Consultation Summary Report

London Road North
Local Development Order

June 2013

Harlow Council

Working together for Harlow

CONTENTS **PAGE**

APPENDICES

1 INTRODUCTION

1.1 This consultation summary report summarises the consultation process undertaken by Harlow Council in the preparation of the proposed London Road North Local Development Order.

1.2 The aims of this report are to:

- summarise the consultation requirements for preparing Local Development Orders, as set out in the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- detail the consultation methods undertaken by the Council to notify relevant stakeholders;
- provide detail of the consultation responses received during the consultation and how these responses have been considered by the Council;
- demonstrate that the Council has fulfilled the legal requirements relating to the preparation of Local Development Orders.

2 BACKGROUND

Harlow Enterprise Zone

2.1 In 2011, the government announced that 22 Enterprise Zones would be set up across the country to stimulate economic growth and development. Enterprise Zones would be located in areas with real potential to create new business and jobs and generate positive benefits across the wider economic area.

2.2 Harlow submitted a successful bid for Enterprise Zone status, and the Enterprise Zone formally came in to being on 1 April 2012. Enterprise West Essex @ Harlow is a sector-led Enterprise Zone focused on Harlow and West Essex's strengths in:

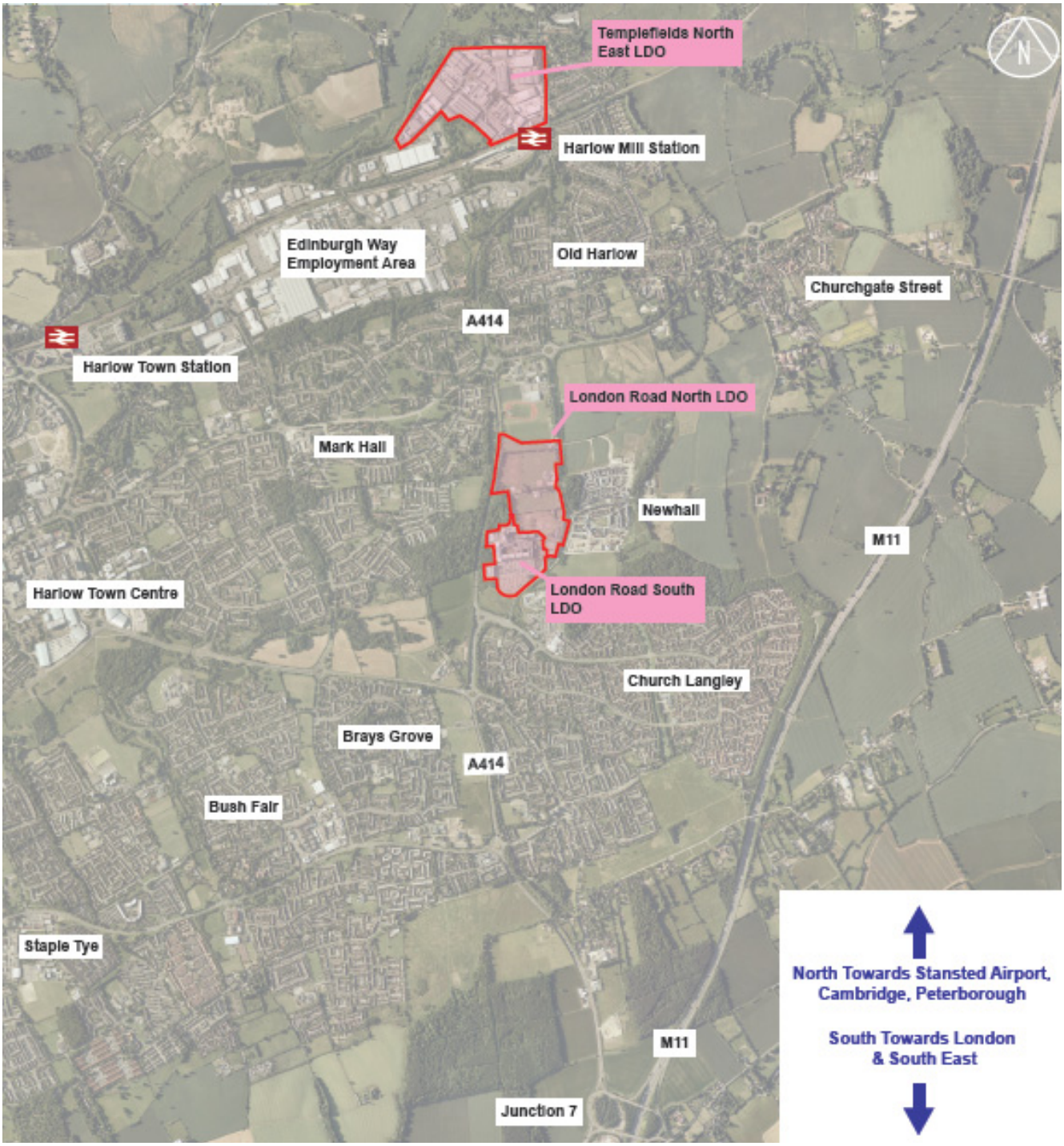
- health and allied industries (medical technologies);
- advanced manufacturing, and
- Information Communication Technology (ICT).

2.3 The Harlow Enterprise Zone is split across two main sites (see map right).

2.4 Enterprise zone land at London Road comprises 24 hectares of land and contains two separate Local Development Orders:

- London Road North (15 hectare Greenfield development opportunity); and
- London Road South (a 9 hectare redevelopment site).

2.5 Templefields North East, located adjacent to Cambridge Road, comprises an enterprise zone / LDO area of 28 hectares. This site contains a range of previously developed employment sites with existing highways access.


Templefields North East LDO
Harlow Mill Station
Edinburgh Way Employment Area
Old Harlow
Churchgate Street
A414
Harlow Town Station
London Road North LDO
Mark Hall
Newhall
M11
Harlow Town Centre
London Road South LDO
Church Langley
Brays Grove
A414
Bush Fair
Staple Tye
M11
Junction 7
North Towards Stansted Airport, Cambridge, Peterborough
South Towards London & South East

Local Development Orders (LDOs)

2.6 LDOs were introduced through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specified types of development subject to, where appropriate, planning conditions. LDOs grant planning permission for those proposals that are in line with the requirements set out in the Order, Schedule and accompanying design code.

2.7 The primary purpose of LDOs is to simplify the planning process, reduce delay and provide certainty, thus reducing the costs for potential developers and businesses. The aim is to stimulate future investment and create new job opportunities to help assist regeneration. LDOs provide an agreed framework within which development can take place.

Harlow LDOs

2.8 The Council is proposing three separate LDOs to cover the full extent of the Harlow Enterprise Zone. The LDOs relate to the various parts of the Enterprise Zone, and as such, are known as the London Road North LDO, the London Road South LDO, and the Templefields North East LDO. The LDOs will be focused on the target sectors set out in the Harlow Enterprise Zone and defined in the LDO Schedules. The approach taken on each LDO varies depending on the circumstances of the site and the surrounding area. These parameters have been shaped by a thorough understanding of the site and constraints on development in those locations based on the completion of a number of technical studies.

2.9 The area covered by the London Road North LDO is shown on the map to the right.

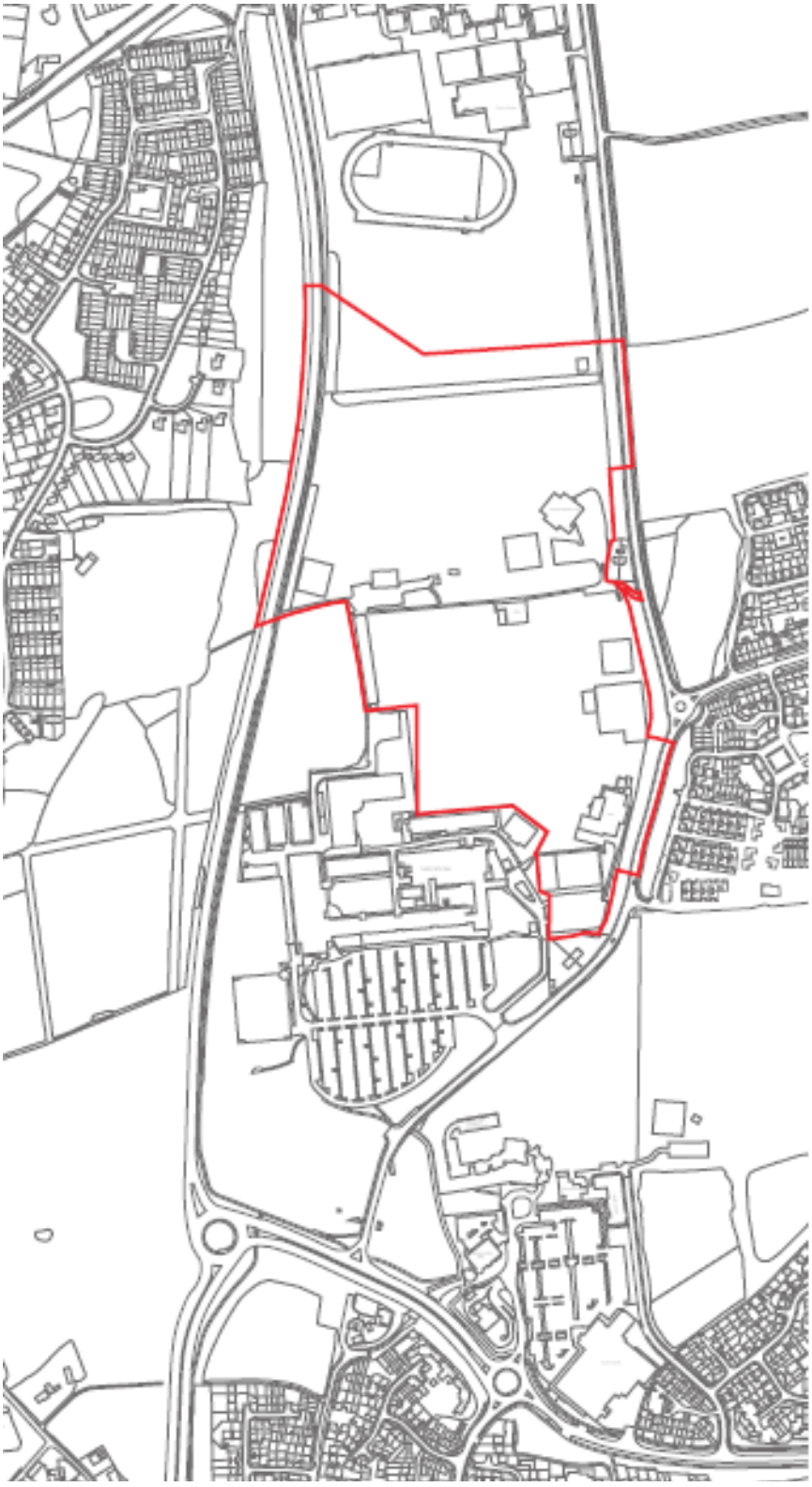
Public Consultation on the Draft LDO

2.10 The Council undertook public consultation on the London Road North LDO in August and September 2012. This report describes the consultation methods used and contains a schedule of representations made, officer responses and amendments undertaken to the LDO and associated documents.

Adoption of the London Road North LDO

2.11 Following the public consultation on the LDO and further engagement with stakeholders the London Road North LDO was submitted to the Secretary of State on 13 May 2013. The Secretary of State informed the Council that he did not wish to intervene in the proposal to adopt the LDO on 23 May 2013.

2.12 The LDO was then presented to Cabinet on 20 June 2013. Cabinet resolved to recommend that the LDO be presented to Full Council with the recommendation that the LDO is adopted. The LDO was adopted at Full Council on 25 July. The Order was subsequently made by the Local Planning Authority on the 9th of August and will be in place for ten years from this date.



Appendix A
London Road North
Local Development
Order Boundary Map

LDO Boundary Extent

N

Scale 1 : 2500 @ A0

3 LEGISLATIVE REQUIREMENTS

3.1 The procedures that a Local Planning Authority (LPA) must carry out when proposing a Local Development Order are contained within the Town and Country Planning (General Development Management Procedure) Order 2010 (as amended).

LDO preparation

3.2 Articles 34(1) and 34(2) state that an LPA must first prepare:

1. a draft of the order; and
2. a statement of reasons for making the order
    - the statement of reasons shall contain:
        - a description of the development which the order would permit; and
        - a plan or statement identifying the land to which the order would relate.

Consultees

3.3 Article 34(3) states that::

- an LPA shall consult such of the listed persons whose interests they consider would be affected by the order if made. The listed persons include LPAs, county councils, locally operating bodies, voluntary groups, and utility companies.

3.4 Article 34(4) states that::

- the LPA shall consult any person with whom they would have been required to consult on an application for planning permission for the development to be proposed by the order.

Consultation Methods

3.5 Articles 34(5) and 34(6) state that in carrying out the consultation, the LPA shall:

1. specify a consultation period of not less than 28 days;
2. take account of all representations received by them during the specified period;
3. make a copy of the draft order and statement of reasons available for inspection:
    - at their office during normal working hours; and
    - at such other places within their area as they consider appropriate;
4. publish on their website:
    - the draft order and statement of reasons;
    - a statement that those documents are available for inspection and the places and times they can be inspected; and
    - the date by which representations on the draft order must be received, which shall not be less than 28 days after the date of first publication on the website;

5. give notice by local advertisement of:
    - the draft order and statement of reasons;
    - the availability of those documents for inspection, and the places and times they can be inspected;
    - the date by which representations on the draft order must be received, which shall not be less than 28 days from the date on which the notice was first published.

Other

3.6 Article 34(15) states that:

- a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the area to which the LDO relates.

3.7 Articles 34(7) and 34(8) state that:

1. where the LDO would grant planning permission for specified development, the LPA shall also give notice of their proposal to make the order by displaying in at least one place on or near the site to which the order relates a site notice (such as the one set out in Schedule 7 of the regulations or in a form substantially to the like effect), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed;

2. the notice must specify a date by which representations on the draft order must be received, which shall not be less than 28 days from the date on which the notice was displayed or served. If a notice is, without fault or intention of the LPA, removed, obscured or defaced during the period it is being displayed, the LPA shall be treated as having complied with the requirements if they have taken reasonable steps for the protection of the notice, and if necessary, its replacement.

<u>After the consultation</u>

3.8 Article 34(9) states that::

- An LPA shall, in considering what modifications should be made to the draft order or whether the order should be adopted, take into account any representations made in relation to that order and received by the authority before the relevant date.

<u>Secretary of State notification and involvement</u>

3.9 Articles 34(10) to 34(12) state that::

1. Once the LPA has complied with the requirements of Article 34(9), the LPA shall send a copy of the draft order and the statement of reasons – including any modifications made to the order or the statement – to the Secretary of State.
2. An LPA shall not take any further step in connection with the adoption of a LDO until either:
    - the Secretary of State has notified the LPA that they do not intend to make an intervention; or

- a period of 21 days has elapsed from the date on which the draft was sent to the Secretary of State, and they have not identified the LPA that they intend to make an intervention or require more time to reach a decision.

3. If the Secretary of State notifies the LPA that they need more time to reach a decision, the LPA shall not take any further step in connection with the adoption of the order, unless the Secretary of State notifies the LPA that they do not intend to make an intervention.

4 CONSULTATION METHODS USED

4.1 The consultation period for the Proposed London Road North Local Development Order ran for 29 days from 28 August 2012 to 25 September 2012.

Responding to the Consultation

4.2 Interested parties were able to respond to the consultation:

- by emailing a dedicated email address (harlowLDO@harlow.gov.uk);
- by writing to the Council's Forward Planning team at the Civic Centre.

Interaction with Consultees

4.3 In line with the Regulations, letters were sent to relevant stakeholders to inform them of the LDO consultation (for a full list of the stakeholders consulted, see Appendix A).

4.4 The letters contained background information on LDOs, specific information on the Proposed London Road North LDO, information on how to respond to the consultation, and information regarding how to view supporting technical documents. For an example of a letter sent to a consultee, see Appendix B.

4.5 Certain stakeholders were also sent CDs which contained the supporting technical documents. A notice (see Appendix C) was served on land owners and tenants of the site affected by the proposed LDO.

4.6 The Regulations state that the LPA shall consult any person with whom they would have been required to consult on an application for planning permission for the development to be proposed by the LDO. Therefore, it was ensured that the relevant people were consulted in line with the Council's adopted Statement of Community Involvement requirements for B1, B2 and B8 development greater than 1,000 sq m.

Site Notices

4.7 In accordance with the Regulations, 4 site notices were put up in the area surrounding the proposed LDO site, shortly before the consultation period began. This provided notice of the proposed LDO and the Statement of Reasons, and gave information regarding where and when to view hard and electronic copies of the documents, and gave information regarding the consultation (including how to comment and the dates of the consultation period). A photographic record was made of the site notices placed on site (see Appendix D). For a copy of the site notice, see Appendix C.

Press Notice

4.8 In accordance with the Regulations, a press notice for the proposed LDO was published in the 23 August 2012 edition (the latest edition prior to the commencement of the consultation period) of the local newspaper *Harlow Star* (see Appendix E). This provided notice of the proposed LDO and the Statement of Reasons, and gave information regarding where and when to view hard and electronic copies of the documents, and information regarding the consultation (including how to comment and the dates of the consultation period).

Availability of Documents

4.9 Hard copies of the proposed LDO Order and Schedule, Design Code, Statement of Reasons and Masterplan - along with a CD containing the supporting technical documents - were available to view at the following public locations across Harlow during normal working hours:

- Harlow Council Civic Centre
- Harlow Central Library
- Great Parndon Library
- Tye Green Library
- Old Harlow Library
- Mark Hall Library

4.10 Shortly before the consultation period began, the Harlow Council website was updated to include a section for the proposed LDO, which has a dedicated shortcut URL - http://www.harlow.gov.uk/harlowLDO. The proposed LDO Order and Schedule, Design Code, Statement of Reasons, Masterplan, and supporting technical documents were available to view and download from this section. Information was also published in this section regarding where and when to view hard copies of the documents, and information regarding the consultation (including how to comment and the dates of the consultation period).

After the consultation

4.11 Forward Planning Officers have taken into account all representations made during the consultation period for the proposed London Road North LDO, and have made modifications to the LDO accordingly. For a full breakdown of comments received during the consultation, and Officers' responses to the comments, please see Appendix F and G.

APPENDIX A - Consultees

Sent letters and CDs:

- Anglian Water
- British Gas
- BT Openreach
- CAA House
- Co-Operative Gateway East of England
- Department of Transport
- East Herts District Council
- EEIDB Business Link East
- Employ-Ability
- English Heritage
- Entec
- Environment Agency
- Epping Forest District Council
- Equal Opportunities Commission
- Essex County Council
- Essex County Fire & Rescue West Area Command
- Essex Ecological Services Limited
- Essex Police Headquarters
- Essex Wildlife Trust
- Federation of Small Businesses Essex
- Greater Anglia
- Harlow 2020 Local Strategic Partnership
- Harlow and District Access Group
- Harlow and District Chamber of Commerce
- Harlow MENCAP
- Harlow MIND
- Harlow PCT
- Hertfordshire County Council
- Herts & Middlesex Wildlife Trust
- Highways Agency
- Landowners and tenants of site affected by proposed LDO (10)
- Lee Valley Water PLC
- Matching Parish Council
- Mobile Operators Association
- National Grid
- Natural England
- NHS West Essex
- North Weald Bassett Parish Council
- NWES
- Princess Alexandra Hospital NHS Trust
- Sawbridgeworth Town Council
- Selected Harlow Council Councillors (17)
- Selected Harlow Council Officers (6)
- Sheering Parish Council
- Sport England
- Thames Water
- Transco
- UK Power Networks
- Veolia Water Central

Sent letters:

- Selected Harlow Council Councillors (15)
- Any adjoining properties and any residential properties within 100m of the boundary of the site affected by the proposed LDO (135)

APPENDIX B - Example of letter sent to a consultee

XXX
XXX
XXX
XXX
XXX
XXX
XXX

Harlow Council
Forward Planning
Civic Centre
The Water Gardens
Harlow
Essex
CM20 1WG

Contact Paul MacBride
Telephone (01279) 446 258
Fax (01279) 446 639
E-mail paul.macbride@harlow.gov.uk
Date 24 August 2012

Dear XXX,

Proposed London Road North Enterprise Zone Local Development Order

I am writing to you to advise you that Harlow Council is proposing a Local Development Order (under The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)), which would help support the implementation of the London Road North Enterprise Zone site.

A Local Development Order (LDO) grants planning permission for specified types of development, subject to conditions. Those developments must be in line with the requirements set out in the Order Schedule and accompanying Design Code. The primary aim of an LDO is, by simplifying the planning process, to reduce delay, provide certainty and help reduce costs for potential developers and businesses. This will help stimulate future investment and create new job opportunities to assist regeneration in Harlow.

The proposed Order and Schedule, the accompanying Design Code, the Council's Statement of Reasons for making the Order (including boundary map of the proposed area), Masterplan and supporting technical documents are **enclosed on CD**. From Tuesday 28 August 2012, these documents can also be viewed and downloaded on the Council's website at http://www.harlow.gov.uk/harlowLDO and inspected at the Council Civic Centre in Harlow and in local libraries during normal opening hours.

The Council is carrying out a public consultation on the proposed LDO between 9am on Tuesday 28 August 2012 and 5pm on Tuesday 25 September 2012. If you wish to make any comments as part of this consultation, you should write to the Council at **LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG**. Alternatively, you can email your comments to **harlowLDO@harlow.gov.uk**

All comments must be received by 5pm on Tuesday 25 September 2012.

Yours XXX,

Paul MacBride
Forward Planning Manager

APPENDIX C - Notice

Harlow Council
Working together for Harlow

Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

NOTICE UNDER ARTICLE 34 OF PROPOSAL FOR LOCAL DEVELOPMENT ORDER GRANTING PLANNING PERMISSION

Proposed development at the London Road North Enterprise Zone site

Notice is given that Harlow Council is proposing a Local Development Order (under The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)), which would help support the implementation of the London Road North Enterprise Zone site. A Local Development Order (LDO) grants planning permission for specified types of development, subject to conditions. Those developments must be in line with the requirements set out in the Order Schedule and accompanying Design Code. The primary aim of an LDO is, by simplifying the planning process, to reduce delay, provide certainty and help reduce costs for potential developers and businesses. This will help stimulate future investment and create new job opportunities to assist regeneration in Harlow.

From Tuesday 28 August 2012, the proposed Order and Schedule, the accompanying Design Code, the Council's Statement of Reasons for making the Order (including boundary map of the proposed area), Masterplan and supporting technical documents can be viewed and downloaded on the Council's website at http://www.harlow.gov.uk/harlowLDO

These documents will also be available for inspection at:

- Harlow Council Civic Centre, The Water Gardens, Harlow (Monday to Friday - 9am to 4:45pm)
- Harlow Central Library, The High, Harlow (Monday, Tuesday, Thursday and Friday - 9am to 7pm; Saturday - 9am to 5pm)
- Great Parndon Library, Parnall Road, Staple Tye, Harlow (Monday and Wednesday - 9am to 6pm; Thursday and Saturday - 9am to 5pm)
- Tye Green Library, Tilegate Road, Bush Fair, Harlow (Tuesday, Thursday, Friday and Saturday - 10am to 4pm)
- Old Harlow Library, 30 High Street, Old Harlow (Monday, Friday and Saturday - 10am to 4pm; Wednesday - 12pm to 6pm)
- Mark Hall Library, The Stow, Harlow (Tuesday and Thursday, 1pm to 5pm; Wednesday and Saturday, 9am to 1pm)

The Council is carrying out public consultation on the proposed LDO between 9am on Tuesday 28 August 2012 and 5pm on Tuesday 25 September 2012. If you wish to make any comments in response to this consultation, you should write to the Council at **LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG**. Alternatively, you can email your comments to **harlowLDO@harlow.gov.uk**

All comments must be received by 5pm on Tuesday 25 September 2012.

Signed:
Dianne Cooper
Planning and Building Control Manager
On behalf of Harlow Council
Date: 24 August 2012

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

APPENDIX D - Photos of site notices displayed around the site

APPENDIX E - Press Notice

Dated 23 August 2012

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tford, Herts CM22 7RP
730348
yhall.com

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Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

NOTICE UNDER ARTICLE 34 OF PROPOSAL FOR LOCAL

DEVELOPMENT ORDER GRANTING PLANNING PERMISSION

Proposed development at the London Road North Enterprise Zone site

Notice is given that Harlow Council proposes to make a Local Development Order (LDO), granting planning permission for specified types of development, which can be accompanied by conditions. The LDO grants planning permission for those proposals that are in line with the requirements set out in the Order Schedule and accompanying Design Code, and will support the implementation of the London Road North Enterprise Zone. The primary aim of an LDO is, by simplifying the planning process, to reduce delay, provide certainty and help reduce costs for potential developers and businesses. This will help stimulate future investment and provide the potential to create new job opportunities that will assist regeneration in Harlow.

From 28 August 2012, the proposed Order and accompanying Design Code, along with a statement of the Council's reasons for making the Order (including boundary map of the affected area) and other relevant documents, will be available to view and download on the Council's website at http://www.harlow.gov.uk/harlowLDO

These are also available for inspection at:

- Harlow Council Civic Centre, The Water Gardens, Harlow (Monday to Friday - 9am to 4:45pm)
- Harlow Central Library, The High, Harlow (Monday, Tuesday, Thursday and Friday - 9am to 7pm; Saturday - 9am to 5pm)
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- Tye Green Library, Tilegate Road, Bush Fair, Harlow (Tuesday, Thursday, Friday and Saturday - 10am to 4pm)
- Old Harlow Library, 30 High Street, Old Harlow (Monday, Friday and Saturday - 10am to 4pm; Wednesday - 12pm to 6pm)
- Mark Hall Library, The Stow, Harlow (Monday, Tuesday, Thursday and Friday - 9am to 7pm; Saturday - 9am to 5pm)

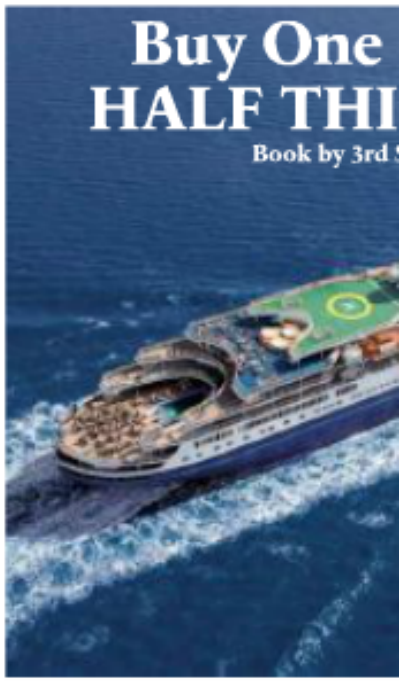
The Council is carrying out public consultation on the proposed LDO between 9am on Tuesday 28 August 2012 and 5pm on Tuesday 25 September 2012. If you wish to make any comments in response to this consultation, you should write to the Council at LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG.

Alternatively, you can email your comments to harlowLDO@harlow.gov.uk

All comments must be received by 5pm on Tuesday 25 September 2012.

Harlow Council
Working together for Harlow

Star



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Appendix F - Schedule of Consultation Responses, Officer Comments and Amendments

Total respondents: 16
Total individual representations: 70

Response Number	1
Respondent	Phil Callow
Role	Estate Design Manager
Organisation	Essex County Council
Date	31 August 2012 15:17
Type	Email
Comment	My comments on the Proposed London Road North Enterprise Zone Local Development Order with respect to Sustainable Drainage Systems (SuDS) and Essex County Council's emerging role as SuDS Approving Body:- Whilst it is noted that ECC's SuDS Design & Adoption Guide 2012 is cited in the Design Code (para.1.35) as being a reference document, it is suggested that the following issues should specifically be considered in the Design Code: 1. Rain water harvesting and grey water recycling 2. Green roofs 3. Other SuDS features – apart from "SuDS/verge" and "frontage" SuDS, as mentioned in the Design Parameters in Chapter 5, there is likely to be a requirement for space to be set aside within the development for additional SuDS features, such as infiltration basins, detention basins, ponds etc. to provide surface water storage, infiltration, attenuation and treatment before water is discharged to an outfall.
Acknowledgement	Sent - 21 September 13:05
Officer Response	Comments noted. Harlow Council does anticipate that LDO development at London Road North will comprise a much wider range of SUDs features, in addition those mentioned in the design code. These areas will need to be designed in accordance with adopted County and National SUDs standards. The approach taken in the design code has been to provide flexible design parameters to guide the overall design of streets and development frontages. Away from development frontages a wide degree of flexibility is provided to developers and significant SUDs features will need to be incorporated into the design and layout of these areas. For this reason, it is not deemed to be necessary to include issues such as grey water recycling, green roofs, and other SUDs features in the design code. The requirement for SUDS on site has been considered as part of the Surface Water Flood Risk Assessment (FRA) prepared to support the LDO. The FRA sets out a number of options for SuDS options which may be suitable for the site and the development

	proposed. Condition E6 (Drainage) requires that no development shall be begun until a detailed foul and surface water drainage strategy has been submitted and approved by the Local Planning Authority. Condition E6 (Drainage) is applied to development undertaken under Schedule A (Building Development) and Schedule B (Extensions and Alterations). The requirements of condition E6 (Drainage) are that a detailed foul and surface water drainage strategy will need to be in general accordance with the prepared FRA. Applicants will be expected to demonstrate which SuDS techniques have been considered on site and the reasons for selecting the preferred option(s) taking to account the suitability and viability of the technique for the site and development in question. The Local Planning Authority has re-examined condition E6 (Drainage) to assess whether this condition can be enhanced with respect to the delivery of SUDs and pollution control measures (see comments made by the Environment Agency) and foul and surface water capacity (see comments from Thames Water). This has resulted in a number of minor amendments outlined below. It is also worth noting that condition E9 (Sustainability) requires all new development to be constructed to achieve a minimum rating of BREEAM 'very good'.
Amendment	The second bullet point of condition E6 (Drainage) has been amended to include reference to 'sustainable urban drainage (SUDs) systems.' Bullet points three and four have been added regarding foul and surface water drainage capacity and pollution. An additional final paragraph has been added to ensure the delivery of SUDs, sufficient foul and surface water drainage capacity and pollution control measures prior to the occupation of development. A new informative – INF2 (SUDs Approval) – has been added following condition E6 (Drainage) to advise landowners and developers of the implications of the enactment of Schedule 3 of the Flood and Water Management Act 2010 and of Essex County Council's emerging role as SuDS Approving Body. No amendments are made to the design code or masterplan documents for the reasons stated above.
Response Number	**2**
Respondent	Phil Callow
Role	Estate Design Manager
Organisation	Essex County Council
Date	31 August 2012 15:17
Type	Email
Comment	We will be strongly promoting the management of rainfall at the surface and therefore the use of above ground SuDS features (e.g. swales, filter strips, basins, ponds and wetlands etc.) will be required rather than pipes, soakaways and underground storage structures, as these bring more benefits to the community in their amenity and

	biodiversity value as well as being easier/more economical to maintain and need not be more expensive to install.
Acknowledgement	Sent - 21 September 13:05
Officer Response	Comments noted and supported. The requirement for SuDS on site has been considered as part of the Surface Water Flood Risk Assessment (FRA) prepared to support the LDO. The FRA sets out a number of options for SuDS options which may be suitable for the site and the development proposed. Condition E6 (Drainage) requires that no development shall be begun until a detailed foul and surface water drainage strategy is submitted and approved by the Local Planning Authority. This condition is applied to development undertaken under Schedule A (Building Development) and Schedule B (Extensions and Alterations). A detailed foul and surface water drainage strategy will need to be in general accordance with the prepared FRA. Applicants will be expected to demonstrate which SuDS techniques have been considered on site and the reasons for selecting the preferred option(s) taking to account the suitability and viability of the technique for the site and development in question. The Local Planning Authority has re-examined condition E6 (Drainage) to assess whether this condition can be enhanced with respect to the delivery of SUDs and pollution control measures (see comments made by the Environment Agency) and foul and surface water capacity (see comments from Thames Water). This has resulted in a number of minor amendments outlined below.
Amendment	The second bullet point of condition E6 (Drainage) has been amended to include reference to 'sustainable urban drainage (SUDs) systems. Bullet points three and four added regarding foul and surface water drainage capacity and pollution. An additional final paragraph has been added to ensure the delivery of SUDs, sufficient foul and surface water drainage capacity and pollution control measures prior to the occupation of development. A new informative – INF2 (SUDs Approval) – has been added following condition E6 (Drainage) to advise landowners and developers of the implications of the enactment of Schedule 3 of the Flood and Water Management Act 2010 and of Essex County Council's emerging role as SuDS Approving Body.
Response Number	**3**
Respondent	Phil Callow
Role	Estate Design Manager
Organisation	Essex County Council
Date	31 August 2012 15:17
Type	Email
Comment	Also, we support the principle of drainage proposals which provide

	for limiting the runoff rates from the site to existing greenfield rates.
Acknowledgement	Sent - 21 September 13:05
Officer Response	Comments noted and supported. The Surface Water Flood Risk Assessment (FRA) prepared to support the LDO has examined whether a greenfield run off rate can be achieved. The FRA undertaken has demonstrated that a greenfield run off rate could potentially be achieved. Condition E6 (Drainage) requires that a detailed foul and surface water drainage strategy is submitted and approved by the Local Planning Authority prior to development. A detailed foul and surface water drainage strategy will need to be in general accordance with the prepared FRA. Surface water drainage strategies will be expected to demonstrate: • which SuDS techniques have been considered on site and the reasons for selecting the preferred option(s) taking to account the suitability and viability of the technique for the site and development in question; and • the overall run off rate likely to be achieved by the development as a whole. Where a Greenfield run off rate is *not* achieved, developers will be expected to justify with evidence why this cannot be achieved on a site by site basis.
Amendment	None
Response Number	**4**
Respondent	Phil Callow
Role	Estate Design Manager
Organisation	Essex County Council
Date	31 August 2012 15:17
Type	Email
Comment	Furthermore, provision should be made for managing exceedance flows up to the 1 in 100 year rainfall event with an (30%) allowance for climate change in such a manner so as not to have any significant flooding impact on properties and vulnerable structures.
Acknowledgement	Sent - 21 September 13:05
Officer Response	The Surface Water Flood Risk Assessment (FRA) prepared to support the LDO has examined the surface water management requirements for new development. This is detailed in Section 7 of the FRA and takes account of the impact of climate change. Page 22 of the FRA explains that any proposed surface water drainage strategy should aim to prevent surface water flooding at the site during a 1 in 100 year return period flood event, including an allowance for climate change. The design life of the proposed London Road site is assumed to be between 50 to 60 years to provide a suitable design estimate. Accordingly, a sensitivity value of +20% has been applied in the surface water runoff and required storage calculations undertaken

	for the proposed redevelopment set out in Section 7. This is in accordance with Table 5 of the NPPF Technical Guidance and is further explained in Section 5 of the FRA. The FRA does note that the sensitivity value maybe need to be reviewed following further consultation with HDC and the EA as the development proposals progress.
Amendment	None
Response Number	**5**
Respondent	Phil Callow
Role	Estate Design Manager
Organisation	Essex County Council
Date	31 August 2012 15:17
Type	Email
Comment	SuDS should be designed generally in line with guidance contained in Ciria's emerging National Standards and SuDS Manual - C697 together with Essex County Council's own emerging SuDS Design & Adoption Guide.
Acknowledgement	Sent - 21 September 13:05
Officer Response	Comments noted and supported.
Amendment	A new informative – INF2 (SUDs Approval) – has been added following condition E6 (Drainage) to advise landowners and developers of the implications of the enactment of Schedule 3 of the Flood and Water Management Act 2010 and of Essex County Council's emerging role as SuDS Approving Body. Amendments made to design code to outline that any SuDS will need to be designed to be generally in line with Ciria's National Standards and SuDS Manual - C697 together with Essex County Council's SuDS Design & Adoption Guide (see tables 5b, 5D, 5E in chapter 5 – street and frontage development parameters).
Response Number	**6**
Respondent	Roy Warren
Role	Planning Manager
Organisation	Sport England
Date	21 September 2012 12:58
Type	Email
Comment	Thank you for consulting Sport England on the above draft Local Development Order. The Council proposes to make a LDO granting planning permission for particular types of development within the LDO boundary, subject to relevant definitions, limitations and restrictions. As proposed, land within the LDO boundary mainly consists of playing fields. A substantial proportion of the playing fields are no longer in use but the playing fields associated with the Maypole Sports Club are still in active use as well as a small part of the Mark

	Hall School playing fields. Given that the LDO would grant planning permission for developments on these playing field sites; we have deemed the received consultation to be on a statutory basis, in accordance with Statutory Instrument 2010/2184. Sport England has been provided with legal advice which has advised that the statutory provisions that apply to planning applications in terms of consultations with Sport England on development affecting playing fields would also apply to Local Development Orders. Sport England would therefore expect the Council to consider this response in a similar way to a response to a statutory consultation on a planning application. We have therefore considered the draft LDO in the light of our playing fields policy 'a Sporting Future for the Playing Fields of England' which is available from our website: www.sportengland.org/Facilities&Planning/OurPolicyonPlayingFields The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that: "Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies." Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country. As the provisions of the draft LDO would grant planning permission for development which would result in the loss of the playing fields without mitigation, Sport England would usually have objected to the LDO in principle. However, on this occasion the following factors are relevant to our consideration of the draft LDO: • Policy ER2 of the adopted Replacement Harlow Local Plan (2006) allocates the majority of the site for employment development. The principle of developing the site for employment uses (which the LDO would permit) has therefore already been established in an adopted development plan. Policy T11 of the RHLP has also established the principle of a new link road between London Road and the A414 on the southern part of the Mark Hall School playing fields that is covered by the LDO boundary. While Sport England no longer has any records of its involvement with the Replacement Harlow Local Plan when it was being prepared it is accepted that the local plan policies establish the principle of alternative development on the

	playing fields affected; • Policy L9/3 of the RHLP allocated a site for sport and recreational facilities to the south of Gilden Way on the opposite side of London Road to the area covered by the LDO. This area was allocated for providing replacement playing field provision to mitigate the loss of the area allocated for alternative uses in policies ER2 and T11 of the local plan. It is therefore accepted that the local plan has already made provision for replacement playing field provision; • Sport England was consulted in 2009 as a non-statutory consultee on the planning application (HW/PL/09/00202) for the majority of the replacement playing fields. While we were not aware at the time that the playing field was being proposed to replace existing playing fields we were broadly supportive of the detailed proposals for the design and layout of the playing field. Exception E4 of Sport England's playing fields policy permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development. As the principle of alternative development on the existing playing fields and a new site for replacement playing fields has already been established through the local plan and because planning permission has already been granted for the replacement provision, it would not be appropriate through this response to make a detailed retrospective assessment of how the existing and replacement playing fields compare in terms of the requirements of exception E4. However, based on the 2009 consultation on the planning application for the new playing fields, the amount of playing field provision proposed would appear to be broadly similar to the area that would be lost within the area covered by the LDO and Sport England was generally satisfied with the design and layout of the new playing fields so in qualitative terms the replacement playing field offers potential to be at least equivalent. The location of the new playing fields is acceptable as they are in very close proximity to the ones that they would replace. Consequently, it is considered that if Sport England had assessed the proposals at an earlier stage that the proposals would have offered strong potential to accord with exception E4. However, while the proposals for replacement playing fields offer potential to accord with our policy, the area of concern that is not addressed in the draft LDO is the phasing and delivery of the replacement playing fields. Paragraph 4.48 of the LDO 'Statement of Reasons' document states that the (replacement playing field) facility has been re-provided as part of the Newhall development. A recent site visit has confirmed that no construction would appear to have commenced on the playing field development that was the subject of planning permission (HW/PL/09/00202) which would cover the majority of the site of the replacement playing field. The only part of allocation L9/3 that has been implemented is in the

	western part of the site allocation where an area of 3.2 hectares has been provided for use by Mark Hall School. This only represents about a quarter of the replacement playing field allocation. In its current form, the draft LDO would grant planning permission for the redevelopment of the Maypole Sports Club playing fields and the other former company sports ground playing fields without any pre-requisite that the replacement playing fields are completed and operational in advance of development commencing. Consequently, the playing fields that are still in active use at the Maypole Sports Club would be displaced without replacement provision being in place to provide continuity of playing pitches and ancillary facilities for existing users. Furthermore, there would be no certainty about if and when the replacement playing fields would be implemented in practice. The fact that part of the L9/3 allocation has been implemented is not considered to be relevant as this only replaces small part of the playing fields that would be lost and these are school playing fields controlled by Mark Hall School. Consequently, they would be unsuitable for use as a replacement for the Maypole Sports Club and the other former company sports grounds. There is therefore the concern that existing users of the Maypole Sports Ground will not have an alternative venue to use when development (permitted by the LDO) commences on the site. A further concern is that the planning permission for the replacement playing fields expires in November 2012 and as no work on constructing these playing field would appear to have started to date, it is likely that this permission could lapse which would provide further uncertainty about if and when the replacement playing fields will be implemented. As the development of a playing field of this scale would be expected to take several years to complete and be operational, there is a genuine concern that the playing fields would not be available in advance of any development permitted by the LDO commencing on the existing playing fields. If a planning application had been submitted for development within the area covered by the LDO, Sport England would have expected a planning condition (or obligation) to be imposed on a permission requiring the replacement playing fields to be implemented in advance of any development commencing in order to provide continuity of playing field provision for existing users and to ensure that the replacement provision is implemented in practice within an acceptable timescale. As the LDO would remove the need for planning permission to be obtained, Sport England would therefore expect the LDO itself to make provision for this. I have considered the draft LDO Order and Schedule and there would not appear to be any provisions for ensuring replacement playing fields have been implemented before development commences e.g. in the schedule of General Conditions. In conclusion, Sport England would therefore OBJECT to the draft LDO as a statutory consultee on the basis that it would allow development which would not accord with our playing fields policy. It would not accord with exception E4 as there would be no mechanism for ensuring the satisfactory phasing and delivery of the replacement playing fields prior to commencement of any

	developments permitted by the LDO. Potential is considered to address this objection if the LDO schedule is modified before submission to the Secretary of State. This could be achieved by adding an additional 'General Condition' along the lines that no development permitted by the LDO shall be begun until the replacement playing fields identified in local plan allocation L9/3 have been completed and operational in their entirety and that the LPA has issued written confirmation which confirms that the replacement playing fields are completed and operational. The Council would obviously need to be satisfied that the replacement playing fields will be delivered within an appropriate timescale before including such a condition as the delivery of the replacement playing fields would appear to be within the control of other parties. Any modification will need be agreed with Sport England before the LDO is finalised to allow this objection to be withdrawn.
Acknowledgement	Sent – 21 September 2012 13:06
Officer Response	Comments noted and supported. Whilst replacement permanent facilities are planned as part of the Newhall Phase 2 development, Sports England is correct to point out that these facilities have not yet been implemented. Consequently, the delivery of replacement facilities does still need to be secured through an appropriately worded condition(s) within the LDO Schedule. There is a need to also more robustly safeguard playing field land within the LDO which is currently in use by Maypole Sports Club until replacement facilities of an equivalent quantity and quality have been delivered so that there is a continuity of playing field provision in this area. This is secured through the additional conditions set out below, as has been suggested by Sports England.
Amendment	Two additional planning conditions (G6 and G7) added to the list of General Conditions within the LDO Schedule. A new plan is also added in Appendix H of the LDO which functions alongside conditions G6 and G7. Conditions G6 and G7 apply to development undertaken under Schedule A, B and C of the LDO. These conditions ensure continuity of playing field provision for existing users and that replacement playing field provision is implemented within an acceptable timescale. Condition G6 prohibits development on the Maypole Sport Club playing fields until a scheme for the provision of temporary replacement playing fields of an equivalent quantity and quality has been submitted to and approved in writing by the Local Planning Authority. Condition G7 prohibits development on either the Maypole Sports Club building, tennis courts or parking area and on land reserved for the interim relocation of the Maypole playing fields until a scheme for the provision of permanent replacement playing fields of an equivalent quantity and quality has been submitted to and approved in writing by the Local Planning Authority.

	Conditions G6 and G7 have been worded so that replacement playing fields must be implemented and open for use in accordance with an approved scheme, prior to the commencement of development at either location. Sports England will be consulted by the Local Planning Authority on the receipt of any scheme submitted under condition G6 and G7 in accordance with Schedule 5 of the Development Management Procedure Order 2010. An additional section has been created in the London Road North Masterplan (see page 9 and chapter 10 on phasing) to set out the framework for the relocation of the Maypole Sports Club for the benefit of third parties and the local community. This also ensures that a planning framework exists to guide any planning applications which may be received and would be outside of the scope of the LDO process.
Response Number	**7**
Respondent	Adrian Knowles
Role	Senior Ecologist
Organisation	Essex Ecology Services Ltd (EECOS)
Date	24 September 2012 12:54
Type	Email
Comment	Thank you for allowing me to comment on this proposal. I set out below a few thoughts concerning the Extended Phase 1 Habitat Survey document, this being most pertinent to my line of work. As you will see, I have some misgivings about the accuracy of the report and the interpretation of available data, which appears to be rather contradictory in places. I would recommend that the report be subjected to a thorough revision if it is to be used as a guide to future studies and the re-development of this site. My major concern is the manner in which the potential presence of Great Crested Newts appears to be dismissed. 1. Summary para. 1.3 seems to imply that Gravelpit Spring is only a Potential Local Wildlife Site whereas it is a full LoWS. The copy of the citation used in Appendix D (not C as stated in 1.3) shows that it is a full LoWS, so this remark is rather misleading, especially since it is supposed to be a summary for anyone not at leisure to read the full report. 2. Summary para. 1.4 is rather confusing. It says, “it is recommended that protected species surveys are undertaken for.....Great Crested Newts”, but then goes on to say “In respect of Great Crested Newt, full survey may be dismissed through Habitat Survey Index”. Firstly, this is rather contradictory. Secondly, I think it is stretching the intended use of the Habitat Suitability Index (I assume that this is what the author means) to absolutely rule out the need for a survey on the basis of the calculation. This is quite firmly stated by the guidance issued by the Herpetofauna Groups of Britain and Ireland. The table in Chapter 7 “Recommendations” mentions an HSI assessment of on-site

		waterbodies in Appendix 5 (sic). However, Appendix E only has maps showing the locations of the ponds, with no HSI calculations. These maps are then followed by a rather out of place table of bat survey data – is this intended to be a table of HSI calculations? The map in Appendix E identifies in yellow highlight two water bodies very close to the site. However, para. 5.5 of the report says "GCN *Tritarus cristatus* is considered unlikely to be using site due to the absence of ponds within the site and surrounds as isolated by London Road.....". This is, again, contradictory. Mention is made of ditches with very low water levels, but the site was surveyed after one of the driest winters and springs on record (before the heavy rains of later in the year), and this phenomenon has not been appreciated in the report. It is felt possible that in a "normal" winter and spring, these features might hold much more water. Given the close proximity of known Great Crested Newt populations within this part of Harlow, I believe that it would be reckless (within the definition of the legal protection afforded to Great Crested Newts) to dismiss water bodies purely in terms of their HIS score in such a location and to re-develop the site without investigating this matter more robustly. I strongly recommend that a full GCN survey should be attempted, regardless of the current report recommendations.
	3.	Summary para. 1.6 makes a rather bold statement that, "A bat roost immediately adjacent site is indicated by the presence of bat-tiles forming entrances and exits to several lofts of the recently re-built cottagesTN0 (by MaypoleSocial Centre)." Just because bat tiles have been installed in a property, it does not mean that a roost is necessarily present, as this implies. I agree with the overall sentiment that bats are quite likely to use parts of the site for foraging.
	4.	Summary para. 1.7 is referring to a rather out of date Essex Biodiversity Action Plan. "ancient woodland" has been replaced by "Lowland Mixed Deciduous Woodland" – a far broader category that may encompass recent woodland found on sites. Para. 1.7 implies that "TPO trees" are recognised by the Essex BAP – they are not. This para then lists "important hedgerows" and "hedgerows" as two further Essex BAPS. They are not. The BAP used to include "ancient and species-rich hedgerows and green lanes", which is now just referred to as "hedgerows". This may all sound rather pedantic, but the point is that the survey seems to have been assessed with reference to a very out of date Essex BAP and is making bolder claims of that BAP (e.g. in relation to "TPO trees" than is actually the case. The belts of TPO'd trees referred to on page 12 may also fall within the Essex BAP habitat for deciduous woodland, but this does not seem to be recognised in the report and therefore this BAP habitat is not given due credit in the recommendations, which only refers to the potential impacts on the adjacent ancient woodland habitat.
	5.	The summary should include the need for a summer botanical

	survey, as recommended in para. 2.4 Para 2.10 says that records were sought from "EESoS (Records Centre)" – does this refer to EECOS? We hold a Badger sett record from approximately 1 kilometre away, so I'm not sure why the table in Chapter 7, Recommendations has "unknown" against Badger data. It is a pity that the data search did not include the extensive invertebrate records held by the Essex Field Club. 6. Chapter 5 "Discussion of Protected Species" makes no reference of Badgers, despite their apparent presence (Chapter 7 table makes reference to "mammal tracks adjacent TN 15"). Conversely, it does include a discussion of Birds of Conservation Concern, which are not "protected species". 7. The table in Chapter 6 "Priority Habitat Considerations" has a column "protected habitat", which implies that ancient woodland and lowland meadows are protected because they are BAP habitats. I would like this to be true, but it is not. This table implies that the BAP habitat "lowland meadow" is present on the site, but this is not recognised in Summary para. 1.7. 8. The table in Chapter 7 states under the breeding birds entry that "Disturbance of breeding birds is not permitted at any time." This is misleading. Disturbance of birds' nests by way of damaging or destroying the nest in unlawful. 9. This table also recommends the translocation of a section of protected road verge in order to benefit invertebrates. It is not known for what reason this verge is "protected" but translocation for invertebrates is likely to be futile. 10. Para. 2.6 implies that the assessment was restricted to using a footpath adjacent to an access road. If this is true, then I'd consider this to be a severe limitation in the value of the field survey assessment.
Acknowledgement	Sent – 24 September 2012 15:15
Officer Response	Comments noted. Comments on the Extended Phase 1 Habitat Survey Report from EECOS are welcomed and the Council has updated the content of the report to reflect the comments made. The Local Planning Authority is satisfied that the report has been undertaken by a suitably qualified and experienced consultant and provides a robust preliminary habitats survey of the site, which has effectively informed the preparation of the LDO and, in particular, Condition E8 (European Protected Species Mitigation Scheme). It is important to note that, despite the minor factual discrepancies mentioned, the report does not rule out the presence of any protected species, including Great Crested Newts, badgers, etc. The Local Planning Authority does not consider that the minor amendments enacted have any impact on the main conclusions of the study are highlighted in paragraphs 8.3 and 8.4 of the report. Namely, that there is a potential for several protected species to be found on the site and that there is a potential risk of impact to

	several potential habitats / receptors which may be home to protected species. The report, however, concludes that appropriate mitigation measures could be put in place should protected species be found, to the extent that conditional planning permission may be granted and the LDO adopted. The report recommends that a more detailed survey is required to confirm the presence or absence of protected species and the necessary mitigation measures are implemented. This is implemented through an amended LDO condition E8 (European Protected Species Mitigation Scheme). This condition requires that LDO development shall not be begun until a scheme for the protection and mitigation of European Protected Species on site has been submitted to and approved by the Local Planning Authority. Minor amendments have been made to this condition to ensure that it is unambiguous on the need for schemes to cover all European Protected Species, including Great Crested Newts. The Local Planning Authority has re-examined the provisions of the Local Development Order with respect to the legislative requirements set out in Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12(1) of the Habitats Directive. This has resulted in an amendment to the limitations set out in the Order to the effect that a new limitation has been inserted in paragraph 18 of the Order (see further description below). Paragraph 18 of the Order makes clear that the planning permissions granted by the LDO is limited to the extent that development is not permitted under the LDO where it would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with.
Amendment	Condition E8 (European Protected Species Mitigation Scheme) is amended to refer to ‘European Protected Species’ in order to be unambiguous on the required scope of any ecological survey. Condition E8 (European Protected Species Mitigation Scheme) is also amended to ensure the scheme for protection and mitigation takes account of the findings of the Extended Phase 1 Habitat Survey Report (25 May 2012). A new paragraph 18 has been added to the Order to make clear the limitation of the Order with respect to the requirements of Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010. Paragraph 18 states that ‘no development is permitted in this Order where development would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with.’

Response Number	8
Respondent	Annie Gordon
Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	Thank you for contacting Essex Wildlife Trust regarding the above Local Development Order, in respect of which we would like to submit several comments and recommendations. Our primary interest concerns the protection of Markhall Wood Local Wildlife Site (HAW7). This ancient woodland, which is bisected by the A414, lies to the west of the development site; the smaller section of this woodland is situated directly adjacent to the development boundary. Ancient Woodland Ancient woodlands are an irreplaceable resource of great importance for their wildlife, their history and the contribution they make to our diverse landscapes. They are of prime ecological and landscape importance, providing a vital part of a rich and biodiverse countryside. In particular, ancient woodlands: • Are exceptionally rich in wildlife, and support many rare and threatened species. • May contain surviving descendants and features from the original natural forests. • Act as reservoirs from which wildlife can spread into new woodlands. Natural England advises local authorities that their Local Plans should include a policy requiring *"the strict protection of ancient woodland from loss or deterioration through development..."* Furthermore, the importance of ancient woodlands is underscored by their specific inclusion in the National Planning Policy Framework (NPPF), which states (para.118): • *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss..."* This statement in the NPPF provides clear recognition in government policy of the irreplaceable nature of this habitat. Local Wildlife Sites Local Wildlife Sites (LoWS) are recognised as having nationally and regionally important habitats and species. There are over 1600 Local Wildlife Sites in Essex; together with statutory protected areas like Sites of Special Scientific Interest (SSSI), they are fundamental in maintaining the current levels, and ensuring the long-term survival, of wildlife in Essex. In addition, Local Wildlife Sites make a vital contribution to delivering both the UK and Local Biodiversity

	Action Plan targets and maintaining local natural character and distinctiveness. They provide important and widely distributed wildlife refuges for most of our fauna and flora and, through their connecting, stepping stone and buffering qualities, support other site networks. Besides being of intrinsic interest themselves and directly supporting wildlife within their boundaries, they also have an important role in supporting populations of species within the wider landscape. Many species do not depend on any single site or piece of habitat but instead require a habitat resource which is comprised of numerous patches which, though dispersed, are accessible and are potentially parts of a functional network. Individual sites need to beconsidered in terms of the contribution they make to such networks; not simply the quantity of habitat they provide, but its geographical position. Article 10 of the EU Habitats Directive states that: *"Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna."* This has been transposed into UK law in Regulation 37 of the Habitats Regulations 1994: *"For the purposes of the planning enactments….policies in respect of the conservation of the natural beauty and amenity of the land shall be taken to include policies encouraging the management of features of the landscape which are of major importance for wild flora and fauna. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species."* Local wildlife sites such as Markhall Wood contribute to fulfilling this requirement and play a crucial role in maintaining the links that join up and support the nationally and internationally recognised sites. It is vital that they are protected from development and managed to enhance their biodiversity and their ability to function as healthy ecosystems. Section 74 of the Countryside and Rights of Way Act 2000 states that: *"Every minister and Government department has a duty to have regard to the purpose of the conservation of biological diversity in the exercise of its functions; and to take, or promote the taking by others, of steps to further the conservation of the habitats and species which together are of principal importance for the conservation of biodiversity."* Additionally, the NPPFstates that: (paragraph 109) *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net*

	gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures." (paragraph 118) *"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity..."*
Acknowledgement	Sent – 28 September 2012 10:20
Officer Response	Comments noted and supported. Markhall Wood is a designated wildlife site and green wedge as defined in the Adopted Replacement Harlow Local Plan 2006. Its status as an ancient woodland and an irreplaceable resource of significant historic, wildlife, biodiversity, visual and landscape value and the principles established in paragraph 118 of the NPPF have been key considerations when preparing the LDO, masterplan and design code. Detailed comments and suggestions from the Essex Wildlife Trust regarding Markhall Wood and its preservation are therefore welcomed. To support the LDO, the Council has undertaken an Extended Phase 1 Habitat Survey Report in addition to an Arboricultural Feasibility Report for the site. The findings and recommendations of the Extended Phase 1 Habitat Survey Report have fed into the preparation of the masterplan, LDO Schedule and conditions. Conditions E8 (European Protected Species Mitigation Scheme), E1 (Work to Retain Existing Trees and Hedgerows), E2 (Detailed Landscaping Scheme), E3 (Tree Re-planting), and E4 (External Lighting Scheme) ensure appropriate measures are in place to mitigate the impact of development on Markhall Wood. Following comments by Essex Wildlife Trust and Natural England, further amendments are made to the masterplan, LDO and conditions as highlighted below (see responses 9 to 13).
Response Number	**9**
Respondent	Annie Gordon
Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	Mitigation The biodiversity and wildlife value of ancient woodland can be rapidly degraded by increased recreational pressure, whereby trampling and disturbance lead to significant loss of ground flora, invertebrates, birds, bats and dormice. It is vital, therefore, that a clear and robust mitigation plan forms part of any development proposal in order to protect Markhall Wood from disturbance and/or damage. A suitable buffer zone should be established, comprising soft edges/native planting, along the boundary of the development site

	where it abuts the woodland.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Comments noted and supported. Although Markhall Wood is located outside the red line boundary of the LDO, the Council must carefully consider the potential impact of LDO development on the ancient woodland habitat and species potentially located there. The potential for impact on Markhall Wood and the habitat and potential species located there has been evaluated in the Environmental Impact Assessment (EIA) screening assessment. The Phase 1 Habitat Survey Report undertaken to support the LDO has identified a range of protected species and habitats within and adjoining the LDO boundary and this has included the consideration of the ancient woodland habitat at Markhall Wood. The Arboricultural Feasibility Report for the site has also mapped and assessed trees along the LDO boundary with Markhall Wood. Conditions E8 (European Protected Species Mitigation Scheme), E1 (Work to Retain Existing Trees and Hedgerows), E2 (Detailed Landscaping Scheme), E3 (Tree Re-planting), and E4 (External Lighting Scheme) ensure appropriate measures are in place to mitigate the impact of development on Markhall Wood. The Council has re-evaluated the recommendations found in chapter 6 (Priority Habitat Considerations) of the Phase 1 Habitat Survey Report with respect to Markhall Wood, in light of comments made by Essex Wildlife Trust. This has resulted in the amendments made below to the LDO Designations Map (Appendix C) and illustrative masterplan, which are described in more detail below.
Amendment	The LDO Designations Map (Appendix C) has been revised in order to remove the existing landscape buffer along Markhall Wood from Zone A. This ensures that this area of landscaping is safeguarded and retained as a buffer / soft edge between Markhall Wood and LDO development site. This 18m buffer area has now been placed in Zone B on Appendix C. No development undertaken through Schedule A, B or D can be undertaken on land comprised with Zone B. To the north of Markhall Wood and the public right of way land is safeguarded for a primary substation. Harlow District Council previously granted planning permission for this development on 4 October 2010 under Ref. HW/PL/10/00209. However, this planning permission expires on 4 October 2013. As this infrastructure is critical to the delivery of the enterprise zone, a new class of permitted development (class 3) has been added to the LDO Schedule to enable the delivery of the primary substation. A new Zone C has been added to the LDO Designations Map (Appendix C). Development in Class 3 of Schedule A of the LDO is permitted in this location (the construction of a primary substation). Necessary mitigation measures including additional soft landscaping will be implemented through conditions E1, E2, E3, E4 and E7 attached to Class 3, Schedule A development.
Response Number	**10**
Respondent	Annie Gordon

Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	In addition, a clear and comprehensive ecological management plan, with the aim of enhancing the biodiversity of Markhall Wood and improving the woodland habitat for the benefit of wildlife, should also be secured from the developer via a Section 106 agreement. The management plan should apply for a minimum of 10 years, with a review after 5 years and the work should be undertaken by an organisation with the appropriate ecological expertise.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Comments noted. The management and enhancement of Markhall Wood is strongly supported. However, please note that the Council should not require a developer to enter into a planning obligation under section 106 as this is contrary to national guidance on the use of planning conditions (see paragraph 13 of *Circular 11/95: Use of conditions in planning permission).* This advises that planning permission should be granted subject to a condition that the applicant enters into a planning obligation under section 106 of the Act or an agreement under other powers. Paragraph 204 of the NPPF also states that planning obligations must meet all of the following tests: o be necessary to make the development acceptable in planning terms; o be directly related to the development; and o be fairly and reasonably related in scale and kind to the development. In light of these legal and national policy requirements the Local Planning Authority has concluded that there is no appropriate or enforceable method of securing a section 106 agreement to this or any end through the Local Development Order. It is worth noting that LDO conditions E8 (European Protected Species Mitigation Scheme), E1 (Work to Retain Existing Trees and Hedgerows), E2 (Detailed Landscaping Scheme), E3 (Tree Re-planting), and E4 (External Lighting Scheme) ensure appropriate measures are in place to mitigate the impact of development on Markhall Wood. Condition E8 (European Protected Species Mitigation Scheme) requires that LDO development shall not be begun until a scheme for the protection and mitigation of European Protected Species on site has been submitted to and approved by the Local Planning Authority. Approved schemes must include a more detailed ecological survey which must be carried at an appropriate time of year by a qualified ecologist, taking account of the Extended Phase 1 Habitat Survey Report (2012). Ecological surveys must establish the presence /absence of European Protected Species and the potential impact of proposed development on these species. Approved schemes will need to establish mitigation measures to be undertaken to alleviate

	any impacts highlighted and monitoring arrangements.
Amendment	None
Response Number	**11**
Respondent	Annie Gordon
Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	Protected species surveys must be carried out to establish the presence or absence of dormice, bats, badgers and reptiles, while water bodies on the development site will require further assessment to confirm the presence or absence of great crested newts. If any of the aforementioned protected species are found to be present, Natural England must be consulted for advice on mitigation and provision of the relevant protected species licences prior to the commencement of any development works.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Condition E8 (European Protected Species Mitigation Scheme) requires that LDO development shall not be begun until a scheme for the protection and mitigation of European Protected Species on site has been submitted to and approved by the Local Planning Authority. Approved schemes must include a more detailed Phase 2 ecological survey which must be carried at an appropriate time of year by a qualified ecologist, taking account of the Extended Phase 1 Habitat Survey Report (2012). Ecological surveys must establish the presence /absence of European Protected Species and the potential impact of proposed development on these species. Approved schemes will need to establish mitigation measures to be undertaken to alleviate any impacts highlighted and monitoring arrangements.
Amendment	Minor amendments have been made to condition E9 (Ecological Survey) contained in the Draft LDO. These amendments ensure that the condition is unambiguous on the need for schemes to cover all European Protected Species. This is reflected in the renamed condition E8 (European Protected Species Mitigation Scheme). An informative - IF4 (European Protected Species Licenses) - has been added to the LDO Schedule. This advises landowners and developers of the legislative requirements with respect to European Protected Species. In addition to this, paragraph 14 of the Order has been amended to include reference to European Protected Species. A new paragraph 18 has been added to the Order to make clear the limitation of the Order with respect to the requirements of Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010. Paragraph 18 states that ‘no development is permitted in this Order where development would comprise an

	offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with.'
Response Number	**12**
Respondent	Annie Gordon
Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	Wild birds are protected against disturbance while nesting and when they have dependent young. In order to avoid committing any offences, vegetation clearance works should not be carried out between 1st March and 1st September, unless the absence of breeding birds has been confirmed by a qualified ecologist.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Comments noted. The Local Planning Authority has re-examined the provisions of the Wildlife and Countryside Act 1981 in light of representations made by the Essex Wildlife Trust. Section 1(1) of the Wildlife and Countryside Act 1981 (as amended), makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. The Local Planning Authority has considered imposing a planning condition within the Local Development Order to ensure that development accords with the provisions of the Wildlife and Countryside Act 1981. However, this was considered to conflict with circular 11/95: Use of Conditions in Planning Permission which advises against using conditions to cover matters subject to the control of separate legislation (see paragraph 22 of the circular). Such conditions are likely to be considered unnecessary by the Secretary of State. Paragraph 11 of circular 11/95 advises that informatives should be used for this purpose. Consequently a new informative INF5 – Breeding and Nesting Birds has been added to the Local Development Order to provide guidance on this issue and the legislative requirements set out in the Wildlife and Countryside Act 1981. The Local Planning Authority considers that this is the most appropriate method of dealing with this issue in the Local Development Order and is satisfied that the provisions of the Wildlife and Countryside Act 1981 provide sufficient statutory control over this matter.
Amendment	A new informative INF5 – Breeding and Nesting Birds has been

	added to the Local Development Order to provide guidance on this issue and the legislative requirements set out in the Wildlife and Countryside Act 1981.
Response Number	**13**
Respondent	Annie Gordon
Role	Conservation Officer
Organisation	Essex Wildlife Trust
Date	25 September 2012 11:44
Type	Email
Comment	The local planning authority must also take into consideration the loss of Protected Verges associated with this LDO and implement appropriate compensatory measures. Essex Wildlife Trust has welcomed the opportunity to comment on this Local Development Order and would like to be kept informed as to its progress.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Comments noted and supported. The presence of a Protected Wildlife Verge within the LDO boundary has been considered in the preparation of the LDO, design code and masterplan. This has been reflected in the proposed layout of the masterplan. It should be noted that the precise alignment of the A414 junction and Urban Boulevard (Link Road) is still to be determined, with development guided by parameters in chapter 8 of the design code (delivering the movement framework). However, due to the requirement for additional lanes along the southbound sections of the A414 approaching this new junction, there is a possibility that there may be some impact to the protected wildlife verge at this location. Any development undertaken Schedule A, B or C of the LDO would need to discharge condition E1 (Works to retain existing trees and hedgrows) and E8 (European Protected Species Mitigation Scheme). In discharging these conditions the intention of the Local Planning Authority will be to ensure that potential impacts and necessary mitigation measures relating to the protected wildlife verge has been fully considered.
Amendment	None.
Response Number	**14**
Respondent	David Westbrook
Role	Senior Adviser
Organisation	Natural England
Date	25 September 2012 21:20
Type	Email
Comment	Thank you for your consultation dated 24 August 2012, which we

	received on 28 August 2012. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We welcome the fact that a Habitats Regulations Assessment has been carried out in respect of the LDO thereby ensuring compliance with the Regulation 78 of The Conservation of Habitats and Species Regulations 2010 (as amended). Natural England accepts the findings of the Assessment and agrees that the LDO is not likely to have a significant effect upon an international conservation site.
Acknowledgement	Sent – 28 September 2012 10:25
Officer Response	Comments noted and supported.
Amendment	None
Response Number	**15**
Respondent	David Westbrook
Role	Senior Adviser
Organisation	Natural England
Date	25 September 2012 21:20
Type	Email
Comment	With regard to other potential nature conservation impacts, we welcome the fact that an Extended Phase 1 Habitat Survey has been undertaken. That survey recommended a number of protected species surveys. We see no evidence that these have been undertaken. Protected species appear, instead, to have been made a requirement of the environmental conditions of the LDO (E8 - European Protected Species Mitigation Scheme). Our standard advice is that, as with a normal planning application, any impacts on protected species should be established and considered before a LDO is adopted. If mitigation is required the LDO can then explicitly state what measures the development will be required to provide. At the present time these cannot be specified for London Road North because the extent to which the site may be used by protected species has not been established. For those species that are protected at European level we remind the authority that it has a duty to comply with Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (as amended). In the event that a European Protected Species is affected it can only grant planning permission on the basis that: The proposed development is in accordance with Article 12(1) of the Habitats Directive (which relates to the protection of species) and the proposal would be likely to receive a Protected Species license from Natural England, if required.
Acknowledgement	Sent – 28 September 2012 10:25
Officer Response	Comments noted.

	In exercising its functions the Local Planning Authority, as the competent authority, has carefully considered its obligations, particularly in relation to Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12(1) of the Habitats Directive (which relates to the protection of species). The Local Planning Authority recognises that the potential presence of protected species, and the extent that they may be affected by the proposed development, is a material planning consideration and that planning permission may only be granted to the extent that development is in accordance with Article 12(1) of the Habitats Directive. The Local Planning Authority has re-examined the provisions of the Local Development Order with respect to the legislative requirements referred to above and comments made by Natural England. This has resulted in a number of amendments to the limitations set out in the Order and the conditions contained in the LDO Schedule which are outlined in detail below. The most significant of these amendments is the limitation set out in paragraph 18 of the Order. This paragraph makes clear that the planning permissions granted by the Order is limited to the extent that development is not permitted under the LDO where it would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with. The Local Planning Authority did consider inserting an additional planning condition to the LDO Schedule to the same effect as the limitation described above (paragraph 18 of the order). However, a condition of this kind was seen to be in conflict with paragraph 22 of Circular 11/95. Amending the LDO to insert a new limitation in paragraph 18 of the order was therefore seen to be the most appropriate mechanism. Natural England's preference for protected species surveys to be undertaken and considered prior to the adoption of the LDO is noted. The Local Planning Authority has commissioned an Extended Phase 1 Habitat Survey which does not rule out the presence of protected species on or near the site and highlights a number of recommendations for further protected species surveys. The Local Planning Authority recognises this potential and has imposed planning condition E8 (European Protected Species Mitigation Scheme) which requires a detailed scheme for the protection and mitigation of Protected Species on the site to be submitted and approved in writing by the Local Planning Authority before any LDO development may be begun. It should be noted that the LDO is different from a planning application in that it provides conditional planning permission for a

	wide range of potential development scenarios of a varying nature, use, scale and form across a wide geographical area. Consequently, the LDO does not establish a single, predicable development outcome of the type normally received in a planning application. It is therefore difficult to predict the precise impact of future development (given the range of possible proposals) and hence to specify the protection and mitigation measures required at this stage in the development process. For this reason the Local Planning Authority's view is that the most appropriate mechanism for ensuring that the specific impacts of LDO development proposals on protected species is assessed and mitigated is by requiring the submission of an up to date protected species mitigation scheme via condition E8 (European Protected Species Mitigation Scheme) before any development may be begun. Given that the lifetime of the Local Development Order is 10 years from the date of adoption, the Local Planning Authority considers that any detailed species surveys undertaken prior to the adoption of the LDO may become out of date during the lifetime of the LDO, particularly towards the end of the LDO. Consequently, the Local Planning Authority's view is that the most appropriate mechanism for ensuring development within the LDO area is based on the submission of an up to date protected species mitigation scheme is through the implementation of LDO condition E8 (European Protected Species Mitigation Scheme). It is the Local Planning Authority's view that the amendments set out below to the limitation of the Order and the conditions included in the Local Development Order Schedule ensure that the Local Planning Authority has acted in accordance with the requirements set out in Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 and Article 12(1) of the Habitats Directive by adopting the LDO.
Amendment	A new paragraph 18 has been added to the Order to make clear the limitation of the Order with respect to the requirements of Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010. Paragraph 18 states that 'no development is permitted in this Order where development would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with.' Minor amendments have been made to condition E9 contained in the Draft LDO. These amendments ensure that the condition is unambiguous on the need for schemes to cover all European Protected Species. This is reflected in the renamed condition E8 (European Protected Species Mitigation Scheme). An informative - IF4 (European Protected Species Licenses) - has been added to the LDO Schedule. This advises landowners and developers of the legislative requirements with respect to European Protected Species. This informative also advises developers and landowners of the limitations set out in paragraph 18 of the Order.

	Paragraph 14 of the Order has been amended to include reference to European Protected Species.
Officer Response	**16**
Amendment	David Westbrook
Role	Senior Adviser
Organisation	Natural England
Date	25 September 2012 21:20
Type	Email
Comment	The Extended Phase 1 Habitat Survey contains a number of recommendations for potential biodiversity enhancements which accords well with the requirements of the NPPF (for example, paragraph 118) and it is not clear to us that these have been translated through the LDO, Design Code or master plan. The authority may wish to consider whether there is more scope to incorporate these enhancements within the proposal.
Acknowledgement	Sent – 28 September 2012 10:25
Officer Response	Comments noted and supported. Chapters 6, 7 and 8 of the Phase 1 Habitat Survey Report have been re-examined as has paragraph 118 of the NPPF. This has led to a number of changes which are highlighted in the amendments listed below.
Amendment	The LDO Designations Map (Appendix C) has been revised in order to maintain an effective landscape buffer / soft edge between Markhall Wood and LDO development site. This has resulted in an existing area of landscaping approximately 18m in width and comprising trees and scrub being removed from Zone A and placed in Zone B. LDO development is not permitted on land comprised with Zone B, so this effectively provides a buffer areas along the western boundary of parcel E, thus protecting the ancient woodland from deterioration. Changes have been made to the masterplan on page 12 of the design code and page 27 of the masterplan to reflect this amendment. A new Zone C has been added to the LDO Designations Map (Appendix C). Development in Class 3 of Schedule A of the LDO is permitted in this location (the construction of a primary substation). Harlow District Council previously granted planning permission for this development on 4 October 2010 under Ref. HW/PL/10/00209. However, this planning permission expires on 4 October 2013. As this infrastructure is critical to the delivery of the enterprise zone, a new class of permitted development (class 3) has been added to the LDO Schedule to enable the delivery of the primary substation. Necessary mitigation measures will be achieved through conditions E1, E2, E3, E4 and E9 attached to Class 3, Schedule A development.
Response Number	**17**

Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	Thank you for consulting us on the draft Local Development Order for London Road North. It looks a reasonably comprehensive guide to the developments that would be approved and aspires to a good standard of design. We request that amendments are made to secure pollution prevention measures. This is needed to ensure that the Enterprise Zone has appropriate drainage systems for the various uses, and does not contribute to diffuse pollution of the water environment.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	Comments noted and supported.
Amendment	Specific amendments outlined below.
Response Number	**18**
Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	Condition E6 on drainage needs to include the requirement for adequate pollution prevention measures as part of the drainage scheme. This is to ensure that the drainage is assessed on its adequacy in reducing the potential for pollutants to reach either ground or surface water bodies, as well as for reducing surface water run-off.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	Comments noted and supported.
Amendment	An additional bullet point has been inserted in condition E6 (Drainage) of the LDO Schedule to require drainage schemes to 'set out pollution prevention measures including the measures used to reduce the potential for pollutants reaching either ground, surface water bodies or the surface water drainage system.' A final paragraph has been added to condition E6 (Drainage) to ensure that these approved measures are delivered prior to occupation of development. A new condition has been added to the LDO – E7 (Discharge from Parking and Loading Areas). This ensures that prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from areas of hardstanding areas intended for vehicle parking, loading and turning and shall be

	passed through an oil inceptor. The aim of this condition is to make certain to developers a level of pollution control measures which will be sought prior to foul and surface water drainage schemes being submitted.
Response Number	**19**
Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	The small scale storage of oils, fuels and chemicals should be incorporated within the design guide to ensure safe storage where this is not controlled by The Control of Pollution (Oil Storage) (England) Regulations 2001 or by Building Regulations 2010. This is important as the cumulative impact of small spills and leaks from inadequately contained contaminants will have a detrimental environmental impact. Our standard informative wording is as follows: Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, guages and sight guage must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund. I appreciate this is very detailed. If you want to amend this text then I would be happy to provide further comments on this.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	Comments noted and supported. Having re-examined the draft consultation version of the LDO, it is apparent that the construction of facilities for the storage of oils, fuels and chemicals was not actually listed as a form of permitted development in 1.1, q, “associated site infrastructure and facilities” and would not have been permitted development under the LDO. However, the Council is of the view that this would be a form of development which may need to be facilitated to support development within the enterprise zone, dependent on the precise uses which come forward. The Council has noted the advice on this form of development and

	is in agreement that it would need to be sensitively managed in order to reduce the potential for pollution due to spillages or leaks. The Council considers that it is appropriate for these issues to be addressed in a new class of development in the LDO Schedule, rather than the design code which deals predominantly with urban design issues.
Amendment	A new class of permitted development has been created under Class 1, Schedule E – Minor Operations. This provides planning permission for facilities for the storage of oils, fuels and chemicals subject to a range of specific conditions. Planning conditions have been added to Class 1, Schedule E development to ensure that this form of development does not give rise to negative impacts in term of pollution, design or residential amenity. Condition 1.2(b) of Class 1, Schedule E development incorporates information provided above regarding requirements for secondary containment / bunds.
Response Number	**20**
Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	In addition we would like a note on car wash liquid waste (classed as trade effluent). Before discharging to a sewer a trade effluent consent or trade effluent agreement must be agreed with the water and sewerage company.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	Comment noted and supported.
Amendment	Informative INF3 (Trade Effluent) has been added following condition E6 (Drainage). This informative advises developers and landowners of the statutory consent requirements set out by the Water Industry Act 1991 with respect to trade effluent. Amendments also made to condition E6 (Drainage) of the LDO Schedule to require drainage schemes to 'set out pollution prevention measures including the measures used to reduce the potential for pollutants reaching either ground, surface water bodies or the surface water drainage system.' A new condition has been added to the LDO – E7 (Discharge from Parking and Loading Areas). This ensures that prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from areas of hardstanding areas intended for vehicle parking, loading and turning and shall be passed through an oil inceptor. The aim of this condition is to make certain to developers a level of pollution control measures which will be sought prior to foul and surface water drainage schemes being submitted.

Response Number	21
Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	Drainage from vehicle loading areas should not be connected to the surface water system but should go to the foul sewer subject to the approval of the water company. These measures should be secured through the design code to ensure that applicants have all of the information available and know who to negotiate with. If the capacity of the sewage system is an issue then it may not always be possible to connect without measures to restrict flows or increase capacity.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	The Environment Agency's recommendation that drainage from vehicle loading areas should not be connected to the surface water system but should go to the foul sewer subject to the approval of the water company has been noted by the Local Planning Authority (LPA). However, the LPA does not consider that it would be appropriate at this stage to require this of LDO development through a condition. This is because the capacity of the foul water drainage system has not been accurately assessed in order to confirm that sufficient capacity exists. The water company, Thames Water, would need to be consulted on this proposal and have, during the LDO consultation, stressed the need for developers to demonstrate that there is adequate foul water drainage capacity prior to occupation of development. It is also unclear how requiring all run off from parking and loading go directly to foul water sewers would support aims to capture and treat surface water run off at source (on site) and reduce the risk of flooding, particularly that which can be caused by surface run off overloading drainage systems. There are a number of SUDs attenuation measures such as infiltration, filtration, detention basins or ponds which can reduce pollution which we would seek to encourage on the site. There are also various methods available for reducing the risk of pollution from areas of hardstanding or loading areas, such as oil inceptors and gullies and other oil separation methods, which we would not want to rule out at this early stage. Condition G7 (Drainage), as amended, is therefore considered an appropriate mechanism for achieving the implementation of satisfactory drainage and pollution control measures. Generally, this issue is not considered to be a relevant for inclusion in the design code, as this document is solely focused on urban design issues.
Amendment	Amendments made to condition E6 (Drainage) of the LDO Schedule to require drainage schemes to 'set out pollution prevention measures including the measures used to reduce the potential for

	pollutants reaching either ground, surface water bodies or the surface water drainage system.' A further amendment is made to condition E6 (Drainage) to the effect that development shall not be begun until a scheme for the foul and surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority, *'in consultation with the Environment Agency, the SUDs Approval Body (Essex County Council) and the relevant Water Company (Thames Water).'* Informative IF3 on Trade Effluent added to LDO after condition E6 (Drainage). A new condition has been added to the LDO – E7 (Discharge from Parking and Loading Areas). This ensures that prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from areas of hardstanding areas intended for vehicle parking, loading and turning and shall be passed through an oil inceptor. The aim of this condition is to make certain to developers a level of pollution control measures which will be sought prior to foul and surface water drainage schemes being submitted.
Response Number	**22**
Respondent	Rachel Keen
Role	Major Projects Officer
Organisation	Environment Agency
Date	24 September 2012 15:07
Type	Email
Comment	The LDO will not negate the need for an Environmental Permit if activities on site fall under schedule 1 of the Environmental Permitting (England and Wales) Regulations 2010. Please could you add this to the list of consents and permits that the LDO does not provide for.
Acknowledgement	Sent – 24 September 2012 15:16
Officer Response	Comment noted and supported
Amendment	Clarification added to paragraph 15 of the Order to notify potential developers that nothing in the Order removes the need to obtain an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.
Response Number	**23**
Respondent	Mark Mathews
Role	Town Planning Manager
Organisation	Thames Water Property Services
Date	25 September 2012 13:20
Type	Email
Comment	Thank you for consulting Thames Water on the proposed Harlow Road North Local Development Order.

	The development of the site would increase flows into the existing sewers and it would be necessary for developers to demonstrate that there is sufficient capacity within the sewerage network both on and off site to support the proposed developments. It is acknowledged that Condition E6 of the proposed LDO requires a scheme for foul and surface water drainage to be submitted to and approved by the LPA. This scheme should be required to demonstrate that there is sufficient capacity both on and off site to support the development. The LPA should also consult Thames Water on any foul and surface water drainage plan submitted. If upgrades to the existing sewerage network are required to support the development It is recommended that Condition E6 should be revised as follows to ensure that any drainage scheme looks at both on and off-site impacts of the development on the drainage networks. *E6 - Drainage* *No development shall take place until a scheme for the foul and surface water drainage* ***demonstrating that sufficient capacity exists or will be, provided both on and off site,*** *has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general accordance with the Flood Risk Assessment and shall include a timetable for implementation. The development shall be carried out in accordance with the approved scheme.*
Acknowledgement	Sent – 28 September 2012 10:21
Officer Response	Comments noted and supported. The Local Planning Authority has re-examined condition E6 (Drainage) to assess whether this condition can be enhanced with respect to the delivery of sufficient foul and surface water capacity (see comments from Thames Water). Comments made with regard to SUDs and pollution control measures (see comments made by the Environment Agency and Essex County Council SUDs Approval Body) have also informed this process. This has resulted in a number of minor amendments outlined below.
Amendment	An amendment is made to condition E6 (Drainage) to the effect that development shall not be begun until a scheme for the foul and surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority, *'in consultation with the Environment Agency, the SUDs Approval Body (Essex County Council)* ***and the relevant Water Company (Thames Water).'*** An additional bullet point has been added to E6 (Drainage) to require developers to 'demonstrate that sufficient foul and surface water capacity exists or will be, provided both on and off site.' The second bullet point of condition E6 (Drainage) has been amended to include reference to 'sustainable urban drainage (SUDs) systems. An additional final paragraph has been added to ensure the delivery of SUDs, sufficient foul and surface water drainage capacity and pollution control measures prior to the occupation of development.

Response Number	24
Respondent	Mark Mathews
Role	Town Planning Manager
Organisation	Thames Water Property Services
Date	25 September 2012 13:20
Type	Email
Comment	It is also recommended that the following additional text is included in the Design Code in relation to foul drainage: <u>Foul Drainage</u> Developers will be required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where there is a capacity problem and no improvements are programmed by Thames Water, the Local Planning Authority will require the developer to fund appropriate improvements which must be completed prior to occupation of the development.
Acknowledgement	Sent – 28 September 2012 10:21
Officer Response	Comments noted and supported. The Local Planning Authority has re-examined condition E6 (Drainage) to assess whether this condition can be enhanced with respect to the delivery of sufficient foul and surface water capacity (see comments from Thames Water). Comments made with regard to SUDs and pollution control measures (see comments made by the Environment Agency and Essex County Council SUDs Approval Body) have also informed this process. This has resulted in a number of minor amendments outlined below. It should be noted that the design code is solely focused on urban design issues so these matters are not covered in this document. It should also be noted that there is no mechanism within the LDO or conditions to ensure that developers fund infrastructure improvements. This is because paragraph 13 of circular 11/95 states that “[planning] permission cannot be granted subject to a condition that the applicant enters into a planning obligation under section 106 of the Act or an agreement under other powers.” The Local Planning Authority has re-examined condition E6 (Drainage) to assess whether sufficiently robust measures are in place to ensure the provision of adequate on or off site foul and surface water drainage capacity is delivered prior to the occupation of development within the LDO area. This has resulted in a number of amendments to condition E6 (Drainage) which are highlighted below. The Local Planning Authority has also examined the statutory powers available to the Water Companies under the Water Industry Act 1991 to charge developers for connection and enhancements to infrastructure to service that development. The Local Planning Authority is satisfied that sufficient provisions are in place to ensure

	that new infrastructure can be funded and delivered to ensure that development may be undertaken, where inadequate foul or surface water capacity exists. An awareness of these issues is reflected in changes to condition E6 (drainage) which are set out below.
Amendment	An amendment is made to condition E6 (Drainage) to the effect that development shall not be begun until a scheme for the foul and surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority, *'in consultation with the Environment Agency, the SUDs Approval Body (Essex County Council)* ***and the relevant Water Company (Thames Water).'*** An additional bullet point has been added to E6 (Drainage) to require developers to 'demonstrate that sufficient foul and surface water capacity exists or will be, provided both on and off site.' The second bullet point of condition E6 (Drainage) has been amended to include reference to 'sustainable urban drainage (SUDs) systems. An additional final paragraph has been added to ensure the delivery of SUDs, sufficient foul and surface water drainage capacity and pollution control measures prior to the occupation of development. Informative INF1 – Foul Drainage – added to the LDO Schedule after condition E6 (Drainage). INF1 outlines the issues highlighted above.
Response Number	**25**
Respondent	Mark Norman
Role	Network, Delivery and Development
Organisation	Highways Agency
Date	25 September 2012 08:42
Type	Email
Comment	Thank you for your letter and enclosed CD received on 4 September inviting the Highways Agency to comment on a proposed London Road North Local Development Order (LDO) by 25 September 2012. The Highways Agency's interest with the proposal is with the potential impact on the Strategic Road Network (SRN) and its ability to be able to operate safely and efficiently with the proposals in place. In particular, our interest relates to the M11 and Junction 7 which is the nearest access point of the proposed development to the SRN. We have engaged Aecom on our behalf to review the transport evidence base supporting the proposed order which is contained on the CD. In reviewing the transport assessments, these have been undertaken in accordance with OfT Circular 02/2007 Planning and the Strategic Road Network and the accompanying document Guidance on Transport Assessment. For your information, I enclose *(see email in harlowLDO mailbox)* Technical Notes 1 and 2 which summarises Aecom's review of the Transport Assessments. You will note, that the review highlights that there may be a significant impact on M11 Junction 7, to the extent that there is a risk

	of traffic in the future queuing back onto the M11, with the consequent safety risks; a situation I am sure you would wish to avoid. Access to the M11 which is restricted due to congestion and safety concerns will be detrimental to aims and objectives for economic growth in Harlow. It is noted that the assessment covers in combination both the London Road North site and an additional site known as Templefields. However, the LDO is limited to London Road. Consequently, it is not known what the transport effects of London Road North is separately including the impact on the M11.
Acknowledgement	Sent – 28 September 2012 10:19
Officer Response	Comments noted and supported. Following further engagement between the Local Planning Authority, Local Highways Authority, Highways Agency and respective consultants the Transport Assessment underpinning the London Road North LDO and London Road South and Templefields North East LDOs has been revised. This has resulted in reduced job growth projections being fed into the Transport Assessment model, to reflect changes made to the London Road South LDO and Templefields North East LDO. Consultants working on the Transport Assessment on behalf of the Local Planning Authority and Local Highways Authority have also undertaken a range of technical and methodological alterations which have been submitted and approved by the Highways Agency and AECOM. This has resulted in a re-run of the transport model which has been submitted and approved by the Highways Agency. This re-run of the model has satisfactorily demonstrated the impact of the enterprise zone development within Harlow on the Strategic Road Network between 2011 and 2022. The model run has demonstrated to the satisfaction of the Highways Agency precisely how much headroom there is in terms of available highways capacity at junction 7 and has demonstrated that amount of enterprise zone development which can be accommodated without having a detrimental impact on the strategic road network. This is set out in more detail in the addendum to the Enterprise West Essex @ Harlow Transport Assessment. Following this, an agreed method of phasing development within London Road North LDO area through the use of planning conditions has been submitted by the Local Planning Authority and approved by the Highways Agency and Local Highways Authority. This phasing plan is reflected in the amendments set out below.
Amendment	A new planning condition (PDH11) and a new Appendix J has been added to the London Road North LDO. The purpose of this condition is to cap development within the London Road North LDO area until a new junction has been provided on the M11 (junction 7A) has been provided to the east of Harlow. The capping of development accords with the amount of spare highways capacity or ‘headroom’ available at Junction 7 on the M11.

	This takes account of existing and planned developments taking place elsewhere in Harlow. The condition ensures that there is adequate flexibility however, to allow development to take place, should sufficient spare highways capacity exist at junction 7 of the M11 because of any of the following reasons: 1. Monitoring of LDO development has confirmed that the net highways impact has been lower than expected; 2. Travel planning measures within the enterprise zone or other areas of Harlow has freed up additional spare highways capacity on Junction 7 of the M11; 3. An alternative scheme of highway improvement works to Junction 7 has been undertaken. Point 3 has been inserted to allow flexibility if junction 7a is not delivered. The area of land specified within Appendix J to which this phasing requirement is applied has been chosen as it is likely to be the final parcel to be developed because of the way the highways infrastructure and development parcels are being phased in the LDO and masterplan. The area of land identified will also need to be used as an interim measure to house Maypole Sports Club playing fields, until permanent facilities are provided to the south of Gilden Way as part of the Newhall Phase 2 development. The Local Planning Authority has also given due consideration to ensuring the phasing or 'capping' of LDO development at London Road North has taken account of the different land ownership holdings within the site and equitably enables each land owner to bring forward development parcels for development, with no one landowner being disadvantaged and prevented from developing some of their land parcels.
Response Number	**26**
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	I refer to your email dated 29th August and subsequently received CD setting out the relevant details of the Local Development Order consultation. I set out below my company's response:- The master plan shows a new primary electricity substation located on land owned by my company. Harlow District Council previously granted planning permission for this development on 4th October 2010 under Ref. HW/PL/10/00209. The development has not yet proceeded and the permission will expire on 3rd October 2013. I believe that this permission should be regarded as authorised development and a qualifying use under the terms of the LDO such that the aforesaid permission remains valid and extant for the lifetime of the LDO without the need for renewal.

Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted and supported. A condition attached to the planning permission granted for the application for a primary substation at this location (HW/PL/10/00209) does mean that planning permission will expire if it is not implemented within 3 years of the date planning permission was granted. As this development is considered critical to unlocking the development potential of the site and is of strategic importance to Harlow, the LDO has been amended in order to provide a new class of development so as to fast-track the delivery of this critical infrastructure.
Amendment	An additional class 3 has been added to Schedule A of the LDO. This class provides planning permission for a primary substation in zone C as defined on Appendix C.
Response Number	**27**
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	The proposed LDO accepts and provides that alternative uses (e.g. retail, restaurant, crèche, etc.) which are ancillary to the main EZ purpose, may be situated within the zone. However, the LDO currently seeks to direct and focus these uses to a particular location which does not have main road frontage to the A414. In our experience such uses often need a high profile roadside presence to be viable. Accordingly, I believe that as long as these ancillary uses are situated within buildings which fit the design and architectural ethos of the zone, they should be allowed to locate on any site which prospective occupiers deem suitable.
Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted. The LDO does provide scope for a limited amount of floorspace within Classes A and D of the Use Classes Order as stipulated in Class 2 of Schedule A of the LDO. These uses are viewed to be critical to creating an attractive and sustainable business park location. These activities are limited to the Newhall Approach Character Area and must front either London Road or the Urban Boulevard (Link Road) East. The scope for floorspace within Classes A and D of the Use Classes Order permitted through the LDO has to be limited and effectively regulated in order to ensure that surrounding centres are not negatively affected by the overall quantum of commercial development. This is a national and local policy requirement. For this reason, it is not possible to permit these uses to be undertaken in every area within the LDO boundary. Uses in question must therefore be limited by reference to a maximum individual and cumulative floorspace. To manage this process effectively through the LDO a defined geographical scope for these uses is also

	specified in order to coordinate this process. Other locations for mixed uses have been considered. However, the Newhall Approach Character Area is considered more suitable for mixed uses than other locations within the LDO area because it is located adjacent to and contiguous with a planned neighbourhood centre. The Urban Boulevard (west) at this location will form the principal entrance to the Newhall Phase 2 development and this street will form the main east-west movement route between this large development and the enterprise zone and the A414. For these reasons, it is likely that this street will experience greater levels of pedestrian footfall than other areas and is therefore a more appropriate location for these uses. The design rationale behind the decision to centre mixed uses within the Newhall Approach Character Area is explained in Chapter 5, 7 and 8 of the Masterplan. The design intention is to draw some of the mixed uses, activity and vibrancy expected in this area into the enterprise zone. A main aim of the London Road North Masterplan is to integrate the enterprise zone site with its surroundings and avoid the creation of an inward facing development which turns its back on surrounding uses, as is common with business park and employment area developments. Locating mixed uses on the Newhall Approach Character Area is key to integrating the enterprise zone with its surroundings, as it helps to merge the two areas in terms of movement, activity and land uses. The proximity of mixed uses to the planned neighbourhood centre also ensures that such uses will complement this area and comprise an extension to this centre, rather than a competing centre. Whilst the A414 frontage is likely to be highly visible to passing vehicle traffic, the mixed uses provided for within the LDO are limited in size. They are intended to be small units providing walk to services serving the enterprise zone, rather than comprise large commercial units to appeal to a wider catchment passing along the A414. The A414 frontage's location within the overall movement framework for the site also means that this area may struggle to generate the levels of pedestrian footfall necessary to sustain these small local services. The volume of traffic experienced along the A414 and at the proposed junction may also be prohibitive. However, it should be noted that the LDO Schedule and design code are intended to shape LDO development. A landowner or developer may chose to submit a planning application differing from the provisions contained in these documents by following the formal planning process.
Amendment	No substantive changes have been made to the masterplan or to Class 1 or Class 2 of Schedule A of the LDO. An additional page has been added to the masterplan and chapter 3 of the design code regarding land uses. This is to provide further explanation of the rationale behind the provisions of the LDO on this matter.

Response Number	28
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	On a specific note we believe that a hotel should be included within the acceptable ancillary uses.
Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted and supported. The provision of hotel uses within the LDO Schedule was considered. However, under National Planning Policy Framework (NPPF) hotel development would normally be considered to be a town centre use. Under the NPPF requirements a proposal for a hotel would need to be supported and justified by a sequential test and impact assessment. The sequential approach outlined in the NPPF emphasises the need to steer town centre uses towards existing town centres or, if these are unavailable, edge of town centre sites. An impact assessment would need to demonstrate the impact any proposal on existing, committed and planned public and private investment on Harlow town centre or other centres in the catchment area of the proposal. Because of these national policy requirements the LDO has not made any provision for hotel uses. This is because it was considered to be potentially contrary to national planning policy, given existing and planned investment in Harlow Town Centre and the sequential and impact assessment requirements highlighted. Any proposal for a hotel development at this location would have to be pursued through the normal planning application process and would need to be supported by a sequential test and impact assessment.
Amendment	None
Response Number	**29**
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	I believe uses within the field of food technology, together with training and educational functions should be included within the definition of qualifying uses.
Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted.

	The LDO and Appendix B have been reassessed to ensure that the LDO does cover the field of food technology. Food technology, when focused on biotechnology, is supported through the LDO and is already a permitted economic activity. The Schedule of Permitted Economic Activities for London Road North LDO contained in Appendix B includes 'research and experimental development on biotechnology' (72.11). Biotechnology is defined as the use of living systems and organisms to develop or make useful products, including agriculture, food production and medicine production. The Council has examined the 2007 Standards of Industrial Classification further to determine whether any additional SIC activities should be added to Appendix B. Additional SIC uses including 'manufacture of food products' (10.11-11.07) and the 'manufacture of machinery for food, beverage and tobacco processing' (28.93) have been considered. However, these are not considered to be consistent with the sector focus for the London Road North site, which is focused primarily on health allied industries, biotechnology, engineering and design, ICT/ telecommunications, business activities and the manufacture of computer, electronic and optical products. Following the adoption of the LDO, scope will exist for landowners and developers to make a Section 73 application to vary any condition set by the LDO and also to make a formal planning application. Training and education uses which are ancillary to the main employment function could be undertaken in Zone A (as shown on Appendix C of the LDO). Stand alone purpose built education and training uses are only permitted in the Newhall Approach Character Area and are limited in size by floorspace conditions for the reasons outlined in response number 28.
Amendment	None
Response Number	**30**
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	It is understood that the range of qualifying uses has been designed to specifically encourage certain employment fields, but I make the point that the interpretation and judging the acceptability of these uses when actual projects come forward, is often difficult and grey areas regularly emerge. It is vital that flexibility is applied in a prompt and timely manner in these circumstances such that opportunities are not missed.
Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted. There is a need to ensure sufficient flexibility and this has been a key consideration in the preparation of the LDO.

	Condition G4 – Target Sectors – requires that buildings erected for B1 and B2 purposes to be used for the activities set out in Appendix B. This condition is applied to permitted development under schedule A, B and D of the LDO. The aim of condition G4 is to provide preferential treatment for the business and industrial activities targeted by the enterprise zone. The LDO also allows for change of use within B1 and B2 uses. Having re-examined the range of Standard Industrial Classifications (SIC) set out under Appendix B of the LDO, the Council has decided to add a range of SIC activities under 'manufacture of machinery and equipment' and 'manufacture of motor vehicles' to this list. These advanced manufacturing activities were previously only earmarked for Templefields North East LDO, rather than London Road North. However, the Council now considers that increasing the scope and flexibility of the London Road North LDO will be a benefit in terms of bringing forward development in the target sectors. It should also be noted that as with any planning condition, landowners and developers are free to make an application under Section 73 the Town and County Planning Act 1990 to vary any condition set by the LDO. They may also to make a formal planning application.
Amendment	Further advanced manufacturing activities contained in Standard Industrial Classifications (SIC) under 'manufacture of machinery and equipment' and 'manufacture of motor vehicles' have been added to Appendix B of the LDO.
Response Number	**31**
Respondent	John F. Sexton
Role	Director
Organisation	Graspace Ltd.
Date	25 September 2012 14:05
Type	Email
Comment	For the avoidance of doubt, it should be clearly understood that employment uses which fall outside those defined within the LDO should not be "prejudiced" by being so, and such planning applications should be treated on their merits within the framework of the normal planning process.
Acknowledgement	Sent – 28 September 2012 10:22
Officer Response	Comments noted and supported.
Amendment	The LDO is a completely separate process to formal planning applications. The purpose of the LDO is to provide preferential treatment to the target sectors identified for Harlow's Enterprise Zone. Formal planning applications would be guided by adopted national and local planning policies and designations. Therefore, any formal planning application would be assessed in terms of the NPPF and the relevant policies and designations contained in the Adopted Replacement Harlow Local Plan 2006.

Response Number	32
Respondent	James Burgess
Role	Partner (Commercial Property)
Organisation	Field Seymour Parkes LLP (on behalf of Powerrapid Limited)
Date	25 September 2012 15:06
Type	Email
Comment	We have been instructed by Powerrapid Limited in connection with the proposed Local Development Order in respect of the above and would wish to point out on behalf of our clients that they were not made aware of the Enterprise Zone/LDO procedure until very recently and thus have been placed at a significant disadvantage in respect of other land owners who have had the opportunity of working with the Council in relation to the draft proposals. Our clients have endeavoured to discuss proposals with the Council Officers and have received no response. Our clients planning consultant has further tried to make representations with regard to yourselves and we understand that during the process an adjoining owner made representations to the Council on what appears to be a false premise that our clients land was within its ownership. Obviously such course of action is and was severely prejudicial to our clients position and our client feels that the Council's Officers have not considered our clients proposals and representations in respect of the master plan in an appropriate fashion and have not given due consideration to our clients sensible representations relating to deliverability, viability and mix. We would be grateful if you would fully take into account the above issues and those raised by our clients planning consultants.
Acknowledgement	Sent – 28 September 2012 10:24
Officer Response	Comments noted. It is important to note that the LDO is an enabling order which grants permitted development rights within a clearly defined scope and remit. The LDO and masterplan are directly related to the enterprise zone proposals, sector focus and the existing designations and policies set out in the Adopted Replacement Harlow Local Plan 2006. In no way has this put the landowner at a disadvantage in relation to other landowners in the LDO area because of the delay in discussing these proposals in relation to other landowners. Although the Council did meet other landowners before meeting with Powerrapid Ltd this has had no impact on the content of the LDO proposals which are based on the original Enterprise West Essex @ Harlow enterprise zone bid and the relevant designations and policies set out in the Adopted Replacement Harlow Local Plan 2006. At no time has the Council considered representations made under

	false premises by any other party claiming to be the owner of the land in question. Throughout the preparation of the LDO the Local Planning Authority has been aware of the extent of the different land ownerships within and adjoining the LDO boundary as this was confirmed by a Land Registry Search. The Council made attempts to contact all landowners within the LDO area following the formal announcement that Harlow had been successful in bidding for an Enterprise Zone. Correspondence sent to landowners was based on the registered address following a land registry search. Harlow District Council understands that correspondence was not received because the address provided to the Council following a land registry search was not up to date. Whilst this is regrettable, the Council cannot take responsibility for this. It should also be noted that the Council's Building Surveyors made a number of attempts to make contact with the landowners of the site following a fire in July 2011 but these were also unsuccessful. Harlow Council officers met with Powerrapid Ltd on 9 May 2012 at Harlow Council offices. During this meeting Council officers discussed with Power Rapid Ltd purpose of the enterprise zone designation, Local Development Order, illustrative masterplan and other issues relating to the HCA's interest in the land. This provided sufficient time for more detailed suggestions to be received prior to consultation on the LDO in on 28 August 2012. However, no further submissions have been received by the Council. It should be noted that the LDO does not prevent applications for other types of development. Such applications would need to be considered existing planning policies set out in the NPPF and the Adopted Replacement Harlow Local Plan 2006.
Amendment	None
Response Number	**33**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	I enclose herewith our comments on the above consultation document on behalf of Powerrapid Ltd. I would ask that you acknowledge receipt, together with an outline of the programme for responding to comments, and taking matters further. As my clients have not been party to the formulative process, it would be helpful if we could meet to discuss some of the issues with you and, if appropriate the H.C.A. Comments by 'Powerrapid Harlow No.1 Ltd' Powerrapid are owners of a significant area of land within the proposed Enterprise Zone. The Company were not made aware of the EZ process until very recently and have been placed at a disadvantage to other stakeholders. Furthermore, we have

	endeavoured to discuss the proposals with Council Officers with no response.
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	Comments noted. It is recognised that Powerrapid are the owners of a significant area of land within the LDO boundary. Throughout the preparation of the LDO the Local Planning Authority has been aware of the extent of the different land ownerships within and adjoining the LDO boundary as this was confirmed by a Land Registry Search. It is important to note that the LDO is an enabling order which grants permitted development rights within a clearly defined scope and remit. The LDO and masterplan are directly related to the enterprise zone proposals, sector focus and the existing employment designation and policies set out in the Adopted Replacement Harlow Local Plan 2006. In no way has this put the landowner at a disadvantage in relation to other landowners in the LDO area because of the delay in discussing these proposals in relation to other landowners. Although the Council did meet other landowners before meeting with Powerrapid Ltd this has had no impact on the content of the LDO proposals which are based on the original Enterprise West Essex @ Harlow enterprise zone bid and the relevant designations and policies set out in the Adopted Replacement Harlow Local Plan 2006. The Council made attempts to contact all landowners within the LDO area following the formal announcement that Harlow had been successful in bidding for an Enterprise Zone. Correspondence was sent to the registered address following a land registry search. Harlow District Council understands that this correspondence was not received because the address provided to the Council following a land registry search was not up to date. Whilst this is regrettable, the Council cannot take responsibility for this. It should also be noted that the Council's Building Surveyors made a number of attempts to make contact with the landowners of the site following a fire in July 2011 but these were also unsuccessful.
Amendment	None
Response Number	**34**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	During the process we are told that Newhall Projects Ltd were believed to own the land in question and made representations. There is an issue of governance arising, which will be dealt with separately by the client's solicitor.
Acknowledgement	Sent 28 September 2012 10:54

Officer Response	The different landownership holdings and boundaries are shown in Appendix G of the LDO and in the London Road North Masterplan and have been the basis of proposals contained in these documents. Throughout the preparation of the LDO the Local Planning Authority has been aware of the extent of the different land ownerships within and adjoining the LDO boundary as this was confirmed by a Land Registry Search. This Land Registry Search undertaken confirmed the extent of land owned by Newhall Projects Ltd and Powerrapid Ltd, so it was not the case that the Council believed Powerrapid Ltd's land was in Newhall Projects Ltd's ownership.
Amendment	None
Response Number	**35**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	Despite having recently discovered Powerrapid's interest, by virtue of strong representations, the consultation document still, remarkably, refers to parcels F, G & H, as land in the ownership of Newhall Projects Ltd (reference page 7, 1.1 w & x).
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	Comments noted. The Council is aware of the extent of the different land ownership holdings within the LDO area, as is clear on the map provided in Appendix G and in the masterplan (page 26). There are no sections of the LDO, design code or masterplan which refer to any Powerrapid Ltd land being in the ownership of another landowner. The description of development parcels F, H and G provided within the LDO Schedule on page 7, 1.1, x and x do not refer to land in this area being in the ownership of Newhall Projects Ltd. The Council would respectfully request the respondent re-reads section 1.1 points r to x in its entirety, with reference to the map provided on Appendix G. As with points r to v, points w and x define the geographical area of the land parcels with reference to natural and land ownership boundaries. Development parcels F and H are described "to comprise land bounded to the north by land shaded green and shown to be in the ownership of Newhall Projects Ltd on Appendix G." These passages of the LDO do not, as is suggested, indicate that the Council believed the land to be in the ownership of Newhall Projects Ltd. On the contrary, they state that development parcels F, H and G are bounded to the north by land in the ownership of Newhall Projects Ltd. The suggestion that Harlow Council has mistakenly assumed that development parcels F, H and G to be in the ownership of Newhall

	Projects Ltd is not accepted by the Council.
Amendment	None
Response Number	**36**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	Powerrapid would wish the Council's Officers to consider their revised Master Plan in the same way as those put forward by other landowners during the process.
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	It should be noted that no revised masterplan was submitted with any correspondence from Powerrapid Ltd, nor has any revised masterplan been received by the Council form Powerrapid Ltd with respect to the LDO site at any time. Following the public consultation, Harlow Council requested that a revised masterplan be submitted for consideration. However, as of the date this report was published, this has not been received. The London Road North masterplan, LDO and design code establish a loose framework to enable LDO development within the enterprise zone and the provision of the new highways infrastructure necessary for delivering this development in a sustainable manner. The LDO and design code provide a wide degree of flexibility to landowners and developers to allow a range of different development proposals to come forward, which accord with the LDO requirements and target sector focus of the enterprise zone. The precise scope and requirements for development proposals is set out in the LDO, conditions and design code. The LDO is an enabling order which grants permitted development rights within a clearly defined scope and remit. It provides preferential treatment for businesses within the sectors targeted by the enterprise zone. The remit and scope of the LDO is based on the original Enterprise West Essex @ Harlow enterprise zone bid; the relevant designations and policies set out in the Adopted Replacement Harlow Local Plan 2006; and the supporting range of technical assessments carried out in support of the LDO. It should be noted that the LDO does not prevent applications for other types of development. Such applications would need to be considered existing planning policies set out in the NPPF and the Adopted Replacement Harlow Local Plan 2006.
Amendment	None
Response Number	**37**
Respondent	R E Reynolds
Role	Development Consultant

Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	The consultation document does not adequately address the issues of deliverability. Certainly, parcels F, G & H could not be developed in the form suggested, on grounds of viability and contractual limitations. It is unlikely that other parcels of land within the designated LDO could be developed for similar reasons. This gives a false impression to interested parties. Whilst recognising that the consultation document relates to the LDO, it goes further; a serious omission is the indication of investment in the project or the source of funds in the provision of infrastructure.
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	The masterplan and spatial vision suggest a form of development for illustrative purposes only and this merely intended to visualise potential sector focused development within the enterprise zone. The masterplan recognises that LDO development will be delivered by private sector investment, although public sector forward funding is being used fund a new junction on the A414 and a section of the proposed Link Road. It is hoped that this investment, alongside the planning permissions granted by the LDO, will help to kick start development. Page 29 of the masterplan states that 'enterprise zone development will be driven by private sector investment, growth and innovation' and this is consistent with the Government's intentions. It should be noted that the LDO is an enabling order which grants permitted development rights within a clearly defined scope. The LDO and masterplan are directly related to the enterprise zone proposals and target sectors and, most importantly, the existing employment designation as set out in the Adopted Replacement Harlow Local Plan 2006. The aim of granting planning permission for enterprise zone development is to stimulate and encourage this process by providing a more certain and streamlined planning process. It should be recognised that the LDO has had to follow this defined remit. It should also be noted that the LDO does not prevent applications for other types of development. Such applications would need to be considered existing planning policies set out in the NPPF and the Adopted Replacement Harlow Local Plan 2006.
Amendment	None.
Response Number	**38**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter

Comment	It is noticeable that the Newhall Approach Character Area, promoted by Newhall Projects Ltd, contains all of the uses provided, which in the present climate would be viable as development and bring vitality to the area. The location of the character Area is unsuitable and out of keeping with its existing character. A more desirable location would be close to Junction C7, close to an area where there is greater footfall and could more easily be integrated within existing development. At the very least, an area in that location should be entitled to benefit from the permitted development proposed in the Newhall Approach character Area - at para 2.1 on page 17. The case for the Newhall Approach Character Area needs to be carefully examined and compared with alternative locations.
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	Comments noted. The LDO does provide scope for a limited amount of floorspace within Classes A and D of the Use Classes Order as stipulated in Class 2 of Schedule A of the LDO. These uses are viewed to be critical to creating an attractive and sustainable business park location. These activities are limited to the Newhall Approach Character Area and must front either London Road or the Urban Boulevard (Link Road) East. The scope for floorspace within Classes A and D of the Use Classes Order permitted through the LDO has to be limited and effectively regulated in order to ensure that surrounding centres are not negatively affected by the overall quantum of commercial development. This is a national and local policy requirement. For this reason, it is not possible to permit these uses to be undertaken in every area within the LDO boundary. Uses in question must therefore be limited by reference to a maximum individual and cumulative floorspace. To manage this process effectively through the LDO a defined geographical scope for these uses is also specified in order to coordinate this process. Other locations for mixed uses have been considered. However, the Newhall Approach Character Area is considered more suitable for mixed uses than other locations within the LDO area because it is located adjacent to and contiguous with a planned neighbourhood centre. The Urban Boulevard (west) at this location will form the principal entrance to the Newhall Phase 2 development and this street will form the main east-west movement route between this large development and the enterprise zone and the A414. For these reasons, it is likely that this street will experience greater levels of pedestrian footfall than other areas and is therefore a more appropriate location for these uses. Locating such uses along the Main Employment Avenue was considered but this was not taken forward because this character area is likely to be more suitable for business park and advanced manufacturing uses. The design intent is to allow these uses to flourish in the Main Employment Character Area without adding additional planning constraints such as mixed uses which may make certain adjoining industrial activities prohibitive. The design rationale behind the decision to centre mixed uses within

	the Newhall Approach Character Area is explained in Chapter 5, 7 and 8 of the Masterplan. The design intention is to draw some of the mixed uses, activity and vibrancy expected in this area into the enterprise zone. A main aim of the London Road North Masterplan is to integrate the enterprise zone site with its surroundings and avoid the creation of an inward facing development which turns its back on surrounding uses, as is common with business park and employment area developments. Locating mixed uses on the Newhall Approach Character Area is an important way of integrating the enterprise zone with its surroundings, as it helps to merge the two areas in terms of movement, activity and land uses. The proximity of mixed uses to the planned neighbourhood centre also ensures that such uses will complement this area and comprise an extension to this centre, rather than a competing centre. However, it should be noted that the LDO Schedule and design code are intended to shape LDO development. A landowner or developer may chose to submit a planning application differing from the provisions contained in these documents by following the formal planning process.
Amendment	No substantive changes have been made to the masterplan or to Class 1 or Class 2 of Schedule A of the LDO. An additional page has been added to the masterplan and chapter 3 of the design code regarding land uses. This is to provide further explanation of the rationale behind the provisions of the LDO on this matter.
Response Number	**39**
Respondent	R E Reynolds
Role	Development Consultant
Organisation	PDP on behalf of Powerapid Ltd.
Date	28 September 2012
Type	Letter
Comment	Overall there must be strong reservations as to whether, in its existing form, the EZ area will achieve its objectives without external investment and other incentives to assist employment growth. The alternative to it becoming a "white elephant" would be to invite and consider mixed-use development proposals by a positive policy in the Development Plan.
Acknowledgement	Sent 28 September 2012 10:54
Officer Response	Comments noted.
Amendment	None.
Response Number	**40**
Respondent	Zhanine Oates
Role	Principal Planner
Organisation	Essex County Council

Date	26 September 2012 08:51
Type	Email
Comment	Strategic Context The Local Development Order grants planning permission for specified types of development, subject to conditions. Developments must accord with the requirements set out within the Order Schedule and accompanying Design Code. The primary aim of the Local Development Order is to simply the planning process, to reduce delay, provide certainty and help to reduce costs for potential developers and businesses. This should help to stimulate future investment and create new job opportunities to assist regeneration in Harlow. Harlow Council are currently welcoming comments on the proposed Order and Schedule, the accompanying Design Code, the Council's Statement of Reasons for making the Order, Masterplan and supporting technical documents. Essex County Council Interest The County Council has an interest in seeking to inform the Local Development Order, as it reflects its role as a – • Key partner within Essex promoting economic growth, regeneration, social and physical infrastructure delivery and new development throughout the County; • Strategic highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan and as the local highway authority; and • Major provider of a wide range of local government services throughout the county of Essex. Detailed Comments The County Council views reflect concerns expressed by Service Groups from within the County Council and Place Services.
Acknowledgement	Sent – 28 September 2012 10:26
Officer Response	Comments noted and supported.
Amendment	None
Response Number	**41**
Respondent	Zhanine Oates
Role	Principal Planner
Organisation	Essex County Council
Date	26 September 2012 08:51
Type	Email
Comment	Archaeological and Historic Environment The County Council and Place Services consider the importance and significance of undesignated historic environment sites should be recognised so that appropriate policy for evaluation or mitigation measures can be incorporated within the Local Development Order and Section 106 agreements, in order to ensure that the Cultural Heritage assets are appropriately assessed, protected and/or

	recorded. Specifically, the redevelopment of the London Road site lies within an area of particular archaeological potential with known undesignated archaeological sites both within the proposed enterprise zone or immediately adjacent to it. Aerial photography shows that prehistoric and possibly Roman settlement activity is likely to survive within the 'Greenfield' part of the London Road site. This correlates with a wider and extensive Roman and prehistoric landscape which envelops the site to the North (Marks Hall School) and on land to the North and East, revealed during an archaeological evaluation of the Newhall site. The evidence points toward the London Road site having a particularly high potential for the presence of extensive and significant historic environment assets. It is therefore recommended that appropriate consideration be given to the archaeological implications of the proposed enterprise zone and a strategy developed to mitigate the impact of the proposed development. To assist the planning process it is recommended that this information forms part of the Local Development Order and/or technical documents. The County Council are happy to assist Harlow Council in writing a brief to commission relevant consultants to undertake the work, and assist in evaluating the work that may be undertaken.
Acknowledgement	Sent – 28 September 2012 10:26
Officer Response	Comments noted and supported. The Council is aware of the potential for undesignated historic assets such as archaeological remains to be found within the London Road North LDO boundary. Following representations by Essex County Council of this matter, the Harlow Council has commissioned Essex County Council Place Services to undertake a Historic Environmental Assessment of the site. The recommendations of this survey have informed a range of new LDO archaeological conditions which are outlined below. With regard to the suggestion that a section 106 agreement should be pursued, please note that the Council should not require a developer to enter into a planning obligation under section 106 as this is contrary to national guidance on the use of planning conditions (see paragraph 13 of *Circular 11/95: Use of conditions in planning permission).* This advises that planning permission should be granted subject to a condition that the applicant enters into a planning obligation under section 106 of the Act or an agreement under other powers.
Amendment	Following a Historic Environmental Assessment (HEA) of the site four new archaeological conditions have been added to the LDO. The conditions secure a phased programme of archaeological work prior to the commencement of development on the site. They take account of the recommendations of the HEA report. Condition A1 requires a written scheme of investigation / methods statement to be signed off and approved. Condition A2 requires approval from Essex County Council for the location of trial trenches.

	Condition A3 requires a written report to be submitted and signed off covering specified issues. Condition A4 requires all archaeological works to be undertaken in accordance with the Code of Conduct of the Institute of Archaeologists. Amendments have also been made to the masterplan (see chapter outlining site issues and constraints). This section provides specific information on the archaeological constraints and potential for findings which takes account of the expert advice received by Essex County Council – see paragraph 4.10 on page 16 of the masterplan.
Response Number	**42**
Respondent	Zhanine Oates
Role	Principal Planner
Organisation	Essex County Council
Date	26 September 2012 08:51
Type	Email
Comment	Highways and Transportation The County Council welcomes on going collaborative working with Harlow Council officers in seeking to deliver the successful delivery of the West Essex Enterprise Zone. Following the consultation if there is any highway and transportation issues raised the County Council welcomes working with Harlow Council officers in seeking to respond to these concerns and address them as deemed appropriate.
Acknowledgement	Sent – 28 September 2012 10:26
Officer Response	Comments noted.
Amendment	None.
Response Number	**43**
Respondent	Zhanine Oates
Role	Principal Planner
Organisation	Essex County Council
Date	26 September 2012 08:51
Type	Email
Comment	Joint Working Mechanisms The County Council also wishes to take this opportunity to indicate that we welcome joint working with Harlow Council in seeking deliver a successful Enterprise Zone to enhance economic growth and development within Harlow and throughout the County.
Acknowledgement	Sent – 28 September 2012 10:26
Officer Response	Comments noted.
Amendment	None.

Response Number	44
Respondent	Maria Medlycott
Role	Historic Environment Officer
Organisation	Essex County Council
Date	26 September 2012 10:59
Type	Email
Comment	Thank you for your letter of 24th August 2012 concerning Historic Environment implications of the London Road North Enterprise Zone in Harlow. Having read through the attached documents we have concerns about the impact of the proposed Enterprise Zone on undesignated cultural heritage sites in Harlow. We feel that the importance and significance of the undesignated historic environment sites should be recognised so that appropriate policy for evaluation or mitigation measures can be incorporated within the LDO and 106 agreements, in order to ensure that the Cultural Heritage assets are appropriately assessed and protected or recorded. Specifically, the redevelopment of the London Road site lies within an area of particular archaeological potential with known undesignated archaeological sites both within the proposed enterprise zone or immediately adjacent to it. Aerial photography shows that prehistoric and possibly Roman settlement activity are likely to survive within the 'Greenfield' part of the London Road site. This correlates with a wider and extensive Roman and prehistoric landscape which envelops the site to the North (Mark Hall School) and on land to the North and East, revealed during an archaeological evaluation of the Newhall site. The evidence points toward the London Road site having a particularly high potential for the presence of extensive and significant historic environment assets. There needs to be appropriate consideration given to the archaeological implications of the proposed enterprise zone and a strategy developed to mitigate the impact of the propsed development. The County Council are happy to assist Harlow Council in writing a brief to commission relevant consultants to undertake the work, and assist in evaluating the work that may be undertaken.
Acknowledgement	Sent – 28 September 2012 10:27
Officer Response	Comments noted and supported. The Council is aware of the potential for undesignated historic assets such as archaeological remains to be found within the London Road North LDO boundary. Following representations by Essex County Council of this matter, the Harlow Council has commissioned Essex County Council Place Services to undertake a Historic Environmental Assessment of the site. The recommendations of this survey have informed a range of new LDO archaeological conditions which are outlined below. With regard to the suggestion that a section 106 agreement should be pursued, please note that the Council should not require a developer to enter into a planning obligation under section 106 as this is contrary to national guidance on the use of planning conditions (see paragraph 13 of *Circular 11/95: Use of conditions in*

	planning permission). This advises that planning permission should be granted subject to a condition that the applicant enters into a planning obligation under section 106 of the Act or an agreement under other powers.
Amendment	Following a Historic Environmental Assessment (HEA) of the site four new archaeological conditions have been added to the LDO. The conditions secure a phased programme of archaeological work prior to the commencement of development on the site. They take account of the recommendations of the HEA report. Condition A1 requires a written scheme of investigation / methods statement to be signed off and approved. Condition A2 requires approval from Essex County Council for the location of trial trenches. Condition A3 requires a written report to be submitted and signed off covering specified issues. Condition A4 requires all archaeological works to be undertaken in accordance with the Code of Conduct of the Institute of Archaeologists. Amendments have also been made to the masterplan (see chapter outlining site issues and constraints). This section provides specific information on the archaeological constraints and potential for findings which takes account of the expert advice received by Essex County Council – see paragraph 4.10 on page 16 of the masterplan.
Response Number	**45**
Respondent	Katharine Fletcher
Role	Planner
Organisation	English Heritage (East of England)
Date	26 September 2012 18:01
Type	Email
Comment	Thank you for consulting English Heritage on the proposed Local Development Order (LDO) for the London Road North Enterprise Zone site. We note that the draft LDO makes reference to the interface with the newly established and carefully designed neighbourhood at New Hall and we are pleased that this has been given consideration. We welcome the requirement in the General Conditions that development must accord with the Design Code and that the Environmental Conditions include requirements in relation to façade building materials (E12), archaeological work (E5), retention of trees and hedgerows (E1) and landscaping schemes (E2). We have no further comments.
Acknowledgement	Sent – 28 September 2012 10:28
Officer Response	Comments noted and supported
Amendment	None
Response Number	**46**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email

Comment	London Road North Design Code – Chapters 5, 8 and 9 Draft Consultation Version – August 2012 Comments on behalf of Strategic Development/Development Management, ECC Generally Enterprise is spelt with a Z in the blue title block at the bottom of the pages on the document but elsewhere in the text with an s.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	Amendments made to footer of documents.
Response Number	**47**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Page 19 On illustrative example of A414 frontage the necessity of a footway along A414 is questioned.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. There is an existing footway of approximately 1m to 1.5m in width along the A414 which runs adjacent to its eastern embankment between First Avenue and Church Langley Way. This existing pedestrian access would presumably need to be retained and enhanced. It is worth noting that the illustrative example is merely illustrative and does not dictate that development must follow as shown.
Amendment	Minimum requirement for footway along A414 has been removed from Table 1. Minor amendments are made to additional guidance notes provided on Table 1 of chapter 5 to provide further flexibility and guidance on footway issues.
Response Number	**48**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Generally the Tables setting out the dimensions refer to footway and SUDS/verge. Where footway is referred to this should perhaps read footway/cycleway as in several cases the additional guidance and notes explain that the footway will also be a cycleway. Alternatively consider a separate table entry for a cycleway.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. There is some overlapping here

	due to the likelihood for shared footway / cycle provision. Note that cycleways are only required on certain sides of the road, hence the scope in dimensions provided. The requirement for cycle way provision could indeed be made clearer.
Amendment	Tables within Chapter 5 have been altered so that cycle way requirements are provided separately, in addition to minimum and maximum footway parameters. These amendments make minimum cycle provision clear to developers, whilst also providing scope for shared (multi use) routes to be provided.
Response Number	**49**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	A minimum footway width of 2m is required, 1m is insufficient.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	References to 1m footway has been removed from Table 1 on page 19.
Response Number	**50**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Whilst ECC concur with the dimensions stated for verges it is difficult to anticipate whether this will be sufficient for SUDS as we have no knowledge of the overall SUDS strategy, this may require further thought /discussion.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. The design and drainage rational for verges along carriagways is explained on page 34 of the masterplan. Verges will make a contribution to the overall drainage strategy for the site. They will also make a significant contribution to generating an attractive and well landscaped business park setting. Harlow Council does anticipate that LDO development at London Road North will comprise a much wider range of SUDs features, in addition those mentioned in the design code. The approach taken in the design code has been to provide flexible design parameters to guide the overall design of streets and development frontages. Away from development frontages a wide degree of flexibility is provided to developers and significant SUDs features will need to be incorporated into the design and layout of these areas. At this stage it is not possible to determine the entire surface water drainage strategy for the site, as the precise SUDs measures used

	across the site will only become clear as development comes forward on a site by site basis. Condition E6 (Drainage) requires the submission and approval of a surface and fowl water drainage strategy prior to the commencement of development and this is intended to manage this process.
Amendment	None
Response Number	**51**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Along a similar line consideration needs to be given to the location of statutory undertaker's equipment. It is assumed that this will likely be in the footway as the verge will contain trees and therefore there will be insufficient space remaining for services.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. Statutory undertaker's equipment will most likely be provided under the footway. Although trees are encouraged along the verge, the Council has given due consideration to how they would be incorporated next to underground services. This is reflected in the guidance provided on tree planting in tables 1 to 5 in chapter 5 of the draft design code. This requires root barriers to be used to protect underground services. Condition H5 of the LDO requires that any tree proposed within the highway must be agreed with the Highway Authority. It is anticipated that these requirements will be suitable for ensuring that sufficient space is provided for statutory undertaker's equipment.
Amendment	None
Response Number	**52**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Page 21 There are two paragraphs numbered 5.13, is that correct?
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	Amendments to paragraph numbering implemented.
Response Number	**53**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email

Comment	There is a note in table 3 indicating that trees will be planted between every second or third parallel parking bay. It must be ensured that sufficient space is left for planting and to allow for future tree growth so the car parking spaces are not encroached upon. This applies generally where this note is referred to throughout the document.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. Table 3 did make provision for this requirement as it stated that trees should be planted in minimum 2.5m x 2.5m tree pits/ soak away areas.
Amendment	See response number 59
Response Number	**54**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Visibility splays (referred to throughout the document and particularly in Table 8 and 9 on page 28) Generally these have been drawn incorrectly throughout the document. The splay should be to the nearside kerbline/channel of the carriageway not the centreline of the road.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	All illustrations in chapter 5 have been amended to ensure that visibility splays are drawn along the nearside kerbline channel of the carriageway, rather than the centre of the road.
Response Number	**55**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	The visibility splays must be kept clear of trees or parking bays etc.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted.
Amendment	See response numbers 59 and 64.
Response Number	**56**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Whilst it is acknowledged that the Essex County Council Development Construction Manual 2012 has been used to obtain the visibility splay parameters and 6 metres is the appropriate x distance I am currently investigating the requirement for this and

	whether 4.5 metres might be acceptable.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	Following further discussion with Essex County Council, all visibility splays in the LDO area are required to comprise a minimum x distance of 4.5m / y = 70m. This requirement is set out in table 8 (visibility splays and junction geometry). All illustrations in chapter 5 of the design code have been amended to reflect this change.
Response Number	**57**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	With regard to The Link Road (The Urban Boulevard East/West) visibility splays to accord with the Design Manual for Roads and Bridges would be appropriate. The ECC Construction Manual 2012 would not apply here.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. Illustrative drawings and tables presented in chapter 5 of the design code have been amended to ensure that visibility splays at junction along the Urban Boulevard (Link Road) are maintained to Design Manual for Roads and Bridges standards.
Amendment	Following further discussion with Essex County Council, all visibility splays in the LDO area are required to comprise a minimum x distance of 4.5m / y = 70m. This requirement is set out in table 5H (vehicle visibility splays). A note is provided in table 5H to state that visibility splays at junctions along the Link Road must be to DMRB standard. All illustrations in chapter 5 of the design code have been amended to reflect these changes.
Response Number	**58**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Radius Kerbs Generally these should not be less than 10m radius to accommodate HGVs.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. Kerb radius is not covered by the design code, as this issue will be assessed through LDO condition H1 and can therefore be assessed on a case by case basis, with decisions based on the particular development and land uses proposed.
Amendment	None

Response Number	**59**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Page 22 Parallel Parking Bays Parallel parking bays along the Urban Boulevard (Link Road) East would not be acceptable to the highway authority. This will result in vehicles stopping and manoeuvring in a strategic carriageway connection between the A414 and Newhall. This section of road should operate as a clearway to maintain as far as possible the free flow of vehicles between Newhall, the London Road LDO and the A414 Strategic Route.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. Following further dialogue with landowners and Essex County Council (Highways Authority) the decision has been taken to leave these details flexible and remove the requirement for on street parking in this section of the design code.
Amendment	Amendments to Table 3 of Chapter 5 of the design code and supporting images such that the requirement for on-street parking has been removed. Table 3 has been renamed Table 5C. Parking corridor section of Table 5C and section amended to only cover tree planting requirements. A further note is provided in Table 5C stating that any on street parking bay at this location would need to be agreed with the Highway Authority.
Response Number	**60**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	In the illustrative example of the Urban Boulevard (Link Road) East a note boxed in red refers to blister paving and a raised curve crossing, I think this should probably read dropped kerb crossing with tactile paving and this terminology is recommended throughout the document.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	Amendments made to all illustrations in chapter 5 so that relevant sections now read ‘dropped kerb crossing with tactile paving at junctions.’ Reference to raised kerb crossing has been removed.
Response Number	**61**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council

Date	8 October 2012 10:01
Type	Email
Comment	On side roads, particularly those served from the Urban Boulevard and Main Employment Avenue it would not be desirable to provide a raised kerb entry treatment/raised table at the junctions. This will give rise to maintenance issues where constantly passed trafficked by HGVs.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. Raised kerb crossings were recommended as a traffic calming measure and to ensure safety for cyclists using the proposed cycleway. However, the issues relating to maintenance of such crossings are recognised.
Amendment	Amendments made to illustrations in chapter 5 so that reference to raised kerb crossings have been removed. The relevant sections have been revised to read 'dropped kerb crossing with tactile paving at junctions.'
Response Number	**62**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Page 25 Has the historic width of the Public Footpath been checked. This should be undertaken rather than standard widths being assumed. Please contact Garry.White@Essexhighways.org
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted. The historic width of the public footpath has been checked with Essex County Council. Because no records exist to demonstrate the historic width of this public footpath, Essex County Council (ECC) have advised that the minimum width should be taken as 1.5m as stipulated in the Rights of Way Act 1990. Where a cycle way is provided alongside this right of way, ECC rights of way team have advised that this should be a minimum 1.5m width, resulting in a minimum width of the route to be 3m. Further comments raised by ECC relating to the provision of cycle access on rights of way have now been added to this section of the design code. The requirements have been moderately amended to provide sufficient flexibility to avoid issues in enhancing the right of way with respect to legislation covering this issue.
Amendment	Table 6 has now been altered to reflect this and enable either a segregated or shared use facility in accordance with the minimum requirements stated above. New paragraphs 5.17 to 5.21 of the design code have been included to provide further advice to developers on the enhancement of this right of way.
Response Number	**63**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council

Date	8 October 2012 10:01
Type	Email
Comment	Page 26 In the illustrative example a minimum access width for emergency vehicles of 3.1m is stated, this is acceptable at a restriction such as a gate or narrowing but otherwise 3.7 metres should be maintained. However it is not thought that emergency access would be necessary as access to the footpath can be achieved from both ends in any event. The notes in table 6 and 7 should be amended to reflect this.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported.
Amendment	Reference to emergency access requirements has been deleted from tables 6 and 7.
Response Number	**64**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Page 29 Trees within visibility splays Generally visibility splays should be clear of trees. If trees are planted in visibility splays on lower categories of road they should be clear stemmed but it should be ensured that visibility is not further obstructed by the protective cage for example that appears in the illustrative photograph.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. It should be noted that condition H5 (trees in the highway) requires that any trees planted within the highway must be agreed with the Highways Authority. Further advice to this effect has been added to the design tables included in chapter 5 of the design code. The photograph shown on page 29 of the consultation version of the design code was intended to show a tree clear stemmed to 2.5m. However, ECC is correct to point out that the tree photographed contains a protective cage which would be undesirable in any visibility splay. Consequently, this photograph has been replaced with a more appropriate tree without protective caging.
Amendment	The photograph shown on page 29 of the consultation version of the design code has been replaced with a more appropriate photograph of a tree clear stemmed to 2.5m without protective caging. All guidance on street tree spacing and planting is now captured in Table 5I of the final design code. This advises landowners and developers that the 'approval of Highways Authority required under condition H5 for any trees within visibility splays. Any tree located in a visibility splay should as a minimum be clear stemmed to 2.5m.'

Response Number	65
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	I have not looked at the parking chapter in detail but this should accord with the ECC vehicle parking standards 2009.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. The parking standards are taken from the Adopted ECC vehicle parking standards 2009.
Amendment	None
Response Number	**66**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	Consideration may be necessary to other standard conditions including measures to present the discharge of surface water from the side onto highway.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. There is a condition in the LDO to this effect (see Highways Condition H8 Surface water drainage on highway).
Amendment	None
Response Number	**67**
Respondent	Matthew Bradley
Role	Principal Development Management Engineer
Organisation	Essex County Council
Date	8 October 2012 10:01
Type	Email
Comment	I do not believe that gradients will be an issue on this site but generally gradients at junctions and the Urban Boulevard West and East should comply with DMRB standards and the Main Employment Road etc. should comply with the Essex Design Guide standards.
Acknowledgement	Sent 8 October 2012 10:27
Officer Response	Comments noted and supported. There was a condition in the draft LDO to this effect (see Highways Condition H7 gradients for private accesses joining a highway). However, following a review of the planning conditions attached to the LDO, condition H7 (gradients for private accesses joining a highway) has been deleted as it this issue is considered to be fully covered by planning condition H1 (road layout and design). Condition H1 also requires that “no development shall be begun until details of any highways works to be undertaken (including layout, geometry, dimensions, levels, ***gradients***, surfacing, visibility splays and means of surface water drainage) have been submitted

	to and approved in writing by the Local Planning Authority."
Amendment	Deletion of Condition E7 (gradients for private accesses joining a highway) for the reasons explained above. This matter is adequately covered in condition H1, as explained above.
Response Number	**68**
Respondent	Roger Evans
Role	Director
Organisation	Studio Real
Date	10 October 2012 16:37
Type	Email
Comment	The draft Local Development Order has taken account of site planning issues on and around the Newhall designated area, as discussed with your officers, and Newhall Projects Ltd. (NPL) are pleased to support the draft LDO and Harlow Council's initiative in promoting this Enterprise Zone.
Acknowledgement	Sent 11 October 2012 10:46
Officer Response	Comments noted and supported.
Amendment	None
Response Number	**69**
Respondent	Roger Evans
Role	Director
Organisation	Studio Real
Date	10 October 2012 16:37
Type	Email
Comment	The designation of the EZ does raise two key points for NPL: Employment Land Use - Newhall is required to accommodate 2 ha of employment land. We are enthusiastic to promote mixed-use development within the neighbourhood which is best achieved with shops and services at the local and district centres (or 'hatches'). Primary employment, however, generally requires much larger buildings or 'sheds' that are difficult to integrate into a residential neighbourhood. With the allocation of two new Enterprise Zones it would make for better land-use planning to direct primary employment to the EZ with Newhall accommodating shops and services within the hatches. I understand that there is a current review of employment land underway and we will be making formal representations on this point.
Acknowledgement	Sent 11 October 2012 10:46
Officer Response	Comments noted. This is an issue which will need to be considered as the formal planning application and plan making process, rather than through the LDO consultation.
Amendment	None
Response Number	**70**
Respondent	Roger Evans
Role	Director
Organisation	Studio Real
Date	10 October 2012 16:37
Type	Email
Comment	The link road between the A414 and London Road requires part-

	funding from NPL. The timing and extent of this funding is critical for NPL and I understand that preliminary discussions between NPL and Harlow Council have already taken place. Thank you for the opportunity to comment on the EZ LDO and we look forward to continuing to work with you on its successful delivery.
Acknowledgement	Sent 11 October 2012 10:46
Officer Response	Comments noted and supported. Discussions between Newhall Projects Ltd, Graspace Ltd, Essex County Council and Harlow District Council are ongoing regarding the delivery of the new junction on the A414 and the delivery of a section of the proposed Urban Boulevard (Link Road).
Amendment	None

Appendix G – Modifications made to the LDO, design code, masterplan and Statement of Reasons

This appendix outlines the modifications made to the Local Development Order and changes made to the design code and masterplan. It fulfils the requirements of Article 34 (10) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 which requires the Local Planning Authority to provide the Secretary of State with a statement outlining the modifications made to the order and statement of reasons.

Modifications made to the London Road North Local Development Order		
Ref	**Modification**	**Reason**
1	Minor amendment to paragraph 2 of the final Order. Reference to Appendix A and deletion of *'(hereinafter referred to as "the site")'*	Clarity and consistency with order and Appendix A.
2	Minor amendments to paragraph 3 of the final Order to be more specific that: • the Order grants planning permission subject to conditions and limitations; • that any development that does not comply with the conditions and limitations of this LDO will require planning permission; and • Unauthorised development will be liable to formal enforcement action.	To provide additional precision and clarity for developers and landowners. Following legal advice received on draft Order and LDO Schedule.
3	Paragraph 4 amended to state that the final Order will last for 10 years rather than 5 years.	The Local Planning Authority had intended to allow the LDO to lapse after 5 years and then either revise, re-adopt it, adopt a new LDO or remove the LDO. This was set out in the Draft Statement of Reasons (Aug 2012) page 24. However, upon further consideration, the Local Planning Authority has determined that to re-adopt the order after 5 years it would have to again follow the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, i.e publish a draft order and statement of reasons and then submit a final order to the Secretary of State. In light of this, and the likely timeframe for the development of the entire site, the Local Planning Authority has determined that a lifetime of 10 years would be most

		appropriate.
4	Paragraph 5 inserted in the final Order.	To explain that development must be begun before the expiry of the LDO and to define "begun" by reference to Section 56 of the Town and Country Planning Act 1990.
5	Paragraph 6 of the draft Order (Aug 2012) has been deleted.	Deemed superfluous due to the insertion of a new paragraph 5 as described above.
6	Paragraph 8 of the draft Order (Aug 2012) deleted.	Deemed superfluous. Matters sufficiently covered in paragraph 6.
7	Minor amendment to paragraph 6 of the final Order to state that "uses" rather than "proposals" must be carried out in accordance with the "conditions and limitations" contained in the LDO.	To provide additional precision and clarity for developers and landowners. Following legal advice received on draft Order and LDO Schedule.
8	Minor amendment to paragraph 2 of the final Order to replace "planning permission" with "change of use".	To provide additional precision and clarity for developers and landowners. Following legal advice received on draft Order and LDO Schedule.
9	Paragraph 14 of the final Order (previously paragraph 10 in draft Order, Aug 2012) has been amended to include reference to European Protected Species License and the need for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.	To take account of representations made by: • Essex Wildlife Trust (Response Number 8 to 13 - Appendix F); • Natural England (Response Number 14 to 16 - Appendix F); and • The Environment Agency (Response Number 22 - Appendix F).
10	Minor amendment to paragraph 17 of the final Order to define County matters by reference to Schedule 1 of the Town and Country Planning Act 1990.	To enhance the precision of the limitations of the Order. Following legal advice received by the Council.
11	Minor re-ordering of paragraphs 1 to 18 in the final Order.	To create a more readable and logical sequence of statements.
12	A new limitation inserted in paragraph 18 of the final Order regarding offices under the Conservation of Habitats and Species Regulations 2010.	To take account of representations made by Natural England (Response Number 14 to 16 - Appendix F).
13	Definition of SUDs features permitted provided in paragraph 1.1, q), vii expanded to include wider range of SUDs features.	To ensure sufficient permitted development rights exist to ensure the delivery of a wide range of SUDs features. Following legal advice received.
14	Definition for "associated site infrastructure and facilities" in 1.1, q) expanded to include viii – "trees, hedges, vegetation and other areas of soft landscaping."	To ensure clarity is provided on permitted forms of development and allow for the appropriate landscaping of sites. Following legal advice received.

15	Minor amendments made to the definitions of development parcels in paragraph 1.1, r) to x) such that all references made regarding new highways infrastructure are correctly defined by reference to appendix D and definitions in paragraphs 1.1, p) to e).	To enhance to clarity and precision of definitions of development parcels. Following legal advice received.
16	New definition provided in paragraph 1.1, aa) added to confirm that, for the purposes of the LDO, the meaning of "development" has the same meaning as Section 55 of the Town and Country Planning Act.	To ensure clarity and avoid ambiguity in terms of when "development" has "begun." Following legal advice received.
17	New definition provided in paragraph 1.1, bb) added to confirm that, for the purposes of the LDO, the meaning of "begun" has the same meaning as Section 56 of the Town and Country Planning Act.	To ensure clarity and avoid ambiguity in terms of when "development" has "begun." Following legal advice received.
18	New definition provided in paragraph 1.1, cc) added to confirm that, for the purposes of condition E10 (Operation of Machinery) of the LDO, "industrial process" has the same meaning as Article 1(2) of the General Permitted Development Order 1995 (as amended).	To ensure clarity and avoid ambiguity in terms of the interpretation of condition E10. Following legal advice received.
19	New definition provided in paragraph 1.1, dd) of the LDO to provide a definition of Zone C land with reference to Appendix C (LDO designations map). See modification Ref 24 below.	To provide a clear definition to go with the new class 3 of Schedule A – electricity substation development. For more information see modification Ref 24 below.
20	New map added in Appendix H (Relocation of Maypole Sports Club).	To assist with new conditions G6 and G7 described below and take account of representations made from Sport England (see Response Number 6 - Appendix F).
21	New map added in Appendix I (Notional Development Parcels)	To assist with the interpretation of the definition of development parcels provided in paragraphs 1.1, r) to x) and phasing and delivery of road infrastructure conditions PDH 1 to PDH 10.
22	New map added in Appendix J (Land restricted by phasing condition PDH11) to work with new phasing and delivery of highways infrastructure condition PDH 11.	To take account of representations made by the Highways Agency (see Response Number 25) and addendum to the Transport Assessment. Condition PDH 11 caps growth within development parcels D and E until junction

		7a has been delivered. This takes account of the revise modelling undertaken to inform the Transport Assessment Adendum.
23	A new map added in Appendix K (Illustrative Character Areas)	To assist in the interpretation of conditions PDH1 to PDH6.
24	A new class of permitted development (Class 3 – Primary Substation) has been added to Schedule A of the LDO.	To enable the provision of necessary electricity infrastructure provision within the enterprise zone and take account of representations made by landowner Graspace Ltd (see Response Number 26 - Appendix F).
25	A new class of permitted development (Class 1 of Schedule E) has been added to the LDO.	To provide conditional planning permission for necessary facilities for the storage of oils, fuels and chemicals and take account of representation made by the Environment Agency (see Response Number 19 - Appendix F).
26	A new class of permitted development (Class 2 of Schedule E) has been added to provide planning permission for "the erection, maintenance or alteration of a fence, gate, wall or other means of enclosure."	To provide planning permission for gates, fences or other means of enclosure in accordance with requirements set out chapter 7 of the design code.
27	Appendix B amended to widen the range of permitted economic activities (sector focus) [Standards of Industrial Classification] of the LDO. Additional Standards of Industrial Classification added on 'manufacture of machinery and equipment' and 'manufacture of motor vehicles.'	To expand the range of advanced manufacturing activities which may be undertaken through the LDO. To ensure sufficient flexibility and precision is provided to encourage the target sectors of health and allied industries, ICT and advanced manufacturing. To increase the ability for industries within the zone to change business activities across a broader spectrum of uses and thus widen the appeal of the enterprise zone.
28	Corrections made to classes 3 to 11 of Schedule C development to correct a mistakes made in the second paragraph of each class and ensure the paragraph refers to the correct class of Schedule C.	To ensure the accuracy and deliverability of the LDO.
29	Correction made to class 6 of Schedule C on paragraph 6.2 to delete reference to "of Schedule D" and replace with "of Schedule C".	To ensure the accuracy and deliverability of the LDO.
30	Reference to Phasing and Delivery of Highways Infrastructure Conditions PDH1	To ensure conditions are applied correctly to classes of LDO development. This corrected

	to PDH11 inserted into each relevant class of permitted development in Schedule A and B of the LDO.	a mistake in the draft LDO which omitted this essential reference and thus did not apply the conditions to classes of development.
31	A2 (financial and professional services) has been added to list of qualifying mixed uses in Class 2, Schedule A development (Newhall Approach Character Area). Floorspace permitted limited in accordance with same standards as those for A1 (retail), A3 (café/restaurant), A5 (hot food / takeaway) uses in the same class.	To enable small scale financial and professional services such as a bank or recruitment / employment agency to locate within the Newhall Approach Character Area. The Use Classes Order 1987 (as amended) permits change of use from A3 and A5 to A2, therefore there were no restrictions on change of use from A3 or A5 to A2 in any event.
32	Condition 2.4, f) of Draft LDO has been amended to increase maximum gross floor area permitted for A1 (retail), A2 (financial and professional services), A3 (café/restaurant), A5 (hot food / takeaway) within Newhall Approach Character Area to 250 sqm, from 180 sqm.	To ensure that this class of development is viable and deliverable. This takes into account the requirements of paragraph 160 of the NPPF (understanding business needs) and paragraph 173 (ensuring viability and deliverability) of the NPPF. This follows careful consideration of the viability and cost of such development at this location, its need and role and potential impact on surrounding centres. The overall objective of minor amendments has been to ensure the mixed use development provided for in class 2, Schedule A of the LDO is actually viable and deliverable.
33	Amendment to Condition 2.4, i) of the Draft LDO regarding the cumulative allowance for A class uses within the Newhall Approach Character Area. Maximum cumulative total increased to 1,000 sqm from 720 sqm.	
34	Condition 2.4,kj) added to the final LDO. This limits the total cumulative amount of A1 (retail) floorspace in the Newhall Approach Character Area to 400 sqm.	There was no limit to the total cumulative amount of A1 (retail) floorspace in the draft LDO, bar the cap on individual unit floorspace and the cumulative cap on all A class use. A maximum cumulative standard for A1(retail) use is considered essential. The maximum standard has taken account of the NPPF requirements set out above (see Refs 32 and 33).
35	Condition 2.4, l) added to the final LDO. This limits the total cumulative amount of A2 (financial and professional services) floorspace within the Newhall Approach Character Area to 400 sqm.	There was no limit to the total cumulative amount of each A class use floorspace in the draft LDO, bar the cap on individual unit floorspace and the cumulative cap on all A class use. A maximum cumulative standard for A2 (financial and professional services) use is considered essential. The maximum standard has taken account of the NPPF requirements set out above (see Refs 32 and 33).
36	Condition 2.4, m) added to the final LDO.	There was no limit to the total cumulative

	This limits the total cumulative amount of A3 (café/restaurant) floorspace in the Newhall Approach Character Area to 400 sqm.	amount of A3 (café/restaurant) floorspace in the draft LDO, bar the cap on individual unit floorspace and the cumulative cap on all A class use. A maximum cumulative standard for A3 (café/restaurant) floorspace use is considered essential. The maximum standard has taken account of the NPPF requirements set out above (see Refs 32 and 33).
37	Condition 2.4, f) of the Draft LDO (Aug 2012) amended as set out in condition 2.4, n) of the LDO (Jan 2013). This increases the total cumulative amount of A5 (hot food/ takeaway) use permitted within the Newhall Approach Character Area to 400 sqm.	This ensures consistency with above amendments Ref 33, 34 and 35 and takes account of the NPPF requirements with respect to viability and deliverability set out above (see Refs 32 and 33).
38	A new condition 2.4, p) has been added to the LDO (Jan 2013). This condition provides a cumulative cap on D1 (conference facilities). Total cummulative floorspace cap set at 750 sqm within the Newhall Approach Character Area. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm.	Previously there was no limit to the total cumulative amount of D1 (conference facilities) floorspace in the draft LDO (Aug 2012), bar the cap on individual premises to 700 sqm. A maximum cumulative standard for D1 (conference facilities) use is considered essential. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm to take account of likelihood of mixed use business buildings of dimensions up to 15m x 50m. This consideration has taken account of the NPPF requirements with respect to viability and deliverability set out above (see Refs 32 and 33).
39	A new condition 2.4, r) has been added to the LDO (Jan 2013). This condition provides a cumulative cap on D1 (training centre) uses Total cummulative floorspace cap set at 750 sqm within the Newhall Approach Character Area. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm.	Previously there was no limit to the total cumulative amount of D1 (training centre) uses in the draft LDO (Aug 2012), bar the cap on individual premises to 700 sqm. A maximum cumulative standard for D1 (training centre) uses is considered essential. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm to take account of likelihood of mixed use business buildings of dimensions up to 15m x 50m. This consideration has taken account of the NPPF requirements with respect to viability and deliverability set out above (see Refs 32 and 33).

40	A new condition 2.4, t) has been added to the LDO (Jan 2013). This condition provides a cumulative cap on D1 (crèche / nursery) uses Total cummulative floorspace cap set at 750 sqm within the Newhall Approach Character Area. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm.	Previously there was no limit to the total cumulative amount of D1 (crèche / nursery) uses in the draft LDO (Aug 2012), bar the cap on individual premises to 700 sqm. A maximum cumulative standard for D1 (crèche / nursery) uses is considered essential. Relevant floorspace limitation for individual premises has been increased from 700 sqm to 750 sqm to take account of likelihood of mixed use business buildings of dimensions up to 15m x 50m. This consideration has taken account of the NPPF requirements with respect to viability and deliverability set out above (see Refs 32 and 33).
41	Condition 2.4, j) of the Draft LDO (Aug 2012) has been amended to increase the limitation on individual D2 (gymnasium / swimming pool) uses from 700 sqm to 1,200 sqm.	Floorspace requirements of D2 (gymnasium / swimming pool) have been reconsidered. It is clear that such uses will require more floorspace than D1 crèche/ nursery, education training and conference centre uses). A maximum floorspace (both individual and cumulative) has been derived and tested to ensure deliverability and viability. This is based on the need for a 20m pool and gymnasium and modelled on potential building dimensions of 20m x 60m. This consideration has taken account of the NPPF requirements with respect to viability and deliverability set out above (see Refs 32 and 33).
42	A new condition 2.4, v) has been added to the LDO (Jan 2013). This provides a cap on the total cumulative use in D2 (gymnasium / swimming pool) use within the Newhall Approach Character Area.	Previously there was no limit to the total cumulative amount of D2 (gymnasium / swimming pool) uses in the draft LDO (Aug 2012), bar the cap on individual premises to 700 sqm. A maximum cumulative standard for D2 (gymnasium / swimming pool) uses is considered essential.
43	All of the above conditions (Ref 32 to 42) have been inserted in Class 2, Schedule D of the LDO (Change of Use in the Newhall Approach Character Area).	To ensure Class 2 (Schedule D) is consistent with Class 2 (Schedule A) on these matters.

44	Amendment to Condition G1 to create a more robust LDO compliance procedure in line with the LDO confirmation of compliance application form and protocol prepared.	To ensure the fast tracking of LDO compliant development proposals in the area. To ensure condition G1 of the LDO is consistent with the LDO compliance procedure, LDO confirmation of compliance application form and LDO confirmation of compliance protocol prepared.
45	Amendments to all conditions of the LDO to ensure all prior to commencement conditions state “no development shall be begun”.	So that the provisions of the LDO are clear with respect to “development” and “when development has been begun”, as defined in paragraph 1.1, aa), bb) of the LDO, regarding sections 55 and 56 of the Town and Country Planning Act (as amended).
46	New conditions G6 and G7 added to the LDO to ensure the delivery and implementation of replacement playing fields and facilities for the Maypole Sports Club. Conditions work with new appendix H.	To ensure continuity of playing field provision within the area and to take account of representations made by Sport England on the LDO (see Response Number 6). Drafted conditions sent to and agreed with Sports England and enhanced further following legal advice received.
47	New condition G8 added to require a demolition method statement. Condition G8 requires a Demolition Method Statement to be submitted and agreed in writing by the Local Planning Authority before works involving the demolition of buildings may be begun.	To ensure appropriate measures are put in place and agreed with the Local Planning Authority with respect to access, egress of demolition vehicles, wheel cleaning facilities, hours of demolition work, etc. To ensure that demolition works are undertaken in an appropriate manner and to avoid negative impact on neighbours and the highways network.
48	Condition G9 added on the removal of demolition building materials.	To ensure all demolition building materials are removed from sites within a 3 month period. To avoid visual blight caused by the open storage of demolition materials on a site for a long period of time. In the interests of the visual character and investment potential of the area.
49	Minor amendments to condition H1 (Road Layout and Design) to require details of street lighting and gradients to be submitted and approved. Simplification of paragraph 3 to require “all works shall then be constructed in accordance with approved details”.	Simplification and to cover highways safety issues regarding street lighting and gradients.
50	Minor amendments and formatting	Grampian effect of condition H2 made clearer

	changes to condition H2 (carriageway construction).	by refinement of final sentence to state that the carriageway, footway, footpath, verge, trees “must be completed prior to occupation of any building.”
51	Condition H3 (vehicle and pedestrian access) deleted.	Deemed superfluous as this condition repeats Grampian requirements of condition H2 (carriageway construction) in terms of delivering works prior to occupation.
52	Condition H3 (Vehicle visibility splays) made more precise by referring to Table 5H of the London Road Design Code. Requirements of Table 5H agreed with highways authority.	To make condition more precise. Following legal advice received by the Council.
53	Condition H5 (Trees in highway) amended to delete statement that ‘a commuted sum to cover the cost of future maintenance’ shall be provided to highways authority.	Following legal advice and advice from Harlow Development Management team. Paragraph 83 of Circular 11/95 prohibits use conditions to require money from developers or landowners.
54	Further minor amendment to Condition H5 (Trees in the highway) to require street trees to be agreed “in writing” with the Highways Authority.	To ensure condition is precise and enforceable, following legal advice received.
55	Condition H8 (Gradients for private accesses joining the highway) deleted from draft LDO, Aug 2012.	Considered superfluous as issue of gradients now included in condition H1 (Road layout and design) which requires details to be submitted and approved in writing by the Local Planning Authority.
56	Minor amendments to phasing and delivery of highways conditions PDH1 to PDH10 such that all highways works required prior to occupation of development are defined more precisely by reference to appendix D and definitions provided in paragraphs 1.1, g) to p).	To enhance the precision of conditions. Following legal advice received by the Council.
57	New Condition PDH11 (Appendix J Land) added to final LDO Schedule, phasing and delivery of infrastructure conditions. Condition PDH11 works with a new Appendix J and a new informative INF6 (Phasing condition PDH11 and junction 7a). Condition PDH11 restricts development on development parcels D and E (as shaded red on Appendix J) until a new junction 7a has been delivered and open	Condition takes account of revised modelling of junction 7 which has successfully determined the capacity of junction 7 and the amount of enterprise zone development and associated transport impact which can be accommodated at junction 7 over the lifetime of the LDO. Revised modelling has taken into account the representation made by the Highways Agency to the draft London Road North LDO and has been undertaken to the satisfaction of the highways authorities.

	to use on the M11. Informative INF6 advises landowners the instances in which / criteria against which the Local Planning Authority may consider varying condition PDH11. These are: Where the motoring of enterprise zone development demonstrates that sufficient highways capacity exists at junction 7 such that development can proceed on parcels D and E; and/ or Where travel planning measures in the enterprise zone or across Harlow demonstrates that sufficient highways capacity exists at junction 7 such that development can proceed on parcels D and E; and/ or Where an alternative scheme of highways works has been undertaken to junction 7 which has provided sufficient highways capacity exists at junction 7 such that development can proceed on parcels D and E.	It follows further engagement undertaken with the highways authority, highways agency and transport planning consultants working on the behalf of the Local Planning Authority and Highways Agency. The wording of condition PDH11 (Appendix J Land) and informative INF6 (Phasing condition PDH11 and junction 7a) have been agreed on by the highways agencies and the local planning authority and follows legal advice received.
58	Condition H9 (Travel Plans) applied to Class 1 and 2 development in Schedule D change of use.	To ensure new uses within the LDO are and new businesses fulfil requirements of preparing and monitoring on a travel plan.
59	A new condition (EXT5 – Highways works associated with extensions, alterations and change of use) applied to Class 1 and Class 2, Schedule D (change of use) development.	To ensure any highways works associated with change of use follows same process as required for extensions or alterations.
60	Edits to Condition P2 (Loading and Turning Areas), E3 (Tree re-planting) and E4 (external lighting scheme) to the effect that the final sentence in each condition is deleted which states ‘unless variations are submitted to and approved by the Local Planning Authority’ or ‘unless otherwise agreed in writing.’	Following legal advice received by the Local Planning Authority. The end statement would be regarded as a “tailpiece condition” which is now considered unlawful given recent legal decisions. These judgements rule that the public must know when development is permitted and hence there should not be an informal or back door arrangement by which planning permission can be granted. Furthermore, such a procedure is really unnecessary given Section 73 and/or the ability to make non-material amendments.

61	Condition E6 (Drainage) in draft LDO (Aug 2012) revised provide additional bullet point requirements for drainage schemes with respect to Sustainable Urban Drainage (SUDs) systems, demonstrating foul and surface water capacity, setting out pollution control measures. A final sentence is also added to ensure approved measures are implemented before occupation of development.	To take account of representations made by Thames Water, The Environment Agency and Essex County Council (Environment, Sustainability and Highways) with respect to this issue.
62	New condition E7 (Discharge from Parking and Loading Areas) added.	To take account of representations made by The Environment Agency, Thames Water, and Essex County Council (Environment, Sustainability and Highways) with respect to this issue.
63	Condition E9 (Ecological Survey) of Draft LDO (Aug 2012) revised and enhanced to be unambiguous that schemes must survey all European Protected Species.	To take account of representations made by Natural England, Essex Wildlife Trust and EECOS.
64	Condition EXT6 (Residential Impact) enhanced to refer specifically to design codes R1 to R12 of the London Road North Design Code.	To make the condition more precise, easier to interpret for developers and easier to implement for the Local Planning Authority.
65	New informatives on foul drainage, SUDs Approval and Trade Effluent (INF1, INF2 and INF3) added.	To take account of representations made by Thames Water, The Environment Agency and Essex County Council (Environment, Sustainability and Highways) with respect to this issue.
66	New informative added on European Protected Species (INF4).	To take account of representations made by Natural England, Essex Wildlife Trust and EECOS.
67	New informative added on Breeding and Nesting Birds (INF5).	To take account of representations made by Natural England, Essex Wildlife Trust and EECOS.
68	New informative added (INF6) to assist with interpretation of phasing condition PDH11 on junction 7a. Informative INF6 suggests a criteria for removing / releasing condition PDH11 (applied to development parcels D and E). This criteria has been agreed with the highways agencies.	To take account of representations made by the Highways Agency on the Draft LDO (Aug 2012). To reflect the findings of the Transport Assessment Addendum and the process of further engagement undertaken by the Local Planning Authority with the highways agencies.

Modifications made to the London Road North Statement of Reasons		
Ref	**Modification**	**Reason**
1	A preface to the document has been added to introduce the Statement of Reasons and make its purpose clear with respect to Article 34(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (DMPO). A contents page has also been added.	To provide a clearer introduction to the document and to outline its purpose.
2	Section 2 of the Draft Statement of Reasons (Aug 2012) has been revised in the form of Section 2 – Introduction to the LDO of the final Statement of Reasons (Jan 2013).	This provides a simpler and shorter summary of what is in the LDO and its relationship to the design code.
3	Minor Section 3 (Description of development to be permitted) in terms of formatting and description of conditions and lifetime of the LDO.	To provide more clarity. Changes to the timeframe of the LDO are now reflected in the Statement of Reasons (which mean that the LDO will now last for 10, rather than 5 years). See Ref 3 of modifications to the LDO above.
4	Map added on page 10 of the final Statement of Reasons (Jan 2013) to assist readers in interpreting permitted development in Schedule C (Road Infrastructure).	To provide more clarity.
5	Changes to the description of development permitted to reflect new permitted development rights added to the final LDO (Jan 2013). These include a new Class C, Schedule A development and two new classes of development in Schedule E (minor operations).	To ensure Statement of Reasons is consistent with the amended LDO. For further rationale, see Ref 24, 25 and 26 of LDO modifications above.
6	Limitations stated in the Statement of Reasons (Aug 2012) has been revised and slimmed down. Paragraph 3.7 now replaces this section. This statement simply reads that there are a range of limitations to the LDO which are set out in	To avoid repetition and duplication or confusion on this issue.

	paragraphs 1 to 18 of the Order.	
7	Description of Schedule A, Class 2 development expanded to set out range of mixed uses permitted. A new paragraph 3.14 set out the conditions limiting the individual and cumulative floorspace of these uses in the LDO.	To enhance the clarity and precision of the Statement of Reasons with respect to this class of permitted development in the LDO.
8	Description of Schedule D, Class 2 development expanded to ensure consistency with LDO (Jan 2013) and provide more descriptive content on the types of change of use this class of development covers. A new paragraph 3.22 highlights that specific conditions are attached to the LDO which limit the individual and cumulative floorspace of these uses in the LDO.	To enhance the clarity and precision of the Statement of Reasons with respect to this class of permitted development in the LDO.
9	Description of Schedule E development (minor operations) provided.	To update the Statement of Reasons with respect to changes to the LDO (Jan 2013).
10	Chapter 4 - Justification for the London Road LDO - of the Draft Statement of Reasons (Aug 2012) has been deleted.	This content was deemed relevant to the public consultation on the Draft LDO but is not now considered relevant to the final LDO or final Statement of Reasons. The aim of the final Statement of Reasons (Jan 2013) is to fulfil the requirements of the DMPO, rather than provide further commentary on these issues, which are covered in the masterplan.
11	Chapter 5 – how the LDO will work – of the Draft Statement of Reasons (Aug 2012) has been deleted.	To remove unnecessary duplication or confusion with requirements set out in the: • Provisions of the Order and LDO Schedule • LDO Confirmation of Compliance Protocol; and • LDO Confirmation of Compliance Application Form and Checklist. The amendments also reflect changes made to Condition G1 (Confirmation of Compliance) of the LDO and to the timeframe of the LDO, which has been extended from 5 to 10 years.

12	Chapter 4 – Conclusion: Reasons for Making the LDO – has been added to the final Statement of Reasons (Jan 2013).	To provide a thorough and succinct justification for / reasons for making the Order, as required by Article 34(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

Modifications made to the London Road North Design Code		
Ref	**Modification**	**Reason**
1	Introduction amended to reflect the fact that the public consultation undertaken between Aug and Sep 2012 has now been completed.	Update.
2	Movement framework diagram and key features added to page 13 of final design code.	To enhance the explanation of the masterplan and its rationale / key features.
3	Section on land uses added to page 16 of final design code.	To respond to representations from land owners within the site on this issue and further explain the land use rationale in the masterplan and LDO.
4	Section on character areas further expanded on pages 17 to 20 of final design code.	To improve the definition and clarity on extent and geographical location of different character areas.
5	Minor amendments to Table 4A of final design code to provide further guidance on roof and plant structures. Maximum building ridge height added and reference to existing ground levels as set out in topographical study.	To provide further clarity on these matters and reflect difference between ridged and flat roofs. Confirmation on measuring building height from existing ground levels ensures ground levels aren't raised and permitted height being exceeded.
6	Illustrations added to page 23 of final design code.	To provide illustrative function by showing how street and frontage development elements are intended to come together to form high quality design.
7	Notes on set back in each table in chapter 5 added to remind readers that blank facades adjacent to a relevant highway must be set back or landscaped as per design codes RH11 and RH12).	To assist readers in understanding design code requirements.
8	Minor amendments to the frontage building set back standards for A414 frontage to allow more flexibility in	To allow more flexibility should occupiers wish to retain the existing tree belt, rather than create a

	maximum set back requirements. Standards split so that there is no set back requirement where the existing tree belt is retained.	new frontage on the A414. Where a frontage is created on the A414, set back standards have been increased to allow a deeper set back where buildings are buffered from moving traffic by landscaping or a parking slip road.
9	Visibility splay standards for Urban Boulevard (west), Urban Boulevard (east), Main Employment Avenue and Access Road all altered as per Highways Authority guidance.	Guidance informed Local Planning Authority to use 4.5 x 70m standard, rather than that which is contained in Essex County Council's road construction manual (2012).
10	Minimum frontage building height standards reduced from 7m to 6m on A414, Urban Boulevard (west), Urban Boulevard (east).	To ensure sufficient flexibility is provided.
11	Minimum frontage building heights on designated corners reduced from 7m to 6m.	To ensure sufficient flexibility is provided.
12	Tree planting standards provided on a separate table in final design code on page 34.	To provide clarity and keep all guidance on this matter in one place.
13	Tree spacing standards altered to 10m to 18m spacing from 18m.	To allow sufficient flexibility and ensure high quality landscaping is provided.
14	Table 5J provided on Cycle path Width.	Following consultation with Highways Authority Essex County Council. Table 5J is taken from ECC Guidance – Designing for Cyclists – A Good Practice Guidance. Reference to this document also added to page 6 list.
15	Illustrative example of on street parking along Urban Boulevard East (Newhall Approach Character Area) removed from code.	Following consultation with Highways Authority, Essex County Council, who objected to on street parking on this section of street, until the full details of the proposal are clear. Flexibility on this issue is provided by amended Table 5C on page 28 which outlines that 'detailed specification of this section of the street will need to be determined at a later date….[and]…Essex County Council consent will be required for any on street parking bays along this section of the highway.' Thus, on-street parking can still be delivered, where highways authority consent is obtained.
16	Minor edit to set back standards along Urban Boulevard East (Newhall Approach Character Area). Standards changed to 0m min to 3m max, from 1m min to 3m max	To allow a tighter sense of enclosure to be created, without the need for any private setback. Thus allowing active frontages to be erected immediately adjacent to the footway.

17	Minimum building height standards along Main Employment Avenue reduced from 7m to 6m.	To ensure greater flexibility on this issue.
18	Minimum building height standards along Access Road reduced from 6m to 5m.	To ensure greater flexibility on this issue.
19	Further guidance on public right of way and definitive map provided in Table 5F and paragraphs 5.15 to 5.19 of the final design code.	Following consultation with highways authority and to provide clearer advice on this issue.
20	Cycle symbols added to design code tables in chapter 5 where appropriate.	To make clearer cycle path requirements.
21	Reference to emergency access vehicles removed from Tables 5F and 5G. Width standards made more flexible min 3m to max 5m to make allowance for a wider variety of pedestrian / cycle routes, as set out in new table 5J on cycle path design.	To provide greater flexibility and ensure design code consistency on cycle path / pedestrian path design.
22	Images of cycle paths in Harlow provided on page 35 of the final design code.	To provide further illustrative guidance on issue.
23	Photo of tree on page 29 of draft design code (Aug 2012) removed.	Following representations by the Local Highway Authority. Railings around a tree would not be advisable within a visibility splay.
24	Design codes in chapter 6 put into tables.	To ensure design code requirements are bolder and made distinct from supplementary text, rationale and guidance.
25	Minor editing to design code RH7 on corner buildings.	To make design code clearer and more succinct in terms of the landmark / gateway function of such buildings.
26	Design code guidance on orientation of industrial buildings split so that separate codes are provided for single industrial buildings (RH8) from multiple industrial buildings (RH9).	To ensure distinct guidance is clear on these different building/ layout typologies and to avoid confusion on this issue.
27	Design code RH11 Blank industrial facades in final design code – Minor editing to show how requirements are to be calculated and to refer to façade rather than frontage.	To provide clearer guidance on this issue.
28	Design code RH12 added to the final design code.	To make landscape screening requirements on blank industrial facades clearer. This code was

		previously included as a permitted variation.
29	Design code B1 (frontage boundary landscaping adjacent to a public highway in Zone A) added to final design code.	To ensure a well landscaped frontage is achieved adjacent to all public highways in zone A and ensure development contributes to achieving a consistently high quality, well landscaped business park environment. The Newhall Approach Character Area is not included in this requirement due to the fact that development frontages can be erected adjacent to the footway at this location.
30	Fencing – table A information has been split into 3 different tables. This provides separate design code requirements for different character areas.	Ensures that a more nuanced approach is provided in which fencing is controlled more along important frontages within the EZ Gateway and Newhall Approach Character Area, but allows a more relaxed approach within the Main Employment Avenue and Fringe Character Area. The requirement to provide a 3m landscape buffer area along fencing provided adjacent to any public highway in any character area is, however, retained.
31	Illustrations added to chapter 8 (delivering the movement framework).	To assist in the interpretation of these standards.
32	Chapter 8 (delivering the movement framework). Section added to the introduction of this chapter to show how to use the codes.	To assist in the interpretation of these standards.
33	Minor editing to tables in chapter 9 (site access & junction spacing). Removal of guidance content from table to ensure that mandatory standards are provided in tables.	To ensure design code requirements are clear and unambiguous. To ensure code requirements are clearly separate from guidance and further information.
34	Guidance on 'calculating parking requirements' enhanced by providing further illustrations and guidance.	To assist in the interpretation of these standards.
35	Design code CP1 (Cycle Parking Design) added to design code.	This makes requirements previously included in general text clearer by providing them in a design code.
36	Design code index provided in final design code.	To assist users in navigating and locating design codes included in the document.

Modifications made to the London Road North Masterplan		
Ref	**Modification**	**Reason**
1	Introduction amended to reflect the fact that the public consultation undertaken between Aug and Sep 2012 has now been completed.	Update.
2	Paragraph 1.21 added to masterplan to outline that a new chapter (Chapter 10 – Phasing) has been added to the masterplan.	Update.
3	Background – new page 9 provided in final doc (2013) which outlines need to relocate the Maypole Sports Club.	To take account of representation raised by Sports England and draw the attention of developers and landowners to the new conditions which have been added to the LDO to this effect. The inclusion of this issue in the masterplan ensures that these matters can be properly described and illustrated to assist developers, landowners, stakeholders and the local community. It explains how the playingfields shall be relocated to Newhall as a permanent arrangement, but in the interim, relocated to development parcels D and E. It also ensures that any planning application submitted outside of the LDO process will be expected to take account of this issue in the manner outlined.
4	Masterplanning process enhanced to provide more description on the phases undertaken in terms of baseline work; examining issues, opportunities and constraints; formulating a spatial vision; options testing and preparing an illustrative masterplan.	To ensure that this process is outlined clearly to landowners, developers, stakeholders and the local community. To ensure all landowners are aware of the process undertaken by the Local Planning Authority.
5	Chapter 4 - Site Issues and Constraints – additional information provided on archaeology and heritage issues (4.10).	To take account of representations made by Essex County Council Place Services.
6	Chapter 6 – Development Principles. Minor re-ordering of development principles and the addition of photographs.	Minor enhancements. No content changes.
7	Chapter 7 - Masterplan – photo added to further illustrate character of ‘pod’ development.	Minor enhancements. No content changes.

8	Chapter 7 - Masterplan – an additional page added on land uses to illustrate provision and strategy of the LDO in this respect and provide a more detailed justification and rationale for the urban design and planning decisions taken.	To take account of representations by landowners on this issue and to provide further commentary and justification on the Local Planning Authority's rationale on this matter.
9	Chapter 9 - Enterprise Zone Gateway Character Area – key features 9.6 enhanced to provide a clearer recognition on the need for landmark / gateway buildings on the entrance to the enterprise zone.	Minor enhancements to provide additional clarity.
10	Chapter 9 - Enterprise Zone Gateway Character Area – use of additional photographs to illustrate frontage development and street character expected from development at this location.	Minor enhancements to provide additional clarity.
11	Chapter 9 – Newhall Approach Character Area – further description provided in key features of the character area (9.12) regarding A and D class supporting mixed uses.	Minor enhancements to provide additional clarity.
12	Chapter 9 – Newhall Approach Character Area – Minor amendments to 9.14 (likely land uses) to reflect addition of A2 (financial & professional services) to the LDO.	Minor enhancements to provide additional clarity and to reflect changes to the LDO.
13	Chapter 9 – Newhall Approach Character Area – additional photographs provided to further illustrate frontage development and street character expected from development at this location.	Minor enhancements to provide additional clarity.
13	Chapter 9 – Main Employment Avenue and Fringe Character Area – additional photographs provided to further illustrate development and street character expected from development at this location.	Minor enhancements to provide additional clarity.
14	New chapter 10 on Phasing provided to explain the phasing requirements placed on development in terms of highways, playing fields and with respect to	To provide further explanation on the phasing requirements set out in the LDO conditions. In particular: • PDH1 to PDH10 on the delivery of new

	junction 7a and development parcels D and E. The chapter also illustrates how phasing and delivery of infrastructure conditions PDH1 to PDH10 of the LDO work in terms of requiring the delivery of specific highways works prior to the occupation of development on particular development parcels. Note provided in chapter 10 to confirm that the phasing plan is merely indicative.	highways infrastructure; • Condition PDH11 and junction 7a and development parcels D and E; and • General conditions G6 and G7 with respect to the interim and permanent relocation of the Mayfields Sports Club playing fields and building facilities.
15	Minor enhancements to Appendix A to provide orange boxes on each section to explain precisely how the Harlow Design Guide SPD principles have informed the preparation of the masterplan and design codes.	Minor enhancements to provide additional clarity.
17	Movement framework diagram and key features added on page 13.	Enhance rationale and explanation of masterplan.