

London Road South Local Development Order Consultation Summary Report

December 2015

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SECTION 1 - INTRODUCTION

This Consultation Report outlines the revisions made to the London Road South Local Development Order (LDO) and summarises the consultation process being undertaken by Harlow Council.

The aims of this Report are to:

- outline the revisions made to the London Road South LDO;
- summarise the consultation requirements for revising Local Development Order conditions, as set out in the Town and Country Planning (Development Management Procedure) Order 2015 (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 proposed revision of the LDO.

SECTION 2 - BACKGROUND

Harlow Enterprise Zone

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.

Harlow submitted a successful bid for Enterprise Zone status, and the Enterprise Zone formally came in to being on 1 April 2012. Harlow Enterprise Zone 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).

The Harlow Enterprise Zone is split across two separate sites (see map below) - Templefields North East, located adjacent to Cambridge Road; and land at London Road. The focus of this report is a 9 hectare redevelopment site at the London Road Campus, known as London Road South.



Local Development Orders (LDOs)

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.

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

Following periods of public consultation and subsequent submissions to the Secretary of State in 2012 and 2013, the Council adopted 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 are 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.

Proposed Revisions

In line with the purpose of reducing delay and stimulating investment, Harlow Council are proposing to make some minor amendments to the London Road South LDO. To accommodate the new plant solution, the height of the data centre buildings need to be increased. At the moment the LDO allows buildings of up to 12 metres in height and this needs to rise to a maximum of 14 metres. This triggers the need for three main changes to the Design Code.

Table/Paragraph and Page Reference	Current Wording	Proposed Wording/ Treatment
Table 1: Maximum Building Heights, page 4	B8 – maximum building height 12m	B8 – maximum building height 14m
Principle R3: Max height of any storage and distribution buildings in relation to a residential boundary, page 21	>40m – 12m	>40m – 14m
Section/Image on Page 21	Illustrates current heights	Adjustment to show/allow buildings of 14m at a distance greater than 40m from residential boundary.

Whilst the performance of the new plant will be better than that currently allowed by the LDO, an additional control is proposed for part of the data centre zone that is closest to the nearest residential properties (Maypole Cottages). This will be a new condition which will require the submission and approval of an acoustic assessment (of existing and proposed noise levels) on the south eastern corner of the site.

The proposed wording of this new condition is:

“E16 Acoustic Assessment (Maypole Cottages)

No operation of data centre 4 (as shown on plan reference 2224/PL-05) shall take place until an acoustic assessment of background and proposed noise levels along part of the site’s eastern boundary (also as shown on plan reference 2224/PL-05) has been submitted to and approved in writing by the local planning authority”

SECTION 3 - LEGISLATIVE REQUIREMENTS

Paragraph 2 of Schedule 4A of the Town and Country Planning Act 1990 (as amended) states that the local authority may at any time prepare a revision of a Local Development Order. Sub-paragraph 6 of the same Schedule states that when a revision is made to an Order, the same procedures have to be followed as when the Order was prepared.

The procedures that a Local Planning Authority (LPA) must carry out when preparing a Local Development Order, and therefore when revising one, are contained within the Town and Country Planning (General Development Management Procedure) Order 2015 (as amended).

LDO preparation

Articles 38(1) and 38(2) of the order state that a 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.

(Note: The Statements of Reasons for the LDOs were not revised.)

Consultees

Article 38(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.

Article 38(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

Articles 38(5) and 38(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

Article 38(14) 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.

Articles 38(7) and 38(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.

After the consultation

Article 38(10) 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.

Secretary of State notification and involvement

Articles 38(11) require the local planning authority to send a copy of the local development order, the statement of reasons and any environmental statement to the Secretary of State within 28 days of adoption.

SECTION 4 - CONSULTATION METHODS USED

The consultation period for the Proposed Amendments to the London Road South Local Development Orders ran for 28 days from 12 November 2015 to 10 December 2015.

Responding to the Consultation

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

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

The letters contained background information on the Proposed Amendments to the LDOs, why the revisions were being proposed, information on how to respond to the consultation, and information regarding how to view related documents on the Council website and in Harlow libraries. For an example of a letter sent to a consultee, see Appendix B.

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.

Site Notices

In accordance with the Regulations, site notices were displayed in the areas surrounding the LDO site. The notice advertised where and when hard and electronic copies of the relevant documents could be viewed, 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 (see Appendix D). For an example site notice, see Appendix C.

Press Notice

In accordance with the Regulations, a press notice advertising the Proposed Amendments was published in the 12 November 2015 edition of the local newspaper *Harlow Star* (see Appendix E). This provided notice of the Proposed Revised Conditions of all three LDOs, and gave information regarding where and when to view hard and electronic copies of the relevant documents, and information regarding the consultation (including how to comment and the dates of the consultation period).

Availability of Documents

Hard copies of the Proposed Amendments and Schedules of Changes for the LDO 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

The LDO pages of the Harlow Council website were updated to include details of the Proposed Amendments consultation, and the Proposed Amendments and Schedules of Changes were made available for download. Additionally, the adopted LDOs, associated documents and supporting technical documents are available to download. Information was also published on these pages regarding the consultation (including how to comment and the dates of the consultation period).

SECTION 5 - CONSULTATION RESPONSES AND ADOPTION

Public Consultation Responses

Forward Planning Officers will take into account all representations made during the consultation period. , For a full list of respondents see Appendix F. For a full breakdown of comments received during the consultation see the LDO pages of the Harlow Council website at: <http://www.harlow.gov.uk/ldo-lrs>

Six responses were received altogether. Four from statutory bodies; The Environment Agency, Natural England, Highways England and Historic England. None of these bodies had comments to make as they felt that the changes would not have an adverse effect on any aspects of their work.

There was one objection received from the resident of the nearby Maypole Cottage. Objections made in relation to the height of the building were that it would overlook the respondents home and concern that this increased height would allow people working in the nearest data centre to have a clear view into the respondents property. Also that the building would cause a loss of sunlight and daylight, especially in winter months.

One final response, from the landowner, was strongly in support of the changes. It outlined the fact that the new design, while taller, will take up the same amount of space overall. This change in shape will allow the incorporation of new technologies which allow the centres to operate much more efficiently and much more quietly.

Approval of the Amendments by Cabinet

Cabinet considered the responses and went on to approve the amendments to the LDO at the Cabinet meeting on Thursday 10 December 2015.

APPENDIX A - Consultees

- Anglian Water
- All Ability Sports and Leisure
- All adjoining properties and all residential properties within 100m of the boundary of the sites affected by the Proposed Revised Conditions (2)
- Alzheimer's Society
- British Gas
- BT Openreach
- Canal Boat Project
- Catch-22
- Co-Operative Gateway East of England
- Commission for Racial Equality
- Department of Transport
- East Herts District Council
- EEIDB Business Link East
- Employ-Ability
- 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
- Equal Opportunities Commission
- Federation of Small Businesses Essex
- Friends, Families and Travellers and Traveller Law Reform Project
- Greater Anglia
- Gypsy Council
- Gypsy & Traveller Law Reform Coalition
- Harlow 2020 Local Strategic Partnership
- Selected Harlow Council Officers (8)
- Harlow and District Access Group
- Harlow and District Chamber of Commerce
- Harlow and Epping Social Club for the Blind
- Harlow Council Development Manager
- Harlow Council Environmental Health Manager
- Harlow Council Property Manager
- Harlow Council Senior Housing Manager
- Harlow Council Strategy and Economic Development Manager
- Harlow Council Street Scene Manager
- Harlow Council Tree Works Officer
- Harlow Handicapped Sports Foundation
- Harlow Homeless Centre
- Harlow Market Traders Association
- Harlow MENCAP
- Harlow MIND
- Harlow PCT
- Harlow Social Club for the Physically Disabled
- Harlow Town Centre Traders Initiative
- Harlow Trades Council
- Harlow Volunteer Bureau
- Hertfordshire County Council
- Herts & Middlesex Wildlife Trust
- Highways Agency
- Historic England
- Home Start Harlow
- Job Centre Plus
- Landowners and tenants of sites affected by Proposed Revised Conditions (2)
- Lee Valley Water PLC
- Matching Parish Council
- Mobile Operators Association
- Multiple Sclerosis Society
- National Grid
- Natural England
- NHS West Essex
- North Weald Bassett Parish Council
- NWES
- Oxfam
- Princess Alexandra Hospital NHS Trust
- Relate North Essex & East Herts
- Residents Associations (22)
- Rethink Harlow Advocacy Service
- Sawbridgeworth Town Council
- Science Alive
- Sheering Parish Council
- Sport England
- St Johns Ambulance
- Thames Water
- Transco
- The Harvey Centre
- The Water Gardens Shopping Centre
- UK Power Networks
- Veolia Water Central
- West Essex Clinical Commissioning Group
- West Essex Mind

APPENDIX B - Example of letter sent to a consultee



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

Telephone [REDACTED]
E-mail [REDACTED]
Date 11 November 2015

Dear Sir or Madam,

Revisions to the Harlow Enterprise Zones Local Development Orders (LDOs) Conditions

In 2013, the Council consulted on and adopted three Local Development Orders (LDOs), known as London Road North LDO, London Road South LDO and Templefields North East LDO. The LDOs grant planning permission for certain forms of development on the Enterprise Zone sites if the proposals were in line with the requirements set out in the Orders and accompanying documents. Further amendments to all three of the LDOs were made in 2014 after it was identified that phasing of the developments could aid implementation.

The data centres planned for the London Road South site have evolved and improved their design to accommodate a much more energy efficient operation. It is proposed therefore to amend the relevant conditions of the London Road South LDO to increase the height of the data centres from 12m to 14m. The type and amount of space that the LDO allows remains the same, as does the access to the site and the treatment of the site's boundaries.

From 12 November 2015, the revised LDO and accompanying Schedule of Changes will be available for inspection at the Harlow Council Civic Centre and in Harlow libraries during normal opening hours. They will also be available to download, along with supporting technical documents, from the Council website at <http://www.harlow.gov.uk/harlowLDO>

You are being contacted as a statutory consultee and/or a local group that have been previously consulted on LDOs.

Public consultation

The Council is carrying out a public consultation on the proposed revisions to the LDO between 12 November 2015 and 10 December 2015. If you wish to make any response to the proposed amendments, please email your comments to harlowLDO@harlow.gov.uk or write to the Council at LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG. All responses must be received by 16.00 on 10 December 2015.

Yours sincerely,

[REDACTED]

Dianne Cooper
Planning and Building Control Manager

APPENDIX C - Notice



Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

NOTICE UNDER ARTICLE 38 OF PROPOSAL FOR REVISIONS TO CONDITIONS OF LOCAL DEVELOPMENT ORDER GRANTING PLANNING PERMISSION

London Road South Enterprise Zone site

Notice is given that Harlow Council proposes to make revisions to the London Road South Local Development Order (LDO).

In 2013, the Council consulted on and adopted three Local Development Orders (LDOs), known as London Road North LDO, London Road South LDO and Templefields North East LDO. The LDOs grant planning permission for certain forms of development on the Enterprise Zone sites if the proposals were in line with the requirements set out in the Orders and accompanying documents. Further amendments to all three of the LDOs were made in 2014 after it was identified that phasing of the developments could aid implementation.

The data centres planned for the London Road South site have evolved and improved their design to accommodate a much more energy efficient operation, which necessitates a change to the shape of the buildings. It is proposed therefore to amend the relevant conditions of the London Road South LDO to increase the height of the data centres from 12m to 14m. The type and amount of space that the LDO allows remains the same, as does the access to the site and the treatment of the site's boundaries.

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All responses must be received by 16.00 on 10 December 2015.

[Redacted]
Dianne Cooper
Planning and Building Control Manager
On behalf of Harlow Council
Date: 11 November 2015

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—Photo and Location of the Site Notice



APPENDIX E - Press Notice

HSHE01-S2 harlowstar.co.uk

Public Notices

Trade: 01992 526666

Planning Notices

**Town and Country Planning
(Development Management Procedure)
(England) Order 2015 (as amended)**

**NOTICE UNDER ARTICLE 38 OF PROPOSAL
FOR REVISIONS TO CONDITIONS OF
LOCAL DEVELOPMENT ORDERS GRANTING
PLANNING PERMISSION**

London Road South Enterprise Zone site

Notice is given that Harlow Council proposes to make revisions to the London Road South Local Development Order.

In 2013, the Council consulted on and adopted three Local Development Orders (LDOs), known as London Road North LDO, London Road South LDO and Templefields North East LDO. The LDOs grant planning permission for certain forms of development on the Enterprise Zone sites if the proposals were in line with the requirements set out in the Orders and accompanying documents. Further amendments to all three of the LDOs were made in 2014 after it was identified that phasing of the developments could aid implementation.

The data centres planned for the London Road South site have evolved and improved their design to accommodate a much more energy efficient operation, which necessitates a change to the shape of the buildings. It is proposed therefore to amend the relevant conditions of the London Road South LDO to increase the height of the data centres from 12m to 14m. The type and amount of space that the LDO allows remains the same, as does the access to the site and the treatment of the site's boundaries.

From 12 November 2015, the revised LDO and accompanying Schedule of Changes will be available for inspection at the Harlow Council Civic Centre and in Harlow libraries during normal opening hours. They will also be available to download, along with supporting technical documents, from the Council website at <http://www.harlow.gov.uk/harlowLDO>.

Public consultation

The Council is carrying out a public consultation on the proposed revisions to the LDO Conditions between **12 November 2015 and 10 December 2015**. If you wish to make any response to the proposed amendments, please email your comments to harlowLDO@harlow.gov.uk or write to the Council at LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG.

All responses must be received by 16.00 on 10 December 2015.

Harlow Council
Working together for Harlow

PUBLIC NOTICES



Take notice, they could affect you!

Search all local planning applications online now

**harlowstar
.co.uk/notices**

APPENDIX F—Full Consultation Responses to Date (20/11/15)

Name	Organisation	Date	Response
Mr Clark Gordon	Environment Agency	16/11/2015	Thank you for consulting us with details of the proposed amendments to the London Road South LDO to increase the height of the data centres from 12 metres (m) to 14m. We have no objections to the proposed changes and no further comments to make at this stage.
Mr Connor Adkins	Highways England	25/11/2015	We do not have any observations or objections to the changes as the actual traffic generations will not change
Mr Gordon Wyatt	Natural England	07/12/2015	Natural England does not wish to comment on the proposed amendment to the LDO to permit the building height to be increased from 12m to 14m.
Mr Tom Gilbert-Woodridge	Historic England	08/12/2015	This is to confirm that Historic England has no comments to make on the proposed revisions. Yours faithfully, Tom Gilbert-Woodridge
Mr Tim Gent	Savills, on Behalf of Harlow Properties Limited	09/12/2015	Dear Sir/Madam London Road South Local Development Order Amendments Consultation Response Savills provides town planning advice to Harlow Properties Limited (HPL), the owners of the London Road South site. As the Council will be aware, since the adoption of the LDO in July 2014, HPL and its team have made significant progress on the site. This includes carrying out a package of enabling works including a new access and the refurbishment of the buildings in area B. As you recognise in your consultation paper, data centre design and operation has evolved. New technologies are now available which allow the centres to operate much more efficiently and much more quietly. Accommodating these technologies requires buildings which are a little taller than the LDO originally anticipated. They also require a slightly different layout, although the actual use carried out and the overall amount of space remains exactly the same. For these reasons we fully support the principal changes proposed to the LDO. They are essential if the performance of the data centre area is to improve as we know it can. They will also allow progress to continue rapidly on the transformation of the London Road South site (which we know as Kao Park). This is a key economic objective for the Council and one which we are very happy to share. I trust these comments are clear. I also hope that they convey HPL's continued support for the LDO and the quality of work that lies behind it. If you require any clarification of the points made, do please call me on 029 2036 8914 or contact me by e-mail at tgent@savills.com . Yours sincerely, Tim Gent Director

Name	Organisation	Date	Response
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Ms Sylvia Parkinson	Maypole Cottage	30/11/2015	Dear Sir/Madam,
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Thank you for your letter of November 11 2015 about the proposed schedule of changes to the London Road South LDO. I'm very worried that noise from the data centres and the scale of the buildings overlooking my home will spoil my quiet enjoyment of a property I have lived in for 50 years. I feel physically sick at the prospect of this gigantic development.

Noise- I am not at all reassured by the developer's undertakings about the new cooling techniques for data centres. The machinery operating in the data halls generates a substantial amount of noise and the prospect of being subjected to this 24-hours-a-day is horrifying. I'm concerned that the air circulation system may allow noise from the data halls to escape from the buildings too. The prevailing wind from the south west is also likely to carry noise in the direction of my home and my neighbours' home. I'm worried about this issue particularly when I wish to spend time in my garden. The proximity of data centres so close to residential property is unacceptable. A data centre in France has been closed because it was too near people's homes:

<http://www.datacenterdynamics.com/critical-environment/court-orders-interxion-to-close-paris-data-center/95059.article>

You'll see from the article that there's an additional safety concern about the storage of large quantities of diesel (580,000 litres in that case) for the back-up generators so close to people's homes.

Loss of privacy and light- The original plan was for buildings of 12 metres in height; now the proposal is for 14 metres in height. At a distance of 40 metres, people working in the nearest data centre will have a clear view into my garden and my property. The proposed tree and planting barrier will not be sufficient to block my view of the buildings as the trees would have to be over 30ft high to make a significant difference. There will also be a loss of daylight and sunlight, especially during the winter months. The original Standard Telecommunications building was at a suitable distance from residential property. I feel that the new buildings would loom over my home, creating a sense of oppression.

Proposal- From the site plans attached to the schedule of changes, it looks as if the DC4 building could easily be moved another 40 or 50 metres away from my home. Even that might not be enough to reduce the noise to an acceptable level, but it may help with the loss of privacy and light. As stewards of local amenity, I'm counting on your help to minimise the intrusion of this massive redevelopment into the quiet enjoyment of my home. The two cottages have been here since 1876 and should be respected as part of Harlow's architectural heritage.

I look forward to hearing from you. Please acknowledge this letter by return of post.

Yours faithfully, Sylvia Parkinson

