site, but these are hindered by the gently sloping nature of the land and the presence of the M11.

- 237) The Harlow Area Landscape and Environment Study concluded that the area the land is located within has the least sensitive landscapes with highest potential capacity for substantial urban development. It is not, therefore, considered to be of particularly high landscape interest or value, and had not previously been designated as a Special Landscape Area. Furthermore, the Strategic Site Assessment concluded that the area is suitable for development.
- 238) In terms of infrastructure, the new Local Plan states that the Strategic Housing Site is required to provide community facilities including Early Years facilities, a two-form entry primary school and appropriate contributions (including the provision of land) towards a new secondary school. The development is also required to provide strategic Green Infrastructure.
- 239) Highway and transport improvements are also required, including works to widen the B183 Gilden Way, a left turn slip road from the new M11 Junction 7a, new access roads for the site, and linkages into walking and off-road cycle networks. The Sustainable Transport Corridor, to be routed across Harlow, is to assist with the achievement of a 60% modal shift in the new Garden Communities, including the Strategic Housing Site. Satisfactory water supply and waste water network infrastructure is also required.
- 240) Please refer to the responses to Matter 3 and Matter 4 for further discussion on infrastructure.

4.3 a) Is the allocation effectively part of a single proposal with the allocation for 750 dwellings in Epping Forest District? b) Have the Councils been co-operating effectively to plan and co-ordinate the delivery of the whole site? c) Are the main elements of the development clear, including the elements required in Harlow as opposed to Epping Forest? d) Is a single masterplan required for the whole site?

- 241) a). It is the Council's position that whilst the site is allocated as a Strategic Housing Site (2,600 dwellings) in the Harlow Local Development Plan (HLDP) it is acknowledged that it is being promoted as a single entity by the developer (Miller Homes), with the remainder of the site being within administrative area of Epping Forest District Council (750 dwellings). It is contended that the quantum of development that is being proposed contributes towards meeting the outcomes of the joint SHMA⁴ and accords with the spatial approach considered in the Harlow Spatial Options Study (2014)⁵ and the Harlow Strategic Site Assessment (2016)⁶. The distribution of housing need across the SHMA being confirmed in

⁴ <http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/2017%2007%2014%20Establishing%20the%20OAN.pdf>

⁵ <http://www.harlow.gov.uk/sites/harlow-cms/files/files/Harlow%20Spatial%20Options%20Study.pdf>

⁶ http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/FINAL_Harlow_Strategic_Site_Assessment_210916_v3_LOW.pdf

a joint MoU⁷. In addition the establishment of the Co-ordination for Sustainable Development Board in 2014 provided the stimulus for the strategic sites around Harlow being brought forward and co-ordinated through the Harlow and Gilston Garden Town vision.

- 242) b).In recognition of the fact that the site straddles the administrative boundary of two districts, both Epping Forest and Harlow Councils have been working proactively together to plan for the delivery and development of the site in a co-ordinated way. This has resulted in the preparation of an overarching Strategic Policy, Policy HGT1, Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town which reflects the shared vision and approach towards development of the sites by the two councils. This provides the framework for policy HS3 Strategic Housing Site East of Harlow that sets out a more nuanced policy approach that relates specifically to that part of the site that is within Harlow District. In this respect a Statement of Common Ground has been prepared between Epping Forest and Harlow District Councils and Miller Homes (the developers) that demonstrates how the parties have been working together to agree how the sites will be brought forward and to identify the requisite infrastructure required to be provided on the site.
- 243) c).It is contended that the main elements that need to be considered in the preparation of development proposals for the site have been clearly articulated. This has been based upon the consideration of the evidence base, including those prepared jointly with adjoining districts, together with site specific considerations. There are, however, some minor differences in respect of those elements that relate specifically to Harlow, such as the need for contributions towards public art, reflecting Harlow's status as a Sculpture Town. Whilst Policy SP5 Garden Town Communities in the Epping Forest District Local Plan Submission Version (2017) sets out a requirement for traveller pitches to meet their identified need.
- 244) d).In order to ensure a comprehensive approach in the delivery of the site the Council has been working with Epping Forest District Council and Miller Homes to consider relevant matters. This includes entering into a Planning Performance Agreement (PPA) in order to promote efficient and effective joint working and front loading the planning process. This will, therefore, assist in focusing on the issues that will be addressed within the overall strategic Masterplanning process that is being developed to inform the preparation and submission of subsequent planning application(s). In this respect the Councils have agreed that a single joint Strategic Masterplan will be prepared for the whole of the East of Harlow and that two separate (but otherwise identical), planning applications, one for 750 dwellings in EFDC and one for 2,600 dwellings in HDC, will be submitted to each respective local authority.

⁷ <http://www.harlow.gov.uk/sites/harlow-cms/files/documents/files/Final%20AHN%20MoU%20following%20Board%20on%2020%20March%202017%20Redacted.pdf>

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?

- 245) It is the Council's position that a range of health, education, local retail, open space and community facilities would need to be provided in order to meet the local needs of future residents within the development. This would ensure the immediate needs of residents can be met locally that would help reduce the need to travel. These were identified from the Infrastructure Delivery Plan ⁸ which provides information on existing and future infrastructure requirements that will help to support future housing and employment growth in and around Harlow in the period 2017 - 2033.
- 246) The IDP forms part of the evidence base that underpins the Harlow Local Development Plan and focusses specifically on the infrastructure requirements associated with the housing development identified in Harlow area. Due to the proximity of the strategic sites to Harlow and the relationship these sites have with infrastructure provision in Harlow, this IDP has considered the potential infrastructure requirements these strategic sites will generate, working with the neighbouring authorities of East Hertfordshire and Epping taking into consideration their respective IDPs.
- 247) More specifically Appendix A: Harlow Infrastructure Schedule, contained within the IDP, sets out the health, education, local retail, open space and community facilities that would need to be provided as part of the development of the site. This includes the need for increased GP provision, two primary schools and a secondary school and local open space provision. In addition the developers have indicated that two local centres would be brought forward to meet the immediate retail and related needs of local residents. In this respect a Statement of Common Ground (EX0011) is being prepared between Epping Forest and Harlow District Councils and Miller Homes (the developers) that demonstrates how the parties have been working together to agree and identify the requisite infrastructure required to be provided on the site. This reflects the fact that the site being promoted by the developer extends into the administrative area of Epping Forest District Council.
- 248) The identified infrastructure will be finalised through the preparation of detailed masterplans for both the site within Harlow and that within the administrative area of Epping Forest District Council and will be facilitated through developer contribution and other appropriate funding streams.

⁸ <http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/18-03-08%20FINAL%20Infrastructure%20Delivery%20Study%20for%20Harlow%20and%20Surrounding%20Area.pdf>

4.5 a) Is the Access Route for Strategic Housing Site East of Harlow in Policy SIR1 necessary and justified? b) How would it be delivered? c) Would there be any adverse effects? d) How does the development relate to the new M11 Junction 7a?

249) It is the Council's position following discussions with Essex County Council (ECC), the highway authority, that all 3 accesses, including the Access Route for Strategic Housing Site East of Harlow, are necessary to enable the development to go forward. This because fewer access points would adversely affect Gilden Way in terms of additional road traffic congestion and also result in significant queueing times for traffic wishing to exit the development. It may also affect how the sustainable transport corridor traverses the site, although it is too early to confirm this until the masterplans that are being prepared are more advanced.

250) In terms of its relationship to M11 J7a, all new strategic growth locations across the Harlow and Gilston Garden Town (HGGT) require new capacity to afford access onto the M11. Therefore the provision of the new junction J7a on the M11 is a prerequisite to this, or indeed any of the strategic sites coming forward. M11 J7a is due for completion, including the complementary upgrade to Gilden Way by the end of 2022.

4.6 a) Have the overall transport effects of the proposal been adequately considered? b) What public transport, cycling and walking links would be provided to maximise sustainable transport options? c) Are these adequately secured in the plan?

251) It is contended that the Council and Essex County Council as highway authority have been working together to assess overall transport effects of the development of the site for housing. In order to cater for the quantum of growth being proposed across the whole of the HGGT, it has been necessary to address the overall transport effects in a balanced way, but using the Town and Country Planning Association guidelines for garden towns, which aim to achieve 60% non-car mode (sustainable travel) from these new developments alongside some key capacity improvements on strategic routes. These are outlined in the MoU⁹ signed by all authorities. All of the strategic developments, including Strategic Housing Site East of Harlow, lie on a major sustainable corridor, these running East/West, from this site, but linking to the North/South corridor to provide wider connectivity. These provide for public transport, walking and cycling via direct, primarily segregated measures, between the developments and key attractors across the town. These are required, albeit not necessarily in their full final form from effectively first occupation, so that sustainable transport patterns can be established to meet the 60% sustainable travel target. These

⁹ http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/Highways-Trans.%20Infra.%20MoU%20SIGNED%20COPY_Redacted.pdf

sustainable corridors are clearly identified in all the garden town authorities local plans and are also fully supported by both county highway authorities.

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?

252) The Council is of the opinion that surface water drainage and waste water implications for this site have been adequately assessed and refined over time. Surface water drainage and waste implications have been addressed through the technical studies commissioned by the Council and in association with its strategic partners.

These studies have been undertaken at district level and at a strategic cross boundary level. The studies include:

- The Harlow Spatial Options Study (2014) (HEBH17)
- The Harlow Strategic Site Assessment (2016) (HEBH16)
- The SA for the Strategic Options for the West Essex and East Hertfordshire HMA (2016) (HEBH 15)
- The Strategic Flood Risk Assessment (SFRA) (2016) (HEBPS6a)
- SFRA Level 2 Site Assessment Site Tables (2016) (HEBPS6b)
- The Delivery Study for Harlow and Surrounding Area: Infrastructure Delivery Plan (2018) (HEBI1)
- The Harlow Surface Water Management Plan (2013) (HEBPS7)
- The Harlow and Gilston Garden Town Water Cycle Study Update (2018) (HEBI4)

Surface water drainage

253) The SFRA identified Harlow is at relatively low risk of flooding for fluvial sources, with the exception of areas to the north around Templefields which are at risk from the River Stort. The majority of proposed development sites, provided by Harlow Council, are shown to be in Flood Zone 1. However, three are shown to be at fluvial risk of which one is the Strategic Housing Site East of Harlow. In brief, it will be required to pass the Sequential and, where necessary, Exception Tests in accordance with the NPPF.

254) Developers will consult with Harlow Council, Essex County Council, the Environment Agency and Thames Water at an early stage to discuss flood risk including requirements for site-specific Flood Risk Assessments (FRA), detailed hydraulic modelling, and drainage assessment and design.

Background:

- 255) Potential development sites within the study area were screened against flood risk information to identify sites that would potentially need to be taken forward to a Level 2 SFRA. The screening also identified sites where additional modelling would be required, for example, sites where there is a watercourse that is not included in the Environment Agency's Flood Zone coverage, or where Flood Zones exist but further modelling was required to identify Flood Zone 3b and climate change as well as depth, velocity and hazard information. Jflow+ modelling was then undertaken to obtain this missing information. On completion of the modelling, the sites were screened again to provide a summary of risk to each site including: the proportion of the site in each Flood Zone, Surface Water flooding scenario, reservoir inundation outlines and historic flood map.
- 256) As part of the Level 2 SFRA, detailed site summary tables have been produced for each of the three potential development sites taken forward from the Level 1 assessment. These sites were those that were shown to be at risk of fluvial flood risk from watercourses running either through or adjacent to the site. The summary tables set out the flood risk to each site, including maps of extent, depth and velocity of flooding as well as hazard mapping. Each table also sets out the flood risk implications for the site as well as guidance for site-specific FRAs. A broad scale assessment of possible Sustainable Drainage Systems (SuDS) constraints has also been provided giving an indication where there may be constraints to certain sets of SuDS techniques.

For the Strategic Housing Site East of Harlow, the outputs from the level 2 SFRA will guide the master planning for the site:

- green infrastructure should be considered within the mitigation measures for surface water runoff from potential development
 - flood zones 2 and 3 should be used as public open space (95% is regarded as FZ1).
 - a historic landfill site within the site will require detailed ground investigation through the FRA
 - space should be created for flooding
 - liners should be where groundwater egress is considered to be a potential risk
 - resilience measures should be considered for any buildings sited in FZ areas.
- 257) Site specific FRAs are required by developers to provide a greater level of detail on flood risk and any protection provided by defences and, where necessary, demonstrate the development passes part b of the Exception Test. Developers should, where required, undertake more detailed hydrological and hydraulic assessments of the watercourses to verify flood extent (including latest climate change allowances), inform development

zoning within the site and prove, if required, whether the Exception Test can be passed. The assessment should also identify the risk of existing flooding to adjacent land and properties to establish whether there is a requirement to secure land to implement strategic flood risk management measures to alleviate existing and future flood risk.

- 258) In conclusion, future development, both within and outside Harlow can have the potential to affect flood risk to existing development and surrounding areas. Whilst there are potential cross-boundary flood risk issues both from and to neighbouring authorities, conditions imposed by Harlow Council, neighbouring authorities and the Lead Local Flood Authority (LLFA) should allow for mitigation measures so any increase in runoff as a result of development is properly managed and should not exacerbate flood risk issues either within, or outside of, the Council's administrative area. It would be a requirement that consideration is given to the wider catchment implications of drainage mitigation measures, rather than just assessing immediate local effects

Waste water

- 259) The Water Cycle Study (WCS) Scoping Report assessed the sites identified for allocation within the Harlow District and the Harlow and Gilston Garden Town. This includes sites within the administrative area of Harlow, the village of Gilston in East Hertfordshire District, as well as sites bordering the east, south and west of Harlow, located within Epping Forest District.
- 260) In assessing the capacity of Rye Meads Wastewater Treatment Works (WwTW), which serves the study area, growth within its extensive wastewater treatment catchment was also taken into account. This includes areas of the administrative boundaries of Broxbourne, East Hertfordshire, Epping Forest, Harlow, North Hertfordshire, Stevenage and Welwyn Hatfield.
- 261) The study area is located within the River Lee catchment. The River Stort, a tributary of the Lee, flows along the northern border of Harlow District, and is canalised in sections for navigation purposes. Water supply services for the study area are provided by Affinity Water, and wastewater services are provided by Thames Water. In order to assess the full impact of development within the study area, the WCS assessment extends beyond the HLDP period, up to 2035. This encompasses the end of Asset Management Plan Cycle 8, from a Water Company resource planning perspective, and aligns with the planned growth timescale of the Harlow and Gilston Garden Town development.
- 262) The Water Cycle Addendum (October 2018) confirms the position with regards to the capacity of the sewerage system and incorporates an Updated Position Statement form Thames Water. For Harlow East, Thames Water will gradually increase capacity to match growing demand. For Rye Meads WWTW, the current expectation is that the treatment

works will have capacity up to 2036. Additional upgrades may be required during 2020-30 for storm and sludge streams. A Statement of Common Ground (SoCG) is being prepared between Thames Water and the Council to confirm the latest position in readiness for the HLDP Examination.

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?

Historic heritage

- 263) The Strategic Housing Site East of Harlow, allocated in the HLDP, and development in the surrounding area proposed through the Epping Forest and East Herts Draft Plans to deliver the Harlow and Gilston Garden Town Communities have the potential for a cumulative negative effect on the historic environment. The loss of greenfield and agricultural land will have impacts on the character of the wider historic environment and affect the setting of a number of designated heritage assets. Historic England highlighted the importance in trying to retain the character of the areas surrounding Harlow through the Housing Market Area (HMA) level Strategic Spatial Options Study
- 264) The HLDP seeks to minimise impacts on the historic environment through a number of policies. This includes Policies WE4 (Heritage) and PL11 (Heritage Assets and their Settings) which establish the framework for the protection and proactive conservation of heritage assets. They seek to conserve and enhance the unique built environment, recognising that there are parts of the historic environment which contribute strongly to the character and distinctiveness of places, bringing wider social, cultural, economic and environmental benefits to local communities and providing enjoyment to the wider public.
- 265) Development that affects a heritage asset or its setting will also be assessed based on the effects caused by the development on the significance of the heritage assets, with some proposals requiring the implementation of an appropriate management plan. Development will be supported where it includes high quality design that respects the character and appearance of the local area; and having regard to the relevant Character Appraisals and Management Plans if proposing development within a Conservation Area.

Ecology

- 266) The Strategic Housing Site East of Harlow lies beyond the Zone of Influence for the Epping Forest SAC for recreational impacts. Please refer to the response to Question 1.6 for the Council's response in relation to air quality. There are no Air Quality Management Areas (AQMAs) within the District.

267) The masterplan for the Strategic Site will acknowledge the need for strategic green infrastructure provision. This will be multifunctional in purpose and will contribute to a net increase in biodiversity. There are notable ancient trees within the site which will be safeguarded by designated buffer zones.

4.9 Given all these factors, is the estimate of the site capacity realistic?

268) The site was assessed in the SHLAA following a call for sites submission from the developers. It was considered to be a “broad location for development” and that the capacity was in the region of 2011 dwellings. The area has been further scrutinised over the intervening period¹⁰. The Council considers that the capacity is realistic at 2600.

269) It is the Council’s position that following updated information from the promoters of the Strategic Housing Site East of Harlow, it is noted that the stated capacity is 2,600 in the plan period, based on a build programme provided by the developers. In addition the developers have published an indicative masterplan as part of their statement to the EFDC examination (Matter 8) ¹¹The capacity has been established in the Statement of Common Ground with the developers and Epping Forest District Council, in that at least 2,600 homes will be provided up to 2033, and that for matter Q4.9 the parties agree that the indicated site capacity is realistic and is deliverable.

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?

270) It is the Council’s position that Policy HS3 provides appropriate and clear guidance that will help shape the development and delivery of this key strategic housing site. This has been informed by relevant technical studies contained within the evidence base. This includes the Harlow Spatial Options Study (2014) that tested development options, having regard to access to existing facilities and services, as well as constraints, and the joint Harlow Strategic Site Assessment (2016) that provided evidence that helped shape an appropriate policy approach to the strategic sites being promoted around Harlow. The policy was also informed by the infrastructure requirements set out in the Infrastructure Delivery Plan. As mentioned previously joint working has resulted in the preparation of an overarching Strategic Policy, Policy HGT1, Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town. This provides the framework for Policy HS3 which

¹⁰ HEBH15 Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area: HEBH17 The Harlow Spatial Options Study: HEBH18 Generating and Appraising Spatial Options for the Harlow Area:

¹¹ <http://www.efdclocalplan.org/wp-content/uploads/2019/02/19LAD0139-Miller-Homes-Matter-8-1-1.pdf>

sets out a more nuanced policy approach that relates specifically to that part of the site within Harlow District and which sets specific requirements such as the need for contributions for public art reflecting Harlow's status as a sculpture town. This complements Policy SP 5 Garden Town Communities in the Epping Forest District Local Plan Submission Version (2018) which has, however, some different requirements reflecting some more specific EFDC requirements, such as the need for some additional traveller pitches. It is also pointed out, however, that the consideration of proposals on this site within Harlow would be assessed against both policy HS3 and the other relevant policies in the HLDP.

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?

- 271) It is understood that the developer (Miller Homes) have options with the relevant landowners on most of the strategic site being promoted within Harlow district. With respect of the Indicative Access Route for the Strategic Housing Site East of Harlow it is pointed out that location of the proposed access onto the public highway at Gilden Way would be across land in the ownership of Harlow District Council.
- 272) With regard to landownership most of the large Strategic Housing Site East of Harlow is under the control of three landowners of which Miller Homes have an option, although there are two smaller parcels such as land to the east of Windmill Fields where Redrow Homes have an interest, together with land to the south of Elmbridge owned by HCL (Churchgate Ltd).
- 273) Miller homes have recently provided an update on the build out rate for the site, in which they have confirmed that 2,600 dwellings will be completed in the Plan period. They will be signing a statement of common ground indicating the following trajectory:

2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
100	200	250	300	300	300	300	300	300	250

Matter 5: Employment and Retail Issues

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in 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?

- 274) The requirement for 20 ha of employment land is justified by the relevant technical evidence and is based on a robust assessment of employment needs for Harlow and the likely workforce generated by the proposed housing development.
- 275) The employment land figure of 20 ha is based on the recommendations of the joint West Essex and East Hertfordshire Assessment of Employment Needs Study (HEBP7). The study was prepared on behalf of the Functional Economic Market Area (FEMA) of East Herts, Epping Forest, Harlow and Uttlesford in accordance with the Duty to Cooperate and in compliance with the NPPF and NPPG requirements.
- 276) The study was developed having regard to the 2016 East of England Forecasting Model projections. Having reviewed the 2016 projections, it was noted that there were substantial differences in distribution of employment growth and sector growth forecasts which were contrary to the 2014 projections and local evidence. Therefore a process of moderating the baseline position which more closely aligns with the 2014 projections was undertaken which concluded a requirement of 33,100 jobs across the FEMA over the period 2011-2033. However an analysis of the projected labour supply emerging from the July 2017 Strategic Housing Market Assessment (HEBH1) indicated a workforce growth far beyond the baseline. Furthermore the study also considered four other drivers of job growth in the area including the relocation of Public Health England, Stansted Airport and the economic effects from Harlow as a major employment location on the M11 corridor, including the Harlow Enterprise Zone. Taking these factors into consideration, a preferred scenario of 51,000 jobs over the period 2011-2033 was identified for the FEMA. The study disaggregated these figures across the local authority areas and concluded an overall job requirement of 13,400 jobs for Harlow in the period 2011-2033.
- 277) An assessment of future B Use Class employment sites and premises was undertaken which took into consideration the preferred job growth scenario as well as provision to ensure the ongoing strength of the existing economy. Future floorspace requirements considered the Local Plan Period of 2016-2033. It is noted that other sectors within A, C, D and Sui Generis use classes would also contribute towards the overall job provision.

- 278) The study noted an overall need for B1a office both in the form of new floorspace to accommodate expansion of the economy and further floorspace to ensure a healthy stock of premises for the existing economy. Around half of this floorspace can be delivered through the reuse of previously developed employment sites. Consequently the study identified the need for 2 – 4 ha of B1a office floorspace in Harlow. The lower limit reflects high density town centre development and the higher limit reflects business park type development.
- 279) For industrial (B1b, B1c, B2 and B8 use classes) there will be a requirement for expansion floorspace however the greatest driver will be replacement provision to ensure modern stocks meet existing needs. Again, the study noted that around half of this floorspace would be through the redevelopment of previously used employment sites. For Harlow the industrial floorspace requirement is 16 hectares.
- 280) Therefore the study concludes an overall requirement for between 18-20 hectares of B Use floorspace in Harlow in the period 2016 – 2033. This figure would need to be delivered through new sites and premises and is in addition to the redevelopment of previously used sites. This floorspace requirement will be met through Harlow Local Development Plan (HLDP) Policy ED1. It will meet job growth anticipated to come forward in the district and has been calculated having regard to the level of housing proposed for the FEMA and for Harlow.

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?

- 281) The three allocations identified in Policy ED1 will together provide 20 ha of new employment land which will meet the development needs for the district as set out in the evidence base.
- 282) Harlow Business Park lies to the north of The Pinnacles Employment Area and is a greenfield site with potential road access to the south. There are no significant adverse impacts or any known environmental constraints that would prevent the site from coming forward. It is 4.6ha in size and would be suitable for a mix of B1 uses including further research and development purposes given its proximity to the Public Health England site and contributing towards the overall provision of employment floorspace for Harlow. This site is considered to be a medium to long term site to enable the Council to identify the most suitable occupier/s.
- 283) East Road, in Templefields, has already been granted planning consent (HW/FUL/17/00460) with the development commences and lettings already taken place on

the site. It is located to the rear of an existing supermarket, close to residential and commercial development. Given its proximity to an existing residential site, B2 uses were considered inappropriate and accordingly it was granted consent for B1c and B8 uses. This site is a short term site to be delivered within the next five years. Appropriate drainage, landscaping, parking, access is being provided or mitigated and there is no ecological or contamination issues or any other adverse impacts.

- 284) London Road forms part of the Harlow Enterprise Zone and includes two parcels of land; 1) KAO Park which consists mostly of the reoccupation or redevelopment of previous employment buildings and 2) Harlow Science Park, a 14.2 ha greenfield site.
- 285) Policy ED1 relates only to parcel 2; Harlow Science Park as this site will be providing a net gain in employment provision. The site was designated for employment in the existing Local Plan. The main objectives of the Enterprise Zone are to locate 100 businesses and create a minimum of 2,500 jobs with the potential to create more than 5,000 jobs over a 25 year period.
- 286) The delivery of these objectives has been secured through the use of a Local Development Order (LDO) which will ensure that the target growth sectors of the Enterprise Zone – Life Science Building including Med Tech, Advanced Manufacturing and ICT, B1 uses (with some complementary supporting uses) are acceptable on the London Road north site. This is a long term site with occupiers being on the site over the lifetime of the Plan. A development partner and commercial developer have been appointed with a focus for a Science Park working with Anglia Ruskin University to create a Med Tech Campus. Harlow Council own the majority of the site and on-site infrastructure including new roads, power and water supplies are in place. Construction work is progressing with the first two buildings on site which include the Anglia Ruskin University Innovation Centre and multi tenanted office building for technology based companies. The Science Park will also provide ‘move on’ space for Small and medium-sized enterprises (SMEs). There are no adverse impacts arising from the delivery of this site. All appropriate infrastructure, both local to the site and more strategically will be phased in accordance with the build out rate.
- 287) The Council contends that the suite of policies in relation to economic development and prosperity including both strategic and development management policies will secure suitable development on each site. Policy ED1 sets out the employment provision for the allocated employment areas and the LDO for London Road will ensure it is developed in accordance with the objectives for that site. Policy ED2 provides further support and retention for existing and future employment sites as allocated on the Policies Map. The development management policies will secure those sites for B Use classes. However it is flexible to ensure that sites do not remain vacant for long periods of time by allowing other job generating uses where appropriate. Policy PR1 also allows sub-division of units where appropriate to enable a mix of units for employment provision including start-up units.

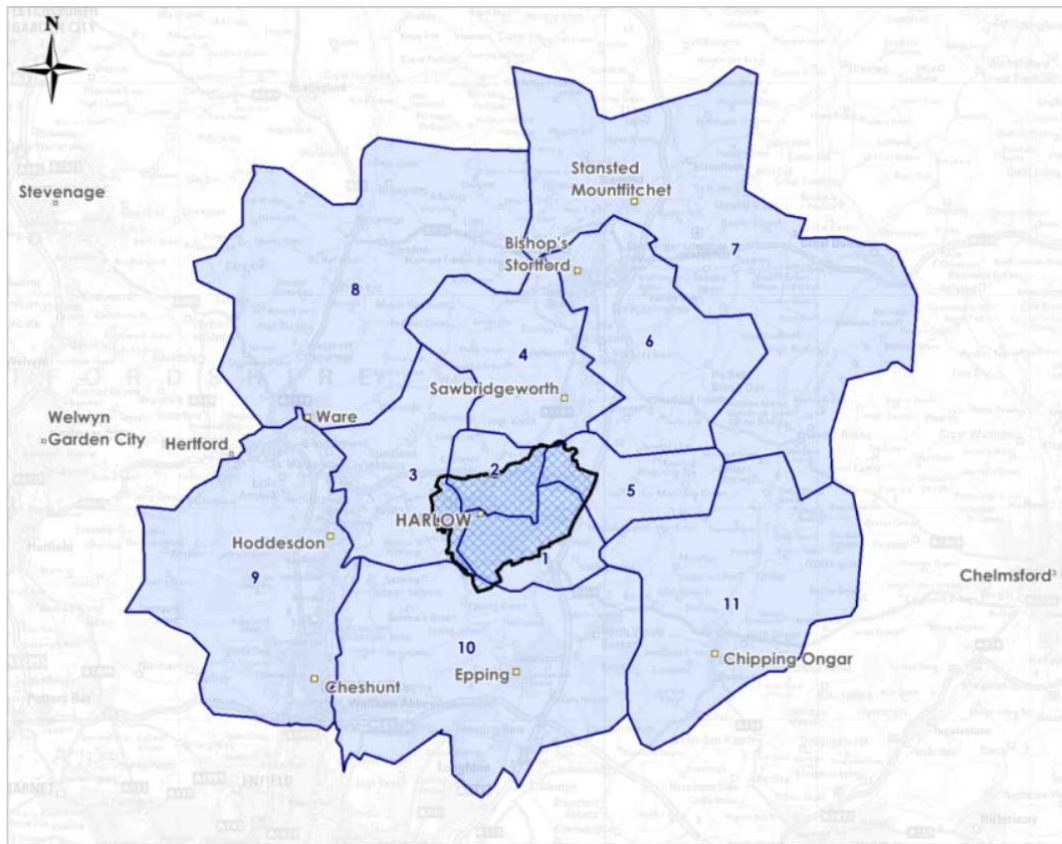
5.3 Is the retail hierarchy in Policy RS1 justified?

- 288) The retail hierarchy in policy RS1 is justified and will ensure that the vitality and viability of the town centre remains and the role and function of the retail centres in Harlow continue. It conforms with the National Planning Policy Framework (2012) paragraph 23 which states that planning policies should: *'define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters'*
- 289) Harlow comprises the following retail centres:
- Harlow Town Centre which provides retail and commercial leisure facilities for the district and wider sub-region
 - Neighbourhood Centres which are secondary to the town centre as they provide local retail facilities for individual settlements
 - Hatches which serve specific local needs and provide a range of other community services
 - Out of Centre Retail Parks located to the north of the town which overtime have created bulky retail warehouses
- 290) The hierarchy set out in Policy RS1 which identifies Harlow Town Centre first and Neighbourhood Centres secondary, is recommended by the Harlow Retail and Leisure Needs Study (HEBP11 a-c). The study undertook a performance assessment of these centres which concluded that Harlow Town Centre and the five Neighbourhood Centres currently perform a role consistent with their classification. Hatches have been identified in the hierarchy as they perform an important local role for existing residential areas and should be protected for their day to day services.
- 291) At the bottom of the hierarchy are the Out of Centre Retail Parks located along Edinburgh Way to the north of the town. They are included in the hierarchy due to their potential to provide alternative retail provision that would either be less suited or are unable to be accommodated in the town centre or other retail areas. This includes bulky retail goods and some leisure facilities. Policies RS1, RS3, PR5 and PR10 will ensure that the Out of Centre Retail Parks continue to perform this role by restricting sub-division and managing the provision of commercial leisure uses such as eating and drinking establishments in these locations. An impact threshold of 500sqm, as set out in Policy PR5, will ensure that most retail developments outside of the Town Centre are considered sequentially (see response to Matter 7; Policy PR5).

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?

- 292) Policy RS2 of the Harlow Local Development Plan provides a suitable basis for delivering the comparison and convenience retail needs of the area and is justified by appropriate evidence.
- 293) The retail floorspace requirements have been determined using the conclusions of the Retail and Leisure Needs Study (HEBP11 a-c). Using an assessment of market trends in retail and leisure sectors, a review of retail and commercial provision in the district and an overview of other key competing centres as a basis, the study sought to quantify the 'need' for new comparison and convenience goods floorspace across the district over the period 2016 to 2033. The Study is compliant with the NPPF and NPPG.
- 294) In order to determine floorspace needs, the study undertook an updated household telephone survey to establish shopping patterns of residents. Due to the tightly defined nature of the administrative boundaries of the district, the survey area (see image below) extended into parts of the neighbouring authorities as residents in these areas would also look to Harlow for some of their shopping needs. The telephone survey indicated that approximately 41.9% of comparison goods expenditure and 25% of convenience goods expenditure available to residents in the survey area is spent in Harlow.

Image 1: Household telephone survey zones¹



- 295) At the time of preparing the study there was a degree of uncertainty over levels of housing growth across the Garden Town area; none of the local authorities had adopted an up to date Local Plan. Therefore three levels of growth were tested which took into consideration the potential growth that could come forward in the Garden Town in Harlow, East Hertfordshire and Epping Forest districts. This was in the period to 2033 and therefore 7,000 dwellings planned in Gilston beyond 2033 were not included. The middle growth scenario (14,150 dwellings) was used as the baseline to determine population growth forecasts for the period post 2021. This took into account growth predictions for the development sites in and around Harlow and used Experian population projections for the period 2016-2021 for the whole survey area. The medium growth scenario would result in a population increase of approximately 50,000 residents across the survey area between 2016 and 2026 and a further increase of around 35,000 residents to 2033.
- 296) Using the population projections, growth scenarios and projected expenditure and market share (taking into consideration other committed retail schemes in the survey area), the study identified a low, medium and high assessment of need for both convenience and comparison floorspace. These conclusions are set out in the table below.

¹ Source – Retail and Leisure Needs Study (HEBP11 a-c)

Retail floorspace requirements to 2033

Year	Comparison Floorspace (sqm net)				Convenience Floorspace (sqm net)		
	Low	Medium	High		Low	Medium	High
2026	16,300	17,200	18,100		2,500	2,900	3,200
2033	35,500	37,900	40,200		3,900	4,700	5,500

- 297) Policy RS2 identifies the need to provide up to the floorspace figures identified for the higher growth scenarios i.e. 18,100 sqm of comparison and 3,200 sqm of convenience up to 2026. The study recommends that floorspace need figures beyond 2026 should be indicative as Garden Town growth levels were uncertain at the time. However figures for the Garden Town set out in the HLDP establish a growth need of 14,800 dwellings, this being relatively consistent with the middle growth scenario of 14,150 dwellings.
- 298) The study recognises that Harlow and, in particular, its town centre is a popular destination for comparison goods expenditure in the wider area and that there needs to be continued support and facilitation of growth sites to support and enhance the town centre's role as the highest order centre in the district and improve its retail and commercial leisure offer. This will in turn consolidate and potentially strengthen its market share. It is also contended that the town centre is a sustainable location within which to focus retail development. Policy RS1 continues to place Harlow Town Centre at the top of the retail hierarchy for the district in order to reflect this.
- 299) The Retail and Leisure Needs Study recommends that the majority of the comparison floorspace needs to 2026 is accommodated in the town centre and based on opportunity sites identified in the study, this is considered viable. Policy RS2 identifies the preparation of a Town Centre Area Action Plan (AAP) as being the most appropriate basis in which to plan comprehensively for the town centre, using the recommendations of the Retail and Leisure Needs Study and identifying opportunities to deliver the floorspace needs flexibly over the Local Plan period.
- 300) Policy RS2 notes that the Neighbourhood Centres and hatches will accommodate some of the retail floorspace requirement identified in the Retail and Leisure Needs Study. Policies PR8 and PR9 set out the separate requirements for these retail areas, to ensure that their role and function continue and is commensurate with the retail hierarchy. This corresponds with the recommendations of the Retail and Leisure Needs Study which states that Neighbourhood Centres should meet a broad range of day-to-day needs and provide a scale of retail floorspace appropriate to their role and function. Policy RS3 further seeks to protect existing centres and commits the Council to delivering Supplementary Planning Documents for The Stow and Bush Fair. These will help deliver future retail floorspace

needs and ensure that these centres are preserved and enhanced in accordance with their role and function. Both the Neighbourhood Centres and Hatches have consistently performed well with very low vacant frontage levels as evidenced by the Retail Frontage Studies².

- 301) Policy RS2 sets out a requirement to provide new retail provision within new settlements. This applies to the Strategic Housing Site East of Harlow (see Policy HS3 of the HLDP). They will serve the same function as Hatches or Neighbourhood Centres to ensure they do not compete with the town centre which will remain the main centre for comparison and commercial leisure facilities.
- 302) Both Policies GA1: The Gilston Area in the adopted East Hertfordshire Local Plan and Policy SP5 of the Epping Forest Local Plan Submission Version both state that Neighbourhood or Local Centres will be provided on the Garden Town Community sites which serve day-to-day retail needs. Harlow Town Centre will therefore continue to serve as the main retail centre for shopping needs across the whole Garden Town.
- 303) Together the HLDP policies provide a suitable basis for delivering retail development across the retail centres in Harlow in line with their role and function as set out in the proposed retail hierarchy.

5.5 Is the boundary of the town centre to be the subject of a separate action area plan suitable?

- 304) The proposed boundary changes to Harlow Town Centre, as designated on the Policies Map is suitable. The strategic and policy framework for developing and regenerating the town centre will be set out in a separate Area Action Plan, the Harlow Town Centre Area Action Plan (HTCAAP). The AAP will be prepared positively in accordance with the Council's Local Development Scheme and Statement of Community Involvement and will identify opportunities for providing new retail floorspace through regeneration and redevelopment and new commercial floorspace. It will also look to designate primary frontages in the centre and improve the public realm, access to and from the centre and opportunities for community facilities including the potential for residential use. The Regulation 18 AAP was published for consultation in June 2018 and is programmed for submission to the Secretary of State in Winter 2019.
- 305) The new boundary incorporates the contemporary pattern of commercial, civic, leisure and educational uses and recognises sites of future change that are likely to have significant impact on the town centre. The new areas incorporated within the updated boundary include:

² Current version of the Retail Frontages Study is 2019 HEBP17

- Harlow College campus, which is an important education site incorporating Harlow College, Harlow Advanced Manufacturing and Engineering Centre and BMAT STEM Academy which is a major trip generator for the town centre
- Harlow Leisurezone, which is both a very popular leisure centre in the town and serves as a town centre car park for many visitors
- Sainsburys to the north of the town centre, which could have a stronger relationship with the centre and could come forward for redevelopment in the Local Plan period, up to 2033.
- The Clarion Housing site which has recently been demolished, has planning permission for residential development and likely to progress within the Plan period.

This expansion is significant and has a number of potential benefits from a planning policy perspective:

- The wider boundary encourages greater emphasis on the potential regeneration opportunities of sites beyond the immediate core town centre. By including them within the boundary, there is potential to encourage a more joined up approach which is integrated with the broader direction of travel for the town centre as a whole.
- The AAP is likely to include a number of integrated proposals for improvements to the roads such as Fourth Avenue and Velizy Avenue which form a collar around the town centre. The wider boundary might assist in achieving a comprehensive context for movement and public realm projects which could assist from a delivery perspective.

5.6 Are the other ED and RS Policies in the plan justified and would they be effective in achieving their aims?

- 306) The Council contends that the suite of Policies covering economic and retail development is justified and would achieve the overall aims and objectives of the Harlow Local Development Plan (HLDP).
- 307) The HLDP policies in respect of economic development together form a coherent and effective basis for delivering economic growth objectives across the district. The policies seek to deliver new employment floorspace to meet future needs whilst protecting employment floorspace in existing employment areas. The HLDP sets out a strategy for delivering key growth sectors in accordance with the Harlow Economic Development Strategy (HEBP10) including Life Sciences, Advanced Manufacturing and ICT/Digital industries. However they also seek to maintain a wider mix of B-Class uses across a range

of employment sites across the town and support the needs of larger businesses, SMEs and start-up companies. The policies provide a degree of flexibility by enabling alternative employment generating uses where appropriate. This is to avoid buildings becoming vacant for long periods of time.

- 308) In addition to delivering and protecting employment floorspace, the HLDP policies for economic development aim to improve skills and job access for new and future residents and develop a visitor economy which will support jobs in retail and hospitality building on links to Stansted Airport, green infrastructure assets and town centre regeneration.
- 309) The policies have been developed having regard to the evidence base, the Memorandum of Understanding for employment (HEBDTC4) and the Harlow Economic Development Strategy.
- 310) The Council contends that the HLDP policies together form a coherent and effective basis for delivering retail growth for the district and wider area, protecting and enhancing the viability and vitality of the district's retail centres and maintaining their role and function appropriate to their scale.
- 311) The strategic policies set out an appropriate retail hierarchy that identifies Harlow Town Centre as the main destination for retail needs in the district and wider sub-region. The policies establish the most appropriate level of comparison and convenience floorspace requirements based on anticipated growth levels. This requirement will inform the Harlow Town Centre Area Action Plan (AAP) which will transform retail needs into opportunities and sites. The HLDP policies will protect and enhance Harlow's retail centres based on the role and function they perform in the retail hierarchy.
- 312) The development management policies will ensure that town centre related uses are directed to Harlow Town Centre first through a sequential approach which accords with the technical evidence base and national policy. In order to deliver a viable and enhanced town centre the HLDP sets out policies which seek to achieve a mix of uses whilst protecting primary frontages for comparison provision. Policies will manage a mix of unit sizes by managing the sub-division of larger units in the town centre and encourage appropriate night time uses to attract more users and dwell time.
- 313) Specific policies have been developed for the Neighbourhood Centres and Hatches so they continue to provide day to day services for residents and individual neighbourhoods whilst providing flexibility to respond to changing habits and shopping needs. The policies also support a degree of residential development.
- 314) The Council contends that the revised town centre boundary will encourage a greater potential for regeneration opportunities and a more joined up approach to delivery and

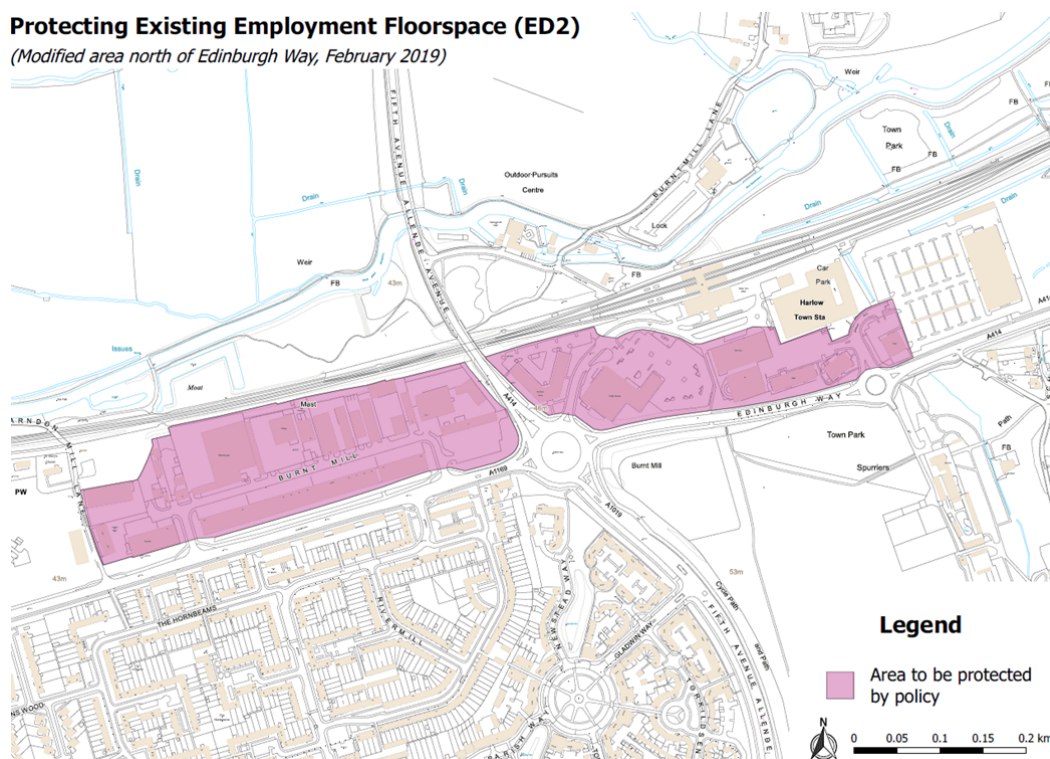
that the AAP is the best mechanism for setting out the spatial framework for the regeneration of the town centre.

5.7 Should the area covered by Policy ED2 include Pearson House and it's car park? (Representation from Weston Homes)

- 315) The site in question is located to the east of the Burnt Mill Employment Area and forms part of the overall employment designation in this area. Pearson House and the car park comprise one site. The building was granted prior approval for residential conversion in August 2017 (HW/COUOR/17/00295) and the previous occupiers of the property have since moved to the London Road Enterprise Zone. The residential use for this building has since been fully implemented. A further eight residential dwellings on the roof top gardens of the building was granted planning permission in January 2018 (HW/FUL/17/00562).
- 316) The decision was taken at the Regulation 19 stage of the Harlow Local Development Plan to retain Pearson House and the curtilage of the building within the employment designation of the Burnt Mill area. The mix of residential and commercial uses that already exist within this employment area were noted; however it was still considered an important area for employment uses particularly offices, given its proximity to Harlow Town Station.
- 317) In light of this justification a subsequent application was submitted for the redevelopment of the Pearson House car park (HW/FUL/18/0014) for 361 dwellings. In the consideration of this application it was noted that as a result of the prior approval development of Pearson House, the lawful use of the curtilage is now residential. When considering all other matters relating to highways and access, environmental constraints and design the application was approved at the Development Management Committee on 16th January 2019.
- 318) As a result of the implementation of the prior notification for the building and the subsequent planning approval for redevelopment of the car park for residential uses, a modification to the Policies Map (see image below) to remove the site in question is proposed.

Protecting Existing Employment Floorspace (ED2)

(Modified area north of Edinburgh Way, February 2019)



- 319) In order to protect the Council's existing office and light industrial buildings from future conversion to residential use the Council is seeking to make and enforce an Article 4 Direction for the employment areas of The Pinnacles, Templefields and Burnt Mill. This will ensure that no further loss of employment land takes place which would be at variance to the requirement set out in the HLDP. The Council's Scrutiny Committee agreed to move forward on this objective on 13th February 2019.

Matter 6: Other housing allocations – Policy HS2 sites

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in 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?

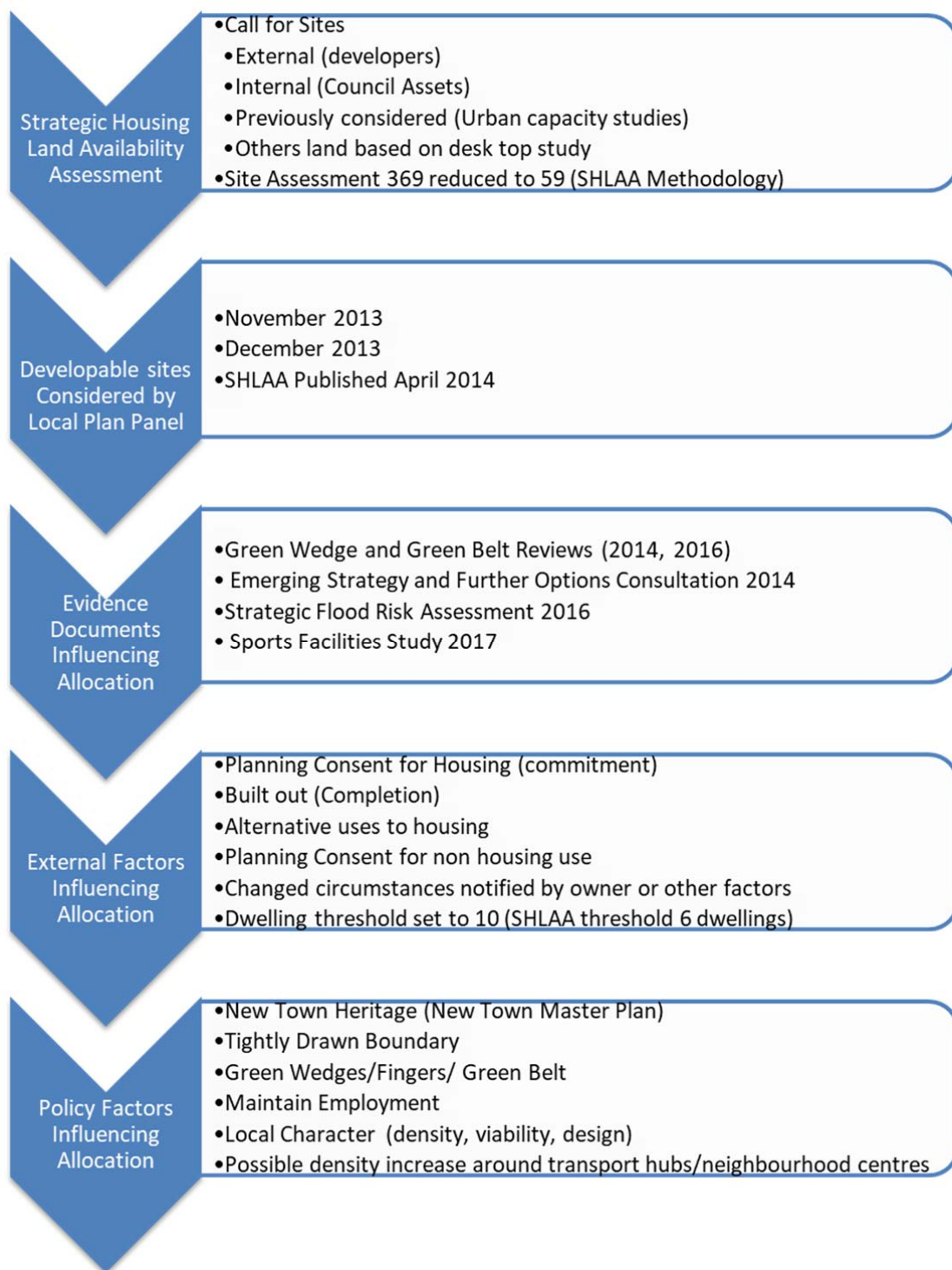
In turn:

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

320) The sites listed in Policy HS2 have been identified through the Strategic Housing Land Availability Assessment¹ process (SHLAA), in the first instance, followed by further sieving to take into account other considerations such as evaluated for constraints. The sieving determined that the site is developable and deliverable. The following flow diagram illustrates the process of how sites were considered and assessed, taking into account appropriate technical evidence, that resulted in their identification and inclusion as housing proposals in the HLDP.

321) It is the Council's position that the housing allocations listed in Policy HS2 have been identified following a robust assessment process including a call for sites, SHLAA and SA. This process is summarised in the following table:

¹ Strategic Housing Land Availability Assessment 2014 – Harlow Council



322) The SHLAA methodology set out a process for assessing a sites capacity. This was used as basis for estimating the capacity of the sites that were identified as housing sites. The policy makes clear in a footnote that dwelling numbers are indicative. However as sites are being brought forward it is clear that the capacity of some sites is greater than that suggested in policy HS2.

- 323) The Sustainability Appraisal², which also informed the process, acknowledged that: *“The District boundary reflects the original New Town designated area and, as such, is tightly drawn around the urban area. This means that, unlike many other Councils, Harlow does not have a large hinterland or neighbouring settlements in which to search for potential housing sites”*
- 324) *“In line with the NPPF and given the importance of the open spaces within Harlow, any alternative should seek to maximise the use of PDL to meet the remaining housing requirement of 1,042 dwellings. It was therefore considered reasonable that alternatives for the additional housing requirement should focus on this issue by exploring increased densities on PDL.”*
- 325) The SA went on to conclude: *“It is considered that the preferred approach acknowledges the existing constraints in Harlow, the original Master Plan for the town and the role and function of the land within it. It provides opportunities for regeneration and greenfield development and considers the viability of sites to deliver affordable housing and infrastructure.”*
- 326) The methodology for site sieving is set out in the 2014 Strategic Housing Land Availability Assessment (SHLAA) HEBH9 and makes an assessment of deliverable and developable sites, and is considered compliant with the NPPF and NPPG requirements.
- 327) As the sites are brought forward for development any planning application would be considered against the appropriate policies elsewhere in the plan to secure the development of the site having regard to site specific considerations.

HS2 Housing Allocations

- 328) Since the HLDP was prepared and submitted the following statements provides a current update on these sites and which confirms that they are either deliverable or developable.

HS2-1: It is acknowledged that the Princess Alexandra Hospital (PAH) was not originally identified as a potential housing site when the SHLAA process commenced. Subsequently it became clear that the hospital was exploring the option of redeveloping the site with the aim of relocating within the wider Harlow area. This clearly became a material consideration in the plan making process. In this instance it was considered appropriate to acknowledge the development potential of the existing site for housing given its proximity to existing town. Such development could assist in the regeneration. Against this backdrop consultants acting for the HMA districts identified that the existing hospital site had a potential capacity of 650 dwellings.

The PAH explored the potential of alternative sites in both the Gilston part of the Garden in East Hertfordshire, and the Epping portion of the land East of Harlow. Currently a potential site to the east of Harlow within the administrative area of Epping Forest Council District Council is being assessed, and is being considered through the examination of their local plan.

² HSD3 Sustainability Appraisal (SA) for the Harlow Local Development Plan. May 2018 (AECOM)

A bid for funding for a new hospital has been submitted to Government, and is currently being assessed. It has not been finalised as to whether funding will be made available or whether a new hospital will be on the existing site or elsewhere in the Garden Town. However questions in the House of Commons have indicated that there will be a decision on the way forward at the beginning of March.

Should, however, the PAH be unable to secure the funding to relocate and remain in situ the loss of the existing hospital site for housing will not have an impact on the 5 year land supply, and the overall dwelling total will still more than meet the Plans requirement of 9200 dwellings.

HS2-2: A planning application for 98 dwellings is currently under consideration for this site. Allocated for 70 units.

HS2-3: This site is being brought forward by the Council's Regeneration team are currently developing a scheme that will be submitted for planning permission later in the year, subject to the HLDP being found sound. .

HS2-4: This site is a Council owned site and has been granted planning permission for 46 dwellings on the Lister House part, and it is anticipated that this scheme will be completed in 2021/22..

HS2-5: This site is another site being brought forward by the Council's Regeneration team will be developing a scheme that will be submitted for planning permission, subject to the HLDP being found sound.

HS2-6: This site will also be brought forward by the Council's Regeneration team will be developing a scheme that will be submitted for planning permission, subject to the HLDP being found sound.

HS2-7: This site will be brought forward by the Council's Regeneration team will be developing a scheme that will be submitted for planning permission, subject to the HLDP being found sound.

HS2-8: Pre-application discussions are currently taking place with a developer for 33 dwellings on this site. It is currently programmed for completion in 2028/29. With permission this is likely to be sooner, with some completions likely within 5 years.

HS2-9: Following the preparation and submission of the HLDP Essex County Council has undertaken remediation works on the land to mitigate surface water flooding in the area. This had meant the provision of a crescent shaped bund that has reduced the developable area of the site from 0.81 hectares and 23 dwellings, to 0.6ha and 20 dwellings. This will necessitate a minor modification to the schedule set out in Policy HS2 of the HLDP.

PROPOSED MODIFICATION

HS2

Ref.	LOCATION	DWELLING CAPACITY
9	Land east of 144-154 Fennels	23 20
	Total Dwellings Allocated	1,147 1144

HS2-10: This site will be brought forward for redevelopment by the Council following completion of ongoing negotiations of the leaseholders of the existing retail units.

HS2-11: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound.

HS2-12: This site will be brought forward towards the end of the Plan period.

HS2-13: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound.

HS2-14: A planning application for 17 dwellings is currently under consideration and a decision is awaited, subject to additional work in respect of design matters given the proximity to a Grade 1 Listed Building.

HS2-15: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound but this is likely to be towards the end of the Plan period.

HS2-16: This site will part of a package of development being drawn up by the Council's Regeneration team.

HS2-17: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound but this is likely to be brought forward beyond the 5 year period.

HS2-18: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound but this is likely to be towards the end of the Plan period..

HS2-19: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound.

HS2-20: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound.

HS2-21: This site is to be brought forward by the Council's Regeneration team, subject to the HLDP being found sound.

Matter 7: Development Management Policies

This hearing statement sets out the Council's response in relation to the Inspector's Matters and Questions set out in 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.

- 329) It is contended that the suite of development management policies set out in the plan have been positively prepared, are justified based on the technical evidence that has been assembled in order to identify the socio-economic and environmental characteristics of the district and the issues that needed to be addressed. The policies have been developed to ensure they are effective and consistent with national policy.

PL3 Sustainable Design, Construction and Energy Usage

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

- 330) It is the Council's position that the policy, as set out in the Harlow Local Development Plan (HLDP), is consistent with the 2012 NPPF, which requires Local Planning Authorities to support energy efficiency improvements to existing buildings; to expect new development to consider layout, building orientation and other methods to minimise energy consumption; and to promote renewable and low carbon energy development. The policy encourages developers to exceed the minimum standards required by Building Regulations.
- 331) The NPPF also requires Local Plans to identify the most sustainable locations for growth and promote the use of sustainable modes of transport, which is addressed in the relevant Strategic Policies of the HLDP. Due, however, to the wider land constraints in the district reflecting the built up character of urban Harlow, contained within tight administrative boundary, there is not the opportunity to consider the identification of wider land allocations for the purpose of renewable energy generation, for example a wind farm.
- 332) It is contended, however, that the policy is clear in that the Council expects new development to deliver high standards of sustainable design and construction and energy efficiency, in order to reduce the impact of new development on the environment and ensure that, in turn, the effects of climate change are reduced and mitigated against. It also gives examples of the way in which this may be achieved and states when a Sustainability Statement is required and what should be contained within it.

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

Is criterion 4 c too prescriptive?

- 333) The Council has considered the wording of criterion 4c having regard to the responses received from Essex County Council (ECC) as the lead flood authority and the House Builders Federation (HBF). The Council contends that the text could be revised to reflect non-statutory technical guidance. The modified text appears in the Council's Minor Modifications Schedule (HSD19) as follows:

43 (c) achieve greenfield runoff rates in line with the guidance of the non-statutory technical standards for sustainable drainage;

334) A footnote could also be added to refer to Defra's guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf

335) This change would allow the policy to be more robust over time and also, reflects current national guidance.

Housing

H1 housing Allocations

- Is this policy necessary?

H3 Houses in Multiple Occupation

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

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?

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

Policy H1 Housing Allocations:

336) It is contended that this policy is necessary in order to demonstrate the Council's intention to support the delivery of housing within the district through the identification of a Strategic Housing Site East of Harlow and other smaller sites, in accordance with the principles of the Garden Town. In particular it requires that proposals to develop the Strategic Housing Site should be accompanied by a master plan to support any planning application. In addition it acknowledges that all housing allocations in the plan should contribute to the Garden Town and as such should comply with the Harlow and Gilston Garden Town Vision.

337) However, in this respect a minor modification is proposed in order to correct the titles of the Garden Town Vision and Design Guide in H1:

H1 Housing Allocations

Development of the Strategic Housing Site East of Harlow and other sites for housing (allocated in the Strategic policies) will be supported.

Development of the Strategic Housing Site East of Harlow will require a Master Plan to be submitted which takes into consideration the relevant policies in the Local Plan.

Development of all allocated housing sites must accord with the principles of the Harlow and Gilston Garden Town Spatial Vision and the Harlow and Gilston Garden Town Design Charter Guide.

Policy H3 Houses in Multiple Occupation

- 338) It is contended that Houses in Multiple Occupation (HMO) within Harlow have proven to have a negative impact in certain areas of the town. As a former planned New Town with housing built, in the main, post war, the style and type of housing, is mainly two or three bedroom, with few off street parking areas, there are limited dwellings that are easily adaptable to HMO's that require planning consent. Consequently where there is cluster of convertible dwellings there can be a higher demand for planning permission.
- 339) The concentration of HMOs in certain areas can have a cumulative and detrimental impact on the amenities of local residents, arising from issues associated with parking, noise, refuse storage and collection.
- 340) The policy was developed in order to ensure that the negative impact of a cluster of HMOs would be avoided and that external amenity impacts were minimised, and that the occupants of the HMOs would benefit from reasonable space standards.

Policy H5 Accessible and Adaptable Housing

- 341) It is contended that paragraph 50 of NPPF requires that local planning authorities should plan for households with specific needs. The SHMA (2015) sets out the evidence to support the need for this specialist housing. This is based on demographic projections, which suggests in the HMA that persons over 65 make up 73% of the overall growth in the HMA, 36% of the total increase is over 85s. The SHMA suggests that the evidence supports the need for category 2 homes for those people who are moving home.
- 342) The CLG guide to disability data¹ (referenced by PPG) indicates that 3.3% of households in England have a wheelchair user, which is higher for those in affordable dwellings (7.1%). The SHMA suggests that these proportions will likely increase over the Plan period. The SHMA concludes that the evidence supports the need for all dwellings to meet category 2 requirements, and 10% market and 15% affordable should meet category 3 requirements.

¹ Guide to available disability data – March 2015

- 343) Evidence provided by consultants (HEBH21) sets out localised information in respect of disability data. This shows that Harlow's health indicators are generally worse than the national average, and that existing stock alone is unlikely to meet the needs of a growing older population. The evidence also states it is evident that the proportion of households with a wheelchair user increases with age; and given that the proportion of older households is projected to increase over the Plan period, it follows that the overall proportion of households with a wheelchair user will increase from the current rate of around 3.3%.
- 344) In addition the National Planning Practice Guide (Paragraph: 006 Reference ID: 56-006-20150327) states: *Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations.*
- 345) Based on the SHMA evidence the Council supports the provision of accessible housing, and considers it would be appropriate to reference the recommended standard as part of the policy justification rather than in the policy itself to enable updates to be made during the lifetime of the Plan.
- 346) The impact of the viability of the development has been addressed in the Local Plan Viability Assessment, Affordable Housing and CIL Review – March 2018 HEBI2. This study takes the cumulative impact of this policy amongst others. The Study concluded: *We have tested the impact of the Council's affordable housing policy targets (30%) and other requirements (including sustainability, Lifetime Homes, Accessibility, SUDs and Section 106). The results generated by these appraisals indicate that although many developments could viably provide all or a large majority of the policy requirements, in order to ensure the delivery of the required growth in the District, particularly in Area 1 and flatted developments, that the Council needs to apply its policies flexibly.*
- 347) The Council considers, therefore, that the effects on viability have been assessed positively and that that Policy H5 can be implemented on all new development.

Policy H6 Housing Mix

- 348) It is the Council's position that the policy aims to ensure that an appropriate mix of housing types and tenures is provided within new development. However it is considered that to improve the clarity and effectiveness of the submitted policy reference be made to the range of types of housing. In order, therefore, to ensure this can be achieved a modification is proposed to ensure link the tenure/types and sizes more effectively with the evidence. The Council, therefore, suggests the following modification to the wording of the policy:

Proposed Modification

H6 Housing Mix

~~A range of housing types and sizes, across a range of tenures, must be provided in major residential development.~~

~~The Council will support community led housing developments on appropriate sites.~~

On major new housing developments, an appropriate mix of housing tenures, types and sizes will be expected to be provided, in order to create balanced communities which reflect Harlow's housing needs and local character. To achieve this, developers should take into account the latest Strategic Housing Market Assessment, or other additional appropriate evidence directly related to Harlow's housing needs.

Where appropriate and in accordance with policies in the Local Plan, the following types of housing should be provided:

- i) Affordable housing
- ii) Accessible and adaptable housing
- iii) Self-build and Custom build housing plots
- iv) Community led housing

349) It is contended that the percentages as set out in the justifications reflect the results of the SHMA (2017) as being the most appropriate to use in order to meet Harlow's specific needs. However, the proposed modification above will provide developers with some flexibility on a site by site basis to provide evidence to modify the housing mix.

350) The impact of the viability of the development has been addressed in the Harlow Council CIL and Local Plan Viability Study 2018 (HEB). This study takes the cumulative impact of this policy amongst others and does not conclude any significant impact on the viability of developments as a result of this policy.

351) Consequently it is the Council's position that the policy as modified is positively prepared, justified effective and consistent with national policy. The modification is clearer than the submitted H6 and more effective.

Policy H8 Affordable Housing

352) It is the Council's position that the policy is fully justified by the evidence set out in the West Essex and East Hertfordshire SHMA – Affordable Housing Update². The evidence shows that Harlow's proportion of affordable housing need is 61%, compared to an

² HEBH3 Strategic Housing Market Assessment - Affordable Housing Update July 2017

average of 31% for the rest of the HMA. Harlow's viability study acknowledges that 30% target overall in the district is viable it states:

- 353) *In most cases, schemes can accommodate the Council's affordable housing requirement as per policy H8 of 30%. However, the Council's flexible approach to application of its affordable housing targets (subject to viability) will ensure the viability of developments is not adversely affected over the economic cycle.*
- 354) The policy as it is worded is very clear and succinct. However, whilst the viability study makes it clear that 30% affordable housing is achievable it also emphasises that flexibility is required. In addition in order to provide clarity in respect some matters a modification is proposed to the wording. This takes into account tenures, detail about percentage reduction, the requirement for affordable housing to be provided on site, how affordable dwellings should be incorporated within developments, and how affordable should be secured for subsequent occupants.

Consequently the Council propose the following policy modification:

H8 Affordable Housing

Major residential development ~~must~~ will be expected to provide at least 30% affordable housing.

Reduction of this percentage may be permitted for viability reasons, including the need to secure required infrastructure. Any reduction or non-agreement between the developer and the Council will require an independent viability assessment by consultants, mutually agreed between the Council and the developer, the costs of which should be met by the developer.

Affordable housing within a development will normally be provided on-site, unless exceptional circumstances should require it to be provided elsewhere, with the agreement of the Council. Applicants will be required to submit justification for off-site construction or financial contributions.

Affordable housing provision will be expected to have regard to the recommended tenure mix in the latest evidence base on housing need, and affordable housing products defined in current national planning policies.

Within the development site, affordable housing will be incorporated into the overall design layout of master plan to avoid major clustering of affordable housing. The design of affordable housing should make it indistinguishable from market housing in the layout.

Legal agreements with the Council will ensure that affordable housing benefits, for both affordable rented and intermediate housing, are secured for first and subsequent occupiers and retained as affordable.

Policy H9 Self-Build and Custom-build Housing

- 355) The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Council has complied with this requirement and maintains such a register administered by the Council's regeneration team.
- 356) There have been 48 individual registrations made to the Council via its web site. The Plan only allocates three sites which are over 50 dwellings (East of Harlow, Princess Alexandra Hospital, and Land east of Katherines Way and west of Deer Park). It is considered that the proportion of plots at 5% on developments of more than 50 dwellings will enable such plots to be identified over the lifetime of the plan to meet the demand. This is important as the policy allows return of the plots to conventional development and marketing after just one year to avoid empty plots over the long term.

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?

- 357) The 500 sqm threshold for impact assessments is justified and supported by technical evidence. The threshold will secure the future vitality and viability of the town centre which will continue to provide important services and facilities for Harlow, the Garden Town and the wider sub-region.
- 358) The threshold is lower than the National Planning Policy Framework of 2,500 sqm; however this figure was identified in the Council's Retail and Leisure Needs Study (HEBP11 a-c) in order to help protect the network of retail centres from inappropriate edge and out of centre retail development ensuring that the local authority retains the greatest level of control during the decision-making process. The study states that the concentration of retail warehousing along Edinburgh Way in Harlow, although 'bulky goods' in nature (e.g DIY stores, electrical goods stores), provides some overlap with the product offer of Harlow Town Centre, and accordingly the two locations are, to an extent, likely to be competing with each other for expenditure. Therefore the Council contends that there is a demonstrable need for a lower threshold in order to secure the future of Harlow Town Centre, the retail offer it provides and the range of other services available.

PR7 Sub-division and Internal Alteration of Town Centre Units

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

- 359) It is the Council's position that the requirement for two years of marketing evidence in Policy PR7 is justified in the context of the long term objectives for the town centre and the retention and reinforcement of its sub-regional status in the M11 corridor.

- 360) Policy PR7 seeks to manage the sub-division of units in order to retain a mix of unit sizes that will attract a variety of occupiers and act as anchors in the town centre. Part (a) of Policy PR7 states that for units larger than 2,500 sqm in size, evidence must be provided to demonstrate that the unit has been actively marketed for at least two years. This threshold would apply to a number of units in the town centre, most notably the former BHS store and larger retail units located to the south of the town centre at the Water Gardens.
- 361) It is contended, therefore, that two years is not considered to be an unreasonable amount of time given long term objectives to secure the viability and vitality of the town centre. The Retail and Leisure Needs Study note the key qualitative gap in the town centre since the closure of the BHS department store. The study recommends that the Council should look to provide larger-format floorspace which may be more attractive to higher profile operators and that sub-division of units within the primary shopping frontage should be resisted.
- 362) The marketing period of two years will ensure that every opportunity has been undertaken to identify a suitable occupant for the unit, retain it for potential higher profile operators or larger commercial leisure uses and ensure that the town centre continues to provide a range of units that act as anchors and attractors. Given the number of units above 2,500 sqm in the town centre and long term objectives to retain the town centre's sub-regional status, the marketing period for two years is not considered unreasonable.

<p>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?</p>

- 363) 'Major development' is defined in the HLDP Glossary as development comprising 10 or more houses, or development where buildings which create a floor space of 1,000 square metres or more are to be provided, or development carried out on a site of one hectare or more. It also includes certain minerals and waste developments.
- 364) It is contended that this policy is justified in order to reinforce the importance of public art in Harlow. Since its designation as a New Town, almost 100 works of art have been collected and displayed throughout the district, resulting in Harlow being branded as a 'Sculpture Town' and benefitting from the highest percentage of public sculpture per head of population in the country. The importance of sculpture in contributing to place making in Harlow is also recognised in the principles set out in the Harlow and Gilston Garden Town Vision³.

³ Harlow and Gilston Garden Town Vision and Design Guide (2018) (HEBGT2&3)

365) The Council considers it to be appropriate, therefore, that major development is required to provide and maintain public art, to continue the legacy of Harlow as a town of public art and sculpture. A forthcoming Supplementary Planning Document will provide applicants with guidance on how public art can be included within and contribute to developments. In some cases, off-site contributions may be considered more acceptable.

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?

366) It is the Council's position that the requirement for electric charging points as set out in Policy IN1 is considered justified. The Council concurs that there is no specific government guidance in place for electric vehicle charging points as yet. However the government's long term intention is to move away from more harmful forms of vehicles to more efficient and ultra-low emission vehicles. It is also an important aspiration of the Harlow and Gilston Garden Town and this Policy will help future proof sustainable infrastructure and associated travel movements (such as autonomous vehicles) as well as improving air quality which will therefore improve overall health and wellbeing.

367) The Garden Town Vision (HEBGT2) seeks to provide facilities for electric charging points for schools, places for work and facilities in new homes across the Garden Communities. It also notes the importance of their provision at local centres, micro-hubs and transport hubs. The draft Garden Town Transport Strategy (HEBGT5) sets out the importance of reducing vehicle emissions and the significant impact this will have on reducing harmful emissions including dioxide and nitrogen oxide, and particulates. Action 7 of the draft Transport Strategy states that the Garden Town should provide more electric vehicle infrastructure to encourage the take up and use of electric vehicles by residents and businesses and that engagement should be made with providers to convert parking spaces for electric cars. Action 8 sets out further detail on supporting masterplans which anticipate future change in mobility including electric vehicle charging points to ensure communities can readily respond.

368) The Council therefore contends that Policy IN1 is justified by the objectives and vision for the Garden Town and is also flexible enough to respond to future changes in government policy on electric charging points.

369) In this respect Policy IN1 in conjunction with the vision, objectives and other policies in the Harlow Local Development Plan are considered sufficiently ambitious to deliver sustainable transport objectives. Policy HGT1 refers to creating a step-change in modal shift and the draft Garden Town Transport Strategy sets out high level measures to ensure this shift happens including behavioural change mechanisms. The provision of Sustainable Transport

Corridors identified in Policies SIR1 and HGT1 will help facilitate this modal shift. Furthermore Policy HGT1 refers to the need to develop specific parking standards for the Garden Town Communities with an opportunity to focus on reducing car usage.

- 370) The Minor Modifications Schedule (HSD19) recommends the inclusion of a transport modal hierarchy in Policy IN1. This will place 'reducing travel demand and the need to travel' at the top of the hierarchy and the use of the car at the bottom. This hierarchy will need to be taken into consideration in respect of any planning application submitted which has an impact on movement and mobility. Together this policy and the Harlow Local Development Plan (HLDP) as a whole is ambitious enough to increase the use of sustainable modes of transport and enable modal shift across the Garden Town.
- 371) Paragraph 17.12 and paragraphs 17.18 to 17.21 of the HLDP highlight the possible need for transport assessments, statements and travel plans where development has a significant impact on travel movements. This is consistent with paragraph 111 of the 2018 NPPF and paragraphs 32 and 36 of the 2012 NPPF. It is not considered necessary for Policy IN1 itself to replicate this requirement. This is also consistent with other policies in the Plan where we use accompanying text to state similar requirements.

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

- Is the policy consistent with NPPF paragraph 32

- 372) The Council contends that Policy IN2 is consistent with paragraph 32 of the 2012 National Planning Policy Framework (NPPF). The relevant NPPF paragraph is replicated below:

32. All developments that generate significant amounts of movement should be supported by a Transport Statement of Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 373) Policies IN2 and IN1 of the Harlow Local Development Plan (HLDP) conform to the requirements set out above. Policy IN1 identifies the need for new developments to connect with the existing network of cycleways and footways etc where it is appropriate to

do so. This is considered consistent with bullet point 1 above. Policy IN2 criteria (c) ensures safe and adequate servicing and access arrangements with due consideration made to emergency and refuse vehicles. The wording of the criteria is not considered any more stringent than bullet point 2 of paragraph 32 which ensures suitable and safe access for all.

- 374) Bullet point 3 of paragraph 32 of the NPPF states that decisions should consider whether improvements can be undertaken to the transport network to limit significant impacts. Policy IN2 does not seek to refuse development outright but does ensure that due consideration is given to the potential impact on highway congestion and the safety of all highway users. Paragraph 17.18 of the HLDP does state that appropriate measures to mitigate impact may be acceptable and should be outlined in a transport assessment or statement.
- 375) Bullet point 3 also states that development should only be prevented or refused where the residual cumulative impacts of development are severe. The cumulative impacts of development identified in the HLDP and the Garden Town, including known commitments⁴, have been assessed and mitigation measures have been identified for the highway network as a result. However Policy IN2 will still ensure that consideration has been given to impacts on the highway network in respect of other development that may come forward. As previously stated, Policy IN2 does not seek to prevent development and has been prepared positively. However it will ensure proposals do not have a significant detrimental impact on congestion or movement which cannot be mitigated either through existing measures identified in the Plan or additional measures. The Policy is not considered to be more onerous than the 2012 NPPF but has been developed to ensure that Harlow's transport network remains robust.

⁴ Commitments known at the time the VISSIM modelling was undertaken