

Statement of Common Ground

Harlow District Council and Essex County Council

Harlow Local Development Plan



March 2019 V2

Introduction

This Statement of Common Ground has been prepared jointly on behalf of Essex County Council (ECC) and Harlow District Council (HDC). It seeks to demonstrate how co-operation has been undertaken between the two parties and what agreements have been reached following Essex County Council's representation on the Harlow Local Development Plan Pre-submission publication document (May 2018).

ECC provides several important statutory functions for the Harlow District area. These are listed below:

- Education (including Primary, Secondary and Post-16 provision, Early Years and childcare, Special Education Needs and Adult Learning)
- Waste and Minerals Planning
- Lead Local Flood Authority for surface water, groundwater and ordinary watercourses
- Transport and roads including highway works, public transport provision and travel planning
- Health and Social Care including health and wellbeing
- Other community services and facilities such as library provision

ECC also provides support and advice in the following areas:

- Protection for the natural, built and historic environment
- Business improvement and employment
- Community safety
- Culture and art

ECC and HDC have been working closely together throughout the preparation of the Local Plan and more recently on the delivery of Harlow and Gilston Garden Town. The two authorities have jointly developed and worked together on a number of technical studies including the Harlow Infrastructure Delivery Plan (IDP) (HEBI1) and subsequent Garden Town Infrastructure Delivery Plan, Harlow Strategic Site Assessment work (HEBH16) and Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area (HEBH15).

HDC and ECC along with Epping Forest District Council and Hertfordshire County Council have been working together to assess the impacts of growth in the Garden Town on the highway network. ECC subsequently prepared seven Modelling Technical Notes to accompany the Harlow Local Plan (HEBI17 a-g). The Highways and Transportation Infrastructure Memorandum of Understanding (HEBDTC2) confirms the collaborative working arrangements that exist, and continue to exist, on transport and highway matters.

Further information on how the two parties have worked together can be found in the Duty to Co-operate Compliance Statement (HSD14).

Essex County Council's Pre-submission Representation

Essex County Council submitted a representation on the Harlow Local Plan Pre-submission publication document (Rep Number: 8452). It includes a number of separate objections and several comments. A summary of the main objections are listed below:

- The Local Plan only includes limited reference to health and well-being and lacks a related policy on this topic or on the need for Health Impact Assessments.
- Further wording within text and policy is needed to strengthen the need for sustainable transport improvements and behavioural change towards modal shift in the district. Further

references to the Sustainable Transport Corridor and travel planning/targets are required and the need to set out the transport hierarchy.

- The current Garden Town Policy in Chapter 5 only refers to the Garden Communities and not the other urban sites in Harlow which also form part of the Garden Town.
- Continual referencing in the Local Plan to forms of entry (FE) in relation to education provision. A reference is required to school provision in Policy SIR1 in Chapter 11: Strategic Infrastructure Requirements.
- Recommended wording and/or structural changes to the following policies is needed in order to make them sound:
 - o Policy ED2 – Protecting Existing Employment Floorspace
 - o Policy PL8 – Biodiversity and Geodiversity Assets and references in supporting text.
 - o Policy PL10 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
 - o Policy PL11 – Heritage Assets and their Settings
 - o Policy H2 – Residential Development
 - o Policy H5 – Accessible and Adaptable Housing
 - o Policy IN6 – Planning Obligations
- Additions to Chapter 18: Monitoring

HDC have developed a Schedule of Minor Modifications (HSD19) which has sought to resolve some of the issues set out in Essex County Council's representation through text or policy changes. This is subject to the Inspector's agreement.

A further meeting on the 12th of October 2018 between Essex County Council representatives and Harlow District Council sought to resolve a number of further outstanding issues. In most cases, agreement has been reached on a preferred approach and these are highlighted in red in Appendix 1. Where relevant, Appendix 1 proposes further modifications to the Harlow Local Development Plan to reflect agreements made between the two parties.

There are further outstanding matters which are not currently resolved between the two parties. These will be discussed further at the EiP hearing sessions. These are highlighted in blue in Appendix 1.

Both parties acknowledge that this SoCG does not preclude any further written or verbal representations that EFDC or ECC may wish to make as part of the Local Plan Examination, in relation to any other matters which may not have been agreed and/or which do not form part of this SoCG. All the representations ECC made to the LPSV are in relation to soundness matters as defined under paragraph 182 of the 2012 NPPF. Both EFDC and ECC are satisfied that the LPSV is compliant with relevant legal and procedural requirements, and that EFDC has fully fulfilled its obligations with ECC under the Duty to Cooperate.

Minor Modifications Schedule (HSD19)

Harlow Council has recommended modifications to the Local Plan if the Inspector were minded to approve them. A schedule setting out the recommended changes was submitted to the Inspector (HSD19) alongside the Pre-Submission Local Plan. This includes a number of modifications as a result of Essex County Council's representation to the Regulation 19 stage of the Plan. Essex County Council has agreed to the following proposed modifications as set out in the schedule. These are also referred to in Appendix 1:

Policy/Para/Page	Changes to text – deletion in strikethrough – addition in red (Dots denote where the existing paragraph continues before/after the text)
Para 2.33 Page 16There is also a need to increase the frequency of the bus services to the industrial estates; to provide more opportunities to travel sustainably within and in and out of Harlow and not just within ; to increase the provision of Sunday services; and to improve journey times for buses by decreasing congestion on Harlow's roads.
Para 2.34 Page16Sustainable transport matters (including walking, cycling and public transport) and reducing the need to travel are, therefore, important for the successful future growth of Harlow.
Para 2.44 Page 18Residential growth, located , managed and phased appropriately, will help to provide the investment needed to deliver infrastructure requirements including improvements to the walking and cycling network and public transport, the local and strategic road network and social infrastructure such as education and health, including the future requirements of the Princess Alexandra Hospital.
Fig. 3.3 (Local Plan Strategic Objectives) Page 22	13. Reduce the need to travel by vehicle, and ensure new development is sustainably located and/or accessible by sustainable and innovative modes of transport
Para 4.25 Page 31Improvements will be made to the local highway network, and to the footway and cycleway networks and public transport to improve connections within Harlow and to areas outside the district.....
Para 5.27 Page 44 (HGT1 Implementation)The development is required to provide community facilities including Early Years facilities, a two form entry primary school two primary schools and appropriate contributions (including the provision of land) towards a new secondary school.....
Para 11.33 Page 95 (SIR1 Implementation)Specific infrastructure items that are required to deliver growth locations and development sites will mostly be funded by Section 106 Agreements between the Council, County Council and the developer.....
Policy SIR2 Page 96 5. The southern terminus of the Sustainable Transport Corridor where it first enters Harlow from development sites in Epping 6. Cambridge Road where it enters Harlow from Hertfordshire to the east of the District 6- 7. 7. Vehicular and pedestrian access points to the north of the Town Centre
Policy PL1 Page 103	(a) it is supported by a design rationale based on an understanding and analysis of local context and character, taking into consideration the Adopted Harlow Design Guide Supplementary Planning Document (SPD), the Harlow and Gilston Garden Town Spatial Vision and Design Charter, the Essex Design Guide and relevant national guidance;
Para 13.46 Page 112 (PL8 Justification)	Helping to protect and enhance biodiversity is one of the fundamental aims of national policies and guidance, to halt the overall decline in biodiversity to achieve a net gain in biodiversity
Para 13.47 Page 112 (PL8 Implementation) In Harlow, the highest order asset type is Sites of Special Scientific Interest, followed by locally designated sites (Local Wildlife Sites and Local Nature Reserves), ancient woodland, and aged or veteran trees found

	outside ancient woodland.....
Para 13.48 Page 112 (PL8 Implementation)	The Council will seek to protect and enhance non-designated assets of biodiversity and geodiversity importance, identified in Evidence Base studies, to extend the geodiversity and the network of biodiversity and open spaces across the district. If the richness of biodiversity evident at a non-designated asset increases sufficiently, it may become formally declared as a designated asset, such as a Local Wildlife Site or Local Nature Reserve. Information of any such declarations would be made available on the Council's website.
Policy PL10 Page 114-115	<i>Re-order as follows:</i> 2. 1. Water Management 3. 2. Flooding 4. 3. Sustainable Drainage Systems (SuDS) 1. 4. Water Quality
Policy PL10 Page 114-115	32 (c)-flood finished floor levels of development in Flood Zones 2 and 3 should be situated above the 1% (1 in 100 years) plus climate change predicted maximum water level, plus a minimum watertight depth finished floor level of 300mm above the normal predicted water level;
Policy PL10 Page 114-115	32 (g) flood flow routes should be preserved configured to enable surface water to drain;
Policy PL10 Page 114-115	32 (h) where necessary, planning permission will be conditional upon flood protection and/or runoff control measures being operative before other works. the submission and approval of a drainage management strategy that addresses all forms of flood risk.
Policy PL10 New para after 32 (h) [i.e. at end of Flooding section] Page 114-115	Development within identified Critical Drainage Areas may, depending on the outcomes of a specific flood risk assessment, be required to contribute to funding for the delivery of appropriate flood alleviation schemes.
Policy PL10 Page 114-115	43 (c) achieve greenfield runoff rates in line with the guidance of the non-statutory technical standards for sustainable drainage;
First new para after existing para 13.61, page 116 (PL10 Justification)	A number of Critical Drainage Areas have been identified based on the results of the Harlow Surface Water Management Plan. The risk of surface water flooding in these areas needs to be reduced and drainage improved.
Policy PL11 Page 118	(a) the impact of development on the character, appearance, setting , or any other aspect of the significance of the asset or its setting;
Policy PL11 Page 118	(d) the extent to which the development would enhance, or better reveal , the significance of the heritage asset;
Policy PL11, penultimate paragraph Page 118	Where the heritage asset is at risk and the development would conflict with other policies of the Local Plan, it must be demonstrated that the development presents the asset's optimum viable use and is necessary to secure the future conservation of the asset and that any negative impacts are outweighed.
Para 13.78 Page 119 (PL11 Implementation)	Designated heritage assets can include listed buildings, curtilages of listed buildings, conservation areas, archaeological remains, Scheduled Monuments and Registered Historic Parks and Gardens. Such assets, except Conservation Areas, are administered by Historic England. Non-designated assets include Locally Listed B uildings, monuments, sites, places, areas or landscapes which a Local Authority deems to have special historic or architectural interest. are known as non-designated assets. Historic England administers national designations which include all designated heritage assets apart from conservation areas.
Policy IN1 Page 159	New developments including redevelopments, changes of use and Town Centre and transport interchange improvements will be required to link to or provide public transport services and link to the existing cycleway, footway, public right of way and bridleway network, and, where appropriate

Policy IN1 Page 159	<p>1. Sustainable Accessibility</p> <p>All development should have regard to the modal hierarchy as set out in the Strategic Policies below:</p> <table border="1"> <tr> <td> <p>TOP</p> <p>↓</p> <p>BOTTOM</p> </td><td> <ul style="list-style-type: none"> • Opportunities to reduce travel demand and the need to travel • Vulnerable road user needs such as pedestrians and cyclists • Passenger transport user needs • Powered two wheeler user needs such as mopeds and motorbikes • Other motor vehicle user needs </td></tr> </table>	<p>TOP</p> <p>↓</p> <p>BOTTOM</p>	<ul style="list-style-type: none"> • Opportunities to reduce travel demand and the need to travel • Vulnerable road user needs such as pedestrians and cyclists • Passenger transport user needs • Powered two wheeler user needs such as mopeds and motorbikes • Other motor vehicle user needs
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Linking Development Sites to the Wider Environment Page 172	<p>Change in number of Local Sites in Positive Conservation Management biodiversity and geodiversity designated assets in the district</p>		

Signatories

Essex County Council

Name (printed):

Signature:

Designation:

Date:

Harlow District Council

Name (printed):

Signature:

Designation:

Date:

Appendix 1: Essex County Council Representations

Agreed as of: 22nd March 2019

Colour coded:

	Where agreement reached between the two parties and further modifications are proposed to the Harlow Local Development Plan as recommended by either ECC or HDC*
	Areas which require further discussion at Examination or where HDC to not currently agree with proposed changes
	This denotes where changes have already been agreed by the two parties through the Modifications Schedule (HSD19) or where ECC have withdrawn their representation

*Some modifications are yet to be set out and agreed

Where further modifications proposed to HLDP – ~~deletion in strikethrough~~ – **addition in red** (dots denote where the existing paragraph continues before/after text)

Acronyms: ECC (Essex County Council) HDC (Harlow District Council) HLDP (Harlow Local Development Plan) NPPF (National Planning Policy Framework)
EFDC (Epping Forest District Council) STC (Sustainable Transport Corridor) HGGT (Harlow and Gilston Garden Town)

Row No	Draft Plan Section, Paragraph, Policy or Map reference (in order of Local Plan chapters)	Objection 1. Positively prepared 2. Justified 3. Effective 4. Consistent with National Policy	ECC proposed modifications to make Plan sound/legally compliant	Agreed position
1	Policy (and related content) Omission	<p>4 Consistency with national policy</p> <p>The Local Plan includes only basic reference to well-being matters. Accordingly, ECC Public Health recommends that an over-arching health and well-being policy and/or a specific Health Impact Assessment (HIA) policy is included in the Local Plan. It is accordingly unclear as to how this specifically supports the NPPF 'Promoting Healthy Communities' sections. This matter was raised by ECC in its representations at the Development Management Policies (Local Plan) consultation stage in 2017. This also means absence of an appropriate policy basis for assessing development proposals (the Plan being largely silent on these matters)</p>	<p>ECC Public Health recommends adding an over-arching health and well-being policy and a specific Health Impact Assessment (HIA) policy to ensure conformity with the NPPF.</p> <p>ECC recommends collaborative working prior to Local Plan submission between ECC (Public Health) and HC to set the form of wording.</p>	<p>ECC and HDC have been working together to agree a preferred approach on what amendments could be made to the HLDP in respect of health and wellbeing. The wording is yet to be finalised. An approach that is being discussed could include:</p> <ul style="list-style-type: none"> • Additional wording in Chapter 2: Spatial Context to provide further background-context to health related issues in Harlow. • Additional sentence in the Vision which will seek to improve health and wellbeing in Harlow • An additional objective under the Lifestyles section which seeks to improve health and well-being in Harlow • Further supporting text in Chapter 4: Spatial Development Strategy in the Lifestyles Section which explains how the Plan will support healthy communities in Harlow and reference to Health and Wellbeing Strategies for Harlow and Essex. • The potential for including a new Policy in Chapter 16: Lifestyles in relation to health and well-being and the potential provision of Health Impact Assessments. <p>HDC has sent ECC suggested wording for the above with the intention that this can be agreed between the two parties and sent to the inspector for his consideration prior to the Matter 7 hearing session.</p>

2	Chapter 2 Spatial Context Evidence (and strategy) omission	<p>3 – Effective</p> <p>ECC has identified that there is very little evidence base coverage of Harlow health portrait and key issues / challenges in early Plan sections, other than at paragraph 2.12:</p> <p>‘The population of Harlow, in comparison to the rest of Essex, is relatively young with 21% of its residents aged between 0-15 years, and the percentage of older persons living in Harlow is lower than Essex and England averages. The district has a higher than average number of lone parent households and higher overcrowding levels compared to the rest of Essex and England. Smoking and obesity levels in Harlow are higher than average, with physical activity rates lower than average’</p> <p>Harlow Health and Wellbeing Strategy (2018-2028): http://modern.gov.harlow.gov.uk/documents/s10508/DRAFT2_HARLOW%20HW%20Strategy%202018-2028.pdf</p>	<p>ECC (Public Health) recommends adding content in Chapter 2 to outline key health and well-being challenges for Harlow (drawing from the Harlow health profile)</p> <p>This section would also benefit significantly from inclusion of references to the up-to-date Harlow Health and Wellbeing Strategy (2018-2028).</p> <p>This would not only help frame and inform an Local Plan policy response but that response would also help to implement the aims of the strategy and compliance and delivery of the NPPF.</p>	See response to row 1.
3	Chapter 2 Spatial Context Paragraph 2.33	<p>3 – Effective</p> <p>Text may not place sufficient emphasis on the importance of and localised necessary characteristics of sustainable travel. ECC (Highways) recommends the paragraph is amended.</p>	<p>ECC (Highways) recommends the following amendments:</p> <p>“There is also a need to increase the frequency of the bus services to the industrial estates; to provide more opportunities to travel <u>sustainably within and</u> in and out of Harlow and not just within; to increase the provision of Sunday services; and to improve journey times for buses by decreasing congestion on Harlow’s roads.”</p>	<u>ECC modification included in Schedule of Minor Modifications submitted to the Inspector (HSD19) and is agreed by ECC</u>

			The deletion of the last few words of the sentence is recommended as there are other ways of improving bus journey times, such as providing additional Passenger Transport infrastructure.	
4	Chapter 2 Spatial Context Paragraph 2.34	3 – Effective Addition to text suggested in the interests of ensuring that the sustainable travel hierarchy is included, reflected appropriately and sets context for policies / strategies.	ECC (Highways) recommends the following additional text is added: “Sustainable transport matters (including walking, cycling and public transport) <u>and reducing the need to travel</u> are, therefore, important for the successful future growth of Harlow.”	<u>ECC modification included in Schedule of Minor Modifications submitted to the Inspector (HSD19) and is agreed by ECC</u>
5	Chapter 2 Spatial Context Paragraph 2.44	3 - Effective Wording revisions recommended to reflect the context of future travel requirements more fully, beyond public transport (although the first extra word suggested is descriptive in nature, the latter wording addition is necessary to describe the full extent of transport investments required).	ECC (Highways) recommends the following suggested amendment: “Residential growth, <u>located</u> , managed and phased appropriately, will help to provide the investment needed to deliver infrastructure requirements including improvements to <u>sustainable</u> <u>and</u> public transport, the local and strategic road network and social infrastructure such as education and health, including the future requirements of the Princess Alexandra Hospital.”	<u>ECC modification included in Schedule of Minor Modifications submitted to the Inspector (HSD19) and is agreed by ECC</u>
6	Chapter 2 Spatial Context Paragraph 2.45	3 - Effective It is unclear what is meant by this paragraph in the context of delivering	ECC (Highways) suggests an amendment of this paragraph to:	<u>Meeting between ECC and HDC on 12th October 2018 agreed to this further modification:</u>

		major infrastructure through its current wording. Amendments are recommended to provide clarity.	<p>“Significant behavioural change...” And: “... ensure Harlow is an attractive, sustainable and healthy town ...”</p> <p>NB wording ‘attractive’ is meant in context of the town’s ability to attract visitors, investors, etc.</p>	‘Significant behavioural change is required in the population of Harlow in order to deliver the enhancements needed to ensure Harlow is an attractive sustainable and healthy town for residents, businesses and visitors.
7	Chapter 3 Spatial Vision and Objectives Figure 3.1 (+ Figure 3.3 Lifestyles)	<p>3 - Effective</p> <p>In response to the evidence base on Harlow health and well-being issues, the Local Plan vision, Local Plan themes and Local Plan objectives need revising and substantial content added to frame the overall Local Plan approach to Health and Well-being, including the current (brief) references to</p> <ul style="list-style-type: none"> • Harlow’s residents will be more active, taking advantage of Harlow’s excellent • Sporting, leisure and cultural facilities • Major progress will have been made to address Harlow’s health and wealth inequalities as well as addressing localised deprivation across the district’s deprived neighbourhoods • The current ‘Lifestyles’ Objective also needs review and revision: • ‘11. To provide and enhance sporting, leisure, recreational facilities and cultural opportunities in the district’ 	<p>ECC (Public Health) recommends adding content in Figure 3.1 and 3.3 to address these matters in response to the evidence base.</p> <p>A form of wording is not proposed yet but ECC suggests that it will collate this, review best practice approaches suggested to other authorities and review this collaboratively with HC in order to set out agreed Local Plan content prior to Local Plan submission and in collaboration with HC.</p>	See response to row 1
8	Chapter 3 Spatial Vision and Objectives Figure 3.3 Infrastructure	<p>3 - Effective</p> <p>ECC recommends that wording of objective 13 should be enhanced and clarified, to make clear the form of transport that needs targeting.</p>	<p>ECC (Highways suggests amending Local Plan objectives as follows:</p> <p>“13. Reduce the need to travel, in particular by private single</p>	<p>HDC proposed changes to Objective 13 as part of the Schedule of Minor Modifications submitted to the Inspector (HSD19). ECC content with these proposed modifications.</p> <p>HDC considers the additions to Objective 14</p>

		Objective 14 needs revision to expand its scope beyond just travel to access 'community facilities'.	<p><u>occupancy</u> vehicle, <u>and ensure</u> new development is sustainably located <u>and/or</u> accessible by sustainable <u>and innovative</u> modes of transport</p> <p>Amend objective 14 to read: '14. Improve transport links, particularly for sustainable modes of transport, to community facilities <u>access all facilities, including social, leisure, community, health facilities, education and jobs</u></p>	<p>to not be required. The objective already refers to 'community facilities' and HDC wish for the objective to remain succinct. ECC recommended only making reference to education and jobs instead (28-03-19). Harlow still wishes to retain objective as is. <u>ECC to address this in their hearing statements.</u></p> <p><i>ECC update (11/03): agree above points but NB ECC not producing hearing statement on this; will rely on existing reps instead</i></p>
9	Chapter 4 Placeshaping section Paragraph 4.6	<p>3 - Effective</p> <p>This paragraph sets out Gibberd's master plan principles, but does not refer to the (Town & Country Planning Association) Garden City principles, which do not appear to be referenced in the LDP until section 5.14. ECC strongly suggest these should be specifically referenced in the Placeshaping chapter of the Local Plan.</p>	<p>ECC recommends a revision reflecting the need to set out the Garden City principles early, to avoid any misunderstanding that only the New Town / Gibberd principles apply where new development is to be contemplated and designed.</p> <p>Amend paragraph 4.6 to also reference the Garden City principles.</p>	<p>HDC accept early reference to GC principles and there is a later reference in para 5.14 of the HLDP. <u>Therefore HDC recommending further minor modifications to para 4.7 instead as follows:</u></p> <p>'New development must also have regard to the Town and Country Planning Association's Garden City Principles, the Council's Design Guide and the Harlow and Gilston Garden Town Spatial Vision and Design Guide Charter.'</p>
10	Paragraph 4.13 Housing	<p>3 - Effective</p> <p>In this section, explicitly stated considerations do not include the word 'Sustainable'. ECC therefore suggests inclusion of this to strengthen the current wording in paragraph 4.13. This would reflect the emphasis in NPPF (section 4 on Promoting sustainable transport); ECC transport modelling and the planned 60:40 sustainable travel modes aim identified for Harlow, together with specific measures such as the sustainable transport corridors.</p>	<p>ECC (Highways) recommends that wording is added in paragraph 4.13:</p> <p>"... new communities will be able to have direct <u>sustainable</u> access to jobs ..."</p>	<p>Following discussions between ECC and HDC <u>it has been agreed between the two parties that this representation be withdrawn</u> as it is descriptive only and its exclusion does not affect the overall soundness of the Plan.</p>

11	Paragraph 4.25	<p>3 - Effective</p> <p>This does not mention the improvements necessary to other transport networks (other than road and public transport networks).</p>	<p>ECC (Highways) recommends that wording is added to paragraph 4.25 to read:</p> <p>“Improvements will be made to the local highway network and to the public transport, <u>footway and cycleway networks</u> to improve connections within Harlow and to areas outside the district.”</p>	<p><u>ECC modification included in Schedule of Minor Modifications submitted to the Inspector (HSD19) and is agreed by ECC</u></p>
12	Chapter 5 HGT Policy HGT1	<p>3 - Effective</p> <p>ECC has concerns that the expression of HGT1 suggests a fragmentation of approach towards the GT. This refers to four ‘Garden Communities’, instead of one collective and cohesive ‘GT’ – as was the case previously. This comment is in line with ECC’s comments in response to the EFDC Submission Version Local Plan.</p>	<p>ECC is reviewing the potential for how current wording and approach used for both the HC and EFDC Local Plans might be revised in order to ensure the integrity and cohesion of the GT as a whole is maintained and suggests a discussion with the two district councils accordingly in order to resolve whether an agreed solution is achievable. This discussion is needed before submission stage in order to shape Statement(s) of Common Ground.</p>	<p>HDC understands the principles behind this representation. HDC through their statement to Matter 3 Question 3.2 is recommending minor modifications to Policy HGT1 to make it clear that it is only relevant to the Garden Town Community within Harlow District. Elements of Policy HGT1 are only applicable to the large strategic sites and not the urban sits in Policy HS2. Therefore it would be inappropriate to make Policy HGT1 applicable to all Garden Town sites. However HDC are amenable to changes to supporting text to make it clear that the Garden Town is applicable to all sites. ECC will suggest wording.</p> <p><i>ECC Update (11/03): ECC has suggested a revised form of wording, consistent with that proposed to EFDC and included this in its hearing statement for matter 3. HC to consider this before EiP so that each council’s positions are understood. Also, discuss beforehand</i></p> <p><i>HDC Update (13/03): HDC have reviewed draft wording and position on this and are concerned about making modifications to refer to neighbourhoods throughout the Plan given that it is clear from progress on the Garden Town that it is one area. Now referring to Neighbourhoods would be confusing. HDC happy to include early</i></p>

				<p>reference to the four areas as also set out in para 4.12-4.14 and to ensure reference to the GT also comprising the whole of Harlow. Therefore only one amendment being proposed by HDC:</p> <p><i>'5.2 Harlow and Gilston Garden Town comprises the whole of Harlow, together with four new Garden Town Communities planned on Garden City principles, as follows:</i></p> <ul style="list-style-type: none"> - <i>Latton Priory;</i> - <i>Water Lane Area;</i> - <i>East of Harlow; and</i> - <i>Gilston Area (includes seven villages)</i> <p><i>The proposals for the Harlow and Gilston Garden Town are based upon a common set of values, objectives....'</i></p> <p><i>Update 21/03/19: It has been agreed that Epping Council, HDC and ECC will work together to agree wording to the respective Garden Town Policies in order to satisfy ECC's concerns.</i></p>
13	Chapter 5 HGT Paragraphs 5.14-5.25	<p>3 - Effective</p> <p>ECC advises the benefits to the Plan of reflecting the TCPA work on Garden Communities, including its Reuniting Planning and Health work and guidance. The Garden Town (long term transformational growth) presents an opportunity to promote healthier populations and lifestyles and embed improved wellbeing, working with GT partners, taking advantage of wider cross boundary growth and the existing assets of the Harlow area (e.g. greenspace provision, off road networks and River Stort valley).</p>	<p>ECC recommends early joint work, prior to Local Plan submission, on a positive and collaborative basis to review the learning from the guidance mentioned and to jointly develop and agree appropriate Plan content and responses to integrate health and well-being fully within the Garden Town part of the Local Plan (and other parts). This could shape any SoCG(s) to resolve this matter.</p>	<p>See response to row 1. Agreed between ECC and HDC that an overarching policy on health and wellbeing would be more appropriate than additions to other policies in order for health and wellbeing objectives to be captured.</p>

		This is also important to ensure that health and well-being issues are taken into account fully when considering the future design and delivery of the Garden Town growth.		
14	Chapter 5 HGT Paragraph 5.27	<p>3 – Effective</p> <p>ECC recommends removing reference in this paragraph to the number of FE. Plans should not refer to specific numbers of forms of entry as the precise need will depend on the, as yet unknown, unit mix of the development. The number of pupils using the schools will also change over time, with the need for bulge groups common in relation to new developments.</p>	<p>ECC (Education) recommends that Each allocation should specify:</p> <p>a) the area(s) of D1 use land included in it for school use to avoid the whole allocation being attributed residential land value and</p> <p>b) that the land given over for schools must meet the criteria set out in Essex County Council's '<u>Developer's Guide to Infrastructure Contributions</u>'.</p>	<p>ECC and HDC have agreed amendments to relevant paragraphs in the Plan to refer to number of schools or size of schools in respect of land requirement and reference to number of FEs be removed (see later reps).</p> <p>ECC and HDC have agreed a more general reference to the ECC Developer's Guide in the Plan. <u>HDC are proposing an addition to paragraph 11.15 under Education in the Infrastructure chapter to state:</u></p> <p>'...Land given over for schools must meet the criteria set out in Essex County Council's Developer's Guide to Infrastructure Contributions.'</p> <p><i>ECC Response: Agreed but new wording best placed at paragraph 11.13 or 11.14 (11.15 focuses on EYCC)</i></p> <p><i>HDC Response: New wording may be more appropriate at the end of 11.12 which refers to education and ECC's role more generally.</i></p>
15	Chapter 5 HGT Paragraph 5.27 East of Harlow	<p>3 – Effective</p> <p>This currently states: 'The Strategic Housing Site East of Harlow extends across the administrative boundary between Harlow District Council and Epping Forest District Council. The land within Harlow will provide 2,600 dwellings and land within Epping Forest will provide 750 dwellings. The development is required to provide community facilities including Early Years facilities, a two-form entry primary</p>	<p>ECC (Education) recommends that (since the proposed wording appears to apply to the entire development across both local authorities) the wording of paragraph 5.27 is revised to reflect the full primary education requirement, as follows:</p> <p>.....The development is required to provide community facilities including Early Years facilities, a</p>	<p><u>Meeting between ECC and HDC on 12th October 2018 agreed to these further modifications:</u></p> <p>'...The development is required to provide community facilities including Early Years facilities, a two-form entry primary school two primary schools and appropriate contributions (including the provision of land) towards a new secondary school. Provision of two sites of 2.1ha and 2.9ha and a site of approximately 9ha will accordingly be required for use class D1. The</p>

		<p>school and appropriate contributions (including the provision of land) towards a new secondary school.'</p> <p>The Plan needs to instead reference: Two primary schools will be required to serve 3,350 homes. Sites of 2.1ha & 2.9ha should be allocated.</p> <p>The secondary school will require around 9ha of land.</p> <p>ECC also wishes to highlight the need for further joint working and a statement of common ground to address cross-boundary education matters, applying in particular to this development but also more widely across Harlow, with regard to cross-boundary growth and new education provision for the Garden Town. Whilst it is important to ensure adequate and timely education provision, an element of flexibility in approach is also considered necessary around this.</p>	<p>two form entry primary school two primary schools and appropriate contributions (including the provision of land) towards a new secondary school.'</p> <p><u>Provision of two sites of 2.1ha. and a site of approximately 9ha. will accordingly be allocated, all within use class D1</u></p> <p>The latter point does not dictate any particular Local Plan content response but a reference in this paragraph may prove helpful for completeness of information and to ensure other interests are aware of this.</p>	<p>development is also required.....'</p> <p><i>ECC update & response (11/03): all agreed except that reference above on secondary school site size requirement needs to be a minimum of 9ha. – not 'approximately' 9ha.</i></p> <p><i>HDC – agree to this change. Amended wording now agreed:</i></p> <p>'...The development is required to provide community facilities including Early Years facilities, a two form entry primary school two primary schools and appropriate contributions (including the provision of land) towards a new secondary school. Provision of two sites of 2.1ha and 2.9ha and a site of a minimum of 9ha will accordingly be required for use class D1. The development is also required.....'</p>
16	Chapter 5 HGT Paragraph 5.28	<p>3 – Effective</p> <p>The Plan needs to instead reference: Highway and transport improvements for the East of Harlow strategic site should include direct bus/walk/cycle access and linkage to/through Newhall site as part of Sustainable Transport Corridor improvements.</p>	<p>ECC (Highways) recommends that wording is added in paragraph 5.28 to include direct bus/walk/cycle access and linkage to/through Newhall site - as part of Sustainable Transport Corridor improvements.</p>	<p>HDC consider it unnecessary to add this reference. The proposed Sustainable Transport Corridor route on the Policies Map reflects linkages to Newhall. <u>ECC to maintain representation for examination purposes and refer in hearing statement.</u></p> <p><i>ECC Response: DS & MY – this position suggests no agreement on this after all, contrary to our very recent understanding(?)</i> <i>HDC Response (13/03) – Agree that is where link should be but not sure additional reference needed – check with DS and MY that Plan needs to be this explicit beyond what the Policies Map shows for the route</i> <i>Update 21/03/19: ECC and HDC will work together to include a specific reference in the</i></p>

				<i>text of the Plan to the need for the STC to link to/through Newhall.</i>
17	HGT Paragraph 5.29 South of Harlow (Latton Priory)	<p>3 – Effective</p> <p>This currently states: Harlow South will provide around 1,050 dwellings, community facilities including Early Years facilities, a new two-form entry primary school and appropriate contributions towards a secondary school to serve new development.....</p> <p>The plan needs instead to refer to a 2.1ha primary school site and not to specify 2 forms of entry.</p> <p>A new secondary school site is to be included in this allocation, as well as contributions, Around 9ha of land should be allocated.</p>	<p>ECC (Education) recommends that paragraph 5.29 is revised as follows:</p> <p>Harlow South will provide around 1,050 dwellings, community facilities including Early Years facilities, a new two-form entry site (of 2.1 ha. in area) for a primary school, and a site of approximately 9ha. of D1 land for a secondary school and appropriate contributions towards athe secondary school to serve new development.....</p>	<p>Meeting on 12th October agreed further minor modifications to make education provision clearer. <u>The following minor modifications are therefore proposed:</u></p> <p>‘Harlow South will provide around 1,050 dwellings, community facilities including Early Years facilities, a new two-form entry site (of 2.1 ha. in area) for a primary school, and a site of approximately 9ha of use class D1 land for a secondary school and appropriate contributions towards athe secondary school to serve new development...’</p>
18	Paragraph 5.30	<p>3 – Effective</p> <p>ECC has identified an apparent inconsistency between the Harlow and EFDC Local Plans Regarding employment land associated with Latton Priory, EFDC Local Plan (Submission Version) states at paragraph 5.169: "There is also an existing employment site that is allocated for a further 5,120sqm of B2/B8 class use (general industrial/storage and warehousing): RUR.E19 – Dorrington Farm, Rye Hill Road (1.85ha)"</p> <p>This is at odds with both EFDC Local Plan table 3.1, and the HDC Local Plan text, which both state 1ha of B1a/B1b employment land will be provided at Dorrington Farm.</p>	<p>ECC recommends checking to assess which position is most accurate and if necessary, revise the Local Plan text (at paragraph 5.30) accordingly.</p>	<p>Following discussions between ECC and HDC <u>it has been agreed between the two parties that this representation be withdrawn</u> as its exclusion does not affect the overall soundness of the HLDP. Current text in paragraph 5.30 does state ‘approximately’.</p>
19	Paragraphs 5.29-	3 – Effective	This matter indicates the need	The preferred access route for Latton Priory

	31	<p>The text does not mention where Latton Priory would gain access to the highway network. The stated preference of EFDC and site promoters is access onto Rye Hill Road (and other unsuitable local residential roads), which would result in impact on Southern Way. ECC recommends instead that the main site access should be off B1393 London Rd, with a link road through to Rye Hill Road, and with Rye Hill Road closed to general traffic south of the western access.</p>	<p>for a constructive dialogue between ECC (Highways), HC, EFDC and the site promoters / developers. Depending on the outcome of that, this might require a revision adding to the current Local Plan text (paragraphs 5.29 – 5.31) and addressing through the Latton Priory masterplan process.</p>	<p>is now included on EFDC modified map. Para 5.31 refers to the need for highway and transport improvements. HDC don't consider it necessary to include specific access arrangements within the HDC Local Plan which HDC cannot enforce. <u>ECC agree to withdraw representation and confirm this inclusion in the EFDC Local Plan instead.</u></p>
20	Paragraph 5.31	<p>3 – Effective</p> <p>Although the Latton Priory development is located within EFDC district and addressed chiefly by that Local Plan, ECC advises that highway and transport improvements required for Latton Priory site should include direct linkage with north-south sustainable transport corridor.</p>	<p>Revise (descriptive text of) paragraph 5.31 to state requirement for Latton Priory development to include direct linkage to the north-south sustainable transport corridor.</p>	<p><u>Discussions with ECC and HDC agree that this representation be withdrawn.</u> The text is descriptive only and its exclusion does not affect the overall soundness of the HLDP. Policy SIR1 and HGT1 refer to Sustainable Transport Corridors and are indicated on the Policies Map. Furthermore EFDC have submitted the STC routes to their Inspector as a modification to their Plan.</p>
21	HGT Paragraph 5.32 West of Harlow (Water Lane Area)	<p>3 – Effective</p> <p>This currently states: Harlow West will provide around 2,100 dwellings, community facilities including Early Years facilities, a new two-form entry primary school and appropriate contributions towards a secondary school to serve new development.</p> <p>The plan needs instead to refer to a 2.1ha primary school site and not to specify 2 forms of entry.</p>	<p>ECC (Education) recommends that paragraph 5.29 is revised as follows: Harlow West will provide around 2,100 dwellings, community facilities including Early Years facilities, a new two-form entry site (of 2.1 ha. in area) for a primary school and appropriate contributions towards a secondary school to serve new development.</p>	<p>Meeting between HDC and ECC on 12 October 2018 agreed these further modifications. <u>Therefore the proposed modification to the Plan is:</u></p> <p>'Harlow West will provide around 2,100 dwellings, community facilities including Early Years facilities, a new two-form entry site (of 2.1 ha. in area) for a primary school and appropriate contributions towards a secondary school to serve new development....'</p>
22	Chapter 7 Housing Policy HS3	<p>3 - Effective</p> <p>This policy makes no specific reference in policy or supporting text to connections</p>	<p>ECC (Highways) recommends that wording is added to the policy (criterion (b)) to make reference to connections</p>	<p>HDC agree that reference to the E-W STC within Policy HS3 will be acceptable alongside reference to the STC in Policies HGT1 and SIR1 and on the Policies Map. <u>HDC</u></p>

		with/delivery of the (East-West) Sustainable Transport Corridor. ECC work has established that this site must achieve high levels of sustainable mode share or its capacity may be compromised in order to prevent unacceptable impacts on the local road network.	with/delivery of the (East-West) Sustainable Transport Corridor.	<u>recommend the following modifications to Policy HS3:</u> (b) provide local highway solutions to address the impact on the wider strategic network (including connections with/delivery of the East to West Sustainable Transport Corridor and necessary links to the new Junction 7a on the M11);'								
23	Chapter 8 Economic Development Policy ED2	3 - Effective ECC is supportive of Harlow DC's aspirations of protecting Neighbourhood Service Areas and encouraging the provision of smaller start-up units, shared spaces and workhubs in these areas. (Policy ED2). However, it is considered necessary to also ensure that any resulting B1 class uses that are developed in these locations are adequately served by suitable broadband infrastructure (with consideration given to a minimum speed requirement)	ECC (Economic Growth) recommends adding text to Policy ED2 to ensure that as a minimum, adequate broadband provision is ensured to meet modern business needs ECC will work collaboratively with HC to discuss and agree appropriate detailed wording.	HDC does not agree to the addition of the following wording in Policy ED2 in Chapter 8: Economic Development and Prosperity Strategy - 'as a minimum, adequate broadband provision is ensured to meet modern business needs'. Broadband provision for the Harlow area is detailed in Development Management Policy IN4. Policy IN4 requires broadband provision in major development including buildings of more than 1,000sqm in size. This policy will ensure provision of broadband for employment sites, therefore a separate section for Policy ED2 is not considered necessary by Harlow District Council. The requirement for broadband provision also forms part of the Harlow Local Plan vision. <u>ECC to maintain representation and include in hearing statements.</u>								
24	Requirements Policy SIR1 Infrastructure Requirements / Policies Map	3 – Effective The text (in sixth paragraph) states: The Policies Map identifies infrastructure items which have a land use implication. Schools also have a land use implication and should accordingly be listed.	ECC (Education) recommends that Policy SIR1 is revised as follows by adding a further entry to the current table of infrastructure items: <table><tr><td>Ref.</td><td>Infrastructure Item</td></tr><tr><td>SIR1-1</td><td>North-South Sustainable Stort Crossing to Eastwick Roundabout</td></tr><tr><td>....</td><td>....</td></tr><tr><td><u>SIR1-7</u></td><td><u>New schools provision</u></td></tr></table>	Ref.	Infrastructure Item	SIR1-1	North-South Sustainable Stort Crossing to Eastwick Roundabout	<u>SIR1-7</u>	<u>New schools provision</u>	ECC acknowledges that locations of these are not yet known and cannot be illustrated as specific points on the Policies Map. A footnote to the Policies Map would not be appropriate. HDC is unsure at present how to include references to education having a land use implication within supporting text but is amenable to changes if suggested by ECC. <i>ECC Update & Response (11/03): ECC recommends that this could be covered by an indicative notation (through an</i>
Ref.	Infrastructure Item											
SIR1-1	North-South Sustainable Stort Crossing to Eastwick Roundabout											
....											
<u>SIR1-7</u>	<u>New schools provision</u>											

appropriate illustrative symbol) on Proposals Map and note to support Policy SIR1. This would apply to E Harlow strategic site and any other known locations (e.g. new Passmores school site)

Suggested Proposals Map notation – **New schools provision – indicative location only**

Therefore, revise Policy SIR1 as follows:

Ref.	Infrastructure Item
SIR1-1	North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout
SIR1-2	East West Sustainable Transport Corridor
SIR1-3	Second River Stort Crossing at River Way
SIR1-4	Access route for Strategic Housing Site East of Harlow
SIR1-5	Cemetery extension
SIR1-6	New allotment provision

Note: In addition to the above site-specific infrastructure items, the provision of a number of new schools will be made, the indicative locations of which are also included on the Proposals Map

*HDC Update & Response (13/03): Do not agree with including it on the Policies Map as it is indicative. We know there is a requirement and is set out in the Plan. We do not want to include it on the Policies Map where we are unsure on location. Instead we recommend wording outlined in **row 26** which now refers to education provision having a land use implication. As an application is now submitted for the Sir Frederick Gibberd Academy, I'm not sure it is worth referring to that as well.*

ECC: yes, we confirm this latter point. Also, I do not see a reason why showing indicative / only generic locations with a Proposals Map symbol could not be done. Perhaps this point can be left for the Inspector to arbitrate over through the EiP. ECC would not need to put in a hearing statement on this (plus, that deadline has passed anyway)

				Update 21/03/19: ECC and HDC will work together to agree an appropriate reference to education which may include an additional annotation on the HLDP Key Diagram.
25	Chapter 11 Paragraphs 11.7 – 11.11 Omission of content	3 – Effective Policy IN1 - this policy states: “All development should have regard to the modal hierarchy as set out in the Strategic policies.” ECC identifies that no such modal hierarchy is set out anywhere in the current Draft Local Plan. This needs to be added to the Strategic Policies list/section.	ECC (Highways) recommends adding content to Plan (in paragraphs 11.7 – 11.11) to set out explicitly and clearly (and to explain) the transport modal hierarchy that is alluded to elsewhere in the Plan (in Policy IN1)	Schedule of Minor Modifications submitted to the Inspector (HSD19) includes a proposed transport modal hierarchy for Policy IN1. <u>This hierarchy is agreed by ECC.</u>
26	Paragraph 11.13	3 – Effective ECC advises the following in response to paragraph 11.13: (1) ECC seeks to ensure that the stated 11.1 FE ‘need’ refers to the demand generated by housing included in the September 2017 scenario test plus Epping Forest DC’s 750 homes east of Harlow (2) In addition, it is recommended not to refer to a precise number of forms of entry due to the limitations of scenario testing. The text should instead refer to the additional infrastructure requirement to meet this level of growth. (3) The Water Lane and Latton Priory allocation figures are not included in the above figure and will be served by a further secondary school required within Epping Forest district. (4) It should be clarified that, the new ‘Sir Fredrick Gibberd Academy’ planned for Harlow, although contributing some	ECC (Education) recommends that subject to clarification on the first point raised (on validity / currency of the stated need), paragraph 11.13 is revised as follows: In Harlow there is an overall need to provide 11.1FE of <u>additional</u> secondary school places (gross) . A new secondary school will be provided in the Epping Forest District, in the new Garden Community to the east of Harlow, and a new 8FE secondary school is being opened in Harlow <u>(the new ‘Sir Fredrick Gibberd Academy’).</u> <u>While this contributes some capacity to meet housing growth, this is being established to serve existing population (cohort) growth.</u>	Meeting between ECC and HDC on 12 October 2018 agreed to this further modification in order to provide clarification and flexibility to the paragraph. <u>The proposed modification is set out below:</u> ‘In Harlow there is an overall need to provide 11.1FE of additional secondary school places (gross) . A new secondary school will be provided in the Epping Forest District, in the new Garden Community to the east of Harlow, and a new 8FE secondary school is being opened in Harlow (the new ‘Sir Fredrick Gibberd Academy’). While this contributes some capacity to meet housing growth, this is being established to serve existing population (cohort) growth. There is also additional capacity in some of the existing secondary schools in Harlow. The provision of new schools in the new Garden Community to the east of Harlow will have a land use implication however their location is still to be determined by an agreed

		capacity to meet housing growth, is being established to serve existing (Harlow) population cohort growth	<p>There is also additional capacity in some of the existing secondary schools in Harlow.</p> <p>NB This is an initial suggested form of wording, subject to review and subsequent refinement between ECC and HC.</p>	Masterplan.'
27	Paragraph 11.14	<p>3 – Effective</p> <p>As above, ECC recommends not to refer to precise forms of entry being required. It is also not clear to the reader the number of homes covered by this figure or the additional infrastructure that is required. Reference to the IDP could be helpful in this respect.</p>	ECC (Education) recommends that paragraph 11.14 is revised to delete the reference to a specific number of additional FE primary school places and to add reference to the IDP.	<p>Meeting between ECC and HDC on 12 October 2018 agreed to this further modification in order to provide clarification and flexibility to the paragraph. The proposed modification is set out below:</p> <p>'There is an overall need to provide additional primary school places (gross) in Harlow as set out in the Infrastructure Delivery Plan (IDP), of which some provision is already committed.....'</p>
28	Paragraph 11.33	<p>3 – Effective</p> <p>This refers to 'Specific infrastructure items that are required to deliver growth locations and development sites will mostly be funded by Section 106 Agreements between the Council and the developer.'</p> <p>S106 Agreements (where applicable) must include ECC - not just Harlow Council and the developer. This is critical to achieve delivery of education and highway infrastructure in particular and needs to be made clear for clarity, completeness and for the benefit of Plan users / developers, landowners, etc.</p>	ECC (Education) (Highways) recommends that paragraph 11.14 is revised to add reference to ECC being included within S106 agreements, where applicable.	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>
29	Policy SIR2	<p>3 – Effective</p> <p>In referring to key gateway locations to</p>	ECC (Highways) recommends that Policy SIR2 is reviewed and revised to clarify this ambiguity	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>

		be enhanced, the policy is not clear whether '4 Eastern Stort Crossing' refers to (existing) A1184 Cambridge Rd crossing, or the proposed additional (new) Stort Crossing from Gilston to River Way. This needs clarification for Plan users, although ECC suggest that both are included thus and listed.	to prevent misunderstanding. ECC recommends that this could be done by both revising the existing wording and adding further wording to ensure both crossings are included (as Key Gateway Locations).	
30	Chapter 13 Policy PL1	3 – Effective ECC acknowledges that the policy references several key (locally focused) good design guides. In order to ensure that all the new elements of the Essex Design Guide are publicised for the benefit of designers (including increased emphasis on public health & well-being; digital design factors; etc.) ECC would wish to see a reference included to the new EDG	Add reference to the (newly updated) Essex Design Guide, preferably within text of Policy PL1	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>
31	Placeshaping Policy PL4	3 – Effective In order to recognise the wider importance of the green wedges / green fingers a relatively minor wording improvement is recommended	ECC recommends a revision in wording of Policy PL4 (e) as follows: “It demonstrates that the roles, functions <u>and historic significance</u> of the Green Wedges and Green Fingers are preserved....”	Historic significance forms part of the role of the Green Wedge already and therefore forms part of the policy wording and policy consideration. HDC not recommending policy modification. <u>ECC to maintain representation and include in hearing statement.</u> <i>ECC update (11/03): no ECC hearing statement being prepared – relying on written reps only</i>
32	Policy PL8	3 – Effective ECC recommends revising Policy PL8 to follow the mitigation hierarchy and Government's Natural Environment White Paper	ECC recommends that this policy is re-structured: a) Conserve and enhance existing biodiversity and geodiversity assets b) Where the above is not possible, appropriate and effective measures must mitigate the negative effects on these assets	HDC already proposed modification to amend part d) in Minor Modifications Schedule (HSD19). In regards to amendments to part c) of the Policy, HDC is accepting of this point. The Policy would need rewording so that the criteria is structured in a way so each of them should be considered in turn rather than together i.e. if you can't comply with part a), then you implement part b) and so on. Then HDC can add part c) recommendation.

			<p>c) <u>Where there is a residual impact, compensatory measures will need to be secured offsite.</u></p> <p>d) Creates new biodiversity and creates links to existing biodiversity and geodiversity assets to <u>deliver net gain for biodiversity.</u></p>	<p><u>At present HDC will add the following and consider whether other changes to the policy text is required:</u></p> <p>c) Where there is a residual impact, compensatory measures will need to be secured offsite.</p>
33	Paragraph 13.46	<p>3 – Effective</p> <p>ECC advises that the Government supports “Net Gain for biodiversity” rather than “halting decline” Para 111 NPPF which is necessary to add compensatory measures in the requirements for sustainable development.</p>	ECC recommends revising paragraph 13.46 to replace the existing aims described as “halting decline” with the words <u>“to achieve a net gain for biodiversity”</u>	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>
34	Paragraph 13.47 (and 13.48)	<p>3 – Effective</p> <p>ECC advises that a reference to locally designated sites eg Local Wildlife Sites (LoWS) and Local Nature Reserves (LNRs) would be appreciated and a commitment to declaration of LNRs to provide opportunities for people to enjoy nature.</p>	ECC recommends adding reference to LoWS and LNRs, together with a commitment to declaration of LNRs to provide opportunities for people to enjoy nature. These improvements would help deliver the previously stated aim of helping to achieve a net gain in biodiversity, in line with NPPF objectives.	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>
35	Paragraph 13.49	<p>3 – Effective</p> <p>Best practice for implementation of Policy PL8 would include a validation checklist for developments likely to affect biodiversity and geodiversity. Reference to the Essex Biodiversity Validation Checklist in Para 13.49 would enable</p>	ECC recommends adding a reference to the Essex Biodiversity Validation Checklist in Paragraph 13.49	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>

		biodiversity to be considered at the earliest stage in planning a development which de-risks it and avoids delays.		
36	Policy PL10	<p>3 – Effective</p> <p>ECC (as LLFA) advises that a number of changes to this policy would be beneficial and assist in its use.</p> <p>(1) Re-order so that current part 1. Water Quality is dealt with further down the policy sequence, since this area is considered to be less capable of effective regulation and enforcement than other subject areas of the policy.</p> <p>The policy (or text) currently does not mention Critical Drainage Areas (in respect of surface water flood risk) and thus does not signpost the valuable work that the LLFA has produced for the Harlow urban area and its development implications</p> <p>(3) revise wording of part 3 (c) (4) revise wording of part 3 (g) (5) revise wording of part 3 (h) (4) revise wording of part 4 (c)</p>	<p>ECC (LLFA) recommends revising Policy PL10 in the interests of improved wording, clarity and policy implementation, as follows:</p> <p>Re-order the policy so that current part 1 (Water Quality) is dealt with later on in the policy. This could be achieved conveniently if this part becomes the new final part (at new part 4)</p> <p>Add reference to Critical Drainage Areas (to support the policy) – this could be done at paragraph 13.61, which already mentions surface water flooding.</p> <p>Revise part 3 (c) as follows: flood levels of development in Flood Zones 2 and 3 should be situated above the 1% (1 in 100 years) plus climate change predicted maximum water level, plus a minimum watertight depth <u>finished floor level</u> of 300mm above the normal <u>predicted</u> water level;</p> <p>Revise part 3 (g) as follows: flood flow routes should be preserved <u>configured to enable surface water to drain;</u></p> <p>Revise part 3 (h) as follows:</p>	<p>Schedule of further modifications (HSD19) includes a number of changes to this policy as a result of both ECC's rep and the Environment Agency's rep. <u>The proposed modifications to this Policy have been agreed by ECC.</u></p>

			<p>where necessary, planning permission will be conditional upon flood protection and/or runoff control measures being operative before other works <u>the submission and approval of a drainage management strategy that addresses all forms of flood risk.</u></p> <p>Revise wording of part 4 (c) as follows: achieve greenfield runoff rates <u>in line with the guidance of the non-statutory technical standards for sustainable drainage;</u></p>	
37	Policy PL11	<p>3 - Effective</p> <p>ECC advises that in respect of Policy PL11 (a) 'setting' is not an asset itself upon which harm can be caused but rather development within an asset's setting can cause harm to the asset's significance if the setting contributes to its historic/architectural interest of aesthetic/historic/evidential/communal value.</p> <p>On part (b) ECC advises that It would be advantageous to use a word other than 'harmonises' as this can be seen to inhibit modern design / architecture. Instead, 'respond to' or 'reflect' would likely be more engaging.</p> <p>On part (c) ECC advises that this element could reference the Harlow New Town Master Plan, in effect testing development to see if it respects the fundamental principles of the New Town. For example,</p>	<p>ECC recommends that Policy PL11 (a) is revised as follows:</p> <p>"the impact of development upon the character, appearance, <u>setting</u>, or any other aspect of the significance of the asset' or its setting</p> <p>Revise part (b) replacing the current word 'harmonises' with either 'respond to' 'or otherwise 'reflect'.</p> <p>ECC also advises the consideration of including reference to Harlow New Town Master Plan within this criterion, where it could sit within the bracketed text that provides examples of relevant considerations</p> <p>Revise part (d) as follows:</p>	<p>Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u></p>

		<p>the green wedges, neighbourhoods, connectivity, grain etc. This could be integrated into the bracket of examples.</p> <p>ECC also suggests a further consideration by which to assess these proposals (in terms of revealing an asset better)</p>	<p>“The extent to which the development would enhance, <u>or better reveal</u>, the significance of a heritage asset”.</p>	
38	Policy PL11	<p>3 - Effective</p> <p>ECC advises that It is not clear what the third paragraph is requesting or the reasoning behind it – it appears to be slightly confused about the difference between a Heritage Statement and a Management Plan and of the correct time to request these.</p>	<p>ECC recommends two relatively minor amendments to the third and fourth paragraphs respectively, as follows:</p> <p>“Where development <u>has the potential</u> to affect a heritage asset...”</p> <p>And, revise the final paragraph as follows:</p> <p>“...it must be demonstrated that the development <u>presents the asset’s optimum viable use</u> and is necessary....”</p>	<p>Schedule of further modifications (HSD19) includes the change referring to ‘presents the asset’s optimum viable use...’. This proposed modification has been agreed by ECC. ECC agreed to not pursue the first modification i.e. ‘...has the potential...’ as the overall revisions/improvements considered acceptable.</p> <p>Having spoken to ECC about the penultimate paragraph of Policy PL11, <u>HDC would like to make further modifications to clarify the position of making heritage statements:</u></p> <p>‘Where development affects a heritage asset or its setting, <u>a Heritage Statement</u> an appropriate management plan which <u>could include an appropriate management plan</u> Heritage Statement, must be in place to conserve and enhance the asset and its setting.’</p>
39	Paragraph 13.78	<p>3 - Effective</p> <p>ECC suggests additional wording for completeness of this paragraph, in respect of locally listed assets.</p>	<p>ECC recommends adding additional content to paragraph 13.78, as follows:</p> <p>Designated heritage assets can include listed buildings, curtilages of listed buildings, conservation areas, archaeological remains, Scheduled Monuments and historic parks and gardens. Locally listed buildings <u>and</u></p>	<p>Schedule of further modifications (HSD19) includes changes to this Policy as a result of other representations. It is not consistent with ECC’s <u>proposed changes however they are considered acceptable by ECC</u> and are generally compliant with the essence of what ECC were seeking to change.</p>

			<p><u>those archaeological sites that are not Scheduled</u> are known as non-designated assets <u>and also contribute to the overall significance of the historic environment of Harlow.</u></p> <p>Historic England administers national designations which include all designated heritage assets apart from conservation areas’.</p>	
40	Chapter 14 Policy H2	<p>3 - Effective</p> <p>Policy H1 (Housing Allocations) mentions the requirement for development of <i>allocated sites</i> to meet specified design requirements. This stipulation also needs to apply to any other (unidentified / unallocated) sites that come forward by adding this requirement under Policy H2.</p>	<p>ECC recommends adding a further criterion to Policy H2:</p> <p><u>‘(e) Development of all housing sites must accord with the principles of the Harlow and Gilston Garden Town Spatial Vision and Design Charter’</u></p>	<p><u>ECC withdraws this representation.</u> The matter was discussed on 12th October 2018. It was agreed that its reference in Policy PL1, which ensures all development has regard to it, is sufficient and ECC agrees with this approach.</p>
41	Policy H5	<p>3 - Effective</p> <p>ECC notes and supports in principle that the policy states that: ‘The provision of specialist housing developments will be supported on appropriate sites that will meet the needs of older people and other groups.’</p> <p>However, this makes no reference to the scale of the need involved or any specific means to address this. The evidence position is that ECC assessed a need for 2,825 Independent Living units (available as rental or ownership units) to be delivered by 2020 in the County. In September 2016 ECC assessed a need with Harlow for 150 units to be provided by 2020. The ECC Independent Living programme has been developed by ECC to increase the supply of Independent</p>	<p>ECC recommends addition of reference to this evidential position on scale of need to provide for local needs</p> <p>This would ideally be referenced within the policy itself (as part of its requirements) and the supporting text (paragraphs 14.23 – 14.27).</p>	<p>ECC have recommended further wording to be added to the supporting text of Policy H5 to provide further evidence on the needs for Independent Living which will strengthen the justification for the Policy. <u>ECC to review appropriate wording that could be included but first suggestion is set out below (in a new paragraph):</u></p> <p>14.26 Harlow has an ageing population, which has important implications for the future delivery of housing over the Local Plan period. Essex County Council (ECC) is the provider of social services for Harlow District and encourages the provision of specialist accommodation in Essex as a means by which older people can continue to live healthy and active lives. For Harlow, in 2016 ECC assessed a need for 150 units of specialist accommodation, in particular Independent Living accommodation, by</p>

		Living units across Essex.		<p>2020. This is in addition to the requirement for communal establishments. This approach to meeting the specialist accommodation needs for older people is intended to reduce the demand for residential/nursing home care, which is a considerably more expensive way of meeting the needs of older people, and can unnecessarily restrict independence within this age group.</p> <p>ECC to review figures and update HDC if they have changed <i>ECC Update (19/03) ECC has reviewed and provides the following updated text:</i></p> <p>‘Harlow has an ageing population, which has important implications for the future delivery of housing over the Local Plan period. Essex County Council (ECC) is the provider of social care in Harlow. ECC’s approach to Independent Living (Extra Care) encourages the provision of specialist accommodation in Essex as a means by which older people can continue to live healthy and active lives within existing communities. For Harlow the evidence base (Housing LIN @SHOP tool) predicts a need for 104 units of Extra Care accommodation (that is, ‘whole market demand’) in addition to the current Extra Care provision in the district. This provision is in addition to the requirement for other specialist accommodation such as sheltered housing. It is ECC’s intention to facilitate the development of at least one 60 unit Extra Care scheme in the next five years in Harlow to meet Adult Social Care demand in the district. In addition to the evidence base mentioned previously, ECC will be publishing an updated Market Position Statement during 2019 setting out our its intentions for</p>
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				<p>the provision of Extra Care across the county, which we want will also inform this Local Plan. to take account of. This approach to meeting the specialist accommodation needs of older people is intended to reduce the demand for residential/nursing home care across the County. Extra Care schemes are part of a wider accommodation pathway to enable older people to remain as independent as possible, with the right housing and support to meet their needs.'</p> <p><i>Update 21/03/19 – HDC agrees to the text modifications suggested by ECC above and will propose them as further modifications to the HLDP.</i></p>
42	Chapter 16 Lifestyles	<p>4 – Consistent with National Policy</p> <p>This chapter on Lifestyles addresses provision / access to open space, recreation and sports facilities – but does not reference broader healthy / active lifestyles and behaviours and the need to enable and promote these. This needs to make clear <i>how</i> the Plan strategy and actions will address the needs of current and future local populations.</p> <p>These things mean that the NPPF requirements around Health and Wellbeing (NPPF, paragraphs 70 and 171) are not currently met.</p>	<p>ECC (Public Health) recommends that this section is reviewed comprehensively to build upon its existing content that provides a useful, initial basis for the active lifestyles element of health and wellbeing.</p> <p>ECC will review appropriate Local Plan content and suggestions used elsewhere and recommends early joint working with HC to agree the form of content and new approaches to include</p>	<p>See response to row 1. Agreed between ECC and HDC that an overarching policy on health and wellbeing would be more appropriate than additions to other policies in order for health and wellbeing objectives to be captured.</p>
43	Policy L3	<p>3 - Effective</p> <p>ECC notes that Public Art is an important part of Harlow's historic environment and not all of it is protected by national designation. As such a clause should be added stating that the loss of public art will only be permitted where it can be demonstrated that the loss will not cause</p>	<p>Revise and strengthen Policy L3 (2) by adding a clause stating that the loss of public art will only be permitted where it can be demonstrated that the loss will not cause harm to the historic significance of the art work or its setting.</p>	<p>ECC advises that having looked at this matter again, it would be preferable to integrate heritage value aspect into the supporting text rather than the Policy. <u>HDC agree to this approach and have suggested the following wording to paragraph 16.15:</u></p> <p>'...towards this. The policy will also manage the relocation and loss of public art and will</p>

		harm to the historic significance of the art work or its setting.		give due consideration to the historic significance of the art work or its setting. The Council will prepare....'
44	Chapter 17 Policy IN1	<p>3 - Effective</p> <p>Policy IN1 Sustainable Accessibility does not mention any requirements to link to or provide public transport services. Suggest amendments are made to include this, particularly as the following supporting text refers to trains and buses and public transport.</p>	<p>ECC (Highways) recommends that a requirement is added to Policy SIR1 to cover this gap:</p> <p>'New developments including redevelopments, changes of use and Town Centre and transport interchange improvements will be required to link to <u>(or provide) public transport services</u>, the existing cycleway, footway, public right of way and bridleway network, and, where appropriate.'</p>	<p>Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u></p>
45	Paragraph 17.13	<p>3 - Effective</p> <p>The thrust of this section is welcomed but this could usefully go further in scope and coverage.</p> <p>Travel Plans are referred to, but it is recommended that the potential for wider Travel Planning co-ordination is referenced to enable more effective encouragement of mode shift of existing and new residents and workers.</p> <p>The Local Plan does not mention the need for behavioural change in order to achieve sustainable travel/step-change. This is considered very important in order to influence travel choices and achieve more sustainable travel</p>	<p>ECC (Highways) recommends that a reference is added to the potential for wider Travel Planning co-ordination.</p> <p>Also add a reference to the need for behavioural change (reason: in order to achieve sustainable travel/step-change).</p> <p>The latter reference could be in the preceding 'Justification' section at paragraphs 17.9 – 17.11.</p>	<p>Schedule of further modifications (HSD19) includes a transport modal hierarchy. This hierarchy has been agreed by ECC. ECC seeking reference to travel planning. HDC open to the principle of making reference to further travel planning but references already exist in the Plan at paragraph 17.12 and 17.18-17.21.</p> <p><u>ECC to suggest what wording could be included and send to HDC for review.</u></p> <p><i>ECC Update (18 03 2019):</i> Revise paragraph 17.13 (as supporting text to Policy IN1) as follows:</p> <p>'17.13 New development proposals should investigate ways to reduce the use of the car and promote alternative ways to travel and this should be detailed in a supporting Travel Plan. Opportunities should also be sought to collaborate in the development of travel plans and travel planning measures across the wider Garden Town. For residential development, applicants should look at the viability of car sharing schemes as well as</p>

				<p>electric charging points.’</p> <p>In addition, it would be useful if this requirement could be incorporated into the policy itself (IN1) to ensure that it has the right weight and policy status. A new reference of this kind could also usefully refer to the HGGT Transport Strategy. Please let us know your thoughts on this.</p> <p><i>Update 21/03/19 – HDC will consider the potential reference to travel plans and travel planning within policies and reference to the Transport Strategy following the discussions at the EiP in respect of modal shift and travel planning.</i></p>
46	Policy IN6 Planning Obligations	<p>3 - Effective</p> <p>ECC advises that it has concerns that adequate policies are not currently included in the plan to govern the full range of required infrastructure contributions. Further content is considered necessary to ensure that the policy approach is sufficiently comprehensive in its scope and its requirements. Accordingly, ECC recommends (as previously through the Development Management Policies consultation) that proposed Policy IN6 is replaced with ECC’s recommended policy.</p>	<p>ECC recommends replacing Policy IN6 with ECC’s recommended policy – see Appendix 1A for the full text of this.</p> <p>Reference to ECC’s <u>Developers’ Guide to Infrastructure Contributions</u> should also be included as part of the supporting text (paragraphs 17.34 – 17.40 refer) to assist in implementation.</p>	<p>HDC do not agree to replace Policy IN6 with ECCs suggested wording. HDC have suggested that reference to the ECC Developers Guide in supporting text would be acceptable.</p> <p><u>ECC maintain that Policy IN6 requires expansion and will prepare hearing statements in regards to this.</u></p>
47	Chapter 18 Monitoring and Implementation Paragraph 18.3	<p>3 – Effective</p> <p>No indicators or targets have been set with regard to sustainable travel / modal shift, or sustainable travel corridor provision/success. This is a key element, as a step-change in travel mode is required in order to deliver a sustainable garden town and to minimise impact on</p>	<p>ECC (Highways) recommends that, as part of wider transport joint working and support for HC, a constructive dialogue is continued on transport matters to support the Local Plan. This would include joint consideration and development of appropriate transport</p>	<p>ECC agree that a HGGT wide approach to monitoring and measuring sustainable travel/modal shift need to be agreed between all parties and should therefore be dealt with outside of the current Local Plan processes. HDC agree with this approach and will continue to work with ECC and the other Garden Town partners to develop a monitoring strategy for sustainable travel</p>

		the highway network.	indicators that meet 'SMART' requirements. It is suggested that the necessary Plan content should be agreed prior to Local Plan submission, whilst some of the more detailed strategy and implementation work will need to continue beyond that point.	linked to the HGGT draft Transport Strategy. <u>ECC therefore withdraw this representation.</u>
48	Chapter 18 Paragraph 18.3	3 – Effective ECC advises that Monitoring of change in number of biodiversity and geodiversity designated assets in the district is not a sufficient indicator. Single Data List 160-00 return to Government requires monitoring of the number of Local Sites in Positive Conservation Management.	ECC recommends revising the existing (biodiversity and geology) indicator stating: 'Change in number of biodiversity and geodiversity designated assets in the district' to 'the number of Local Sites <u>in Positive Conservation Management.</u> '	Schedule of further modifications (HSD19) includes this change. <u>This proposed modification has been agreed by ECC.</u>
49	Glossary (p. 179)	3 – Effective For completeness of information / evidence base sources, this needs to refer to the Essex Historic Environment Record.	ECC recommends adding reference to the Glossary to read as follows: Heritage Asset A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the Local Planning authority (including local listing) <u>or on the Essex Historic Environment Record.</u>	ECC not objecting on this basis but seeking inclusion in order to signpost more fully to relevant evidence base. <u>HDC will make this amendment to ensure all evidence is considered:</u> ' Heritage Asset A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing) or on the Essex Historic Environment Record.'
50	Policies SIR1 and IN6	APPENDIX 1A Detailed text on proposed best practice	Recommended wording for such an 'Infrastructure delivery and impact mitigation' policy is	See response to line 46

		<p>Infrastructure Requirements policy</p> <p>ECC supports the inclusion of policies covering strategic infrastructure, and developer contributions and Community Infrastructure Levy.</p> <p>ECC suggests replacing proposed Policy IN6, which is currently relatively light on content and detail, with ECC's standard best practice wording</p> <p>A revised policy should consider covering the following:</p> <ul style="list-style-type: none"> Specify when developers are required to either make direct provision or to contribute towards development for the provision of local and strategic infrastructure required by the development (including land for new schools); Requirements for all new development to be supported by, and have good access to all necessary infrastructure; Requirement to demonstrate that there is or will be sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed implications of a scheme (i.e. not just those on the site or its immediate vicinity) and regardless of whether the proposal is a local plan allocation or a windfall site; When conditions or planning obligations will be appropriate – as part of a package or combination of infrastructure delivery measures – likely to be required to ensure new developments meets this principle; 	<p>provided within the ECC Exemplar Infrastructure delivery and impact mitigation Policy as below:</p> <p><u>“Policy IN6: Planning Obligations, Infrastructure delivery and impact mitigation</u></p> <p><u>Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.</u></p> <p><u>Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively):</u></p> <ul style="list-style-type: none"> <u>financial contributions towards new or expanded facilities and the maintenance</u> 	
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		<p>and</p> <ul style="list-style-type: none"> • Consideration of likely timing of infrastructure provision – phased spatially or to ensure provision of infrastructure in a timely manner. 	<p><u>thereof;</u></p> <ul style="list-style-type: none"> • <u>on-site construction of new provision;</u> • <u>off-site capacity improvement works;</u> <u>and/or</u> • <u>the provision of land.</u> <p><u>Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.</u></p> <p><u>The Council will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.</u></p>	
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			<p><u>For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.</u></p> <p><u>Exceptions to this policy will only be considered whereby:</u></p> <ul style="list-style-type: none"> • <u>it is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm;</u> • <u>a fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and land owner receipt necessary for the development to proceed;</u> • <u>full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the</u> 	
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			<p><u>residual level of unmitigated impacts; and</u></p> <ul style="list-style-type: none"> • <u>obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.”</u> <p>Please note that the following glossary to support this policy could be included within the Draft Plan at Appendix 1 – Acronyms and Glossary.</p> <p><u>“Glossary</u></p> <p><u>Infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively):</u></p> <ul style="list-style-type: none"> <u>a. footways, cycleways and highways</u> <u>b. public transport</u> <u>c. drainage and flood protection</u> <u>d. waste recycling facilities</u> <u>e. education and childcare</u> <u>f. healthcare</u> <u>g. sports, leisure and recreation facilities</u> <u>h. community and social facilities</u> 	
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			<div><div>i. <u>cultural facilities,</u></div><div>j. <u>including public art</u></div><div>k. <u>emergency services</u></div><div>l. <u>green infrastructure</u></div><div>m. <u>open space</u></div><div>n. <u>affordable housing</u></div><div>o. <u>live/work units and</u></div><div>p. <u>lifetime homes</u></div><div>o. <u>broadband</u></div><div>p. <u>facilities for specific</u></div><div>sections of the</div><div>community such as</div><div>youth or the elderly”</div></div>	
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