

London Road South

Statement of Reasons



Adopted
July 2013

Enterprise West Essex @ Harlow

Purpose of this document

The purpose of this document is to provide a formal Statement of Reasons for the preparation of the **London Road South Local Development Order** ("the LDO"). The LDO has been made to support the objectives of the Harlow Enterprise Zone ("the Harlow EZ").

Article 34(1) of the Town and Country Planning (Development Management Procedure) Order (DMPO) states that where a local planning authority proposes to make a LDO they shall first prepare:

- An order; and
- a statement for their reasons for making the order.

1. Background - Harlow Enterprise Zone

1.1 In 2011 Government announced that 24 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.

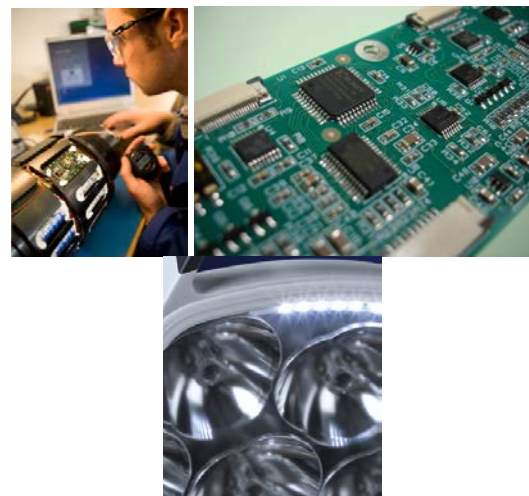
The Core offer for Enterprise Zones is to provide:

- a radically simplified planning regime
- business rate discounts
- superfast broadband.

1.2 Harlow's bid for Enterprise Zone status was developed by Harlow Council in partnership with the West Essex Alliance and other key partners such as Essex County Council. The bid was promoted by the South East Local Enterprise Partnership (SELEP). The SELEP covers the South East of England and is a private sector led economic body geared at promoting economic growth in the area (see map below).

1.3 Enterprise West Essex @ Harlow is a sector-led Enterprise Zone is focused on Harlow and West Essex's economic strengths in:

- Health and Allied Industries (Medical Technologies);
- Advanced Manufacturing; and
- Information Communication Technology (ICT).



Harlow's Enterprise Zone Sites

1.4 The Harlow EZ is split across two separate sites, totalling approximately 50ha of land on the eastern side of town.

Land at London Road

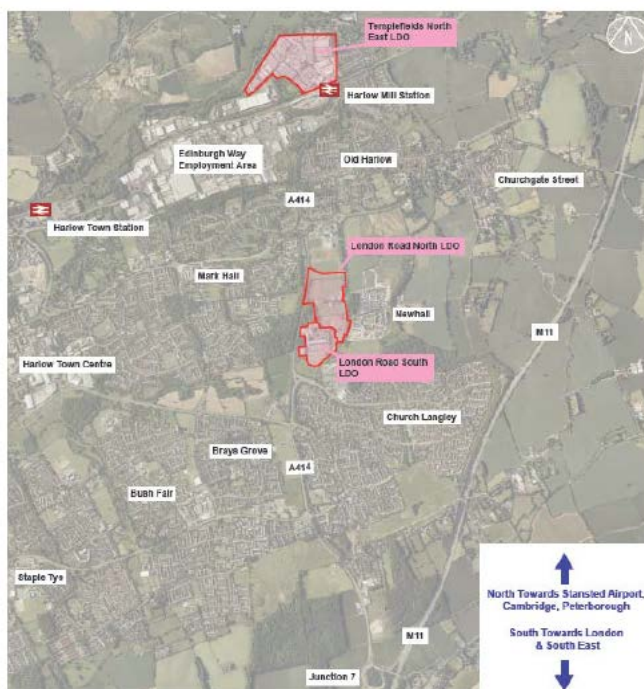
1.5 This site comprises 23 hectares of designated Employment Land and is located between the A414 and London Road. There will be two

separate LDOs for this site. These are:

- A 9 hectare redevelopment site at the London Road North Campus; and
- A 15ha site to the South - this site is known as London Road South and is the subject of this consultation.

Templefields South East

- 1.6 The site comprises 28 hectares of previously developed employment land is located within the existing Templefields Employment Area along River Way. This area of the Enterprise Zone is located adjacent to Cambridge Road (A1184) and the River Stort and contains a range of existing employment buildings along River Way and Temple Bank.



Simplified Planning requirement for the Enterprise Zone

- 1.7 One requirement of Enterprise Zone status is to put in place a genuinely simplified approach to planning on the Enterprise Zone sites to attract investment into the zones. The

Government is promoting the use of LDOs to achieve this.

- 1.8 LDOs are an existing part of the planning system introduced through the Planning and Compulsory Purchase Act 2004. A LDO grants planning permission for a specified type and/or scale of development, and can be with or without conditions.

- 1.9 The purpose of an LDO is to reduce delay, provide more certainty on the specific types of development and uses that will be permitted as well as reducing the risks to businesses.

- 1.10 The provisions for making LDOs are contained in sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990, as amended. More detailed legal provisions concerning the preparation of LDOs are contained in Article 34 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 ("the DMPO").

2. The London Road South Local Development Order

- 2.1 The London Road South Local Development Order is made up of the following components:
- The Order; and
 - The LDO Schedule, Appendices A to E (including the London Road South Design Code – Appendix E).

The Order

- 2.2 The Order sets out the relevant legal provisions under which the Local Planning Authority has made the Local Development Order. It outlines the timeframe of the Local Development Order and highlights a range of limitations which apply to the planning permissions granted in the LDO Schedule.

The LDO Schedule and conditions

- 2.3 The LDO Schedule contains the specific classes of permitted development which are granted planning permission by the order. The range of development permitted by different classes contained in the LDO Schedule is described in more detail below.
- 2.4 Planning conditions attached to the classes of permitted development are listed within each class of permitted development contained in the LDO Schedule.

LDO Appendices

- 2.5 Appendix A defines the area of land where the London Road South Local Development Order applies. Appendix B sets out the range of economic activities to which specific classes of development contained in the LDO Schedule apply. Appendix C defines the three 'zones' within the LDO site which. The permitted uses within each zone are set out in the LDO Schedule. Appendix D defines the zones within the LDO where other

types of development is permitted as detailed in the LDO Schedule.

London Road South Design Code

- 2.6 In many cases planning permission granted by the Local Development Order is conditional on complying with the requirements of the Design Code. This sets out a range of design and layout guidelines which should be followed.
- 2.7 It is important for the LDO to be read as a whole and for interested parties to read all components of the LDO Schedule, conditions, appendices and Design Code when considering development on the site.

3. Description of the development to be permitted

- 3.1 The Local Development Order grants conditional full planning permission for a range of development aimed at certain target sectors¹. This includes the erection of buildings for B8 use, the construction of roads, mounds and landscaping and the erection of fences and gates. The LDO also permits a range of other defined activities (infrastructure and facilities) directly required by certain classes of development. A summary of the development permitted is provided below:

Part 1 - Operational Development within Zone A

Schedule A - Building Development

Two classes of development are permitted under Schedule A:

- Class 1 permits the erection of buildings for B8 uses

¹ The specific uses are set out in an appendix to the LDO Schedule.

- Class 2 permits the erection of a building for a security gatehouse and the formation of associated car parking

Schedule A also permits associated site infrastructure and facilities directly related to development permitted by Class 1(a) of Schedule A.

Schedule B – Road Infrastructure

One class of development is permitted under Schedule B:

- Class 1 permits the construction of a road to connect development plots.

Schedule B also permits associated highway infrastructure directly related to development permitted by Class 1(a) of Schedule B.

Schedule C – Minor Operations

Two classes of development is permitted under Schedule C:

- Class one permits the erection, construction, improvement or alteration of a gate or fence.
- Class two permits the construction of a shared pedestrian and cycle route connecting that constructed on Zone “C1” to connect with Zone B

Schedule D – Engineering Operations

One class of development is permitted under Schedule D:

- a) The removal of existing mounds, embankments, areas of hard standing and roads.
- b) The creation of mounds, embankments and the planting of trees, shrubs and hedges associated with the formation of a landscape buffer zone.

Part 2 – Operational Development in Zone B

Schedule A – Minor Operations

Two classes of development is permitted under Schedule A:

- Class 1 permits the construction of a shared pedestrian and cycle route within land labelled “C1” to connect Zone B to the London Road North LDO and the construction of hard standing for the laying out of areas for car parking
- Class 2 permits external alterations to existing office buildings.

Part 3 – Operational development in Zone C

Schedule A – Road Construction

One class of development is permitted under Schedule A:

- Class 1(a) permits the construction of a road within land labelled “A1” connecting access point A to Zone A.
- Class 1(b) permits the construction of a road within land marked as “B1” connecting access point B to Zone B.

Schedule A also permits associated highway infrastructure directly related to development permitted by Class 1(a)(b) of Schedule A

Schedule B – Engineering Operations

One class of development is permitted under Schedule B:

- Class 1 permits the removal of existing mounds and embankments, the sealing off and removal of existing access road labelled “C1” on Appendix C of the LDO and the creation of mounds, embankments and the planting of trees, shrubs and hedges associated with the formation of a landscape buffer zone.

Schedule C – Minor Operations

Two classes of development is permitted under Schedule C:

- Class one permits the erection, construction, maintenance, improvement or alteration of a gate or fence.
- Class two permits the construction of a shared pedestrian on land labelled “C1” into the London Road North LDO site.

Limitations and Conditions

3.7 The development permitted through the LDO is subject to a number of limitations and conditions. For further details of the specific limitations and conditions please refer to the full London Road South LDO Schedule and linked Design Code which is attached as a separate document.

Area Covered by the LDO

3.8 The LDO applies only to the land at London Road, Harlow, Essex shown edged red on the Harlow London Road South Boundary Map opposite. This is also reproduced the LDO Schedule which is attached in a separate document.

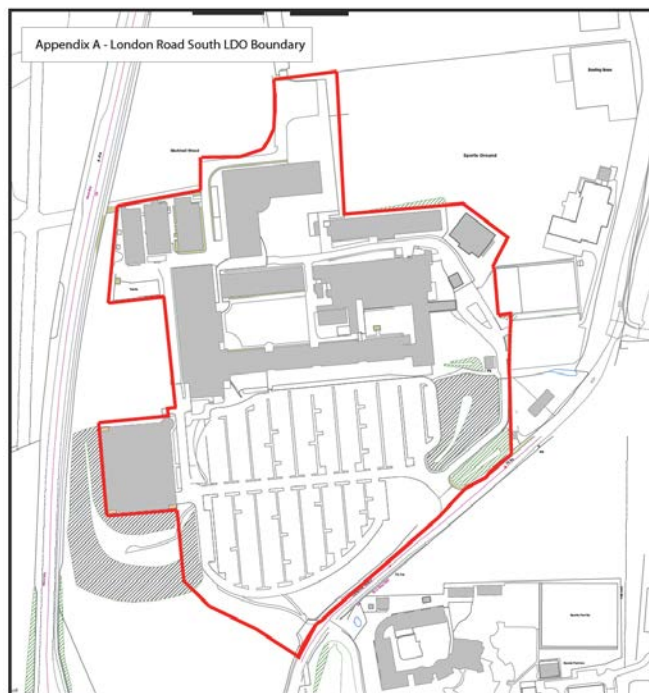
Development Expressly Excluded from the LDO

3.9 No development is permitted in this Order for any EIA development EIA development is defined in Article 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as being either:

- a) Schedule 1 development; or
- b) Schedule 2 development likely to have significant effects on the environment

by virtue of factors such as its nature, size of location.

3.10 The LDO does not grant planning permission for proposals that do not comply with the provisions/conditions/limitations of the relevant Schedule and Class of development set out in the LDO Schedule.



Area covered by the London Road South LDO (edged red)

3.11 The Council's ability to grant full planning permission has been possible because of the proactive approach taken by the Council and the commitment of its partners, in particular, The SELEP and Essex County Council. Working together the Council has completed a range of technical assessments that otherwise would have been required by a potential developer prior to any development taking place on the site. These include:

- Transport Assessment
- Framework Travel Plan
- Flood Risk Assessment
- Preliminary Land Contaminated Risk Assessment

- Topographical Survey
- Full British Standard Arboricultural Feasibility Study
- Extended Phase 1 Survey Report²

3.12 In addition to this, the Council has prepared the following:

- Habitats Regulation Assessment (HRA) Screening Assessment;
- Strategic Environmental Assessment (SEA) Determination;
- Environmental Impact Assessment (EIA) Screening Opinion.

Reasons for making the LDO

3.13 In accordance with Regulation 34(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2010, Harlow District Council hereby outlines the following reasons for making the London Road North LDO:

- a) To ensure the delivery of the Enterprise West Essex @ Harlow Enterprise Zone by providing a planning and development framework to assist in delivering the aims and objectives of the original enterprise zone submission bid.
- b) To provide a genuinely simplified approach to planning - a requirement of enterprise zone status - as set out in the Government's Enterprise Zone Prospectus (CLG:2011:p.6-7).
- c) To stimulate economic growth within the target sectors - health and allied industries, advanced manufacturing and ICT. These

sectors have been specifically identified because of their long history in the town and the prospects of these industries growing.

- d) To increase the provision of high skilled jobs in Harlow within employment sectors with the potential to grow and encourage associated economic benefits for the town.
- e) To stimulate investment, development and regeneration in Harlow.
- f) To fast-track and provide preferential treatment to target sector development which is of a high quality of design.
- g) To provide certainty to landowners, developers, businesses about the type, use and form of development permitted in the enterprise zone and the conditions it is subject to.
- h) To provide certain to the Local Planning Authority, Local Highways Authority, local community and other stakeholders about the type, use and form of development permitted in the enterprise zone and the conditions it is subject to.
- i) To deliver a key aim of the South East Local Enterprise Partnership and assist in the economic growth of the area.
- j) To help deliver economic growth in the South East Economic Area and West Essex sub-region.
- k) To enable the delivery of the enterprise zone agenda – an important National Government priority as defined in the 2011 Budget.

² These assessments will be made available by the Council under licence to prospective developers.

- l) To assist in stimulating the recovery of the UK economy, particularly with respect to delivering new, high skilled jobs and facilitating export, innovation and knowledge intensive led growth by fast-tracking development within target sectors.

Environmental Impact Assessment

4.29 Regulation 34(13)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 states that a LDO cannot be made so as to grant planning permission for development which is schedule 1 development. In addition, where a LDO is to be made to grant planning permission for Schedule 2 development this shall not be made until the adoption of a screening opinion.

4.30 If the LDO was to be made as to grant planning permission for development falling within Schedule 2 **and** which is EIA development³ then an environmental statement must be prepared, and the information taken into account, prior to making the LDO.

EIA Screening Opinion

4.31 The Local Planning Authority has formally adopted a screening opinion on 12 November 2012 which determined that the development to be granted planning permission by virtue of the LDO does not constitute Schedule 1 development. The LPA considered that the development proposed constitutes Schedule 2

development by virtue of the proposal being an 'Urban Development Project' exceeding 0.5ha (Schedule 2, section 10(b)).

4.32 However, the LPA considers, having regard to the criteria set out in Schedule 3 to the EIA Regulations, that the development permitted by virtue of the LDO is unlikely to have significant environmental effects for the purposes of the EIA regulations. The LPA therefore considers that development permitted by virtue of the LDO is not EIA Development and that an Environmental Statement does not need to be prepared to support the LDO. A copy of the Council's Screening Opinion containing the reasons for determination is provided in a separate document and has also been placed on the planning register.

European Sites

4.33 Regulation 78 of The Conservation of Habitats and Species Regulations (2010), which implements Directive 92/43/EEC, states that LDOs may not grant planning permission for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and is not directly connected with or necessary to the management of the site.

4.34 Harlow District Council, as the competent authority has considered the proposal and has determined that the LDO will not grant planning permission for development which is likely to have a significant effect on European sites or a European offshore marine site (either alone or in combination with other plans or projects). The Local Planning Authority's screening opinion which provides the assessment can be found in a separate document.

³ EIA development" is defined in Article 2 (1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as being either:

- a) Schedule 1 development; or
- b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The SEA Directive

- 4.35 Harlow District Council, as the competent authority has considered its obligations under Directive 2001/42/EC (and transposing regulations⁴) and has determined that the LDO falls outside the scope of the Directive. The Council does not consider that the LDO is a plan or programme that sets the framework for future development consent. No further action under the SEA Directive is required. The Local Planning Authority's determination can be found in a separate document.

⁴ The Environmental Assessment of Plans and Programmes Regulations, 2004