

## **Statement of Common Ground**

### **Harlow District Council and Essex County Council**

## **Harlow Local Development Plan**



**June 2019**

## 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, East Hertfordshire 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. Further discussions between the two parties have also been held since the Harlow Local Plan Examination. 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. A separate attachment (Appendix 2) outlines proposed Local Plan modifications in respect of Health and Wellbeing. These changes have been agreed by ECC.

There are further outstanding matters which are not currently resolved between the two parties. These are highlighted in blue in Appendix 1. In respect of Line 12 of Appendix 1, ECC have proposed modifications to the Plan that they consider will resolve their objection. These are set out in Appendix 3 and have been submitted to the Inspector for his consideration. HDC do not agree however to these modifications for Policy HGT1.




Both parties acknowledge that this SoCG does not preclude any further written or verbal representations that HDC 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 Harlow Local Development Plan are in relation to soundness matters as defined under paragraph 182 of the 2012 NPPF. Both HDC and ECC are satisfied that the Harlow Local Development Plan is compliant with relevant legal and procedural requirements, and that HDC has fully fulfilled its obligations with ECC under the Duty to Cooperate.

## Minor Modifications Schedule (HSD19)

Harlow Council submitted to the Inspector, along with the Pre-Submission Local Plan, a schedule of modifications (HSD19) for his consideration. 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 – <del>deletion in strikethrough</del> – addition in red (Dots denote where the existing paragraph continues before/after the text)
Para 2.33 Page 16	.....There is also a need to increase the frequency of the bus services to the industrial estates; to provide more opportunities to travel <b>sustainably within and</b> in and out of Harlow <del>and not just within</del> ; to increase the provision of Sunday services; and to improve journey times for buses <del>by decreasing congestion on Harlow's roads</del> .
Para 2.34 Page 16	.....Sustainable transport matters (including walking, cycling and public transport) <b>and reducing the need to travel</b> are, therefore, important for the successful future growth of Harlow.
Para 2.44 Page 18	.....Residential growth, <b>located</b> , managed and phased appropriately, will help to provide the investment needed to deliver infrastructure requirements including improvements to the <b>walking and cycling network</b> 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, <b>and ensure</b> new development is sustainably located <b>and/or</b> accessible by sustainable <b>and innovative</b> modes of transport
Para 4.25 Page 31	.....Improvements will be made to the local highway network, <del>and to the</del> <b>footway and cycleway networks</b> 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, <del>a two form entry primary school</del> <b>two primary schools</b> 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, <b>County Council</b> 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 <b>6. Cambridge Road where it enters Harlow from Hertfordshire to the east of the District</b> <del>6- 7.</del> 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, <b>the Essex Design Guide</b> 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 <del>halt the overall decline in biodiversity</del> <b>to achieve a net gain in biodiversity</b> .....
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 ( <b>Local Wildlife Sites and Local Nature Reserves</b> ), 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. <del>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.</del>
Policy PL10 Page 114-115	<del>Re-order as follows:</del> <del>2. 1. Water Management</del> <del>3. 2. Flooding</del> <del>4. 3. Sustainable Drainage Systems (SuDS)</del> <del>1. 4. Water Quality</del>
Policy PL10 Page 114-115	<del>32 (c) flood finished floor</del> 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 <del>watertight depth</del> <del>finished floor level</del> of 300mm above the <del>normal</del> <del>predicted</del> water level;
Policy PL10 Page 114-115	<del>32 (g) flood flow routes should be preserved</del> <del>configured to enable surface water to drain;</del>
Policy PL10 Page 114-115	<del>32 (h) where necessary, planning permission will be conditional upon flood protection and/or runoff control measures being operative before other works.</del> <del>the submission and approval of a drainage management strategy that addresses all forms of flood risk.</del>
Policy PL10 New para after <del>32 (h)</del> [i.e. at end of Flooding section] Page 114-115	<del>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.</del>
Policy PL10 Page 114-115	<del>43 (c) achieve greenfield runoff rates in line with the guidance of the non-statutory technical standards for sustainable drainage;</del>
First new para after existing para 13.61, page 116 (PL10 Justification)	<del>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.</del>
Policy PL11 Page 118	(a) the impact of development on the character, appearance, <del>setting</del> , 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, <del>or better reveal</del> , 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 <del>presents the asset's optimum viable use and</del> is necessary to secure the future conservation of the asset and that any negative impacts are outweighed.
Para 13.78 Page 119 (PL11 Implementation)	<del>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 Buildings, 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.</del>
Policy IN1 Page 159	New developments including redevelopments, changes of use and Town Centre and transport interchange improvements will be required to <del>link to or provide public transport services and</del> link to the existing cycleway, footway, public right of way and bridleway network, and, where appropriate
Policy IN1 Page 159	1. Sustainable Accessibility

	<p>All development should have regard to the modal hierarchy as set out in the Strategic Policies below:</p> <table border="1"> <tr> <td data-bbox="544 241 673 493"> <p>TOP</p>  <p>BOTTOM</p> </td><td data-bbox="673 241 1247 493"> <ul style="list-style-type: none"> <li>• Opportunities to reduce travel demand and the need to travel</li> <li>• Vulnerable road user needs such as pedestrians and cyclists</li> <li>• Passenger transport user needs</li> <li>• Powered two wheeler user needs such as mopeds and motorbikes</li> <li>• Other motor vehicle user needs</li> </ul> </td></tr> </table>	<p>TOP</p>  <p>BOTTOM</p>	<ul style="list-style-type: none"> <li>• Opportunities to reduce travel demand and the need to travel</li> <li>• Vulnerable road user needs such as pedestrians and cyclists</li> <li>• Passenger transport user needs</li> <li>• Powered two wheeler user needs such as mopeds and motorbikes</li> <li>• Other motor vehicle user needs</li> </ul>
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<p>Linking Development Sites to the Wider Environment Page 172</p>	<p>Change in number of <b>Local Sites in Positive Conservation Management</b> <del>biodiversity and geodiversity designated assets in the district</del></p>		

## Signatories

### **Essex County Council**

Name (printed): *Graham Thomas*


Signature: 

Designation: *Head of Planning and Development*

Date: *24/06/2019*

### **Harlow District Council**

Name (printed): *Andrew Bramidge*

Signature: 

Designation: *Interim Head of Planning*

Date: *21/06/2019*