

David Reed
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Environment and Planning

Harlow Council
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06 September 2019

Harlow Local Development Plan Examination

Dear Mr Reed,

Following your note of the 9 April 2019 this letter sets out the Council's position in respect of the following outstanding matters:

1. Statement of Common Ground with Historic England
2. Statement of Common Ground with Natural England
3. Modifications to Policies HGT1 and HS3
4. The draft Schedule of Modifications

A Statement of Common Ground with Princess Alexandra Hospital (EX0042) and Essex County Council (EX0044) were sent to the Programme Officer in April and July. The Statement of Common Ground with Essex County Council includes agreed wording for a new Health and Wellbeing Policy and this is included in the draft Schedule of Modifications.

Statement of Common Ground with Historic England

Officers have been working positively with Historic England since the Examination to agree a Statement of Common Ground and modifications to the Plan. The draft Statement of Common Ground attached with this letter has been signed by Harlow District Council. Historic England has requested minor changes which we are currently finalising (see email from Historic England dated 5 September and Harlow's comments in respect of each comment) with the intention that this is signed early next week.

The Statement includes two appendices; Appendix 1: Resolved Objections and; Appendix 2: Outstanding Objections. Both appendices include a series of modifications which the Council considers as being necessary to make the Plan sound. These modifications also reflect Epping Forest District Council's equivalent Garden Town and East of Harlow policies thereby maintaining a consistent approach between the two Local Plans.

The modifications have been incorporated into the draft Schedule of Modifications.

Statement of Common Ground with Natural England

Following the hearing sessions in April, officers have continued to engage positively and proactively with Epping Forest District Council and Natural England in particular on matters relating to Epping Forest. We have been keen to resolve any outstanding issues through an agreed Statement of Common Ground and modifications to the Plan. Having now reviewed Epping Forest Inspector's interim findings the Council has not identified any issues that would preclude this from happening.

A Statement of Common Ground had been drafted by Harlow Council which includes revisions previously circulated to Natural England earlier in the year (see email attachment from January/February 2019). At that time, Natural England considered these revisions helpful in addressing their Regulation 19 Representation. Harlow Council considers that these revisions will still address those concerns and will enable the Local Plan to move forward. They have therefore been included in the draft Schedule of Modifications attached with this letter.

Officers have attempted to agree a Statement of Common Ground with Natural England since the publication of the Epping Forest Inspector's Interim Findings. However recent correspondence with them has indicated that they are not in a position to agree one. Along with resource issues at Natural England they have stated that further work is required by Natural England and The National Trust in relation to Hatfield Forest (SSSI) and that they are therefore likely to have to rely on the Statutory Modifications consultation to propose any further changes. The Council has requested that Natural England contact the Programme Officer to clarify this position formally.

The Council considers that the draft Schedule of Modifications before the Inspector resolves the objections Natural England raised at the Regulation 19 Stage including issues relating to Epping Forest SAC. We do not believe that the Local Plan process should be delayed any further to await work on Hatfield Forest for which no timetable for the work has been clearly defined. Hatfield Forest is a SSSI site and a National Nature Reserve and not a formal European designated site covered by the Habitats Regulations (unlike Epping Forest). The policies in the Local Plan are considered robust enough to protect SSSI sites.

In addition, if ever the authority were to decide to act contrary to Natural England's advice post-adoption of the Local Plan, it would be required to demonstrate how it has weighed the balance between differing interests, including the special interest of the SSSI. It should also demonstrate how it has taken into account alternatives in order to minimise impact. Were Natural England to remain seriously concerned about the significance of the impact, Natural England could consider what alternatives are available to it, including references to the Secretary of State. This might ultimately include application for judicial review of the authority's decision to proceed.

Policies HGT1 and HS3

Attached with this letter are two documents which propose modifications to Policy HGT1: Harlow and Gilston Garden Town and HS3: Strategic Site East of Harlow. These have been agreed with Epping Forest District Council and will ensure that an overall consistent approach is applied to the Garden Town Communities and in particular the Strategic Site East of Harlow.

Draft Schedule of Modifications

The Council is pleased to present the Draft Schedule of Modifications for your consideration including changes proposed to the Local Plan Policies Map. The modifications have incorporated changes outlined in the Statements of Common Ground including those already prepared with Princess Alexandra Hospital and Essex County Council (EX0042 and EX0044), discussions held at the Hearing Sessions and minor modifications which further clarify or update wording which are considered mostly minor in nature.

The Council looks forward to hearing from the Inspector regarding this letter and is happy to answer any queries. The Council is confident that we can make positive progress on the modifications schedule and towards adoption of the Harlow Local Development Plan.

Yours sincerely,


Andrew Bramidge

Head of Environment and Planning

Tel: 

e-mail: 

Attachments:

- 1. Statement of Common Ground with Historic England**
- 2. Email from Historic England of further minor changes and Harlow Council's response to each**
- 3. Email correspondence in January/February 2019 between Harlow Council and Natural England**
- 4. Policy HGT1 draft modifications**
- 5. Policy HS3 draft modifications**
- 6. Draft Schedule of Modifications**
- 7. Draft Schedule of Policy Map Modifications**